


HANDBOOK OF

PROFESSIONAL DOCUMENTS

COUNCIL OF ARCHITECTURE
(Incorporated under the Architects Act, 1972)

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THE ARCHITECTS ACT, 1972*

No. 20 of 1972

[31st May, 1972]

An Act to provide for the registration of architects and for matters connected therewith.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

CHAPTER - I

PRELIMINARY

1. (1) This Act may be called The Architects Act, 1972. Short title
- (2) It extends to the whole of India. Extent and
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.** Commencement
2. In this Act, unless the context otherwise requires – Definitions
 - (a) "Architect" means a person whose name is for the time being entered in the register;
 - (b) "Council" means the Council of Architecture constituted under section 3;
 - (c) "Indian Institute of Architects" means the Indian Institute of Architects registered under the Societies Registration Act, 1860;
 - (d) "Recognised qualification" means any qualification in architecture for the time being included in the Schedule or notified under section 15;
 - (e) "Register" means the register of architects maintained under section 23;
 - (f) "Regulation" means a regulation made under this Act by the Council;
 - (g) "Rule" means a rule made under this Act by the Central Government.

CHAPTER - II

COUNCIL OF ARCHITECTURE

3. (1) The Central Government shall, by notification in the Official Gazette, constitute, with effect from such date as may be specified in the notification, a Council to be known as the Council of Architecture, which shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property; both movable and immovable, and to contract, and may by that name sue or be sued. Constitution
Of Council of
Architecture
- (2) The Head Office of the Council shall be at Delhi or at such other place as the Central Government may, by notification in the Official Gazette, specify.
- (3) The Council shall consist of the following members, namely:-
 - (a) five architects possessing recognised qualifications elected by the Indian Institute of Architects from among its members;
 - (b) two persons nominated by the All India Council for Technical Education established by the Resolution of the Government of India in the late Ministry of Education No. F.16-10/44-E. III, dated the 30th November, 1945;
 - (c) five persons elected from among themselves by heads of architectural institutions in India imparting full time instruction for recognised qualifications;
 - (d) the Chief Architects in the Ministries of the Central Government to which the Government business relating to defence and railways has been allocated and the head of the Architectural Organisation in the Central Public Works Department, ex officio;
 - (e) one person nominated by the Central Government;
 - (f) an architect from each State nominated by the Government of that State;
 - (g) two persons nominated by the Institution of Engineers (India) from among its members; and
 - (h) one person nominated by the Institution of Surveyors of India from among its members.

* Published in the Gazette of India on 31.5.1972.

** Came into force from 1.9.1972, vide notification dated 1.9.1972.

Explanation - For the purposes of this sub-section, –

7 of 1913

(a) "Institution of Engineers (India)" means the Institution of Engineers (India) first registered in 1920 under the Indian Companies Act, 1913 and subsequently incorporated by a Royal charter in 1935.

21 of 1860

(b) "Institution of Surveyors of India" means the Institution of Surveyors registered under the Societies Registration Act, 1860.

(4) Notwithstanding anything contained in clause (a) of sub-section (3), the Central Government may, pending the preparation of the register, nominate to the first Council, in consultation with the Indian Institute of Architects, persons referred to in the said clause (a) who are qualified for registration under section 25, and the persons so nominated shall hold office for such period as the Central Government may, by notification in the Official Gazette, specify.

(5) Notwithstanding anything contained in clause (f) of sub-section (3), the Central Government may, pending the preparation of the register, nominate to the first Council, in consultation with the State Governments concerned, persons referred to in the said clause (f), who are qualified for registration under section 25, and the persons so nominated shall hold office for such period as the Central Government may, by notification in the Official Gazette, specify.

President and Vice-President of the Council

4. (1) The President and the Vice-President of the Council shall be elected by the members of the Council from among themselves:

Provided that on the first constitution of the Council and until the President is elected, a member of the Council nominated by the Central Government in this behalf shall discharge the functions of the President.

(2) An elected President or Vice-President of the Council shall hold office for a term of three years or till he ceases to be a member of the Council, whichever is earlier, but subject to his being a member of the Council, he shall be eligible for re-election:

Provided that –

(a) the President or the Vice-President may, by writing under his hand addressed to the Vice-President or the President, as the case may be, resign his office;

(b) the President or the Vice-President shall, notwithstanding the expiry of his term of three years, continue to hold office until his successor enters upon office.

(3) The President and the Vice-President of the Council shall exercise such powers and discharge such duties as may be prescribed by regulations.

Mode of Elections.

5. (1) Elections under this Chapter shall be conducted in such manner as may be prescribed by rules.

(2) Where any dispute arises regarding any such election, the matter shall be referred by the Council to a Tribunal appointed by the Central Government by notification in the Official Gazette in this behalf, and the decision of the Tribunal shall be final:

Provided that no such reference shall be made except on an application made to the Council by an aggrieved party within thirty days from the date of the declaration of the result of the election.

(3) The expenses of the Tribunal shall be borne by the Council.

Terms of office and casual vacancies.

6. (1) Subject to the provisions of this section, an elected or nominated member shall hold office for a term of three years from the date of his election or nomination or until his successor has been duly elected or nominated whichever is later.

(2) An elected or nominated member may, at any time, resign his membership by writing under his hand addressed to the President, or in his absence, to the Vice-President, and the seat of such member shall thereupon become vacant.

(3) A member shall be deemed to have vacated his seat –

(i) if he is absent without excuse, sufficient in the opinion of the Council, from three consecutive ordinary meetings of the Council; or

(ii) if he ceases to be a member of the body referred to in clause (a), clause (g) or clause (h) of sub-section (3) of section 3 by which he was elected or nominated, as the case may be; or

(iii) in the case where he has been elected under clause (c) of sub-section (3) of section 3, if he ceases to hold his appointment as the head of an institution, as referred to in the said clause.

(4) A casual vacancy in the Council shall be filled by fresh election or nomination, as the case may be, and the person so elected or nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was elected or nominated.

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

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| <p>7. No act or proceeding of the Council or the Executive Committee or any other committee shall be invalid merely by reason of –</p> <p>(a) any vacancy in, or defect in the constitution of, the Council, the Executive Committee or any other committee, or</p> <p>(b) any defect in the election or nomination of a person acting as a member thereof, or</p> <p>(c) any irregularity in procedure not affecting the merits of the case.</p> | <p>Validity of act or proceeding of Council, Executive Committee or Not to be Invalidated by Reasons of Vacancy etc.</p> |
| <p>8. A person shall not be eligible for election or nomination as a member of the Council, if he –</p> <p>(a) is an undischarged insolvent; or</p> <p>(b) has been convicted by a court in India for any offence and sentenced to imprisonment for not less than two years, and shall continue to be ineligible for a further period of five years since his release.</p> | <p>Disabilities</p> |
| <p>9. (1) The Council shall meet at least once in every six months at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.</p> <p>(2) Unless otherwise prescribed by regulations, nine 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.</p> <p>(3) In the case of an equal division of votes, the President, or in his absence, the Vice-President or, in the absence of both, the member presiding over the meeting, shall have and exercise a second or casting vote.</p> | <p>Meetings of Council.</p> |
| <p>10. (1) The Council shall constitute from among its member an Executive Committee, and may also constitute other committees for such general or special purposes as the Council deems necessary to carry out its functions under this Act.</p> <p>(2) The Executive Committee shall consist of the President and the Vice-President of the Council who shall be members ex-officio and five other members who shall be elected by the Council from among its members.</p> <p>(3) The President and the Vice-President of the Council shall be the Chairman and Vice-Chairman respectively of the Executive Committee.</p> <p>(4) A member of the Executive Committee shall hold office as such until the expiry of his term as a member of the Council but subject to his being a member of the Council, he shall be eligible for re-election.</p> <p>(5) In addition to the powers and duties conferred and imposed on it by this Act, the Executive Committee shall exercise such powers and discharge such duties as may be prescribed by regulations.</p> | <p>Executive Committee and Other Committees.</p> |
| <p>11. The President, the Vice-President and other members of the Council shall be entitled to such fees and allowances as the Council may, with the previous sanction of the Central Government, fix in this behalf.</p> | <p>Fees and Allowances to President, Vice-President and Members</p> |
| <p>12. (1) The Council Shall –</p> <p>(a) appoint a Registrar who shall act its Secretary and who may also act, if so decided by the Council, as its Treasurer;</p> <p>(b) appoint such other officers and employees as the Council deems necessary to enable it to carry out its functions under this Act;</p> <p>(c) with the previous sanction of the Central Government, fix the pay and allowances and other conditions of services of officers and other employees of the Council.</p> <p>(2) Notwithstanding anything contained in clause (a) of sub-section(1), for the first three years from the first constitution of the Council, the Registrar of the Council shall be a person appointed by the Central Government, who shall hold office during the pleasure of the Central Government.</p> <p>(3) All persons appointed under this section shall be the employees of the Council.</p> | <p>Officers and Other Employees.</p> |
| <p>13. (1) There shall be established a Fund under the management and control of the Council into which shall be paid all moneys received by the Council and out of which shall be met all expenses and liabilities properly incurred by the Council.</p> | <p>Finances of Council.</p> |

- (2) The Council may invest any money for the time being standing to the credit of the Fund in any Government security or in any other security approved by the Central Government.
- (3) The Council shall keep proper accounts of the Fund distinguishing capital from revenue.
- (4) The annual accounts of the Council shall be subject to audit by an auditor to be appointed annually by the Council.
- (5) As soon as may be practicable the end of each year, but not later than the thirtieth day of September of the year next following, the Council shall cause to be published in the Official Gazette a copy of the audited accounts and the report of the Council for that year and copies of the said accounts and report shall be forwarded to the Central Government.
- (6) The Fund shall consist of –
 - (a) all moneys received from the Central Government by way of grant, gift and deposit;
 - (b) any sums received under this Act whether by way of fee or otherwise.
- (7) All moneys standing at the credit of the Council which cannot immediately be applied shall be deposited in the State Bank of India or in any other bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

Recognition of Qualifications granted by authorities in India.

14. (1) The qualifications included in the Schedule or notified under section 15 shall be recognised qualifications for the purposes of this Act.
- (2) Any authority in India which grants an architectural qualification not included in the Schedule may apply to the Central Government to have such qualification recognised, and the Central Government, after consultation with the Council, may, by notification in the Official Gazette, amend the Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the Schedule against such architectural qualification declaring that it shall be a recognised qualification only when granted after a specified date:

Provided that until the first Council is constituted, the Central Government shall, before, issuing any notification as aforesaid, consult an expert committee consisting of three members to be appointed by the Central Government by notification in the Official Gazette.

Recognition of architectural qualifications granted by authorities in foreign countries.

15. (1) The Central Government may, after consultation with the Council, direct, by notification in the Official Gazette, that an architectural qualification granted by any university or other institution in any country outside India in respect of which a scheme of reciprocity for the recognition of architectural qualification is not in force, shall be a recognised qualification for the purposes of this Act or, shall be so only when granted after a specified date or before a specified date:

Provided that until the first Council is constituted the Central Government shall, before issuing any notification as aforesaid, consult the expert committee set up under the proviso to sub-section (2) of section 14.

- (2) The Council may enter into negotiations with the authority in any State or country outside India, which by the law of such State or country is entrusted with the maintenance of a register of architects, for settling of a scheme of reciprocity for the recognition of architectural qualifications and in pursuance of any such scheme, the Central Government may, by notification in the Official Gazette, direct that such architectural qualification as the Council has decided should be recognised, shall be deemed to be a recognised qualification for the purposes of this Act, and any such notification may also direct that such architectural qualification, shall be so recognised only when granted after a specified date or before a specified date.

Power of Central Government to amend Schedule.

16. Notwithstanding anything contained in sub-section (2) of section 14, the Central Government, after consultation with the Council, may, by notification in the Official Gazette, amend the Schedule by directing that an entry be made therein in respect of any architectural qualification.

Effect of recognition.

17. Notwithstanding anything contained by any other law, but subject to the provisions of this Act, any recognised qualification shall be a sufficient qualification for enrolment in the register.

Power to require information as to courses of study and examinations.

18. Every authority in India which grants a recognised qualifications shall furnish such information as the Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

Inspection of examinations.

19. (1) The Executive Committee shall, subject to regulations, if any made by the Council, appoint such number of inspectors as it may deem requisite to inspect any college or institution where architectural education is given or to attend any examination held by any college or institution for the purpose of recommending to the Central Government recognition of architectural qualifications granted by that college or institution.

- (2) The inspectors shall not interfere with the conduct of any training or examination, but shall report to the Executive Committee on the adequacy of the standards of architectural education including staff, equipment, accommodation, training and such other facilities as may be prescribed by regulations for giving such education or on the sufficiency of every examination which they attend.
- (3) The Executive Committee shall forward a copy of such report to the college or institution and shall also forward copies with remarks, if any, of the college or institution thereon, to the Central Government.
20. (1) When upon report by the Executive Committee it appears to the Council –
- (a) that the courses of study and examination to be undergone in, or the proficiency required from the candidates at any examination held by; any college or institution, or
- (b) that the staff, equipment, accommodation, training and other facilities for staff and training provided in such college or institution, do not conform to the standards prescribed by regulations, the Council shall make a representation to that effect to the appropriate Government.
- (2) After considering such representation the appropriate Government shall forward it along with such remarks as it may choose to make to the college or institution concerned, with an intimation of the period within which the college or institution, as the case may be, may submit its explanation to the appropriate Government.
- (3) On receipt of the explanation or where no explanation is submitted within the period fixed, then on the expiry of that period, the State Government, in respect of the college or institution referred to in clause (b) of sub-section (5), shall make its recommendations to the Central Government.
- (4) The Central Government –
- (a) after making such further enquiry, if any, as it may think fit, in respect of the college or institution referred to in sub-section (3), or
- (b) on receipt of the explanation from a college or institution referred to in clause (a) of sub-section (5), or where no explanation is submitted within the period fixed, then on the expiry of that period, may, by notification in the Official Gazette, direct that an entry shall be made in the Schedule against the architectural qualifications awarded by such college or institution, as the case may be, declaring that it shall be a recognised qualification only when granted before a specified date and the Schedule shall be deemed to be amended accordingly.
- (5) For the purposes of this section, "appropriate government" means –
- (a) in relation to any college or institution established by an Act of Parliament or managed, controlled or financed by the Central Government, the Central Government, and
- (b) In any other case, the State Government.
21. The Council may prescribe the minimum standards architectural education required for granting recognised qualifications by colleges or institutions in India.
22. (1) The Council may by regulations prescribe standards of professional conduct and etiquette and a code of ethics for architects.
- (2) 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, and such provision shall have effect notwithstanding anything contained in any law for the time being in force.

Withdrawal of recognition.

Minimum standards of architectural education.

Professional Conduct.

CHAPTER III

REGISTRATION OF ARCHITECTS

23. (1) The Central Government shall, as soon as may be, cause to be prepared in the manner, hereinafter provided a register of architects for India.
- (2) The Council shall upon its constitution assume the duty of maintaining the register in accordance with the provisions of this Act.
- (3) The register shall include the following particulars, namely:-
- (a) the full name with date of birth, nationality and residential address of the architect;
- (b) his qualification for registration, and the date on which he obtained that qualification and the authority which conferred it;

Preparation and maintenance of register.

- (c) the date of his first admission to the register;
- (d) his professional address; and
- (e) such further particulars as may be prescribed by rules.

24. (1) For the purposes of preparing the register of architects for the first time, the Central Government shall, by notification in the Official Gazette, constitute a Registration Tribunal consisting of three persons who have, in the opinion of the Central Government, the knowledge of, or experience in, architecture; and the Registrar appointed under section 12 shall act as Secretary of the Tribunal. of register.
- (2) The Central Government shall, by the same or a like notification, appoint a date* on or before which application for registration, which shall be accompanied by such fee as may be prescribed by rules, shall be made to the Registration Tribunal.
- (3) The Registration Tribunal shall examine every application received on or before the appointed day and if it is satisfied that the applicant is qualified for registration under section 25, shall direct the entry of the name of the applicant in the register.
- (4) The first register so prepared shall thereafter be published in such manner as the Central Government may direct and any person aggrieved by a decision of the Registration Tribunal expressed or implied in the register so published may, within thirty days from the date of such publication, appeal against such decision to an authority appointed by the Central Government in this behalf by notification in the Official Gazette.
- (5) The authority appointed under sub-section (4) shall, after giving the person affected an opportunity of being heard and after calling for relevant records, make such order as it may deem fit.
- (6) The Registrar shall amend, where necessary, the register in accordance with the decisions of the authority appointed under sub-section (4).
- (7) Every person whose name is entered in the register shall be issued a certificate of registration in such form as may be prescribed by rules.
- (8) Upon the constitution of the Council, the register shall be given into its custody, and the Central Government may direct that the whole or any specified part of the application fees for registration in the first register shall be paid to the credit of the Council.

Qualification for entry in register.

25. A person shall be entitled on payment of such fee as may be prescribed by rules to have his name entered in the register, if he resides or carries on the profession of architect in India and –
- (a) holds a recognised qualification; or
 - (b) does not hold such a qualification but, being a citizen of India, has been engaged in practice as an architect for a period of not less than five years prior to the date appointed under sub-section (2) of section 24; or
 - (c) possesses such other qualifications as may be prescribed by rules :
- Provided that no person other than a citizen of India shall be entitled to registration by virtue of a qualification –
- (a) recognised under sub-section (1) of section 15 unless by the law and practice of a country outside India to which such person belongs, citizens of India holding architectural qualification registrable in that country are permitted to enter and practise the profession of architect in such country, or
 - (b) unless the Central Government has, in pursuance of a scheme of reciprocity or otherwise, declared that qualification to be a recognised qualification under sub-section (2) of section 15.

Procedure for subsequent registration.

26. (1) After the date appointed for the receipt of applications for registration in the first register of architects, all applications for registration shall be addressed to the Registrar of the Council and shall be accompanied by such fee as may be prescribed by rules.
- (2) If upon such application the Registrar is of opinion that the applicant is entitled to have his name entered in the register, he shall enter there on the name of the applicant:
- Provided that no person, whose name has under the provisions of this Act been removed from the register, shall be entitled to have his name re-entered in the register except with the approval of the Council.
- (3) Any person whose application for registration is rejected by the Registrar may, within three months of the date of such rejection, appeal to the Council.
- (4) Upon entry in the register of a name under this section, the Registrar shall issue a certificate of registration in such form as may be prescribed by rules.

* Date appointed by Central Government is 27.4.1974, vide notification dated 14.3.1974.

Reewal fees.	<p>27. (1) The Central Government may, by notification in the Official Gazette, direct that for the retention of a name in the register after the 31st day of December of the year following the year in which the name is first entered in the register, there shall be paid annually to the Council such renewal fee as may be prescribed by rules and where such direction has been made, such renewal fee shall be due to be paid before the first day of April of the year to which it relates.</p> <p>(2) Where the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register: Provided that a name so removed may be restored to the register on such conditions as may be prescribed by rules.</p> <p>(3) On payment of the renewal fee, the Registrar shall, in such manner as may be prescribed by rules, endorse the certificate of registration accordingly.</p>	
	<p>28. An architect shall, on payment of such fee as may be prescribed by rules, be entitled to have entered in the register any further recognised qualification which he may obtain.</p>	Entry of additional qualification.
	<p>29. (1) The Council may, by order, remove from the register the name of any architect –</p> <p>(a) from whom a request has been received to that effect; or</p> <p>(b) who has died since the last publication of the register.</p> <p>(2) Subject to the provisions of this section, the Council may order that the name of any architect shall be removed from the register 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 –</p> <p>(a) that his name has been entered in the register by error or on account of misrepresentation or suppression of a material fact; or</p> <p>(b) that he has been convicted of any offence which, in the opinion of the Council, involves moral turpitude; or</p> <p>(c) that he is an undischarged insolvent; or</p> <p>(d) that he has been adjudged by a competent court to be of unsound mind.</p> <p>(3) An order under sub-section (2) may direct that any architect whose name is ordered to be removed from a register shall be ineligible for registration under this Act forbe specified.</p> <p>(4) An order under sub-section (2) shall not take effect until the expiry of three months from the date thereof.</p>	Removal from register
	<p>30. (1) When on receipt of a complaint made to it, the Council is of opinion that any architect has been guilty o professional misconduct which, if proved, will render him unfit to practise as an architect, the Council may hold an inquiry in such manner as may be prescribed by rules.</p> <p>(2) After holding the inquiry under sub-section (1) and after hearing the architect, the Council may, by order, reprimand the said architect or suspend him from practice as an architect or remove his name from the register or pass such other order as it thinks fit.</p>	Procedure in Inquiries relating to misconduct.
5 of 1908	<p>31. A person whose name has been removed from the register under sub-section (2) of section 27, sub-section (1) o sub-section (2) of section 29, or sub-section (2) of section 30, or where such person is dead, his lega representative, as defined in clause (11) of section 2 of the Code of Civil Procedure, 1908, shall forthwith surrender his certificate of registration to the Registrar, and the name so removed shall be published in the Official Gazette.</p>	Surrender of tificates.
	<p>32. The Council may, at any time, for reasons appearing to it to be sufficient and subject to the approval of the Centra Government, order that upon payment of such fee as may be prescribed by rules, the name of the person removec from the register shall be restored thereto.</p>	Restoration to Register.
	<p>33. Where it is shown to the satisfaction of the Registrar that a certificate of registration has been lost or destroyed, the Registrar may, on payment of such fee as may be prescribed by rules, issue a duplicate certificate in the forr prescribed by rules.</p>	Issue of duplicate certificates.
	<p>34. As soon as may be after the 1st day of April in each year, the Register shall cause to be printed copies of the register as it stood on the said date and such copies shall be made available to persons applying therefor or payment of such fee as may be prescribed by rules and shall be evidence that on the said date the persons whose names are entered therein were architects.</p>	Printing of register.

35. (1) Any reference in any law for the time being in force to an architect shall be deemed to be a reference to an architect registered under this Act. Effect of registration.
- (2) After the expiry of two years from the date appointed* under sub-section (2) of section 24, a person who is registered in the register shall get preference for appointment as an architect under the Central or State Government or in any other local body or institution which is supported or aided from the public or local funds or in any institution recognised by the Central or State Government.

CHAPTER IV

MISCELLANEOUS

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 one thousand rupees. Penalty for falsely claiming to be registered.
37. (1) After the expiry of one year from the date appointed* under sub-section (2) of section 24, no person other than a registered architect, or a firm of architects shall use the title and style of architect: Prohibition against use of title.
- Provided that the provisions of this section shall not apply to –
- (a) practice of the profession of an architect by a person designated as a "landscape architect" or "naval architect";
- (b) a person who, carrying on the profession of an architect in any country outside India, undertakes the function as a consultant or designer in India for a specific project with the prior permission of the Central Government.
- Explanation – For the purpose of clause (a), –
- (i) "landscape architect" means, a person who deals with the design of open spaces relating to plants, trees and landscape;
- (ii) "naval architect" means, an architect who deals with design and construction of ships.
- (2) If any person contravenes the provisions of sub-section (1), he shall be punishable on first conviction with fine which may extend to five hundred rupees and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding one thousand rupees or with both.
38. If any person whose name has been removed from the register fails without sufficient cause forthwith to surrender his certificate of registration, he shall be punishable with fine which may extend to one hundred rupees, and, in the case of a continuing failure, with an additional fine which may extend to ten rupees for each day after the first during which he has persisted in the failure. Failure to surrender certificate of registration.
39. (1) No court shall take cognizance of any offence punishable under this Act, except upon complaint made by order of the Council or a person authorised in this behalf by the Council. Cognizance of offences.
- (2) No Magistrate other than a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.
40. (1) The Council shall furnish such reports, copies of its minutes, and other information to the Central Government as that Government may require. Information to be furnished by Council and publication thereof.
- (2) The Central Government may publish, in such manner as it may think fit, any report, copy or other information furnished to it under this section.
41. No suit, prosecution or other legal proceeding shall lie against the Central Government, the Council or any member of the Council, the Executive Committee or any other committee or officers and other employees of the Council for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder. Protection of action taken in good faith.
42. The members of the Council and officers and other employees of the Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Members of Council and officers and employees to be public servants.

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* Date appointed by Central Government is 27.4.1974, vide notification dated 14.3.1974.

Power to remove difficulties.

43. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament and the provisions of sub-section (3) of section 44 shall apply in respect of such order as it applies in respect of a rule made under this Act.

Power of Central Government To make rules.

44. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the manner in which elections under Chapter II shall be conducted, the terms and conditions of service of the member of the Tribunal appointed under sub-section (2) of section 5 and the procedure to be followed by the Tribunal;
- (b) the procedure to be followed by the expert committee constituted under the proviso to sub-section (2) of section 14 in the transaction of its business and the powers and duties of the expert committee and the travelling and daily allowances payable to the members thereof;
- (c) the particulars to be included in the register of architects under sub-section (3) of section 23;
- (d) the form in which a certificate of registration is to be issued under sub-section (7) of section 24, sub-section (4) of section 26 and section 33;
- (e) the fee to be paid under sections 24, 25, 26, 27, 28, 32 and 33;
- (f) the conditions on which name may be restored to the register under the proviso to sub-section (2) of section 27;
- (g) the manner of endorsement under sub-section (3) of section 27;
- (h) the manner in which the Council shall hold an enquiry under section 30;
- (i) the fee for supplying printed copies of the register under section 34;
- (j) any other matter which is to be or may be provided by rules under this Act.

- (3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification to the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

45. (1) The Council may, with the approval of the Central Government, *(by notification in the official Gazette) make regulations not inconsistent with the provisions of this Act, or the rules made thereunder to carry out the purposes of this Act.

Power of Council to make regulations.

- (2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for -

- (a) the management of the property of the Council;
- (b) the powers and duties of the President and the Vice-President of the Council;
- (c) the summoning and holding of meetings of the Council and the Executive Committee or any other committee constituted under section 10, the times and places at which such meetings shall be held, the conduct of business thereat and the number of persons necessary to constitute a quorum;
- (d) the functions of the Executive Committee or of any other committee constituted under section 10;
- (e) the 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 recognised qualifications;

* Inserted by Notification in the Gazette of India on 19th May, 1982.

- (f) the appointment, powers and duties of inspector;
 - (g) the standards of staff, equipment, accommodation, training and other facilities for architectural education;
 - (h) the conduct of professional examinations, qualifications of examiners and the conditions of admission to such examinations;
 - (i) the standards of professional conduct and etiquette and code of ethics to be observed by architects;
 - (j) any other matter which is to be or may be provided by regulations under this Act and in respect of which no rules have been made.
- *(3) Every regulation made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulations shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.

* Inserted by Notification in the Gazette of India on 19th May, 1982.

THE SCHEDULE

(See Section 14)

QUALIFICATIONS

1. Bachelor Degree of Architecture awarded by Indian Universities established by an Act of the Central or State Legislature.
2. National Diploma (Formally All India Diploma) in Architecture awarded by the All India Council for Technical Education.
3. Degree of Bachelor of Architecture (B. Arch.) awarded by the Indian Institute of Technology, Kharagpur.
4. Five-Year full-time Diploma in Architecture of the Sir J.J. School of Art, Bombay, awarded after 1941.
5. Diploma in Architecture awarded by the State Board of Technical Education and Training of the Government of Andhra Pradesh with effect from 1960 (for the students trained at the Government College of Arts and Architecture, Hyderabad).
6. Diploma in Architecture awarded by the Government College of Arts and Architecture, Hyderabad till 1959, subject to the condition that the candidates concerned have subsequently passed a special final examination in Architecture held by the State Board of Technical Education, Andhra Pradesh and obtained a special certificate.
7. Diploma in Architecture awarded by the University of Nagpur with effect from 1965 to the students trained at the Government Polytechnic, Nagpur.
8. Government Diploma in Architecture awarded by the Government of Maharashtra (or the former Government of Bombay).
9. Diploma in Architecture of Kalabhavan Technical Institute, Baroda.
10. Diploma in Architecture awarded by the School of Architecture, Ahmedabad.
11. Membership of the Indian Institute of Architects.
12. Diploma in Architecture awarded by the University of Nagpur during the period 1962 to 1964.¹
13. Bachelor Degree in Architecture awarded by the School of Planning of Architecture, New Delhi (an Institution deemed to be a University) with effect from 3-12-1979.²
14. Diploma in Architecture awarded by the Centre for Environment Planning and Technology (CEPT), Ahmedabad, with effect from 16-10-1980.³
15. Diploma in Architecture awarded by the Institute of Environment Design to the students trained at the D.C. Patel School of Architecture, Vallabh Vidya Nagar (Gujarat).^{4, 5 & 7}
16. Five-Year Diploma in Architecture awarded by the Sushant School of Art and Architecture, Gurgaon (Haryana) with effect from 1.6.1994 to the students trained at the Sushant School of Art and Architecture, Gurgaon (Haryana).⁶
17. Five-Year Diploma in Architecture awarded by the TVB School of Habitat Studies, Sector-D, Vasant Kunj, New Delhi with effect from 1.8.1995 to the students trained at the TVB School of Habitat Studies, Sector-D, Vasant Kunj, New Delhi.⁸

⁹[Section-15 read with proviso to Sub-Section (2) of Section-14] : Foreign Qualifications

AUSTRALIA

1. Degree of Bachelor of Architecture awarded by the University of Adelaide.
2. Degree of Bachelor of Architecture awarded by the University of Melbourne.
3. Degree of Bachelor of Architecture awarded by the University of New South Wales, Kensington.

GERMANY

4. Diploma-Ingenieur awarded by the Technical Universities in Federal Republic of Germany in Architecture.

SWITZERLAND

5. Doctorate of Technical Sciences in Architecture awarded by Swiss Federal Institute of Technology, Zurich (Recognised at par with Ph.D. degree of the Indian Universities).

U.K.

6. Degree of Architecture awarded by the Universities of Cambridge, Durham, Edinburgh, Glasgow, Liverpool, London, Manchester, Sheffield, Wales.
The Diploma of the Architectural Association, London.
7. Associateship Examination of the Royal Institute of British Architects, London (A.R.I.B.A. Examination)/Corporate Membership of the Royal Institute of British Architects, London).

UKRAINE

- 7(a) Diploma/Master of Science in Architecture awarded by Odessa State Academy of Civil Engineering and Architecture, Odessa, Ukraine.¹⁰

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1. Notified in the Gazette of India Part II Section 3 sub-Section (i) with G.S.R. No. 780 dated 4-7-1973.
 2. Notified in the Gazette of India Part II Section 3 sub-Section (i) with G.S.R. No. 790 dated 18-9-1982, Page No. 2216-17.
 3. Notified in the Gazette of India Part II Section 3 sub-Section (i) with G.S.R. No. 866 dated 16-10-1982, Page No. 2423.
 4. Notified in the Gazette of India vide Ministry's 16-12/87-T-12/TD-3 dated 29-11-1990.
 5. Notified in the Gazette of India vide Ministry's No. F.16-12/87-T.3/T.D. III dated 7.10.1993.
 6. Notified in the Gazette of India vide G.S.R. 482 dated 12-9-1994.
 7. Notified in the Gazette of India vide G.R.R. No. 361 dated 29-7-1995.
 8. Notified in the Gazette of India vide Ministry's F.No. 26-1/95-T-S-III dated 25-1-1996.
 9. Notified in the Extra Ordinary Gazette of India Part II Section 3 sub-Section (1) dated 27-2-1973.
 10. Notified, vide GSR No.318 dated 01-06-2001, in the Gazette of India Part II-Section 3 - sub-Section (i) on 16-06-2001.

8. (a) Bachelors Degree in Architecture awarded by the American Universities/Institutions, the curricula of which are accredited to the National Architectural Accrediting Board (USA)
1. University of Arizona, Tucson, Arizona.
 2. Arizona State University, Tempe, Arizona.
 3. University of Arkansas, Fayetteville, Arkansas-72701.
 4. Auburn University, Auburn, Alabama.
 5. California Polytechnic State University, San Luis, Obsro California.
 6. Carnegie-Mellon University, Pittsburgh, Pennsylvania-15213.
 7. Case Western Reserve University, University Circle, Cleveland, Ohio.
 8. The Catholoic University of America, Washington, D.C.
 9. University of Cincinnati, Cincinnati, Ohio-45221.
 10. City College, The City University of New York, New York, N.Y.
 11. Clemson University, Clemson, South Carolina-29631.
 12. University of Colorado, Boulder, Colorado.
 13. Columbia University, Momingside Heights, New York, N.Y. 10027.
 14. The Cooper Union for the Advancement of Science and Art, Cooper Square, New York, N.Y.
 15. Cornell University, Ithaca, New York.
 16. Detroit Institute of Technology, Detroit, Michigan.
 17. University of Florida, Gainesville, Florida-32601.
 18. Georgia Institute of Technology, Atlanta, Georgia-30332.
 19. Harvard University, Cambridge, Massachusetts-02138.
 20. University of Houston, Texas.
 21. Howard University, Washington, D.C. 20001.
 22. Illinois Institute of Technology, Chicago, Chicogo Illinois-60616.
 23. The University of Chicago, Chicago Illinios.
 24. The University of Illinios, Urbana, Illinios-60801.
 25. Iowa State University of Science and Technology, Ames, Iowa 50010.
 26. Kansas State University of Agriculture and Applied Science, Manhattan, Kansas-66502.
 27. University of Kansas, Lawrence, Kansas-66044.
 28. Kent State University, Kent, Ohio.
 29. University of Kentucky, Lexington, Kentucky-40506.
 30. Louisiana State University and A.M.College, Baton Rouge, Lousiana.
 31. Massachusetts Institute of Technology, Cambridge, Massachusetts-02139.
 32. Miami University, Oxford, Ohio-45056.
 33. The University of Michigan, Ann Arbor, Michigan-48104.
 34. University of Minnesota, Minneapolis, Minnesota.
 35. Montana State University, Bozeman, Montana.
 36. University of Nebraska, Lincoln, Nebraska.
 37. North Carolina State University at Raleigh, Raleigh, North Carolina.
 38. University of Notre Dame, Notre Dame, Indiana.
 39. Ohio State University, Columbus, Ohio-43200.
 40. Oklahoma State University, Stillwater, Oklahoma.
 41. University of Oklahoma, Norman, Oklahoma.
 42. University of Oregon, Eugene and Portland, Oregon-97403.
 43. The Pennsylvania State University, University Park, Pennsylvania-16802.
 44. Pratt Institute, Brooklyn, New York-11205.
 45. Reneseelayer Polytechnic Institute, Troy, New York.
 46. Rhode Island School of Design, Providence, Rhode Island.
 47. Rice University, Houston, Texas-770001.
 48. University of Southern California, Los Angeles, California.
 49. Syracuse University, Syracuse, New York-13210.
 50. The Texas A & M University, College Station, Texas.
 51. Texas Tech. University, Lubbock, Texas.

52. Stephen F. Austin State University, Nagogdoches, Texas.
 53. Tulane University of Louisiana, New Orleans, Louisiana.
 54. University of Utah, Salt Lake City, Utah.
 55. University of Virginia, Charlottesville, Virginia.
 56. Virginia Polytechnic Institute and State University, Blacksburg, Virginia.
 57. Yale University, New Haven, Connecticut.
 58. Ball State University, Muncie, Indiana.
 59. Hampton Institute, Hampton, Virginia.
 60. University of Hawaii, Honolulu, Hawaii-96822.
 61. University of Idaho, Moscow, Idaho.
 62. North Dakota State University, Fargo, North Dakota.
 63. University of Southwestern Louisiana, Lafayette, Louisiana.
 64. University of Tennessee System, Knoxville, Tennessee-37916.
 65. Tuskegee Institute, Alabama.
 66. Washington State University, Pullman, Washington.
 67. Boston Architectural Centre, Boston, Massachusetts.
- 8.(b) Graduate (Master's and Doctor's) Degree in Architecture awarded by Accredited American Universities/Institutions.
1. University of California, Berkeley Campus, California.
 2. The Catholic University of America, Washington D.C.
 3. City College, The City University of New York, New York, N.Y.
 4. Clemson University, Clemson, South Carolina.
 5. Cornell University, Ithaca, New York.
 6. University of Florida, Gainesville, Florida.
 7. Harvard University, Cambridge, Massachusetts.
 8. Howard University, Washington D.C.
 9. University of Illinois, Urbana, Illinois.
 10. Iowa State University of Science and Technology, Ames, Iowa
 11. Kansas State University of Agriculture and Applied Sciences, Manhattan, Kansas.
 12. University of Kansas, Lawrence, Kansas.
 13. Kent State University, Kent, Ohio.
 14. Massachusetts Institute of Technology, Cambridge, Massachusetts.
 15. The University of Michigan, Ann Arbor, Michigan.
 16. University of Minnesota, Minneapolis, Minnesota.
 17. University of Nebraska, Lincoln, Nebraska.
 18. The University of New Mexico, Albuquerque, New Mexico.
 19. Oklahoma State University, Stillwater, Oklahoma.
 20. University of Oklahoma, Norman, Oklahoma.
 21. University of Oregon, Eugene and Portland, Oregon.
 22. University of Pennsylvania, Philadelphia, Pennsylvania.
 23. Pratt Institute, Brooklyn New York.
 24. Princeton University, Princeton, New Jersey-08540.
 25. Rensselaer Polytechnic Institute, Troy, N.Y.
 26. Rice University, Houston, Texas.
 27. University of Southern California, Los Angeles, California.
 28. Syracuse University, Syracuse, New York.
 29. The Texas A & M University, College Station, Texas.
 30. University of Utah, Salt Lake City, Utah.
 31. Virginia Polytechnic Institute and State University, Blacksburg, Virginia.
 32. Washington University, Saint Louis, Missouri-63130.
 33. The University of Washington, Seattle, Washington.
 34. Yale University, New Haven, Connecticut.
 35. University of Hawaii, Honolulu, Hawaii.
 36. University of Idaho, Moscow, Idaho.

9. Certificate of Fellowship awarded by the Frank Lloyd Wright Foundation, USA.

U.S.S.R

- 9(a). Diploma/Master of Science in Architecture awarded by Tajik Technical University, Dushanbe, an accredited University in Tajikistan, U.S.S.R.¹

YUGOSLAVIA

10. Doctorate Degree in Architecture awarded by the Zagreb University, Yugoslavia.

UZBEKISTAN

11. Diploma / Master of Science in Architecture awarded by Tashkent Institute of Architecture & Civil Engineering, Uzbekistan.²

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1. Inserted as per approval for notification in the Gazette of India accorded by the Government of India vide letter no F.No. 35-6/98 TS.IV dated 28.12.1998.
2. Notified, vide GSR No.318 dated 01-06-2001, in the Gazette of India Part II - Section 3 - sub-Section (i) on 16-06-2001.

The Notifications of Govt. of India related to the Architects Act, 1972

The Gazette of India
EXTRAORDINARY
PART II-Section 3-Sub-section (i)
NO.229 NEW DELHI, FRIDAY, SEPTEMBER1, 1972

MINISTRY OF EDUCATION AND SOCIAL WELFARE
(Department of Education)

NOTIFICATION

New Delhi, the 1st September 1972

G.S.R. 400(E). – In exercise of the powers conferred by sub-section (3) of section 1 of the Architects Act, 1972 (No.20 of 1972), the Central Government hereby appoints the First Day of September, 1972, as the date on which the said Act shall come into force.

[No. F. 12-3/72- T.1.]
L.S. CHANDRAKANT
Educational Adviser to the Govt. of India

(Gazette Notification Page No.1077)

The Gazette of India
EXTRAORDINARY
PART II-Section 3-Sub-section (i)
No.58 NEW DELHI, THURSDAY, MARCH 14, 1974

MINISTRY OF EDUCATION AND SOCIAL WELFARE
(Department of Education)

NOTIFICATION

New Delhi, the 14th March 1974

G.S.R. 129(E). – In exercise of the powers conferred by sub-section (2) of section 24 of the Architects Act, 1972 (No.20 of 1972), the Central Government hereby appoints the 27th day of April, 1974 as the date on or before which applications for registration shall be made to the Registration Tribunal.

[No. F.12-10/73T.1.]
A. B. CHANDIRAMANI
Joint Educational Adviser (T)

(Gazette Notification Page No.495) .

COUNCIL OF ARCHITECTURE

RULES 1973*

G.S.R. 67 (E) – In exercise of the powers conferred by Section 44 of **The Architects Act, 1972** (No.20 of 1972), (Amended Vide GSR 751 Notification dt. 10.10.1987) the Central Government hereby makes the following rules, namely:-

CHAPTER I

PRELIMINARY

1. Short title and commencement –

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

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

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

Election to the Council under clause (a) of sub-section (3) of section 3.

3. Representatives of the Indian Institute of Architect –

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

4. Intimation of name of elected person to Central Government – The name of the elected person shall be intimated by the Secretary of the Indian Institute of Architects to the Central Government who shall take steps to publish the name of the elected person in the Official Gazette.

Election to the Council under clause (c) of sub-section (3) of section 3.

5. Persons entitled to vote and to stand for election – All persons who are the heads of architectural institutions in India imparting full-time instruction for recognised qualifications shall be entitled to vote at and to stand for the election of a member under clause (c) of sub-section (3) of section 3.

6. Returning Officer – The Returning Officer shall call upon all the head of architectural institutions in India to elect such number of members as are referred to in clause (c) of sub-section (3) of section 3 and in the case of first election, five members shall be elected.

7. Returning Officer to decide questions relating to right of persons to vote at or to stand for election – If any question arises as to whether a person is or is not entitled to vote at or to stand for the election, the question shall be referred to the Returning Officer (for his decision)¹.

8. Fixation of dates of various stages of election – The Returning Officer shall appoint and notify in the Official Gazette and in such other manner as he thinks fit, the date, the time and place for –

- (a) the receipt of nomination papers and their scrutiny;
- (b) the despatch of voting papers to the elections;
- (c) the poll, the scrutiny and counting of votes.

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

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

- 9. Nomination of Candidates –** Any person qualified to stand for the election under this chapter may be nominated as a candidates for election and such nomination shall be made by means of a nomination paper in Form No. 1 which shall be supplied by the Returning Officer to any elector who may apply for the same.
- 10. Nomination Paper –**
- (1) Each nomination paper shall be subscribed by two electors as proposer and seconder:
 Provided that no elector shall subscribe more nominations than there are seats to be filled up:
 Provided further that if more than prescribed number of nomination papers be subscribed by the same elector, the prescribed number of nomination papers first received by the Returning Officer shall, if otherwise in order, be held to be valid and if more than the prescribed number of nomination papers subscribed by the same elector be received simultaneously by the Returning Officer, all such nomination papers shall be held invalid.
- (2) On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereupon the date and hour of receipt.
- 11. Rejection of nomination paper –** A nomination paper which is not received before the date and the time appointed in that behalf shall be rejected.
- 12. Scrutiny of nomination paper –**
- (1) On the date and at the time appointed by the Returning Officer for the scrutiny of the nomination papers, the candidates and the proposer and the seconder of each candidate may attend the office of the Returning Officer, who shall allow them to examine the nomination papers of the candidates which have been received by him as aforesaid.
- (2) The Returning Officer shall examine the nomination papers and decide all questions which may arise as to the validity of any nomination.¹
- 13. Withdrawal of candidate –**
- (1) Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Returning Officer not later than seventeen clear days before the date appointed for the poll.
- (2) A candidate who has withdrawn his candidates shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.
- (3) The Returning Officer shall, on receiving a notice of withdrawal, publish the fact of such withdrawal in the Official Gazette.
- 14. Procedure of election –**
- (1) Where the number of candidates validity nominated is equal to or less than the number of members to be elected, the Returning Officer shall forthwith declare such candidates to be duly elected.
- (2) Where the number of such candidates is less than the number of members to be elected, the Returning Officer shall commence fresh proceedings for the election of the remaining members to be elected under clause (c) of sub-section (3) of section 3.
- (3) Where the number of such candidates exceeds the number of members to be elected, the Returning Officer shall forthwith publish their names and addresses in the Official Gazette and shall further cause their names to be entered in the voting paper in Form No. II.
- (4) If a poll is found necessary, the Returning Officer shall, fourteen days before the date appointed therefore, send by post to each elector a letter of intimation in Form No. IV together with a numbered declaration paper in Form No. III containing the names of the candidates in alphabetical order and bearing the Returning Officer's initials or facsimile signature, a voting paper cover addressed to him (the Returning Officer) and an outer cover also addressed to him. A certificate of posting shall be obtained in respect of each such letter of intimation sent to an elector:
 Provided that the voting paper and other connected papers may also be sent to any elector on his applying to the Returning Officer for the same before the date appointed for the poll, if the Returning Officer is satisfied that the papers have not been sent to him.
- (5) An elector who has not received the voting and other connected papers sent to him by post or who has lost them or in whose case the papers before their return to the Returning Officer have been inadvertently spoilt, may transmit a declaration to that effect signed by himself and request the Returning Officer to send him fresh papers and if the papers have been spoilt, the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt.
- (6) In every case in which fresh papers are issued, a note shall be kept in a register maintained for the purpose to denote that fresh papers have been issued to certain members.
- (7) No election shall be invalid by reason of the non-receipt by an elector of his voting paper.
- 15. Votes to be sent by registered post –** Every elector desirous of recording his vote shall, after filing up the declaration paper and the voting paper according to the directions given in the letter of intimation, enclose the voting paper in the voting paper cover, seal up the cover, enclose the cover and declaration paper in the outer envelope addressed to the Returning Officer, and send the outer envelope by registered post at the elector's own cost to the Returning Officer, so as to reach him not later than the date fixed for the poll and all envelopes after that day shall be rejected.

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

- 16. Endorsement by Returning Officer on registered cover –** On receipt by registered post of the envelopes containing the declaration paper and the closed cover containing voting paper, the Returning Officer shall endorse on the outer envelopes the date and hour of receipt.
- 17. Candidates may be present when registered covers are opened –**
- (1) The Returning Officer shall open the outer envelopes immediately after the closing of the poll at the place to which the envelopes are addressed to him.
 - (2) Any candidate may be present in person or may send a representative duly authorised by him in writing to attend at the time the outer envelopes are opened.
- 18. Rejection of voting papers –**
- (1) A voting paper cover shall be rejected by the Returning Officer if: –
 - (a) the outer envelope contains no declaration paper outside the voting paper cover; or
 - (b) the declaration paper is not the one sent by the Returning Officer; or
 - (c) the declaration paper is not signed by the elector, or
 - (d) the voting paper is placed outside the voting paper cover; or
 - (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.
 - (2) In each case of rejection, the word "Rejected" shall be endorsed on the voting paper cover and the declaration paper.
 - (3) After satisfying himself that the electors have affixed their signatures to the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody, pending disposal under rule 20(1).
- 19. Scrutiny and counting of votes –**
- (1) The Returning Officer shall attend, for the purpose of scrutiny and counting of the votes at the date, time and place appointed by him in this behalf:
Provided that the date so appointed shall not be later than three days from the date fixed for the poll.
 - (2) All the voting paper covers, other than whose rejected under rule 18, shall be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinised and the valid votes counted.
 - (3) A voting paper shall be invalid if –
 - (a) it does not bear the Returning Officer's initials, or facsimile signature; or
 - (b) a voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable as his voting paper; or
 - (c) no vote is recorded thereon; or
 - (d) the number of votes recorded there on exceeds the number of seats to be filled; or
 - (e) it is void for uncertainty of the vote exercised.
 - (4) Any candidate may be present in person or may send a representative duly authorised by him in writing to watch the process of counting.
 - (5) The Returning Officer shall show the voting papers, if requested to do so, to the candidates or their authorised representatives at the time of scrutiny and counting of votes.
 - (6) If any objection is made to any voting paper on the ground that it does not comply with the requirement or to any rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer.¹
 - (7) The Returning Officer shall nominate such number of scrutinizers as he thinks fit in accordance with such directions as may be issued in this behalf by the Central Government.
- 20. Declaration of result –**
- (1) When the counting of the votes has been completed, the Returning Officer shall draw up a list of candidates in the order of highest votes polled by each and shall declare the result of the successful candidates in that order according to the number of seats to be filled up.
 - (2) When an equality of votes is found to exist among any candidates and there is difficulty in declaring the result, the determination of the person or persons who shall be deemed to have been elected shall be made by lot to be drawn by the Returning Officer or any other officer authorised by him and in such manner as he may determine.
 - (3) The Returning Officer as soon as the result is declared shall inform the successful candidate by letter of his being elected to the Council.
- 21. Voting papers to be retained for six months –** Upon the completion of the counting and after the result has been declared, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and shall not destroy or cause to be destroyed the records even after six months without the previous concurrence of the Central Government.
- 22. Result of election –** The Returning Officer shall intimate the name of the elected candidates to the Central Government.

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

CHAPTER IV

ELECTION OF PRESIDENT AND VICE-PRESIDENT OF THE COUNCIL UNDER SUB-SECTION (1) OF SECTION 4

23. Election of President –

- (1) The President of the Council shall be elected by the members of the Council present at the time of election from amongst themselves.
- (2) The date, time and place of election shall be intimated, to each of the members of the Council by the nominated President of the Council.¹
- (3) Any member present shall be entitled to propose the name of any other member present for election as the President and that proposal shall be required to be seconded by a member other than the proposer or the one whose name is proposed :
Provided that one member shall be entitled to propose or second only one name.
- (4) Any candidate may withdraw his candidature before the actual election.
- (5) If the name of only one candidate is duly proposed and seconded, the Returning Officer shall forthwith declare in Form No.VIII such candidate as duly elected.
- (6) If the number of candidates duly proposed and seconded exceeds one, an election shall be held by secret ballot.
- (7) Before the commencement of the election, the Returning Officer shall invite the members of the Council to inspect the ballot box, in case they like to do so, and he shall then lock the box.
- (8) At the time of actual election, the members present in the meeting shall, one by one, sign against their names in the list containing the names of all the members in alphabetical order and placed along side the ballot box.
- (9) After a member has signed his name in the said list, he shall be given a ballot paper in Form No. VII which he shall drop into the ballot box after affixing there on a cross (X) mark against the name of the candidate of his choice.
- (10) As soon as the members present and wishing to exercise the right to vote have done so, the Returning Officer shall open the ballot box and take out from it all the ballot papers, examine them and reject as invalid such of them:
 - (a) on which the vote has been given in favour of more than one candidate; or
 - (b) on which vote mark is placed in such a manner as to make it doubtful as to which candidate the vote has been given.
- (11) The Returning Officer shall then proceed to arrange the valid votes according to the candidates in whose favour they have cast and count them separately for each.
- (12) After the counting is over, the Returning Officer shall make an announcement in the meeting about the votes secured by each of the candidates and the Returning Officer shall also declare in Form No. VIII the candidate securing the largest number of valid votes as duly elected to be the President of the Council.
- (13) In the event of two or more candidates securing the same number of votes and that number being more than the number of votes secured by any candidate other than the two or more securing the same number of votes, the determination as between such candidates shall be by draw of lots and the candidate on whom the lot falls, shall be declared elected.

- 24. Election of Vice-President –** For the election of the Vice-President, the provisions of rule 23 shall apply as if for the expressions "President" and "Nominated President" occurring therein, the expressions "Vice-President and "Elected President" were respectively substituted.

CHAPTER V

ELECTION OF MEMBERS OF THE EXECUTIVE COMMITTEE OF THE COUNCIL UNDER SUB-SECTION (2) OF SECTION 10

25. Election of member –

- (1) The President of the Council shall intimate the date, time and place of the election of members of the Executive Committee to each of the members of the Council.²
- (2) On the date, time and place fixed for the purpose any member of the Council present may propose the name of any other member of the Council for election as member of the Executive Committee and such proposal shall be required to be seconded by a member of the Council other than the proposer or the one whose name is proposed:
Provided that no member can propose or second more names than there are seats of the Executive Committee to be filled up.
- (3) Any candidate may withdraw his candidature before the actual election.
- (4) Where the number of candidates duly proposed and seconded is equal to or less than the number of members to be elected, the Returning Officer shall forthwith declare such candidates to be duly elected.
- (5) Where the number of such Candidates is less than the number of Candidates to be elected, the Returning Officer shall commence fresh proceedings for the election of the remaining members of the Executive Committee to be elected.
- (6) Where the number of candidates duly proposed and seconded exceed the number of members to be elected, election shall be held by secret ballot.

1. Amended by Notification GSR No.543(E) dated 31.12.1973.

2. Amended by Notification GSR No.543(E) dated 31.12.1973.

- (7) Before the commencement of the election, the Returning Officer shall invite the members of the Council present to inspect the ballot box, in case they like to do so, and he shall then lock the ballot box.
- (8) At the time of actual election the members present in the meeting shall, one by one, sign against their names in the list containing names of all the members in alphabetical order and placed along side the ballot box. After the member has signed his name in the said list, he shall be given a ballot paper in Form No. IX which he shall drop into the ballot box after affixing thereon cross (X) marks against the names of as many candidates of his choice as there are seats to be filled up.
- (9) As soon as all the members present and wishing to exercise the right to vote have done so, the *Returning Officer* shall open the ballot box and take out from it all the ballot papers, examine them and reject as invalid such of them. –
 - (a) on which the vote has been given in favour of more candidates than there are seats to be filled up; or
 - (b) on which vote mark is placed in such a manner as to make it doubtful as to which candidate or candidates the vote has been given.
- (10) The Returning Officer shall proceed to arrange the valid votes according to the candidates in whose favour they have been given and count them separately for each.
- (11) After the counting is over, the Returning Officer shall make an announcement in the meeting about the votes secured by each of the candidates and the Returning Officer shall also declare in Form No. X the requisite number of the candidates securing the largest number of valid votes as duly elected to be the members of the Executive Committee of the Council.
- (12) In the event of two or more candidates securing the same number of votes, the determination as between such candidates shall be by draw of lots and the candidate on whom the lot falls shall be declared elected.

CHAPTER VI

26. **Tribunal** – When any dispute arises as a result of the election to the Council, the aggrieved party shall, within thirty days from the date of declaration of the result of the election, make an application giving full particulars of the facts supported by documentary evidence, if any, to the Secretary of the Council, who shall refer the matter to the Tribunal appointed by the Central Government under sub-section (2) of section 5.
27. Deleted.¹
28. **List of registered architects and cost of list** – The Council shall cause to be published in the Official Gazette list of registered architects along with their registration number as on the first day of April each year and the printed copy of the said list shall be made available on payment of a fee of Rs.2.
29. **Application for registration** – Every architect who desires to have his name entered in the register shall submit an application in Form No. XI together with documentary evidence about his eligibility for registration accompanied by a draft of Rs. 500* in favour of the Secretary, Council of Architecture, New Delhi, for issue of a certificate of registration and the certificate of registration shall be issued in Form No. XII.
30. **Renewal fee** – The renewal fee under sub-section (1) of section 27 shall be Rs.500* with an option for one time payment of Rs.5000*.
31. **Manner of endorsement on a certificate of registration:-** As soon as the renewal fee is paid within the specified period, the Registrar shall endorse the certificate of registration in a separate space specifically left for the purpose stating that the certificate is valid upto the 31st December.....
32. **Restoration to the register** – The Council may, on an application received in this behalf from a person whose name has been removed from the register due to non-payment of renewal fee, consider the eligibility of the restoration of his name in the register and restore his membership on payment of a restoration fee of Rs.1000*.
33. **Entry of additional qualifications** – An architect who desires to have additional qualification entered in the register may do so by paying Rs.100** for each additional qualification and the additional qualifications shall be entered in the certificate of registration under a separate column.
34. **Duplicate certificate** – Where it is shown with sufficient evidence to the satisfaction of the Registrar that the original certificate of registration has been lost or destroyed, a duplicate certificate shall be issued in Form No. XIII on payment of Rs. 500* and the fact of the issue of duplicate certificate shall be notified in the Official Gazette.

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.²
 - (2) Each complaint shall be made to the Council in Form No. XIV.

* Amended by Notification GSR No.14 dated 3.1.2002.

** Amended by Notification GSR No.192 dated 26.9.1998.

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

2. Amended by Notification GSR No.669 dated 4.5.1977.

- (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.¹
- (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.

FORM NO. I
NOMINATION PAPER

{See Rule 10(1)}

Election under clause (c) of sub-section (3) of section 3 of the Architects Act, 1972.

1. Name of candidate.....
2. Father's name
3. Age.....
4. Name of Architectural Institution
headed by the candidate
5. Address.....
6. Name of signature of proposer
7. Name of the Architectural Institution
headed by the proposer
8. Name of signature of seconder.....
9. Name of the Architectural Institution
headed by the seconder

(Declaration)

I hereby declare that I agree to his nomination.

This nomination paper was received by me at hour on the

Signature of the candidate
(date)
Returning Officer

INSTRUCTIONS

1. Nomination papers which are not received by the Returning Officer before (date) on (date) will be invalid.
2. The names of the proposer and seconder, as they appear in the Register should be written in Block letters below their respective signature.

FORM NO. II
VOTING PAPER

{See Rule 14(3)}

Election to the Council of Architecture

Sl. No.	Name of candidates	Vote
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Returning Officer

- Note:-**
- (1) Each elector has the right to vote for as many candidates as is the number of members to be elected.
 - (2) He shall vote by placing mark 'X' opposite to the name of the candidate whom he prefers.
 - (3) The voting paper shall be invalid if –
 - (a) it does not bear the Returning Officer's initials or facsimile signature; or
 - (b) the voter signs his name or writes a word or makes any marks on it, by which it becomes recognisable as his voting paper; or
 - (c) no vote is recorded thereon; or
 - (d) if the mark 'X' is placed opposite the names of more than one candidate or if the mark is so placed as to render it doubtful to which candidate it is intended to apply.

FORM NO. III

{See Rule 14(4)}

DECLARATION PAPER

Election to the Council of Architecture under clause (c) of sub-section (3) of section 3

Serial No.

Elector's Name.....

Name of the Architectural Institution headed by the elector

(Elector's declaration)

I, (Name in full, and designation, if any), declare that I am an elector for the election of a member, to the Council of Architecture and that I have signed no other voting paper at this election.

Station.....

Date

Signature

FORM NO. IV

{See Rule 14(4)}

LETTER OF INTIMATION

Sir/Madam,

The persons whose names are listed on the voting paper sent herewith, have been duly nominated as candidates for election under clause (c) of sub-section (3) of section 3 of the Architects Act, 1972, to the Council of Architecture. Should you desire to vote at the election, I request that you will –

1. (a) fill up and sign the declaration paper (Form No. III);
 (b) mark your vote in the column provided for this purpose in the voting paper;
 (c) enclose the voting paper in the smaller cover and seal it up; and
 (d) enclose the smaller cover and the declaration paper in the outer envelope and return the same to me by registered post so as to reach me not later than _____ P.M. on the _____ of 20 _____.
2. The voting paper will be rejected if –
 (a) the outer envelope enclosing the voting paper cover is not sent by registered post or received later than the hour fixed for the closing of the poll; or
 (b) the outer envelope contains no declaration paper outside the smaller cover; or
 (c) the voting paper is placed outside the voting paper cover; or
 (d) the declaration paper is not the one sent by the Returning Officer to the voter; or
 (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope; or
 (f) the declaration is not signed by the elector; or
 (g) the voting paper is invalid.
3. A voting paper will be invalid, if –
 (i) it does not bear the Returning Officer's initials or facsimile signature; or
 (ii) a voter signs his name, or writes any word or makes any mark by which it becomes recognizable as his voting paper; or
 (iii) no vote is recorded thereon; or
 (iv) the number of votes recorded thereon exceeds the number to be filled; or
 (v) it is void for uncertainty of the vote exercised.
4. If a voter inadvertently spoils a voting paper, he can return it, not later than seven days before the date appointed for the poll, to the Returning Officer who will, if satisfied, of such inadvertence, issue to him another voting paper.
5. The scrutiny and counting of votes will begin on..... (date) at..... (hour).
6. No person shall be present at the scrutiny and counting except the Returning Officer, such other persons as he may appoint to assist him, the candidates or their duly authorised representatives.

Returning Officer

FORM NO. V

{See Rule 20(1)}

RESULT OF COUNTING

Sl. No.	Name of candidates	No. of valid votes cast	Signature of Scrutinizers
			1.
			2.
			3.
			Signature of Returning Officer

FORM NO. VI

{See Rule 20(3)}

CERTIFICATE OF ELECTION

I declare that.....(Name)

of(Address)

Registration No. has been duly elected so fill the seat of

Place:.....

Returning Officer

Date:.....

FORM NO. VII

{See Rules 23 and 24}

ELECTION OF PRESIDENT / VICE-PRESIDENT

S. No.	Name of the Candidate

Instructions

1. Each elector has only one vote.
2. The elector should place the mark (X) clearly opposite the name of the candidate of his choice.

FORM NO. VIII

(See Rules 23 and 24)

ELECTION OF PRESIDENT / VICE-PRESIDENT

I declare that.....

a member of the.....

has been duly elected to the office of the President/Vice-President of the said Council.

Place:.....

Returning Officer

Date :.....

FORM NO. IX

(See Rule 25)

ELECTION OF MEMBER OF THE EXECUTIVE COMMITTEE OF THE COUNCIL

S. No.	Name of the Candidate

Instructions

1. Each elector has as many votes as there are number of seats to be filled up.
2. The elector should place the mark (X) clearly opposite the names of as many candidates of his choice as there are seats to be filled up.

FORM NO. X

(See Rule 25)

ELECTION OF MEMBER OF THE EXECUTIVE COMMITTEE OF THE COUNCIL

I declare that.....
a member of the
has been duly elected as member of the Executive Committee of the said Council.

Place:.....

Date :.....

Returning Officer

FORM NO. XI

(See Rule 29)

APPLICATION FOR REGISTRATION OF ARCHITECTS

To,

The Secretary
Council of Architecture
New Delhi.

1. Name in full (in block letters)
2. Father's Name
3. Nationality
4. Date of Birth
5. Residential address
6. Professional address
7. Particulars of qualification.....
(supported by attested copies)
8. Date of commencement of Profession/Service
9. Whether practising independently / as partner / or employed
10. Period of residence in India
11. Present address on which communication will be made
12. Any other particulars.....

I hereby undertake that if admitted as a registered architect, I will be bound by the provision of the Architects Act, 1972 and the rules and regulations framed thereunder or that may hereafter from time to time be made pursuant to the said Act.

I also enclose a draft of Rs.500/- as registration fee for the year.....

Yours faithfully,

Encl : List of particulars endorsed.

FORM NO.XII

(See Rule 29)¹

COUNCIL OF ARCHITECTURE

Certificate of Registration under sub-section (7) of section 24 and sub-section (4) of section 26 of the Architects Act, 1972.

CERTIFICATE OF REGISTRATION

This is to certify that the name of Shri/Shrimati..... has been entered in the register and his/her Registration No. is.....

This certificate is valid from the day of 20..... **RENEWALS**
to theday of 20..... inclusive.

Signature of Registrar

List of Additional Qualifications :

Given under the Common Seal of the Council of Architecture,
the day of 20.....

Secretary

(Seal)

President

FORM NO. XII

(See Rule 34)²

COUNCIL OF ARCHITECTURE

Certificate of Registration under sub-section (7) of section 24 and sub-section (4) of section 26 of the Architects Act, 1972.

DUPLICATE CERTIFICATE OF REGISTRATION

This is to certify that the name of Shri/Shrimati..... has been entered in the register and his/her.
Registration No. **RENEWALS**

This certificate is valid from theday of 20.....
to theday of 20..... **Signature of Registrar**

The duplicate certificate is issued as the original one has been lost/destroyed.

Given under the Common Seal of the Council of Architecture,
theday of20.....

Secretary

(Seal)

President

FORM NO. XIV

{See Rule 35 (2)}

FORM OF COMPLAINT

The Council of Architecture

Between Petitioner.....
and Respondent.....

Petitioner's address :

Respondent's address :

Particulars of complaint in paragraphs consecutively numbered.

Particulars of evidence, oral and documentary, if any to substantiate the complaint. **Signature**

VERIFICATION

I , the petitioner do hereby declare that what is stated above is true to the best of my information and belief.
Verified today the..... day of20.....at.....

Signature

1. Amended by Notification GSR No.412(E) of January, 1975.
2. Amended by Notification GSR No.1104 dated 26.9.1973.

COUNCIL OF ARCHITECTURE

REGULATIONS, 1982*

In exercise of the powers conferred by sub-section (1) read with clauses (a), (b), (c), (d), (e), (f) and (i) of sub-section (2) of section 45 of the Architects Act, 1972 (20 of 1972), the Council of Architecture, with the approval of the Central Government, hereby makes the following regulations, namely : –

PART - I

PRELIMINARY

1. Short title and Commencement

- (1) These regulations may be called the Council of Architecture Regulations, 1982.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

In these regulations, unless the context otherwise requires. –

- (a) "Act" means the Architects Act, 1972 (20 of 1972);
- (b) "Executive Committee" means the Executive Committee constituted under Section 10;
- (c) "Group D staff" means Daftries, Jamadars, Peons, Chowkidars and Sweepers appointed under clause (b) of sub-section (1) of section 12;
- (d) "Inspector" or "Inspectors" means the inspector or inspectors appointed by the Executive Committee under section 19;
- (e) "Member" unless the context otherwise requires means the Member of the Council;
- (f) "Ministerial staff" means the Superintendent, Assistants, Accountants, Clerks, Stenographers and Typists appointed under clause (b) of sub-section (1) of Section 12;
- (g) "President" means the President of the Council;
- (h) "Secretary" means the Registrar appointed under clause (a) of sub-section (1) of Section 12;
- (i) "Section" means the Section of the Act;
- (j) "Standing orders" means the standing orders of the Council issued in conformity with the provisions of the Act and Rules & Regulations made thereunder;
- (k) "Vice-President" means the Vice-President of the Council.

PART - II

COUNCIL OF ARCHITECTURE

3. Time and place, and preparation of business agenda for meetings of the Council: –

The Council shall meet at least once in every six months on such date and place as may be fixed by the Council:

Provided that the President.

- (1) may call a special meeting at any time on 15 day's notice to deal with any urgent matter requiring the attention of the Council;
- (2) shall call special meetings on 15 days' notice if he receives a requisition in writing signed by not less than 10 members and stating the purpose for which they desire the meeting to be called, such purpose being other than that mentioned in the first proviso to clause (b) of sub-regulation (9) of regulation 8 and being a purpose within the scope of the Council's functions for which they desire the meeting to be called.

4. Quorum for meetings of Council

- (1) At ordinary meetings of the Council and at special meetings under clause (i) of the proviso to regulation 3, 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.
- (2) At a special meeting by requisition under clause (ii) of the proviso to regulation 3, the quorum shall be two third of the total strength of the Council.

5. Approval by circulation of papers

- (1) In case of emergency requiring Council's sanction, the approval of members may be obtained by circulation of papers:
Provided that if no reply is received from a member within 15 days after the circulation of the papers, his approval may be taken for granted.
- (2) Approval by circulation of papers shall be decided by majority.

* Published in the Gazette of India dated 2nd April, 1983.

6. Business at special meetings of Council

At a meeting referred to in clause (i) of the proviso to sub-regulation (1) of regulation 3, only the subject for consideration of which the meeting has been called shall be discussed.

7. Notices of meetings of Council

Notices of every meeting other than special meetings called under the proviso to sub-regulation (1) of regulation 3, shall be dispatched by the Secretary to each member of the Council not less than 30 days before the date of meeting.

8. Business agenda for meetings of Council

- (1) The Secretary shall issue with the notice of the meeting a preliminary agenda showing the business to be brought before the meeting, the terms of all motions to be moved of which notice in writing has previously reached him and the names of the movers.
- (2) A member who wishes to move any motion not included in the preliminary agenda or an amendment to any item so included shall give notice thereof to the Secretary not less than 20 clear days before the date fixed for the meeting.
- (3) The Secretary shall not less than 10 clear days before the date fixed for the meeting, and in case of special meeting, with the notice of the meeting, issue a complete agenda paper showing the business to be brought before the meeting.
- (4) A member who wishes to move an amendment to any item included in the complete agenda paper, but not included in the preliminary agenda paper shall give notice thereof to the Secretary not less than 3 clear days before the date fixed for the meeting.
- (5) The Secretary shall, if time permits, cause a list of amendments of which notice has been given under sub-regulation (4) to be made available for the use of every member before the meeting.
- (6) President may, if the Council agrees, allow a motion to be discussed at a meeting notwithstanding the fact that notice was received too late to admit of compliance with these regulations.
- (7) Nothing in these regulations shall operate to prevent the reference by the Executive Committee of any matter to the Council at a meeting following immediately or too soon after the meeting of the Executive Committee.
- (8) An amendment to a resolution or a motion can be moved when it is under discussion and no time limit of notice shall be necessary.
- (9) A motion shall not be admissible,
 - (a) if the matter to which it relates is not within the scope of the Council's functions;
 - (b) if it raises substantially the same question as a motion or amendment which has been moved or withdrawn with the leave of the Council within one year of the date of the meeting at which it is designed to be moved:

Provided that such a motion may be admitted at a special meeting of the Council convened for the purpose under clause (ii) of the proviso to regulation 3 on the requisition of not less than two-thirds of the total strength of the Council:

Provided further that nothing in these regulations shall operate to prohibit further discussion of any matter referred to the Council by the Central Government in the exercise of any of its functions under the Act;
 - (c) unless it is clearly and precisely expressed and raised substantially a definite issue;
 - (d) if it contains arguments, inferences, ironical expressions or defamatory statements.
- (10) The President shall disallow any motion which in his opinion, is inadmissible under sub-regulation (9):

Provided that if a motion can be rendered admissible by amendment, the President may in lieu of disallowing the motion admit it in amended form.
- (11) When the President disallows or accepts an amendment to a motion, the Secretary shall inform the members who gave notice of the motion of the order of disallowance or as the case may be, of the form in which the motion has been admitted.

9. Presiding officer of meetings of the Council and manner of voting

- (1) Every meeting of the Council shall be presided over by the President or, if he is absent, by the Vice-President or, if both the President and the Vice-President are absent, by a member to be elected by the member present from amongst themselves.
- (2) Every matter to be determined by the Council shall be determined on a motion moved by a member and put to the Council by the Presiding officer.
- (3) Votes shall be taken by show of hands or by division or by ballot as the Presiding officer may direct.

Provided that votes shall be taken by ballot if three members so desire and ask for it:

Provided further that if voting has been by show of hands, a division shall be taken if a member asks for it.
- (4) The Presiding officer shall determine the method of taking votes by division.
- (5) The result of the vote shall be announced by the Presiding officer of the meeting and shall not be challenged.
- (6) In the event of an equality of votes, the Presiding officer of the meeting shall have a second or casting vote.

10. Motions to be moved at meetings of the Council

- (1) When motions identical in purport stand in the names of two or more members, the Presiding officer of the meeting shall decide whose motion shall be moved and other motion or motions shall thereupon be deemed to have been withdrawn.
- (2) Every motion or amendment shall be seconded and if not seconded shall be deemed to have been withdrawn.
- (3) When a motion is seconded, it shall be stated by the Presiding officer of the meeting.
- (4) When a motion has been thus stated, it may be discussed as a question to be resolved either in the affirmative or in the negative or any members may, subject to regulation 11 move an amendment to the motion:

Provided that the Presiding officer shall not allow an amendment to be moved which if it had been a substantive motion would have been inadmissible under regulation 8.

11. Amendments to motions at the meetings of Council

- (1) At a meeting of the Council an amendment must be relevant to and within the scope of the motion to which it is proposed and shall not be moved which has merely the effect of a negative vote.
- (2) The Presiding officer of the meeting may refuse to put to vote an amendment to the motion which is in his opinion frivolous and has the effect of a negative vote.
- (3) A motion may be amended by:
 - (a) the omission, insertion or addition of words; or
 - (b) the substitution of words for any of the original words.

12. Matters which may be discussed at the time of discussion of a motion

- (1) At a meeting of the Council when a motion or amendment is under debate no proposal with reference thereto shall be made other than –
 - (a) an amendment of the motion or the amendment, as the case may be as proposed in regulation 10;
 - (b) a motion for the adjournment of the debate on the motion or amendment either to a specified date and hour or *sine die*;
 - (c) a motion for the closure, namely a motion that the question be now put;
 - (d) a motion that the Council instead of proceeding to deal with the motion do pass to the next item in the agenda.

Provided that no such motion or amendment shall be moved so as to interrupt a speech:

Provided further that no motion of the nature referred to in clauses (b), (c) and (d) shall be moved or seconded by a member who has already spoken on the question at the meeting.

- (2) Unless the Presiding officer of the meeting is of opinion that a motion for closure is an abuse of the right of reasonable debate, he shall forthwith put a motion that the question be now put and if that motion is carried the substantive motion or amendment under debate shall be put forthwith:

Provided that the Presiding officer of the meeting may allow the mover of the substantive motion to exercise his right of reply before the substantive motion under the debate is put:

Provided further that it shall not interrupt a speech, a proposal to adjourn the Council to a specified date and hour may be made at any time, but it shall be at the discretion of the Presiding officer of the meeting to put or refuse to put such a proposal to the Council.

- (3) A motion or an amendment which has been moved and seconded shall not be withdrawn save with the leave of the Council which shall not be granted, if any member dissent from the granting of such leave.
- (4) When a motion has been moved and seconded, members other than the mover and the seconder may speak on the motion in such order as the Presiding officer of the meeting may direct:

Provided that the seconder of a motion or of an amendment may, with the permission of the Presiding officer of the meeting confine himself to seconding the motion or amendment, as the case may be and speak thereon at any subsequent stage of the debate.
- (5) During the meeting, the Presiding officer of the meeting may, at any time, make any objection or suggestion or give information to elucidate any point to help the members in the discussion.
- (6) The mover of an original motion, and if permitted by the Presiding officer of the meeting, the mover of any amendment, shall be entitled to a right of final reply; and no other member shall speak more than once in the debate except with the permission of the Presiding officer of the meeting for the purpose of making a personal explanation or putting a question to the members then addressing the Council:

Provided that any member at any stage of the debate may arise to a point of order, but no speech shall be allowed on that point:
Provided further that a member who has spoken on a motion may speak again on an amendment to the motion subsequently moved.
- (7) A speech shall be strictly confined to the subject matter of the motion or amendment on which it is made.

- (8) Any motion or amendment standing in the name of a member who is absent from the meeting or unwilling to move it, may be brought forward by another member with the permission of the Presiding officer of the meeting.
- (9) If at any time the presiding officer of the meeting rises, any member speaking shall immediately resume his seat.

13. Adoption of motion

- (1) When an amendment to any motion is moved and seconded or when two or more such amendments are moved and seconded, the presiding officer of the meeting shall, before taking the sense of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposal.
- (2) An amendment to a motion shall be put to vote first.
- (3) If there be more than one amendment to a motion the Presiding officer of the meeting shall decide in what order they shall be taken.
- (4) When any motion involving several points has been discussed, it shall be at the discretion of the Presiding officer of the meeting to divide the motion and put each or any point separately to the vote as he may think fit.

14. Adjournment of meetings of the Council

- (1) The Presiding officer of a meeting of the Council may at any time, adjourn any meeting to any future date or to any hour of the same day.
- (2) When a meeting has been adjourned to a future date, the President may change such date to any other day and the Secretary shall send written notice of the change to each member.
- (3) Whenever a meeting is adjourned to a future date, the Secretary shall, send notice of the adjournment to every member.
- (4) At a meeting adjourned to a future date, any motion standing over from the previous date shall, unless the President otherwise direct, take precedence over other matter on the agenda.
- (5) Either at the beginning of the meeting or after the conclusion of the debate on a particular item during the meeting, the Presiding officer of the meeting or a member may suggest a change in the order of business on the agenda, and if the Council agrees such a change shall be made.
- (6) A matter which had not been on the agenda of the original meeting shall not be discussed at an adjourned meeting.

15. Commencement of a meeting of Council

If at any time appointed for a meeting, a quorum is not present, the meeting shall not commence until the quorum is present and if the quorum is not present on the expiration of 20 minutes from the time appointed for the meeting or during the course of any meeting, the meeting shall stand adjourned to such future date and time as the President may appoint:

Provided that in the case of meeting adjourned for want of quorum, no quorum shall be required.

16. Points of Order

- (1) The Presiding officer of the meeting of the Council shall decide all points of order which may arise, and his decision shall be final.
- (2) If any question arises with reference to procedure in respect of a matter for which these regulations make no provision, the Presiding officer of the meeting shall decide the same and his decision shall be final.

17. Minutes of the meetings of Council

- (1) The proceedings of the meetings of the Council shall be preserved in the form of minutes which shall be authenticated, after confirmation by the signature of the Presiding officer of the meeting confirming the minutes.
- (2) A copy of the minutes of each meeting shall be submitted to the President within 10 days of the meeting and attested by him and they shall then be sent to each member within 30 days of the meeting.
- (3) The minutes of each meeting shall contain such motions and amendments as have been moved and adopted.
- (4) If any objection regarding the correctness of the minutes is received within 30 days of the despatch of the minutes by the Secretary, such objection together with the minutes as recorded and attested shall be put before the next meeting of the Council for confirmation and at this meeting on other question shall be raised except as to the correctness of the records of the meeting:

Provided that if no objection regarding decision taken by the Council at a meeting is received within 30 days of the despatch by the Secretary of the minutes of that particular meeting such decision may, if expedient, be put into effect before the confirmation of the minutes at the meeting:

Provided further that the President may direct that action be taken on a decision of the Council before the expiry of the period of 30 days mentioned above.

- (5) The minutes of the Council shall, as is practicable after their confirmation, be made up in sheets and consecutively paged for Insertion in a volume which shall be permanently preserved.

PART III

POWERS AND DUTIES OF PRESIDENT AND VICE-PRESIDENT OF THE COUNCIL

18. Powers and Duties of President

- (1) The President shall exercise such powers and perform such duties as are contained in the provisions of the Act, the regulations and standing orders of the Council and shall do such acts as he considers necessary in the furtherance of the objects for which the Council is established.
- (2) The President shall preside over the deliberations of the Council and of all committees of which he is a member.
- (3) The President shall cause the meetings of the Council or Committees of the Council to be convened at such time and place as he may deem fit.
- (4) The President shall approve the items for agenda to be brought before the meetings of the Council and its Committees.

19. Powers and Duties of Vice-President

If the Office of the President is vacant or if the President for any reason, is unable to exercise the powers or perform the duties of his office, the Vice-President shall act in his place and shall exercise the powers and perform the duties of the President.

PART IV

EXECUTIVE COMMITTEE

20. Conduct of business at the meetings of the Executive Committee

- (1) The meetings of the Executive Committee shall, unless otherwise specified, be generally governed by the regulations applicable to the meetings of the Council.
- (2) If both the Chairman and Vice-Chairman are absent, the members present shall elect one of their members to preside over the meeting.
- (3) Four members of the Executive Committee shall form a quorum.
- (4) If at the time appointed for the meeting of the Executive Committee, the quorum is not present, the meeting shall not commence until a quorum is present, and if the quorum is not present on the expiration of 30 minutes from the time appointed for the meeting or during the course of the meeting, the meeting shall stand adjourned to such future date and time as the member presiding over the meeting may appoint.
- (5) In the case of a vacancy which may occur during the interval between consecutive meetings of the Council, the Executive Committee may co-opt a member of the Council to fill the vacancy until the next meeting of the Council which shall elect one of its members to be the member of the Executive Committee.
- (6) Notice and agenda of meetings of the Executive Committee shall ordinarily be given 15 days before the meetings.
- (7) (a) A copy of the minutes of each meeting shall be submitted to the Chairman within 15 days of the meeting, and after having been attested by him shall be sent to each member, within 20 days of the meeting.
(b) If no objection to the correctness of the minutes is received within 20 days of their despatch, any decisions therein shall be given effect to:
(c) The minutes shall be sent to the members of the Council after confirmation by the Executive Committee.

Provided that the President may direct that the action be taken on a decision of the Executive Committee, before the expiry of the period of 20 days mentioned above.

Provided further that the Executive Committee or the President shall refrain to act on the resolutions and the decisions taken by the Executive Committee where approval of the Central Government is required to be obtained under the provisions of the Act.
- (8) All resolutions passed and action taken by the Executive Committee after confirmation by the Committee shall be placed for ratification.
- (9) No decision of the Executive Committee shall have effect until the President has signified his approval thereof in writing and if he disapproves, until the Council has approved of the Executive Committee's decision.

21. Functions of the Executive Committee

- (1) The Executive Committee shall be the executive authority of the Council and shall be responsible for giving effect to the resolution and decision of the Council.
- (2) The Executive Committee shall have powers, such as –
 - (i) to manage the funds of the Council;
 - (ii) to invest the funds of the Council in the manner directed by the Council from time to time;
 - (iii) to appoint and supervise the work of the members of the staff and prescribe their conditions of service;
 - (iv) to consider the annual audit report and place it before the Council with its comments for its consideration;

- (v) to prepare and place before the Council the annual administration report and the statement of accounts;
- (vi) to authorise the Registrar to incur expenditure within the prescribed limits provided for in the approved budget;
- (vii) to fix travelling and other allowances to the members of the Council and its Committees and to the members of the staff;
- (viii) to delegate to the Chairman and the Vice-Chairman any of its aforementioned powers; and
- (ix) to do all other functions necessary for discharging the aforesaid functions.

PART V

COMMITTEES OF THE COUNCIL

22. Constitution and conduct of business of committees

- (1) The Council may, at any time on the adoption of a motion to this effect constitute a committee or committees consisting of any number of its members or resolve itself into a committee for the consideration of any business.
- (2) The Council shall define the functions of the Committee and the number of members to be appointed or elected.
- (3) The said committees shall have the powers to co-opt additional member or members not exceeding three in each case with prior approval of the President.
- (4) (a) If the number of members proposed as members of the committee does not exceed the total number of members to form the committee, the members so proposed shall be appointed as members of the committee.
(b) If the number of members so proposed exceeds the total number of members to form the committee, ballot shall be held and the requisite number of members who obtain the largest number of votes shall be appointed.
- (5) The President and Vice-President shall be ex-officio members of the committees constituted by the Council and shall act as Chairman and Vice-Chairman of these committees.
- (6) The quorum for a committee constituted by the Council shall not be less than one-third of the total number of the members of the committee.
- (7) Proceedings of the said committees shall be in accordance with this regulation, provided that it may at any time be relaxed at the discretion of the Chairman of the committee.
- (8) The committee shall submit its report to the Executive Committee.

PART VI

REGISTRAR AND EMPLOYEES OF THE COUNCIL

23. Term, powers and duties of Registrar

- (1) The term of the Registrar shall be fixed by the Council, with the previous sanction of the Central Government, at the time of appointment.
- (2) The Registrar shall retire from service on attaining the age of 60 years.*
- (3) The Registrar shall be the Chief Executive Officer of the Council and subject to the general supervision of the President and the relevant committees of the Council, shall exercise and perform, in addition to the powers and duties specified by the Act and these regulations in this behalf the following powers and duties, such as –
 - (i) be in charge of the Office of the Council as its Executive Head;
 - (ii) attend all meetings of the Council or of the committees unless otherwise directed;
 - (iii) keep records and minutes of the proceedings of the Council and of its committees;
 - (iv) keep in his custody the property of the Council including the Seal of the Council;
 - (v) exercise general control and supervision over the employees of the Council;
 - (vi) arrange for the deposit of moneys in bank received on behalf of the Council or its committees unless otherwise decided by the Council;
 - (vii) act as Secretary of all committees and convene meetings of the Council or its committees unless otherwise decided by the Council;
 - (viii) appoint such temporary staff as may be necessary, with the prior approval of the President to transact urgent work;
 - (ix) issue requisite notifications as prescribed and circular as may be required;

* Amended by Notification in the Gazette of India Part III, Section 4 on 31.07.1999.

- (x) attend to the correspondence of the Council and of the committees;
- (xi) act as Secretary of the Disciplinary Committee constituted under Rule 35 of the Council of Architecture Rules, 1973;
- (xii) issue notices and be in charge of all work in respect of the proceedings including the grant of certified copies of documents and evidence or statement of witnesses;
- (xiii) grant certified copies of documents or other proceedings referred to in the Act or the rules made thereunder or in these regulations;
- (xiv) be the custodian of the records, registers, accounts, furniture, library and such other property as the Council may acquire from time to time.
- (xv) make necessary arrangements for receiving moneys due to the Council and also issue receipts thereof;
- (xvi) cause proper accounts to be maintained and deliver accounts books and other information required by the auditors appointed by the Council for the purpose of the audit of the accounts of the Council;
- (xvii) make all other payments as sanctioned by the Council, committees and the President;
- (xviii) pay salary and allowances to officers and employees of the Council, grant leave, etc. to them and sign their increments, in accordance with the approved scale of pay;
- (xix) exercise disciplinary control over the said employees except dismissal in respect of which prior sanction of the Executive Committee shall be obtained.
- (xx) perform such other duties as may be assigned to him by the Council or the committees or the President;
- (xxi) register the architects, renew their registration and remove their names from the register of architects owing to non-payment of renewal fees.

24. Term, powers and duties of Administrative Officer

- (1) The term of the Administrative Officer shall be fixed by the Council, with the previous sanction of the Central Government, at the time of appointment.
- (2) The Administrative Officer shall retire from service on attaining the age of 60 years*.
- (3) The Administrative Officer shall perform such duties as may be assigned to him by the Executive Committee, the Registrar and by these regulations.
- (4) The Administrative Officer shall assist the Registrar in all the administrative matters in day to day working of the Office and shall assume all administrative responsibilities in the absence of the Registrar.

25. Terms and conditions of service of the employees

- (1) All other officers and employees including Ministerial and Group D Staff, shall retire from service on attaining the age of 60 years*.
- (2) The powers and duties of the employees shall be such as may be laid down, from time to time, in the standing orders.
- (3) The Registrar may subject to prior approval of the President, appoint the Ministerial staff and Class IV staff and may engage such temporary personnel as may be required from time to time and, pay a reasonable rate of remuneration to such personnel, provided it does not exceed the rate sanctioned by the Central Government for corresponding permanent staff and such appointments shall be reported to the Executive Committee.

PART VII

FINANCES, ACCOUNTS AND AUDIT

26. Finances and Accounts

- (1) The Council may receive, for the purpose of its expenses, registration fee, renewal fees and such other fees and money made admissible under the Act and the rules framed thereunder, and the proceeds of the sale of register of architects, reports and other publications :

Provided that the Council may accept grant, gift or deposit and such other financial assistance from the Central Government.
- (2) The Bankers of the Council shall be the State Bank of India or any other bank specified in column 2 of the First Schedule, to the Banking companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).
- (3) (a) All the funds of the Council shall be paid into the Council's accounts with any of the said banks and shall be withdrawn by means of cheques signed by the Registrar and countersigned by the President or any other officer authorized by him in this behalf.
- (b) The Cheque books shall remain in the personal custody of the Registrar.
- (4) The funds of the Council, surplus to current requirements may, on the recommendations of the Registrar and with the sanction of the Executive Committee, be invested in fixed deposits with any of the said banks or in any Government security or in any other security approved by the Central Government.

* Amended by Notification in the Gazette of India Part III, Section 4 on 31.07.1999.

- (5) An investment of the funds of the Council shall be made in the name of the Council.
- (6) The safe custody of receipts shall remain in the personal charge of the Registrar and shall be verified once in the six months with the Register of Investments referred to in regulation 27 and a certificate or verification shall be recorded by the Registrar and countersigned by the President.
- (7) The Registrar shall prepare detailed estimates of the receipts and expenditure for the next financial year, and shall submit the same for the sanction of the Executive Committee.
- (8) The funds of the Council shall not be appropriated for expenditure on any item which has not been duly sanctioned by the Council or by the President or the Registrar; as the case may be.
- (9) (a) The President shall have full powers to re-appropriate funds from one unit of appropriation to another subject to the conditions that the total budget provision is not exceeded and the President's action does not lead to any future financial commitment for the Central Government.
(b) Copies of orders sanctioning such re-appropriation shall be communicated to the Executive Committee.
- (10) The Registrar shall have power to sanction expenditure of miscellaneous and contingent nature upto an amount not exceeding Rs.200/- in each case and the expenditure in excess of this amount shall require the sanction of the President.
- (11) A permanent advance of Rs. 200/- as imprest amount shall be made to the Registrar to meet day to day expenses.
- (12) The Registrar shall be the certifying officers for travelling and other allowances to members, inspectors and employees of the Council, and the President for those of Registrar.

27. Books of Accounts

- (1) The following account books of the Council shall be maintained, namely:-
 - (i) The Cash Book.
 - (ii) The Classified Abstract.
 - (iii) The Register of Investments.
 - (iv) The Register of Equipments and Furniture.
 - (v) The Register of Cheque Books.
 - (vi) The Register of Leave and Pension or Provident Fund Contributions.
 - (vii) The Register of permanent advances.
 - (viii) Annual accounts.
- (2) (a) Monthly accounts shall be compiled in the classified abstract according to the primary units of appropriation.
(b) Suitable secondary units may be opened at the discretion of the Registrar who shall be responsible for the due preparation and maintenance of all accounts.

28. Audit of Accounts

- (1) The annual accounts of the Council shall be audited by an auditor appointed annually by the Council.
- (2) The result of audit shall be communicated to the Executive Committee.
- (3) A copy of the audited annual accounts and the report of the Council shall be submitted to the Central Government.

PART VIII

INSPECTION OF EDUCATIONAL INSTITUTIONS OF ARCHITECTURE

29. Inspection of educational institutions and their examinations

The inspection of architectural institutions and the attendance at the time of training and examination under section 19 shall be carried out in accordance with the following manner, namely : –

- (1) each institution imparting instruction in architecture shall be inspected by the inspectors once in five years:
- (2) the Registrar shall fix the date of inspection in consultation with the inspector or inspectors and the institution;
- (3) the Executive Committee shall appoint such number of inspectors as may be deemed necessary to inspect an institution or to attend any examinations and to report thereon:

Provided that the minimum number of inspectors for such inspection shall be two.

- (4) (a) every inspector shall receive from the Chairman, Executive Committee, a formal commission in writing under the seal of the Council;
- (b) the instructions of the Chairman shall specify the institution or institutions, courses of studies and scheme of examination or examinations or training programme or educational standards including staff, equipments, accommodation, training and other facilities which are required to be inspected or attended;
- (c) the Chairman shall inform the inspector that he is to report to the Executive Committee who shall submit their final report with recommendations to the Council in accordance with these regulations;
- (d) the Registrar shall provide the inspector with a copy of the documents and of the recommendations of the Council in regard to recognition of the qualifications or educational standards and improvements to be made thereon and of the resolutions with regard to architectural education.

30. Powers and duties of Inspectors

- (1) It shall be the duty of the inspector: –
 - (a) to make himself acquainted with such previous reports, if any, on the institution or institutions which he is appointed to inspect as the Executive Committee may direct and with the observations of the University or examining body and the report of the Council thereon;
 - (b) to attend personally institution or examination or training which he is required to inspect but not to interfere with the conduct thereof;
 - (c) to inspect the institution which provides a recognized course of study or has applied for the recognition of its course of study and scheme of examination and to see that the course is in conformity with the regulations relating to education and the standards laid down by the Council;
 - (d) to report to the Executive Committee his opinion as to the sufficiency or insufficiency of standards of education or examination or institution inspected by him;
 - (e) to set forth in his report, in order, all the necessary particulars as to the question proposed in the written, oral or practical parts of each examination attended by him, the sessional and class work submitted by the candidates at the time of practical or viva-voce examination, the arrangements made for invigilation, the method and scales of making, the standard of knowledge shown by the successful candidates and generally all such details as may be required for adjudicating on the scope and character of the examination;
 - (f) to set forth in his report necessary particulars in respect of institutions so as to enable the Executive Committee to assess the existing facilities for teaching as well as the extend to which the recommendations of the Council regarding professional education have been given effect to;
 - (g) to compare, on receipt from the Registrar, proof copy of any of his reports, the proof with the original and correct, sign and return it to the Registrar for preservation in the records of the Council as the authentic copy of such report.
- (2) Every report of the inspector or inspectors shall be signed and submitted to the Executive Committee.
- (3) The reports of inspectors shall be deemed confidential, unless in any particular case the Executive Committee otherwise directs.
- (4) Copies of the report by inspectors marked confidential shall be forwarded to the University or the examining body concerned as well as the institution with a request that the authority should furnish to the Executive Committee within six months from the date of despatch, such observations thereon as they may think necessary.
- (5) A confidential copy of report of an inspector or inspectors, with the observations of the University or the examining body or the institution thereon, shall be supplied to each member of the Council and shall be considered together with comments of the Executive Committee by the Council along with the observations thereon of the Executive Committee for consideration by the Council at their next meeting.
- (7) A copy of every report by the inspector or inspectors, with the observations of the University or the examining body and the institution concerned and the opinion of the Executive Committee thereon, shall, after approval by the Council, be forwarded to the Central Government and State Government concerned.

COUNCIL OF ARCHITECTURE

(Incorporated under the Architects Act, 1972)

MINIMUM STANDARDS OF ARCHITECTURAL EDUCATION REGULATIONS, 1983*

In exercise of the powers conferred by clauses (e), (g), (h) and (j) of sub-section (2) of section 45 read with section 21 of the Architects Act, 1972 (20 of 1972), the Council of Architecture, with the approval of the Central Government, hereby makes the following regulations, namely :-

1. Short Title and Commencement

- (1) These regulations may be called the Council of Architecture (Minimum Standards of Architectural Education) Regulations, 1983.
- (2) They shall come into force on the date of their publication in the Official Gazette.*

2. Definitions

In these regulations, unless the context otherwise requires

- (a) "Act" means the Architects Act, 1972 (20 of 1972);
- (b) "Council" means of Council of Architecture constituted under Section 3;
- (c) "Executive Committee" means the Executive Committee constituted under Section 3;
- (d) "Faculty" means the full-time teaching staff members in the service of the institution;
- (e) "Institutions" means the colleges/departments/schools of architecture in India imparting instructions for recognized qualifications;
- (f) "Recognised qualifications" means any qualification in architecture for the time being included in the Schedule or notified under section 15 of Act.

3. Duration and Stages of the Course

- (1) The architecture course shall be of minimum duration of 5 academic years or 10 semesters of approximately 16 working weeks each inclusive of six months/one semester of approximately 16 working weeks of practical training after the first stage in a professional office.
- (2) The architecture course may be conducted in two stages.
- (3) The first 3 academic years / 6 semesters of approximately 16 working weeks each of the course shall be a basic standard course and shall be the first stage:
Provided that candidates admitted to the course shall complete the first stage within 5 years of admission to the course.
- (4) The second stage of the course shall be of 2 academic years / 4 semesters of approximately 16 working weeks each.
- (5) The completion of first stage shall not qualify candidates for registration under the Architects Act, 1972.

4. Admission to the Architecture Course

- (1) No candidate, with less than 50% marks in aggregate, shall be admitted to the architecture course unless he/she has passed an examination at the end of the new 10+2 scheme of Senior School Certificate Examination or equivalent with Mathematics and English as subjects of examinations at the 10+2 level.
- (2) Where 10+2 scheme is not introduced, candidates must have passed after 11 years schooling the Higher Secondary/pre-university/pre-engineering or equivalent examinations in the Science group of any recognized University or Board with English, Physics, Chemistry and Mathematics as compulsory subjects.
- (3) The Institutions may subject the candidates, seeking admission to the architecture course, to aptitude tests specially designed to assess the candidates' aptitude;
Provided that no separate aptitude tests may be conducted where admissions are made through competitive examinations.
- (4) The institutions shall not give weightage of more than 50% marks for aptitude tests in the matter of admissions.

5. Intake and Migration

- (1) The sanctioned intake of candidates at the first year level shall not exceed a maximum of 40 in a class. If more than 40 candidates are admitted, separate classes shall be organised.
- (2) The institutions may permit, at their discretion, migration of students from one institution to another subject to the maximum number of students not exceeding the permitted maximum intake in a class.

6. Courses and periods of Studies

- (1) The institutions imparting instructions in architecture required for granting recognized qualifications may follow the courses and periods of studies as prescribed in Appendix-A.
- (2) The institution shall, as an integral part of architectural education curriculum and as a part of teaching programme, arrange for study tours, visits to places of architectural interests.

7. Professional examination, Standards of proficiency and conditions of admissions, qualification of examiners

- (1) The University or an independent examining body shall conduct the examinations at the end of each stage.
- (2) The sessional work shall, as far as possible, be assessed by a jury of internal and external examiners.
- (3) The weightage of marks for subjects having both class work marks as well as examination marks may not exceed the ratio of 50:50.
- (4) The pass percentage shall not be less than 45% in each subject and shall not be less than 50% in the aggregate.
- (5) Candidates who have passed in the internal assessment, shall only be permitted to appear in an examination.
- (6) An examiner for any of the subjects of examination shall have a minimum of 3 years teaching/professional experience in his/her field of study.

8. Standards of staff, equipment, accommodation, training and other facilities for technical education

- (1) The institutions shall maintain a teacher/student ratio of 1:8.
- (2) The institutions shall have a minimum number of 12 faculty members for a student strength of 100.
- (3) The institution with the maximum intake of 40 in a class may have the faculty pattern as prescribed in Appendix-B.
- (4) The institutions shall encourage the faculty members to involve in professional practice including research.
- (5) The institutions shall provide facilities as indicated in Appendix-C.
- (6) The institutions shall encourage exchange of faculty members for academic programmes.

Notwithstanding anything contained in these regulations, the institutions may prescribe minimum standards of Architectural Education provided such standards does not , in the opinion of the Council, fall below the minimum standards prescribed from time to time by the Council to meet the requirements of the profession and education thereof.

Courses, Periods of Study and Subjects of Examination

Stage 1 - Basic Course

Sl No.	Subjects of Examination	Minimum No. of periods of 50 to 60 minutes duration
1.	Architectural Design	600
2.	Building Construction	360
3.	Building Materials and Sciences	60
4.	Architectural Drawing and Graphics	360
5.	History of Architecture	120
6.	Workshop Practice	120
7.	Landscape Design	60
8	Structural Mechanics and Theory of Structure	300
9.	Surveying and Levelling	60
10.	Building Services & Equipment	90
11.	Humanities	60
12.	Estimating & Costing	60
13.	Principles of Human Settlements	60
		2310

Note:

- The names given to the subjects of study are suggestive only. The same subjects pertaining to the architecture may be taught under different names. The emphasis on teaching various subjects may vary from institution to institution. New subjects may be introduced and certain subjects given less emphasis depending upon the requirement and educational philosophy of an institution. The subjects of Landscape Design, Humanities and Estimating & Costing may, if desired, be taught in the second stage of the course.
- For the purpose of calculating the periods of study, 30 periods per week per semester/term of class are considered to be adequate. For 3 years of study at the rate of 16 weeks per semester/term, the total for first stage works out to be 2880 periods.
- In order to give freedom to the Institutions to orient the Course as per their own philosophy, approx. 75 percent of the total periods of study have been taken into account for calculating the minimum hours of study for each subject while the institutions may allot the balance approx. 25 percent of the study periods to the subjects of the choice.
- Minimum total contact periods should be 2880. Thus, 570 periods are to be allotted by the institution to the subjects of their choice.

Brief description of the subjects listed in the First Stage of the Course

1. ARCHITECTURAL DESIGN

Applying the knowledge gained in other subjects and to design buildings of medium complexity e.g. Schools, Colleges, Dispensaries, Shops and Houses, etc., and present them in graphic form.

2. BUILDING CONSTRUCTION

Knowledge of various methods of building construction of medium complexity with timber, stone, bricks, concrete etc. including foundation, walls, roofs, staircase, joinery and finishes.

3. BUILDING MATERIAL AND SCIENCES

Knowledge of basic building materials and their behaviour such as bricks, stones, metals, timber and finishing materials. Effects of climate on built environment to be able to design for comfortable conditions.

4. ARCHITECTURAL DRAWING AND GRAPHICS

Ability to present in graphic form all elements of design - Study of shades and shadows, textures, tones, colours, geometrical form, perspectives and projections, free hand drawing and rendering.

5. HISTORY OF ARCHITECTURE

Study of various styles of Architecture and methods of construction through the ages in the world with emphasis on Indian Architecture.

6. WORKSHOP PRACTICE

Ability to make building models with various materials such as card-board, wood, plastics, plaster of paris and metals. Ability to make simple joints in timber, pipes and other materials.

7. LANDSCAPE DESIGN

Understanding of Landscape elements like trees, shrubs, plants, water, rocks and development of landscape planning and application in architectural design.

8. STRUCTURAL MECHANICS AND THEORY OF STRUCTURES

Understanding the structural concepts and behaviour of structural elements, simple calculations for columns, beams, frames, footings, slabs, walls in concrete, steel and timber.

9. SURVEYING AND LEVELLING

Understanding of various survey and levelling instruments, carrying out surveys of land of medium complexity and preparation of survey plans.

10. BUILDING SERVICES & EQUIPMENT

Study of and designing for water supply, drainage, sewage disposal, electricity supply, wiring and lighting for buildings.

11. HUMANITIES

Study of sociology, economics and culture, as applicable for design of human settlements.

12. ESTIMATING AND COSTING

Systems of taking out quantities and estimating for all trades involved in construction of medium complexity.

13. PRINCIPLES OF HUMAN SETTLEMENTS

Man and environment : Biological and behavioural responses to human settlements; Design for living, natural and built-environment.

Ancient texts and treatises on settlement and area planning in India.

Human settlements during ancient medieval and modern periods in India, Europe and other parts of the world. Characteristics of human settlements built by Muslims and Hindu rulers in India.

Stage-II

Subjects of Examination	Minimum No. of periods of 50 to 60 minutes duration
1. Architectural design, planning and thesis	570
2. Building Construction & Materials and Specifications	210
3. Building Sciences and Services	60
4. Town Planning Theory	60
5. Professional Practice	90
6. Building Bye-laws	15
7. Structural System	45
8. Electives such as :	
(i) Housing	
(ii) Urban Design	
(iii) Interior Design	
(iv) Building Management	
(v) Landscape Design	
(vi) Urban Planning	60
1110	

Note:

1. The names given to the subjects of study are suggestive only. The same subjects pertaining to the architecture may be taught under different names. The emphasis on teaching various subjects may vary from institution to institution. New subjects may be introduced and certain subjects given less emphasis depending upon the requirement and educational philosophy of an institution. Teaching in the second stage may be a lot more flexible. Students may obtain employment and may come back to complete the prescribed course later. It may also be possible to complete the second stage of the course as a part time course depending upon the facilities available in an institution.
2. For the purpose of calculating the periods of study, 30 periods per week per semester/term of class are considered to be adequate for 1½ years of study at the rate of 16 weeks per semester/term, the total for second stage work out to be 1440 hours.
3. In order to give freedom to the institutions to orient their course as per their own philosophy, approx. 75 per cent of the total periods of study have been taken into account for calculating the minimum period of study for each subject while the institutions may allot the balance approx. 25 per cent of the study periods to the subject of their choice.
4. Minimum total contact period should be 1440. Thus 360 periods are to be allotted by the institution to the subjects of their choice.

Brief Description of the Subjects Listed in the Second Stage of the Course

1. ARCHITECTURAL DESIGN, PLANNING AND THESIS

Design of complicated buildings and campuses involving analytical studies of building and spaces from sociological, economic and cultural points of view such as Universities, industrial Estates, Housing Schemes etc. Thesis on a subject requiring detailed analytical study to lay down validity and design criteria presented in graphic form, models and report. Thesis may also be on research projects presented as a written report.

2. BUILDING CONSTRUCTION, MATERIALS AND SPECIFICATIONS

Study of advanced building construction methods with new materials such as plastics, metals, synthetic boards and latest techniques in the use of concrete.

3. BUILDING SCIENCES & SERVICES

Study of Acoustics, Air-Conditioning, Heating, Cooling, Mechanical installations, Fire-control, Water supply and Drainage system for complicated buildings.

4. TOWN PLANNING (THEORY)

A general understanding of Town Planning principles as they have evolved through the ages.

5. PROFESSIONAL PRACTICE

The examination in professional practice is designed to assess the knowledge, skill and maturity which fit the architect to fulfil his professional duties and his understanding of the management of an office organisation for such as a purpose. The syllabi should cover the following areas of study:-

General principles of Indian Contract Act; Building Contracts generally, Conditions and forms of contract, Administration of contracts, Principles of arbitration, Indian Arbitration Act, 1940, valuation of properties, Architectural competitions; Easements of properties; Report writing; Codes of Practice; Conditions of Engagement; Duties and responsibilities of an architect in relation to owner, contractor, relate professional and public; Indian Standards & Codes of Practice.

(Planning and Building legislation etc. has been omitted because this is covered under Building Bye-laws - item 6)

6. BUILDING BYE-LAW

Study of building regulations to enable to design and prepare drawings for submission to concerned bodies.

7. STRUCTURE SYSTEMS

Study of new structural technology such as space frames, prestressing, shells and understanding of the limitations and scope of these techniques. Calculations for these techniques are not expected.

8. ELECTIVES SUCH AS:

- (a) Housing
- (b) Urban Design
- (c) Interior Design
- (d) Building Management
- (e) Landscape Design
- (f) Urban Planning

Intensive study of one or more of the subjects offered as elective depending upon the expertise available to an institution. The list of the subjects may be enlarged but they should be related to Architecture.

Statement showing the designation, pay-scale and qualification etc. required to be prescribed for faculty positions

SI. No.	Designation	Pay-Scale	Qualifications
1.	Lecturer	Rs. 700-40-1100-50-1600	Bachelor's Degree in Architecture or equivalent plus two years of relevant professional experience. OR Master's Degree in Architecture or equivalent and one year's relevant professional experience. Provided further that if a candidate does not possess a Master's Degree in Architecture and professional experience or a person possessing such experience is not found suitable, the person appointed will be required to obtain the desired professional experience within a period of five years on his appointment failing which he will not be able to earn future increment until he fulfils this requirement.
2.	Reader/Asstt.Professor	Rs. 1200-50-1300-60-1900	B.Arch. or equivalent with 7 years experience in Teaching / Research/Professional Work. OR M. Arch. Or equivalent with 5 years experience in Teaching/Professional Work.
3.	Professor	Rs 1500-60-1800-100-2000-125/2-2500	B.Arch. or equivalent with 10 years of experience in Teaching/Research Work. Experience of guiding research. OR M. Arch. or equivalent with 8 years of experience in Teaching/Research/Professional Work.
4.	Principal/Head of Department	Rs. 1500-60-1800-100-2000-125/2-2500 plus special pay	B.Arch. or equivalent with 10 years experience in Teaching/Research/ Professional Work. Experience of guiding research. OR M. Arch. Or equivalent with 8 years of experience in Teaching/ Research/Professional work.
5.	The Institution may appoint Professor of Eminence.		

Note :

- It is advisable that approx. 25% of the teaching load should be allotted to the visiting faculty so that the students are brought n closer contact with the persons actively engaged in practice.
- Each institution may have a staff structure consisting of the following :
Principal or H ead of Department and Professors, Asstt. Professors/Readers and Lecturers in the ratio of 1:2:4.
- The Institutions may recruit qualified persons in the field of Engineering/Qty. Surveying/Art/Humanities depending on the actual requirements against the total sanctioned strength.
- The equivalent qualification shall mean any such qualification as recognised by the Council of Architecture for registration as an Architect under section 25 of the Architects Act, 1972.

APPENDIX - C**Physical Facilities**

The Institution of Architecture should be located in a building to have a floor area of about 15 sq.m.m. per student. The building should include class rooms and at least 5 studios, adequate space for faculty members, library, workshop, materials museum, laboratories, exhibition/conference room, office accommodation and common area for students and staff. The space requirements per student for architectural education whether in the Institution or in the Hostel are apt to be more than for most other types of professional courses like engineering and medicine because of the large space required for preparation of drawings. This factor should be borne in mind in the design of Hostels and Studios.

Facilities may also be provided for extra-curricular activities and sports.

The equipment in the workshop/laboratories has also to be provided to meet with the special requirement for architectural education. It is desirable to provide locker facilities in the studios for students.

The Library, Workshops, Laboratories and Photography unit should be managed by professionally qualified staff with adequate supporting staff to assist the students and faculty members in their academic programmes. There should also be administrative supporting staff to run the Architectural Institutions.

It is desirable to provide hostel accommodation and residential accommodation for staff and students in close proximity of the institution.

COUNCIL OF ARCHITECTURE

GUIDELINES ON ADMISSION TO 1ST YEAR OF FULL TIME 5-YEAR DEGREE COURSE IN ARCHITECTURE (B.ARCH) (COA/DOC/01/2001/NOV/09)

1.0 INTRODUCTION

- 1.1 In exercise of the powers conferred by clauses (e), (g), (h) and (j) of sub-section (2) of Section 45 read with Section 21 of the Architects Act, 1972 (20 of 1972), the Council of Architecture, with the approval of the Central Government, framed the Council of Architecture (Minimum Standards of Architectural Education) Regulations, 1983. These Regulations were published in the Gazette of India, Part III, Section 4, on 26th March, 1983 and 27th August, 1983.
- 1.2 These Regulations prescribe the minimum standards of architectural education to be maintained by colleges or institutions, required for granting recognised qualifications by authorities in India, including admission to the architecture course.
- 1.3 These Regulations stipulate that admission to the 5-year B. Arch. course should be made at 1st year level through an aptitude test specially designed to assess the candidates' aptitude.
- These regulations do not provide for lateral admission to any other stage/semester of the 5-year course in Architecture.
- 1.4 In terms of these Regulations and the decision of the Council of Architecture, pursuant to the Regulations:
- (a) The conduct of aptitude test is mandatory for admissions to the 5-year B. Arch. course by all colleges or institutions where Architectural Education is given, leading to grant of Recognised Qualification by authorities. Such Colleges or Institutions include a University, its department, its constituent college and its affiliated college; a deemed to be University; institutions established by Act of Parliament; and Regional Engineering College.
 - (b) No admission shall be made under the Minority Institution/Management/Non-Resident Indian/Person of Indian Origin or any another Quota unless a candidate is subjected to the aptitude test in architecture.
 - (c) A separate aptitude test in Architecture should be conducted and such test should not be combined with the tests for admissions to Engineering, Pharmacy, Medicine and other disciplines. Similarly, admission counselling are to be conducted independently.
- 1.5 The candidates admitted to 1st year of a 5-year course without appearing in the aptitude test in architecture and who have been granted B. Arch. degree or other qualifications shall not be deemed to have attained recognised qualification listed in the schedule of qualifications appended to the Architects Act, 1972. Such candidates will not be eligible for registration as an architect with the Council of Architecture.
- 1.6 As per the decision of the Supreme Court of India, delivered in the case of Unnikrishnan, J.P. and Others V/S State of Andhra Pradesh and others (AIR 1993 Supreme Court 2178), the aptitude test shall be conducted by the Competent Authority alone as well as Admission Counselling as enunciated under scheme-para 170 of the Judgement.
- 1.7 The All India Council for Technical Education (norms and guidelines for fees and guidelines for admissions in professional college) Regulations, 1994, published in the Gazette of India : Extraordinary (Part II - Sec. 3 (i) on May 26, 1994 provide in Regulation 8 (3) that : "The Council of Architecture constituted under Section 3 of the Architects Act, 1972 (20 of 1972), shall formulate a comprehensive entrance test including aptitude test on an all India basis".

2.0 ELIGIBILITY FOR ADMISSION

A candidate who has passed 10+2 examination and has secured not less than 50% marks with Mathematics and English as subjects of examination shall be eligible for admission to 1st year of a 5-year B. Arch. Course, subject to an aptitude test.

3.0 APTITUDE TEST

The test shall consist of 2 papers:

- (i) Test - I – Aesthetic Sensitivity - 100 marks - duration of test : 2 hours.
- (ii) Test - II – Drawing - 100 marks - duration of test : 2 hours

3.1 Test - I

Aesthetic Sensitivity is to evaluate candidate's perception, imagination and observation; creativity and communication; and Architectural awareness.

The test shall comprise of :

- (i) Visualising three dimensional objects from two dimensional drawings
- (ii) Visualising different sides of three dimensional object

- (iii) Identifying commonly used materials and objects based on their textural qualities
- (iv) Analytical Reasoning
- (v) Metal Ability
- (vi) Imaginative comprehension and expression
- (vii) Architectural awareness

3.2 Test - II

The Drawing aptitude of the candidate shall be judged on the following aspects :

- (i) Ability to sketch a given object proportionately and rendering the same in visually appealing manner
- (ii) Visualising and drawing the effects of light on the object and shadows cast on the surroundings
- (iii) Sense of perspective drawing
- (iv) Combining and composing given three dimensional elements to form a building or structural form
- (v) Creating interesting two dimensional composition using given shapes or forms
- (vi) Creating visual harmony using colours in given composition
- (vii) Understanding of scale and sense of proportion
- (viii) Drawing from memory through pencil sketch on themes from day to day experiences.

4.0 WEIGHTAGE

The following shall be the weightage :

Architectural Aptitude	–	50% (Minimum)
Qualifying Examination i.e. 10+2 and / or Other Test	–	50% (Maximum)

5.0 COMPETENT AUTHORITY AND CONDUCT OF APTITUDE TEST

Competent Authority (i.e. an authority designated by Government or by law) alone shall conduct the Aptitude Test in Architecture. This may be conducted prior to a candidate appearing in the Qualifying Examination.

6.0 ADMISSION COUNSELLING

The Admission Counselling for the candidates who have applied for admission to the 5-year Degree Course in Architecture should be held independent of the counselling for Engineering, Pharmacy and / or Medicine and other disciplines.

7.0 COMMENCEMENT OF COURSE

Classes for 1st year of a 5-year B. Arch. Course shall not commence later than 2nd week of August of a calendar year.

COUNCIL OF ARCHITECTURE

(Incorporated under the Architects Act, 1972)

REVISED MINIMUM QUALIFICATION AND EXPERIENCE PRESCRIBED FOR TEACHING POSTS IN DEGREE LEVEL TECHNICAL INSTITUTIONS

ARCHITECTURE/PLANNING DISCIPLINES

(Approved by COA on 22.01.2002)*

Sl. No	Cadre	Qualification	Work Experience (Excluding time period for acquisition of P.G./Ph.d Qualification)	Qualification & Experience candidates for practice
1.	Lecturer	First Class Bachelor's Degree in Architecture OR (i) Bachelor's Degree in Architecture; and (ii) First Class Master's Degree in Architecture / Planning	No minimum requirement.	
2.	Assistant Professor	(i) First Class Bachelor's Degree in Architecture; and (ii) Master's Degree in Architecture / Planning OR (i) Bachelor's Degree in Architecture; and (ii) First Class Master's Degree in Architecture /Planning OR (i) First Class Bachelor's Degree in Architecture; and (ii) Ph.D in Architecture / Planning	5 years experience in Teaching/Practice/Research at the level of Lecturer or equivalent.	Candidates from Practice with Bachelor's Degree in Architecture and Master's Degree in Architecture/ Planning having First Class at either of the level and having 5 years of professional experience shall also be eligible.
3.	Professor	(i) First Class Bachelor's Degree in Architecture (ii) Master's Degree in Architecture/Planning; and (iii) Ph.D in Architecture/Planning or published research works in referred journals/significant professional work which can be considered equivalent to Ph.D. OR (i) Bachelor's Degree in Architecture (ii) First Class Master's Degree in Architecture/Planning; and (iii) Ph.D in Architecture/Planning or published research works in referred journals/significant professional work which can be considered equivalent to Ph.D. OR (i) First Class Bachelor's Degree in Architecture; and (ii) Ph.D in Architecture/Planning	10 years experience in Teaching/Practice/Research out of which 5 years must be at the level of Assistant Professor or equivalent in case the candidate is Ph.D. OR 13 years experience in Teaching/Practice/Research out of which 5 years must be at the level of Assistant Professor or equivalent in case the candidate is not Ph.D.	Candidates from Practice with Bachelor's Degree in Architecture and Master's Degree in Architecture/ Planning having first class at either of the level and having done professional work which is significant and can be recognised equivalent to Ph.D. in Architecture/ Planning and with 13 years of professional experience, out of which 5 years should be at a Senior Level.
4.	Professor (Design Chair)	Bachelor's Degree in Architecture		Each institution shall have atleast one person, subject to a maximum of 10% of the Posts of Professors, appointed on this Chair who has 20 years of professional experience and having done exceptional professional work. Such appointment shall be for a tenure of 3 years.
5.	Director/Principal	(i) First Class Bachelor's Degree in Architecture (ii) Master's Degree in Architecture/Planning; and (iii) Ph.D. in Architecture/Planning or published research works in referred journals/significant professional work, which can be considered equivalent to Ph.D.	15 years experience in Teaching/Practice/Research out of which 5 years must be at the level of Professor or above in Architecture/Planning in case the candidate is Ph.D. OR 18 years experience in Teaching/Practice/Research out of which 5 years must be at the level of Professor or above in Architecture/Planning in case the candidate is not Ph.D.	Candidates from Practice with Bachelor's Degree in Architecture and Master's Degree in Architecture/Planning having First Class at either of the level and having done professional work which is significant and can be recognised equivalent to Ph.D in Architecture/Planning and with 18 years of professional experience, out of which 5 years should be at a Senior Level. Desirable Administrative Experience in a responsible position.

* These qualifications have also been approved by the All India Council for Technical Education vide its letter No.F.no.FD/Pay/01/2001-2002 dated 5-2-2002.

Sl. No	Cadre	Qualification	Work Experience (Excluding time period for acquisition of P.G./Ph.d Qualification)	Qualification Experience candidates practice & for from
		<p style="text-align: center;">OR</p> <p>(i) Bachelor's Degree in Architecture</p> <p>(ii) First Class Master's Degree in Architecture/Planning; and</p> <p>(iii) Ph.D in Architecture/Planning or published research works in referred journals/significant professional work which can be considered equivalent to Ph.D</p> <p style="text-align: center;">OR</p> <p>(i) First Class Bachelor's Degree in Architecture; and</p> <p>(ii) Ph.D in Architecture/Planning</p> <p>In addition to (i), (ii), (iii) the candidate should be an eminent person in the field.</p>	Desirable : Administrative Experience in responsible position	

- Note:**
1. Only candidates registered with the Council of Architecture (COA) under the provisions of the Architects Act, 1972 shall be eligible for the above posts. However, candidates for teaching posts in planning shall not be required to register with COA.
 2. If a class/division is not awarded at Master's level, a minimum of 60% marks in aggregate shall be considered equivalent to first class/division. If a Grade Point System is adopted the CGPA will be converted into equivalent marks as given in Table E-6 of the notification no. 1-65/NEC/98-99 March 15, 2000 (Degree level – Government Institution) and May 3, 2000 (Degree level - Self-Financing).
 3. For teaching posts in Planning, a candidate having Bachelor's Degree in Planning in lieu of Bachelor's Degree in Architecture as referred above shall also be eligible.
 4. For institutions offering undergraduate courses in Architecture as well as Planning, a person having Bachelor's Degree in Planning in lieu of Bachelor's Degree in Architecture shall also be eligible, for the post of Director/Principal as referred in S.No.5.

TABLE – E-6
Percentage equivalent of Grade Points for a TEN POINT scale is given below :

TEN POINT SCALE

Grade Point	Percentage of Marks
6.25	55
6.75	60
7.25	65
7.75	70
8.25	75

COUNCIL OF ARCHITECTURE

ARCHITECTS (PROFESSIONAL CONDUCT)

REGULATIONS, 1989

PREFACE

The profession of architecture calls for men of integrity, business capacity and artistic ability. The architect is entrusted with financial undertaking in which his honesty of purpose must be above suspicion. He acts as a professional advisor to his client and his advice must be absolutely disinterested; he is charged with the exercise of judicial functions as between client and contractor and must act with entire impartiality. He has moral responsibility to his profession, associates and subordinates.

The Architects Professional Conduct regulations are primarily for the guidance of the architects. The object of the regulations is to provide a general standard to architects to follow. It should be noted that these regulations relate only to offences of a professional character and does not include offences of a general nature which should be regarded as disgraceful.

It is pertinent to note that in addition to his obligations to the clients, the architect has obligations to the public and to related professionals. Architects' attention is also invited to the guidelines for Architectural Competitions which must be complied with and the architects are advised not to accept membership of the Jury or take part in a competition which is not in accordance with the guidelines formulated by the Council of Architecture.

Professional service is essentially a personal one, but the comprehensive responsibilities are often fulfilled in co-operation with members of other professions. It is the architect's function to advise on the need for other professionals and he is responsible for the direction and integration of their work with that of his own.

The Council of Architecture has reviewed the matter of the appointment and the fees of architects in depth. The fees are based on the efforts involved in preparing designs, the cost involved in making drawings and other documents, the cost of supervision in terms of time and adequate compensation for responsibilities undertaken by the architect. In order to facilitate engagement, a standard Letter of Appointment based upon standard terms of engagement has been evolved.

Architects are advised to follow these conditions of engagement and fees for comprehensive services. These conditions are for the mutual benefit of both the client and architect. These stipulate the minimum fees for which the architect undertakes to provide comprehensive professional services.

COUNCIL OF ARCHITECTURE

(Incorporated under the Architects Act, 1972)

ARCHITECTS (PROFESSIONAL CONDUCT) REGULATIONS, 1989*

New Delhi, the 11th May, 1989

F.No. CA/1/89 – In exercise of the powers conferred by sub-section (1) read with clause (i) of sub-section (2) of Section 45 of the Architects Act, 1972 (Act No. 20 of 1972), the Council of Architecture, with the approval of the Central Government, hereby makes the following regulations to promote the standard of professional conduct/ self-discipline required of an Architect, namely :-

1. Short Title and Commencement

- (1) These regulations may be called the Architects (Professional Conduct) Regulations, 1989.
 - (2) They shall come into force on the date of their publication in the Official Gazette.*
2. (1) Without prejudice to the provisions of the Central Civil Service (Conduct) Rules, 1964 or any other similar rules applicable to an architect, such architect shall –
- (i) ensure that his professional activities do not conflict with his general responsibility to contribute to the quality of the environment and future welfare of society;
 - (ii) apply his skill to the creative, responsible and economic development of his country;
 - (iii) provide professional services of a high standard, to the best of his ability;
 - (iv) if in private practice, inform his client of the conditions of engagement and scale of charges and agree that these conditions shall be the basis of his appointment;
 - (v) not sub-commission to another architect or architects the work of which he has been commissioned without prior agreement of his client;
 - (vi) not give or take discounts, commissions, gifts or other inducements for the introduction of clients or of work;
 - (vii) act with fairness and impartially when administering a building contract;
 - (viii) maintain a high standard of integrity;
 - (ix) promote the advancement of architecture, standards of architectural education, research, training and practice;
 - (x) conduct himself in a manner which is not derogatory to his professional character, nor likely to lessen the confidence of the public in the profession, nor bring architects into disrepute;
 - (xi) compete fairly with other architects;
 - (xii) observe and uphold the Council's conditions of engagement and scale of charges;
 - (xiii) not supplant or attempt to supplant another architect;
 - (xiv) not prepare designs in competition with other architects for a client without payment or for a reduced fee (except in a competition conducted in accordance with the architectural competition guidelines approved by the Council);
 - (xv) not attempt to obtain, offer to undertake or accept a commission for which he knows another architect has been selected or employed until he has evidence that the selection, employment or agreement has been terminated and he has given the previous architect written notice that he is so doing;

provided that in the preliminary stages of works, the client may consult, in order to select the architect, as many architects as he wants, provided he makes payment of charges to each of the architects so consulted;
 - (xvi) comply with Council's guidelines for architectural competitions and inform the Council of his appointment as assessor for an architectural competition;
 - (xvii) when working in other countries, observe the requirements of codes of conduct applicable to the place where he is working.

* Published in the Gazette of India [Part III- Section IV] PP 562-564 and 566-567 on May 27, 1989.

- (xviii) not have or take as partner in his firm any person who is disqualified for registration by reason of the fact that his name has been removed from the Register under Section 29 or 30 of the Architects Act, 1972,
- (xix) provide their employees with suitable working environment, compensate them fairly and facilitate their professional development,
- (xx) recognize and respect the professional contribution of his employees,
- (xxi) provide their associates with suitable working environment, compensate them fairly and facilitate their professional development,
- (xxii) recognize and respect the professional contribution of his associates,
- (xxiii) recognize and respect the professional contribution of the consultants,
- (xxiv) enter into agreement with them defining their scope of work, responsibilities, functions, fees and mode of payment ,
- (xxv) shall not advertise his professional services nor shall he allow his name to be included in advertisement or to be used for publicity purposes save the following exceptions :-
 - (a) a notice of change of address may be published on three occasions and correspondents may be informed by post,
 - (b) an Architect may exhibit his name outside his office and on a building, either under construction or completed, for which he is or was an Architect, provided the lettering does not exceed 10 cm. in height,
 - (c) advertisements including the name and address of an Architect may be published in connection with calling of tenders, staff requirements and similar matters,
 - (d) may allow his name to be associated with illustrations and descriptions of his work in the press or other public media but he shall not give or accept any consideration for such appearances,
 - (e) may allow his name to appear in advertisements inserted in the press by suppliers or manufacturers of materials used in a building he has designed, provided his name is included in an unostentatious manner and he does not accept any consideration for its use,
 - (f) may allow his name to appear in brochure prepared by Clients for the purpose of advertising or promoting projects for which he has been commissioned,
 - (g) may produce or publish brochures, pamphlets describing his experience and capabilities for distribution to those potential Clients whom he can identify by name and position ,
 - (h) may allow his name to appear in the classified columns of the trade / professional directory and/or telephone directory.
- (2) If an Architect practises as a partner in a partnership firm or is incharge and is responsible to a company registered under the Companies Act, 1956 for the conduct of business of such company, he shall ensure that such partnership firm or the company, as the case may be, complies with the provisions of sub-regulation (1).
- (3) Violation of any of the provisions of sub-regulation (1) shall constitute a professional mis-conduct.

K. V. NARAYANA IYENGAR
Registrar

COUNCIL OF ARCHITECTURE

ARCHITECTURAL PRACTICE*

(COA/DOC/03/2002/APR/12 & 13)

CONDITIONS OF ENGAGEMENT AND SCALE OF CHARGES

PREAMBLE

Architecture is a social art that touches all human beings at all levels of their existence everywhere and everyday. This is the only discipline, which encompasses the four major fields of human endeavour : Humanities, Science, Art, and Technology, actually putting into practice the professional inputs drawn from them. In sum, Architecture is the matrix of human civilization – an authentic measure of the social status, and an evocative expression of the ethos of an era. When conserved, it is heritage and when in ruins, it becomes archaeology, reconstructing tell-tale pictures of the past civilizations.

The demands on the profession over the years have become much more complex in nature and much wider in scope. Architecture uses the philosophic wholesomeness of Humanities, the logical rationalism of Science, the passionate imagination of Art and the inexhaustible resources of Technology. It calls for originality, creativity, conceptualization, perception, aesthetic values, and a holistic judgement of people, places, objects and events.

Architecture is primarily the art and science of designing spaces for serving the multifarious activities of human beings and for meeting their specific needs in a meaningful built environment. When various engineering services are rationally combined with Architecture's basic elements of Space, Structure and Form, the performance of human functions and the operation of mechanical utilities become efficient, pleasant and fulfilling. However, in its broadened scope and baffling complexity, Architecture has generated specializations such as Structural Design, Urban Design, City Planning, Landscape Architecture and Interior Architecture. Retrofitting of Buildings, Architectural Conservation, Construction Management have also lately emerged as specializations. Each of these compliment and support each other.

The primary objective of Structural Design is to evolve a strong, durable and an efficient skeleton so that the space which architecture encloses, and the form in which it expresses itself as interior content and an exterior container, becomes an organic extension of one another. Structure is so fundamental to architecture that it actually determines its two-pronged functions; the utilitarian appropriateness and the expressive power of aesthetics. Structural design as a creative discipline assumes an indispensable position as a natural extension of Architectural Design. Endowed with an extraordinary power of conceptualization and creativity, an architect can conjure up unprecedented structural systems leading to the genesis of design-ideas introducing new concepts of Space and Form. In other words, the architect's contribution to structural design can effectively bring about qualitative change in the built-environment to stimulate the advancement of society towards a higher order of civilization.

Urban Design is architecture of the cities, highly complex and gargantuan in scale. The primary aim of urban design is to imbibe and maintain a sense of identity and harmony among buildings, open spaces and other structures by means of a pleasant and memorable visual imagery throughout the length and breadth of an urban setting. Accessibility at city-level and the movement at all levels must be designed to operate smoothly. Volumetric relationships, harmonious spatial sequences, transition from buildings to open spaces, streetscape and the services infrastructure must together invest a townscape with an exclusive imageability.

Landscape Architecture deals with the analysis, planning, design, management, preservation and rehabilitation of land and also determines the environmental impact. It is a science capable of objective analysis and synthesis leading to an ecologically-sensitive design, which is self-sustainable. It integrates from the very conception, the elements of architecture, urban design and civil engineering for meaningful and practical solutions. Landscape architecture covers a wide spectrum of professional expertise, ranging from landscape planning at the regional and city scale on the one end, to the small and medium scale of public and private landscape at the other. It involves dealing with such sites as office plazas/ public squares, highways, city parks/ national parks, housing developments, institutional campuses, zoological and botanical parks.

In case of Interior Architecture, the primary objective is to generate a purposeful ambience such as would stimulate the user's creative potential through multifarious activities. It must facilitate the individual's sense of orientation, identification and eventual appropriation of architectural spaces, that meld the interiors and exteriors into symbiotic relationships through varied experiences of scale, volume, light and shade. Interiors are not only to protect the users from the extremes of weather but also to nurture them emotionally. Since the interior spaces are truly the life-force of any building, they must be designed (and not decorated) as detailed artistic articulation of the basic architectural concept with deep insight and sensitivity to fulfill the fundamental functional and aesthetic needs that are efficient and pleasant to live and work in. The development of design is a very conscious act and it infuses life into interiors subconsciously.

Creativity is the essence of architecture and harmony an essential aim of architects. Architecture that has been recognized as great, in the historic past as well as in our own time, has been harmonious with nature and its immediate environment. These are the essential tenets of design which architects aspire to follow.

Architecture Design essentially is a product of an individual mind but realized through association of experts from allied fields who contribute in the process of construction. Mutual respect and understanding work wonders for ensuring high quality of the end-product.

The architectural profession feels deeply concerned towards national priorities in the fields of energy conservation, ecology, environmental pollution, protection and preservation of architectural heritage and their precincts, low-cost housing, urban renewals, rural upliftment, economic development at local and district levels, etc. in the interest of quality of life both in rural and urban settlements.

The practice of the architectural profession is regulated by the Architects Act, 1972, and the regulations framed thereunder. The Council of Architecture has prescribed the Conditions of Engagement and Scale of Charges under the Architects (Professional Conduct) Regulations, 1989. The documents stipulate the parameters within which the Architect is required to function. These define the responsibilities, the scope of work and services, and prescribe the mandatory minimum scale of professional charges with a view to making the Client fully aware of the duties and services which he may expect from the Architect. The professional services required by the Client may not be comprehensive in scope in all cases and accordingly a clear understanding between the two must be arrived at. The Council of Architecture has prescribed the Conditions of Engagement based on general practice of the profession in India. These documents are applicable to all registered architects and such architects who have specialized in areas such as Structural Design, Urban Design, City Planning, Landscape Architecture, Interior Architecture and Architectural Conservation.

The revised version of these documents reflects the Council's response to the many challenges which the profession of Architecture is facing at present, and is constantly endeavouring to meet them with active concern and unflinching commitment.

COUNCIL OF ARCHITECTURE

COMPREHENSIVE ARCHITECTURAL SERVICES

1. SCOPE OF WORK

The Architect is required to provide services in respect of the following :

Part I - ARCHITECTURE :

- 1.1 Taking Client's instructions and preparation of design brief.
- 1.2 Site evaluation, analysis and impact of existing and / or proposed development on its immediate environs.
- 1.3 Design and site development.
- 1.4 Structural design.
- 1.5 Sanitary, plumbing, drainage, water supply and sewerage design.
- 1.6 Electrical, electronic, communication systems and design.
- 1.7 Heating, ventilation and air conditioning design (HVAC) and other mechanical systems.
- 1.8 Elevators, escalators, etc.
- 1.9 Fire detection, Fire protection and Security systems etc.
- 1.10 Periodic inspection and evaluation of Construction works.

Part II – ALLIED FIELDS :

- 1.11 Landscape Architecture
- 1.12 Interior Architecture
- 1.13 Architectural Conservation
- 1.14 Retrofitting of Buildings
- 1.15 Graphic Design and Signage

2. SCHEDULE OF SERVICES :

The Architect shall, after taking instructions from the Client, render the following services:

CONCEPT DESIGN [STAGE 1] :

- 2.01 Ascertain Client's requirements, examine site constraints & potential ; and prepare a design brief for Client's approval.
- 2.02 Prepare report on site evaluation, state of existing buildings, if any ; and analysis and impact of existing and/ or proposed development on its immediate environs.
- 2.03 Prepare drawings and documents to enable the Client to get done the detailed survey and soil investigation at the site of the project.
- 2.04 Furnish report on measures required to be taken to mitigate the adverse impact, if any, of the existing and / or proposed development on its immediate environs.
- 2.05 Prepare conceptual designs with reference to requirements given and prepare rough estimate of cost on area basis.

PRELIMINARY DESIGN AND DRAWINGS [STAGE 2] :

- 2.06 Modify the conceptual designs incorporating required changes and prepare the preliminary drawings, sketches, study model, etc., for the Client's approval along with preliminary estimate of cost on area basis.

DRAWINGS FOR CLIENT'S/ STATUTORY APPROVALS [STAGE 3] :

- 2.07 Prepare drawings necessary for Client's/ statutory approvals and ensure compliance with codes, standards and legislation, as applicable and assist the Client in obtaining the statutory approvals thereof, if required.

WORKING DRAWINGS AND TENDER DOCUMENTS [STAGE 4] :

- 2.08 Prepare working drawings, specifications and schedule of quantities sufficient to prepare estimate of cost and tender documents including code of practice covering aspects like mode of measurement, method of payments, quality control procedures on materials & works and other conditions of contract.

APPOINTMENT OF CONTRACTORS [STAGE 5] :

2.09 Invite, receive and analyse tenders; advise Client on appointment of contractors.

CONSTRUCTION [STAGE 6] :

2.10 Prepare and issue working drawings and details for proper execution of works during construction.

2.11 Approve samples of various elements and components.

2.12 Check and approve shop drawings submitted by the contractor/ vendors.

2.13 Visit the site of work, at intervals mutually agreed upon, to inspect and evaluate the Construction Works and where necessary clarify any decision, offer interpretation of the drawings/specifications, attend conferences and meetings to ensure that the project proceeds generally in accordance with the conditions of contract and keep the Client informed and render advice on actions, if required.

2.14 In order to ensure that the work at site proceeds in accordance with the contract documents/ drawings and to exercise time and quality controls, the day-to-day supervision will be carried out by a Construction Manager (Clerk of Works/ Site Supervisor or Construction Management Agency in case of a large and complex project), who shall work under the guidance and direction of the Architect and shall be appointed and paid by the Client.

2.15 Issue Certificate of Virtual Completion of works.

COMPLETION [STAGE 7] :

2.16 Prepare and submit completion reports and drawings for the project as required and assist the Client in obtaining "Completion/ Occupancy Certificate" from statutory authorities, wherever required.

2.17 Issue two sets of as built drawings including services and structures.

3. PROFESSIONAL FEE :

3.01 In consideration of the professional services rendered by the Architect, he shall be paid professional fee and other charges in accordance with the Scale of Charges.

3.02 Any tax levied by law, such as Service tax, etc. contingent to professional services rendered by the Architect, shall be payable by the Client, over and above the gross fees charged by the Architect in relation to the services provided.

4. SCHEDULE OF PAYMENT :

The Architect shall be paid professional fee in the following stages consistent with the work done plus other charges and reimbursable expenses as agreed upon. :

Retainer

On appointment/ Signing of Agreement/ Acceptance of offer.	—	Rs. 20M* or 5% of the total fees payable, whichever is higher, adjustable at the last stage.
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Stage 1

On submitting conceptual designs and rough estimate of cost.	—	10% of the total fees payable.
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Stage 2

On submitting the required preliminary scheme for the Client's approval along with the preliminary estimate of cost.	—	20% of the total fees payable less payment already made at Stage 1.
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Stage 3

- | | | |
|--|---|--|
| a. On incorporating Client's suggestions and submitting drawings for approval from the Client/ statutory authorities, if required. | — | 30% of the total fees payable less payment already made at Stages 1 and 2. |
| b. Upon Client's / statutory approval necessary for commencement of construction, wherever applicable. | — | 35% of the total fees payable less payment already made at Stages 1 to 3a. |

Stage 4

Upon preparation of working drawings, specifications and schedule of quantities sufficient to prepare estimate of cost and preparation of tender documents.	—	45% of the total fees payable less payment already made at Stages 1 to 3b.
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* Refer explanatory note 3 under Scale of charges.

Stage 5

On inviting, receiving and analysing tenders; advising Client on appointment of contractors. — 55% of the total fees payable less payment already made at Stages 1 to 4.

Stage 6

- a. On submitting working drawings and details required for commencement of work at site. — 65% of the total fees payable less payment already made at Stages 1 to 5.
- b. (i) On completion of 20% of the work — 70% of the total fees payable less payment already made at Stages 1 to 6a.
- (ii) On completion of 40% of the work — 75% of the total fees payable less payment already made at Stages 1 to 6b(i).
- (iii) On completion of 60% of the work — 80% of the total fees payable less payment already made at Stages 1 to 6b(ii).
- (iv) On completion of 80% of the work — 85% of the total fees payable less payment already made at Stages 1 to 6b(iii).
- (v) On Virtual Completion — 90% of the total fees payable less payment already made at Stages 1 to 6b(iv).

Stage 7

On submitting Completion Report and drawings for issuance of completion/ occupancy certificate by statutory authorities, wherever required and on issue of as built drawings — 100% of the fees payable less payment already made at various stages and retainer.

5. EFFECTING PAYMENT TO THE ARCHITECT :

- 5.1 The fee payable to the Architect shall be computed on the actual cost of works on completion. The payment due to the Architect at different stages be computed on the following basis:
- | | | | |
|-------|-------------------|---|----------------------------------|
| 5.1.1 | Retainer | : | On rough estimate of cost. |
| 5.1.2 | At Stage 1 | : | On rough estimate of cost. |
| 5.1.3 | At Stages 2 to 4 | : | On preliminary estimate of cost. |
| 5.1.4 | At Stages 5 to 6b | : | Accepted tender cost. |
| 5.1.5 | At Stage 7 | : | Actual total cost. |
- 5.2 Progressive, on account, payments shall be made by the Client to the Architect against any of the above stages based on the quantum of work done during that stage, as may be mutually agreed to between the Client and the Architect.
- 5.3 No deductions shall be made from the fee of the Architect on account of penalty, liquidated damages, part rates or other sums withheld from payment or recovered from contractors/ suppliers.
- 5.4 When the work is executed wholly or in part with old materials or labour or carriage is provided by the Client, the percentage fees shall be calculated as if the work had been executed wholly by the contractor supplying all labour and new materials.
- 5.5 The actual cost of the completed works shall include cost of execution of assigned works, referred to in Scope of Work and also the cost of equipment & machinery such as Transformers, DG Sets, Sub-stations, Lifts, Air Conditioning Machines, Pumps & Motors, Water and Sewage Treatment Plant, etc., but excluding the cost of land.

6. DOCUMENTATION AND COMMUNICATION CHARGES :

Apart from the professional fee, the Client shall pay to the Architect Documentation and Communication charges, @ 10% of the professional fee payable to the Architect at all stages.

7. REIMBURSABLE EXPENSES :

In addition to the amounts reimbursable against site visits by the Architect/ Consultant, the Client will reimburse the Architect the following expenses incurred by him for discharge of his obligations:

- 7.01. Actual cost of travel (to & fro), boarding & lodging and local transport for any visit made by his staff to the site or such other place as may be necessary in connection with the execution of work and in connection with the performance of duties referred to in this agreement.
- 7.02. Cost of presentation models, computer simulation, presentation drawings, etc., prepared at the instance of the Client for purposes other than the Design and execution of the project.

8. CLIENT'S ROLE AND RESPONSIBILITIES :

The Client shall discharge all his obligations connected with the project and engagement of the Architect as follows:

- 8.01 To provide detailed requirements of the project.
- 8.02 To provide property lease/ ownership documents.
- 8.03 To provide a site plan, to a suitable scale, showing boundaries, contours at suitable intervals, existing physical features including any existing roads, paths, trees, existing structures, existing service and utility lines and such lines to which the proposed service can be connected. In case such information is not readily available, the Client shall arrange for the survey/ collection of necessary information and pay for the same.
- 8.04 To furnish reports on soil conditions and test as required by the Architect or pay for the preparation of the same.
- 8.05 To furnish specific conditions/ Statutory stipulations/ Codes of Practice/Schedule of rates, etc., desired to be followed.
- 8.06 To pay all the fees, levies, security deposits and expenses in respect of statutory sanction.
- 8.07 To give effect to the professional advice of the Architect and cause no changes in the drawings and documents without the consent of the Architect.
- 8.08 To honour Architect's bills within one month of its submission.
- 8.09 To appoint a Construction Manager (Clerk of Works/ Site Supervisor or Construction Management Agency in case of a large and complex project) as per the Architect's advice.

9. EXECUTION OF THE ASSIGNMENT :

- 9.01 The Architect shall keep the Client informed about the progress of work in his office.
- 9.02 The Architect shall appoint specialised consultants in consultation with the Client, if necessary.
- 9.03 The Architect shall be responsible for the direction and integration of the consultants work. The consultants, however, shall be fully responsible for the calculations, the detailed design and periodic inspection and evaluation of the work entrusted to them. The Architect shall, if requested, make available the design calculations.
- 9.04 The Architect will advise the Client on the Time Schedule (Bar Chart/PERT/ CPM Network) prepared by the contractors for the completion of work, if required.
- 9.05 The Architect shall supply to the Client, free of cost, upto six sets of drawings at different stages.
- 9.06 The Architect shall not make any deviations, alterations or omissions from the approved drawings, involving financial implications without prior consent of the Client.
- 9.07 Any professional services to be rendered by the Architect at the instance of the Client after the agreed project completion period shall be compensated for on mutually agreed terms.
- 9.08 The Architect shall exercise all reasonable skill, care and diligence in the discharge of his duties and shall exercise such general superintendence and inspection as may be necessary to ensure that works are being executed in accordance with the Conditions of Contract.
- 9.09 Any revision in the drawings, tenders and documents, once approved, required to be made by the Client shall be compensated as additional services rendered by the Architect and paid for @ 50% of the fee prescribed for the relevant stage(s).
- 9.10 No change shall be made in the approved drawings and specifications at site without the consent of the Architect.
- 9.11 Any curtailment of the professional services, beyond Stage 2, shall make it obligatory for the client to pay at least 20% of the fee for the remaining Stage(s) of the curtailed work/ Services.

10. TIME SCHEDULE :

The Architect shall, in consultation with the Client, prepare a Time Schedule in respect of various services to be rendered and discharge of Client's obligations.

11. INDEMNIFICATION :

In the event that a claim or suit is brought against the Architect or the Consultants by any third party for damages arising from personal injury or property damage caused wholly by the Client, or anyone employed by the Client, or anyone for whose acts the Client may be held responsible, then the Client shall indemnify the Architect and fully reimburse any loss, damage or expenses, including the attorney's fees, which the Architect may incur in connection therewith.

12. OWNERSHIP OF COPYRIGHT :

Architectural design is an intellectual property of the Architect. The drawings, specifications, documents and models as instruments of service are the property of the Architect whether the project, for which they are made, is executed or not. The Client shall retain copies of the Architect's models, drawings, specifications and other documents for his information and use in connection with the project. These shall not be used for any other project by the Client or the Architect or any other person, except for the repetition as stipulated in the Scale of Charges.

13. TERMINATION OF AGREEMENT :

13.1 Agreement between the Architect and the Client may be terminated by either one giving the other a written notice of not less than 30 (thirty) days, should either fail substantially to perform his part of responsibilities/duties, so long as the failure is not caused by the one initiating the termination.

13.2 When termination of this Agreement is not related or attributable, directly or indirectly to any act, omission, neglect or default on the part of the Architect, the Architect shall be entitled to professional fees as stipulated under Clause 4 and sub-clauses 9.09 and 9.11 of Clause 9.

13.3 In the event of Architect's firm closing its business or the Client having terminated the agreement, the Client shall have the right to employ another Architect to complete the work, after making payment to the previous architect's firm.

14. INTERPRETATION :

In case of any ambiguity or difficulty in the interpretation of the Conditions of Engagement and Scale of Charges, the interpretation of the Council of Architecture shall be final and binding on the Architect and the Client.

15. ARBITRATION :

All disputes or differences which may arise between the Client and the Architect under "Conditions of Engagement and Scale of Charges" with regard to the meaning or interpretation or matter or things done or to be done in pursuance hereof, such disputes and differences shall be referred for arbitration to the Council of Architecture. The arbitrator shall be appointed by the President, Council of Architecture. The arbitration shall be conducted as per the provisions of the Arbitration and Conciliation Act, 1996. The decision and award of the arbitrator shall be final and binding on the Architect and the Client.

URBAN DESIGN

1. SCOPE OF WORK :

The Architect is required to provide services for Urban Design /Urban Renewal Scheme in respect of the following :

PART I - URBAN DESIGN/ URBAN RENEWAL

- 1.1 Taking Client's instructions and preparation of design brief.
- 1.2 Site evaluation, analysis of architectural character, social issues and heritage.
- 1.3 Feasibility study.
- 1.4 Preliminary proposal for development/ re-development and their impact on immediate environs.
- 1.5 Volumetric study and Urban form recommendations including pedestrian / vehicular movement and parking.
- 1.6 Architectural controls/ guidelines.
- 1.7 Conceptual design of :
 - i. Site development, services and their interconnectivity.
 - ii. Landscape Architecture.
 - iii. Architectural Conservation.
 - iv. Graphic Design and Signage.

PART II – SITE DEVELOPMENT

- 1.8 Comprehensive Architectural Services beyond Part I with regard to external Engineering Services and related buildings / structures; Roads, pathways, culverts & bridges; boundary walls, gates.

PART III – LANDSCAPE ARCHITECTURE

- 1.9 Landscape Architectural Services beyond Part I with regard to public spaces.

2. SCHEDULE OF SERVICES :

The Architect shall, after taking instructions from the Client, render the following services:

PROGRAMMING AND SITE EVALUATION [STAGE 1] :

- 2.01 Ascertain Client's requirements, examine site constraints & potential ; and prepare a design brief for Client's approval.
- 2.02 Study of existing land use in and around the project area.
- 2.03 Study of contextual issues, socio-cultural aspects, landscape features and built form etc.
- 2.04 Study of existing infrastructure, accessibility, circulation pattern and parking.
- 2.05 Prepare report on site evaluation, state of existing buildings, if any ; and analysis with basic approach to circulation, activity distribution, interconnectivity and external linkages including rough estimate of project cost based on allowable FAR/ re-development objectives.
- 2.06 Assessment of impact of development/ re-development plan on the project area and its immediate environs.
- 2.07 Furnish report on measures required to be taken to mitigate the adverse impact, if any, of the existing and/ or proposed development / re-development on its immediate environs.

CONCEPT DESIGN [STAGE 2] :

- 2.08 Preparation of concept design of the area showing circulation pattern, zoning of various land uses and relevant details, development/re-development strategy.

- 2.09 Assessment of utility services and their interconnectivity.
- 2.10 Furnish revised rough estimate of project cost based on FAR used in concept design/re-development objectives.
- 2.11 Preparation of three dimensional form in relation to open spaces, model showing the proposal and surrounding areas.
- 2.12 Submission of model and Conceptual design to the Client/ statutory authorities for approval & ensure compliance with codes, standards and legislation, as applicable and carry out necessary changes as may be required.

DETAILED DESIGN [STAGE 3] :

- 2.13 Preparation of drawings showing the common facilities for circulation, parking, open spaces and external Architectural form.
- 2.14 Preparation of drawings showing Architectural controls/ guidelines, features and specifications.
- 2.15 Preparation of drawings showing schematic network of services.
- 2.16 Preparation of drawings showing landscape, street furniture and graphic signage.
- 2.17 Furnish modified project cost.
- 2.18 Furnish urban design report including implementation strategy.
- 2.19 Prepare detail designs of various external elements and components.
- 2.20 Presentation of the urban design study to the statutory authorities for approval and ensure compliance with codes, standards and legislation, as applicable and carry out necessary changes as may be required.

IMPLEMENTATION [STAGE 4] :

- 2.21 Provide Comprehensive Architectural Services with regard to Site Development works, if assigned.
- 2.22 Provide Landscape Architectural Services with regard to public spaces, if assigned.
- 2.23 Review and certification of detailed Architectural design of each of the constituent components for construction or development within the area under urban design/ urban renewal before approval by statutory authorities.

EXCLUSIONS :

- 2.24 The above scope of work will not include any architectural details which are not relevant to external envelope.

3. PROFESSIONAL FEE :

- 3.1 In consideration of the professional services rendered by the Architect, he shall be paid professional fee and other charges in accordance with the Scale of Charges for Urban Design/ Urban Renewal, Site Development and Landscape Architecture, as assigned.
- 3.2 Any tax levied by law, such as Service tax, etc., contingent to Professional Services rendered by the Architect, shall be payable by the Client, over and above the gross fees charged by the Architect in relation to the services provided.

4. SCHEDULE OF PAYMENT :

- 4.1 Urban Design/ Urban Renewal

The Architect shall be paid professional fee in the following stages consistent with the work done plus other charges and reimbursable expenses as agreed upon:

Retainer

On appointment/ Signing of Agreement/ acceptance of offer. — Rs.20 M* or 5% of the total fees payable, whichever is higher, adjustable at the last stage.

Stage 1

On submitting preliminary report containing site evaluation, development/ re-development impact assessment, feasibility study, volumetric study and urban form recommendations along with rough estimate of project cost. — 10% of the total fees payable

* Refer explanatory note 3 under Scale of charges.

Stage 2

- | | | | |
|----|--|---|---|
| a. | On submitting concept design and revised rough estimate of project cost. | — | 25% of the total fees payable less payment already made at Stage 1. |
| b. | On incorporating Client's suggestions and submitting model and final design and approval thereof from the Client / statutory authorities, if required. | — | 45% of the total fees payable less payment already made at Stages 1 and 2a, to be released in two equal instalments on submission and approval. |

Stage 3

- | | | | |
|----|---|---|--|
| a. | On submitting drawings showing the common facilities for circulation, parking, open spaces and external Architectural form. | — | 55% of the total fees payable less payment already made at Stages 1 to 2b. |
| b. | On submitting drawings showing Architectural controls, features and specifications. | — | 65% of the total fees payable less payment already made at Stages 1 to 3a. |
| c. | On submitting drawings showing schematic network of services, landscape, street furniture, graphic signage and modified estimate of project cost and approval thereof from the Client/ statutory authorities. | — | 80% of the total fees payable less payment already made at Stages 1 to 3b, to be released in two equal instalments on submission and approval. |
| d. | On submitting urban design report. | — | 85% of the total fees payable less payment already made at Stages 1 to 3c. |

Stage 4

- | | | | |
|--|---|---|--|
| | On completion of review and certification of detailed Architectural designs of each of the constituent components for construction or development within the area under urban design, before approval by statutory authorities or on expiry of five years after stage 3d above. | — | 100% of the fees payable less payment already made at various stages and retainer. |
|--|---|---|--|

4.2 Site Development

The stages of payment for Site Development works beyond Part I shall be same as for Comprehensive Architectural Services.

4.3 Landscape Architecture

The stages of payment for Landscape Architectural Services beyond Part I shall be same as for Landscape Architecture.

5. EFFECTING PAYMENT TO THE ARCHITECT :

- 5.1 The payment due to the Architect for Urban Design/ Urban Renewal works, at different stages, shall be computed in accordance with Scale of Charges.
- 5.2 The payment due to the Architect for Site Development and Landscape Architecture works, at different stages, shall be computed in accordance with the respective services.
- 5.3 Progressive, on account, payments shall be made by the Client to the Architect against any of the stages based on the quantum of work done during that stage as may be mutually agreed to between the Client and the Architect.

6. DOCUMENTATION AND COMMUNICATION CHARGES :

Apart from the professional fee, the Client shall pay to the Architect Documentation and Communication charges, @ 10% of the professional fee payable to the Architect at all stages.

7. REIMBURSABLE EXPENSES :

In addition to the amounts reimbursable against site visits by the Architect/ Consultant, the Client will reimburse the Architect the following expenses incurred by him for discharge of his obligations:

- 7.01 Actual cost of travel (to & fro), boarding & lodging and local transport for any visit made by his staff to the site or such other place as may be necessary in connection with the execution of work and in connection with the performance of duties referred to in this agreement.
- 7.02 Cost of presentation models, computer simulation, presentation drawings, etc., prepared at the instance of the Client for purposes other than the Design and execution of the project.

8. CLIENT'S ROLE AND RESPONSIBILITIES :

The Client shall discharge all his obligations connected with the project and engagement of the Architect, as follows:

- 8.01 To provide detailed requirements of the project.
- 8.02 To provide property lease/ ownership documents.
- 8.03 To provide a site plan, to a suitable scale, showing boundaries, contours at suitable intervals, existing physical features including any existing roads, paths, trees, existing structures, existing service and utility lines and such lines to which the proposed service can be connected. In case such information is not readily available, the Client shall arrange for the survey/ collection of necessary information and pay for the same.
- 8.04 To furnish reports on soil conditions and test as required by the Architect or pay for the preparation of the same.
- 8.05 To furnish specific conditions/ statutory stipulations/ codes of practice/schedule of rates, etc., desired to be followed.
- 8.06 To pay all the fees, levies, security deposits and expenses required in respect of statutory sanction.
- 8.07 To give effect to the professional advice of the Architect and cause no changes in the drawings and documents without the consent of the Architect.
- 8.08 To honour Architect's bills within one month of its submission.
- 8.09 To appoint a Construction Manager (Clerk of Works/ Site Supervisor or Construction Management Agency in case of a large and complex project) as per the Architect's advice.

9. EXECUTION OF THE ASSIGNMENT :

- 9.01 The Architect shall keep the Client informed about the progress of work in his office.
- 9.02 The Architect shall appoint specialised consultants in consultation with the Client, if necessary.
- 9.03 The Architect shall be responsible for the direction and integration of the consultants work. The consultants, however, shall be fully responsible for the calculations, the detailed design and periodic inspection and evaluation of the work entrusted to them. The Architect shall, if requested, make available the design calculations.
- 9.04 The Architect will advise the Client on the broad Time Schedule for implementation of the project.
- 9.05 The Architect shall supply to the Client, free of cost, upto six sets of drawings at different stages.
- 9.06 The Architect shall not make any deviations, alterations or omissions from the approved drawings, involving financial implications without prior consent of Client.
- 9.07 Any professional services to be rendered by the Architect at the instance of the Client after the agreed project completion period shall be compensated for on mutually agreed terms.
- 9.08 The Architect shall exercise all reasonable skill, care and diligence in the discharge of his duties and shall exercise such general superintendence and inspection as may be necessary to ensure that works are being executed in accordance with the Conditions of Contract.
- 9.09 Any revision in the drawings, tenders and documents, once approved, required to be made by the Client shall be compensated as additional services rendered by the Architect and paid for @ 50% of the fee prescribed for the relevant stage(s).
- 9.10 No change shall be made in the approved drawings and specifications at site without the consent of the Architect.
- 9.11 Any curtailment of the professional services, beyond Stage 2b, shall make it obligatory for the Client to pay at least 20% of the fee for the remaining stage(s) of the curtailed work/ services.

10. TIME SCHEDULE :

The Architect shall, in consultation with the Client, prepare a Time Schedule in respect of various services to be rendered and discharge of client's obligations.

11. INDEMNIFICATION :

In the event that a claim or suit is brought against the Architect or the Consultants by any third party for damages arising from personal injury or property damage caused wholly by the Client, or anyone employed by the Client, or anyone for whose acts the Client may be held responsible, then the Client shall indemnify the Architect and fully reimburse any loss, damage or expenses, including the attorney's fees, which the Architect may incur in connection therewith.

12. OWNERSHIP OF COPYRIGHT :

Architectural design is an intellectual property of the Architect. The drawings, specifications, documents and models as instruments of service are the property of the Architect whether the project, for which they are made, is executed or not. The Client shall retain copies of the Architect's models, drawings, specifications and other documents for his information and use in connection with the project. These shall not be used for any other project by the Client or the Architect or any other person, except for the repetition as stipulated in the Scale of Charges.

13. TERMINATION OF AGREEMENT :

- 13.1 Agreement between the Architect and the Client may be terminated by either one giving the other a written notice of not less than 30 (thirty) days, should either fail substantially to perform his part of responsibilities/ duties, so long as the failure is not caused by the one initiating the termination.
- 13.2 When termination of this Agreement is not related or attributable, directly or indirectly to any act, omission, neglect or default on the part of the Architect, the Architect shall be entitled to professional fees as stipulated under Clause 4 and sub-clauses 9.09 and 9.11 of Clause 9.
- 13.3 In the event of Architect's firm closing its business or the Client having terminated the agreement, the Client shall have the right to employ another Architect to complete the work, after making payment to the previous architect's firm.

14. INTERPRETATION :

In case of any ambiguity or difficulty in the interpretation of the Conditions of Engagement and Scale of Charges, the interpretation of the Council of Architecture shall be final and binding on the Architect and the Client.

15. ARBITRATION :

All disputes or differences which may arise between the Client and the Architect under "Conditions of Engagement and Scale of Charges" with regard to the meaning or interpretation or matter or things done or to be done in pursuance hereof, such disputes and differences shall be referred for arbitration to the Council of Architecture. The arbitrator shall be appointed by the President, Council of Architecture. The arbitration shall be conducted as per the provisions of the Arbitration and Conciliation Act, 1996. The decision and award of the arbitrator shall be final and binding on the Architect and the Client.

LANDSCAPE ARCHITECTURE

1. SCOPE OF WORK :

The Architect is required to provide services in respect of the following:

- 1.1 Site appraisal and suitability.
- 1.2 Site planning.
- 1.3 Landform and grading.
- 1.4 Surface drainage design and water management.
- 1.5 Irrigation design.
- 1.6 Open space design - hard and soft areas.
- 1.7 Planting design.
- 1.8 Landscape structures and features.
- 1.9 Garden Furniture design.
- 1.10 Illumination design.
- 1.11 Graphic design and signage.
- 1.12 Co-ordination of external services.
- 1.13 Periodic inspection and evaluation of works at site.

2. SCHEDULE OF SERVICES :

The Architect shall, after taking instructions from the Client, render the following services :

CONCEPT DESIGN [STAGE 1] :

- 2.01 Carry out site analysis and furnish a site appraisal report with regard to the potential of the site vis-à-vis activities.
- 2.02 Prepare drawings and documents to enable the Client to get done the detailed survey and soil investigation at the site of the project.
- 2.03 Furnish preliminary scheme for site planning.
- 2.04 Prepare conceptual landscape design with reference to requirements given and prepare rough estimate of cost on area basis.

PRELIMINARY DESIGN AND DRAWINGS [STAGE 2] :

- 2.05 Modify the conceptual design incorporating required changes and prepare the preliminary drawings, sketches, etc. for the Client's approval along with preliminary estimate of cost on area basis.

DRAWINGS FOR CLIENT'S/ STATUTORY APPROVALS [STAGE 3] :

- 2.06 Prepare drawings necessary for Client's/ statutory approvals and ensure compliance with codes, standards and legislation, as applicable and assist the Client in obtaining the statutory approvals thereof, if required.

WORKING DRAWINGS AND TENDER DOCUMENTS [STAGE 4] :

- 2.07 Prepare working drawings, specifications and schedule of quantities sufficient to prepare estimate of cost and tender documents including code of practice covering aspects like mode of measurement, method of payments, quality control procedures on materials & works and other conditions of contract.

APPOINTMENT OF CONTRACTORS [STAGE 5]:

- 2.08 Invite, receive and analyse tenders ; advise Client on appointment of contractors.

CONSTRUCTION [STAGE 6] :

- 2.09 Prepare and issue working drawings and details for proper execution of works during construction.
- 2.10 Approve samples of various elements and components.
- 2.11 Check and approve shop drawings submitted by the contractor/ vendors.
- 2.12 Visit the site of work, at intervals mutually agreed upon, to inspect and evaluate the Construction Works and where necessary clarify any decision, offer interpretation of the drawings/specifications, attend conferences and meetings to ensure that the project proceeds generally in accordance with the conditions of contract and keep the Client informed and render advice on actions, if required.
- 2.13 In order to ensure that the work at site proceeds in accordance with the contract documents/ drawings and to exercise time and quality controls, the day-to-day supervision will be carried out by a Construction Manager (Clerk of Works/ Site Supervisor or Construction Management Agency in case of a large and complex project), who shall work under the guidance and direction of the Architect and shall be appointed and paid by the Client.
- 2.14 Issue Certificate of Virtual Completion of Civil Works and plantation.

COMPLETION [STAGE 7] :

2.15 Prepare and submit completion reports and drawings for the project as required and assist the Client in obtaining "Completion / Occupancy Certificate" from statutory authorities, wherever required.

2.16 Issue two sets of as built drawings including services, structures and plantation.

3. PROFESSIONAL FEE :

3.01 In consideration of the professional services rendered by the Architect, he shall be paid professional fee and other charges in accordance with the Scale of Charges.

3.02 Any tax levied by law, such as Service tax, etc. contingent to professional services rendered by the Architect, shall be payable by the Client, over and above the gross fees charged by the Architect in relation to the services provided.

4. SCHEDULE OF PAYMENT :

The Architect shall be paid professional fee in the following stages consistent with the work done plus other charges and reimbursable expenses as agreed upon.

<p>Retainer On appointment/ signing of Agreement/ acceptance of the offer.</p> <p>Stage 1 On submitting conceptual designs and rough estimate of cost.</p> <p>Stage 2 On submitting the required preliminary scheme for the Client's approval along with the preliminary estimate of cost.</p> <p>Stage 3 On incorporating Client's suggestions and submitting drawings for obtaining approval from the Client/ statutory authorities, if required.</p> <p>Stage 4 Upon statutory approval, if required and preparation of working drawings, specifications and schedule of quantities sufficient to prepare estimate of cost and preparation of tender documents.</p> <p>Stage 5 On inviting, receiving and analysing tenders; advising Client on appointment of contractors.</p> <p>Stage 6</p> <p>a. On submitting working drawings and details required for commencement of work at site.</p> <p>b. (i) On completion of 20% of the work.</p> <p>(ii) On completion of 40% of the work.</p> <p>(iii) On completion of 60% of the work.</p> <p>(iv) On completion of 80% of the work.</p> <p>(v) On Virtual Completion.</p> <p>Stage 7 On submitting Completion Report and drawings for issuance of completion/ occupancy certificate by statutory authorities, wherever required and on issue of as built drawings.</p>		<p>Rs. 20 M* or 5% of the total fees payable, whichever is higher, adjustable at the last stage.</p> <p>10% of the total fees payable.</p> <p>20% of the total fees payable less payment already made at Stage 1.</p> <p>35% of the total fees less payment already made at Stages 1 and 2.</p> <p>45% of the total fees payable less payment already made at Stages 1 to 3.</p> <p>55% of the total fees payable less payment already made at Stages 1 to 4.</p> <p>65% of the total fees less payment already made at Stages 1 to 5.</p> <p>70% of the total fees payable less payment already made at Stages 1 to 6a.</p> <p>75% of the total fees payable less payment already made at Stages 1 to 6b(i).</p> <p>80% of the total fees payable less payment already made at Stages 1 to 6b(ii).</p> <p>85% of the total fees payable less payment already made at Stages 1 to 6b(iii).</p> <p>90% of the total fees payable less payment already made at Stages 1 to 6b(iv).</p> <p>100% of the fees payable less payment already made at various Stages and retainer.</p>
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* Refer explanatory note 3 under Scale of charges.

5. EFFECTING PAYMENT TO THE ARCHITECT :

5.1 The fee payable to the Architect shall be computed on the actual cost of works on completion. The payment due to the Architect at different stages be computed on the following basis :

- 5.1.1 At Retainer : On rough estimate of cost.
- 5.1.2 At Stage 1 : On rough estimate of cost.
- 5.1.3 At Stages 2 to 4 : On preliminary estimate of cost.
- 5.1.4 At Stages 5 to 6b : Accepted tender cost.
- 5.1.5 At Stage 7 : Actual total cost.

5.2 Progressive, on account, payments shall be made by the Client to the Architect against any of the above stages based on the quantum of work done during that stage, as may be mutually agreed to between the Client and the Architect.

5.3 No deduction shall be made from the fee of the Architect on account of penalty, liquidated damages, part rates or other sums withheld from payment or recovered from contractors/ suppliers.

5.4 When the work is executed wholly or in part with old materials or labour or carriage is provided by the Client, the percentage fees shall be calculated as if the work had been executed wholly by the contractor supplying all labour and new materials.

5.5 The actual cost of the completed works shall include cost of execution of assigned works, referred to in Scope of Work and also the cost of equipment & machinery such as Pumps & Motors, etc. but excluding the cost of land.

6. DOCUMENTATION AND COMMUNICATION CHARGES :

Apart from the professional fee, the Client shall pay to the Architect Documentation and Communication charges, @ 10% of the professional fee payable to the Architect at all stages.

7. REIMBURSABLE EXPENSES :

In addition to the amounts reimbursable against site visits by the Architect/ Consultant, the Client will reimburse the Architect the following expenses incurred by him for discharge of his obligations:

- 7.01 Actual cost of travel (to & fro), boarding & lodging and local transport for any visit made by his staff to the site or such other place as may be necessary in connection with the execution of work and in connection with the performance of duties referred to in this agreement.
- 7.02 Cost of presentation models, computer simulation, presentation drawings, etc., prepared at the instance of the Client for purposes other than the Design and execution of the project.

8. CLIENT'S ROLE AND RESPONSIBILITIES :

The Client shall discharge all his obligations connected with the project and engagement of the Architect, as follows:

- 8.01 To provide detailed requirements of the project.
- 8.02 To provide property lease/ ownership documents.
- 8.03 To provide a site plan, to a suitable scale, showing boundaries, contours at suitable intervals, existing physical features including any existing roads, paths, trees, existing structures, existing service and utility lines and such lines to which the proposed service can be connected. In case such information is not readily available, the Client shall arrange for the survey collection of necessary information and pay for the same.
- 8.04 To furnish reports on soil conditions and soil test as required by the Architect.
- 8.05 To furnish specific conditions/Statutory stipulations/ Codes of Practice/Schedule of rates, etc., desired to be followed.
- 8.06 To pay all the fees, levies, security deposits and expenses in respect of statutory sanction.
- 8.07 To give effect to the professional advice of the Architect and cause no changes in the drawings and documents without the consent of the Architect.
- 8.08 To honour Architect's bills within one month of its submission.
- 8.09 To appoint a Construction Manager (Clerk of Works/ Site Supervisor or Construction Management Agency in case of a large and complex project) as per the Architect's advice.

9. EXECUTION OF THE ASSIGNMENT :

- 9.01 The Architect shall keep the Client informed about the progress of work in his office.
- 9.02 The Architect shall appoint specialised consultants in consultation with the Client, if necessary.
- 9.03 The Architect shall be responsible for the direction and integration of the consultants work. The consultants, however, shall be fully responsible for the calculations, the detailed design and periodic inspection and evaluation of the work entrusted to them. The Architect shall, if requested, make available the design calculations.
- 9.04 The Architect will advise the Client on the Time Schedule (Bar Chart/PERT/ CPM Network) prepared by the contractors for the completion of work, if required.
- 9.05 The Architect shall supply to the Client, free of cost, upto six sets of drawings at different stages.
- 9.06 The Architect shall not make any deviations, alterations or omissions from the approved drawings, involving financial implications without prior consent of the Client.
- 9.07 Any professional services to be rendered by the Architect at the instance of the Client after the agreed project completion period shall be compensated for on mutually agreed terms.
- 9.08 The Architect shall exercise all reasonable skill, care and diligence in the discharge of his duties and shall exercise such general superintendence and inspection as may be necessary to ensure that works are being executed in accordance with the Conditions of Contract.
- 9.09 Any revision in the drawings, tenders and documents, once approved, required to be made by the Client shall be compensated as additional services rendered by the Architect and paid for @ 50% of the fee prescribed for the relevant stage(s).
- 9.10 No change shall be made in the approved drawings and specifications at site without the consent of the Architect.
- 9.11 Any curtailment of the professional services, beyond Stage 2, shall make it obligatory for the client to pay at least 20% of the fee for the remaining stage(s) of the curtailment work/ services.

10. TIME SCHEDULE :

The Architect shall, in consultation with the Client, prepare a Time Schedule in respect of various services to be rendered and discharge of client's obligations.

11. INDEMNIFICATION :

In the event that a claim or suit is brought against the Architect or the Consultants by any third party for damages arising from personal injury or property damage caused wholly by the Client, or anyone employed by the Client, or anyone for whose acts the Client may be held responsible, then the Client shall indemnify the Architect and fully reimburse any loss, damage or expenses, including the attorney's fees, which the Architect may incur in connection therewith.

12. OWNERSHIP OF COPYRIGHT :

Architectural design is an intellectual property of the Architect. The drawings, specifications, documents and models as instruments of service are the property of the Architect whether the project, for which they are made, is executed or not. The Client shall retain copies of the Architect's models, drawings, specifications and other documents for his information and use in connection with the project. These shall not be used for any other project by the Client or the Architect or any other person, except for the repetition as stipulated in the Scale of Charges.

13. TERMINATION OF AGREEMENT :

- 13.1 Agreement between the Architect and the Client may be terminated by either one giving the other a written notice of not less than 30 (thirty) days, should either fail substantially to perform his part of responsibilities/ duties, so long as the failure is not caused by the one initiating the termination.
- 13.2 When termination of this Agreement is not related or attributable, directly or indirectly to any act, omission, neglect or default on the part of the Architect, the Architect shall be entitled to professional fees as stipulated under Clause 4 and sub-clauses 9.09 & 9.11 of Clause 9.
- 13.3 In the event of Architect's firm closing its business or the Client having terminated the agreement, the Client shall have the right to employ another Architect to complete the work, after making payment to the previous architect's firm.

14. INTERPRETATION :

In case of any ambiguity or difficulty in the interpretation of the Conditions of Engagement and Scale of Charges, the interpretation of the Council of Architecture shall be final and binding on the Architect and the Client.

15. ARBITRATION :

All disputes or differences which may arise between the Client and the Architect under "Conditions of Engagement and Scale of Charges" with regard to the meaning or interpretation or matter or things done or to be done in pursuance hereof, such disputes and differences shall be referred for arbitration to the Council of Architecture. The arbitrator shall be appointed by the President, Council of Architecture. The arbitration shall be conducted as per the provisions of the Arbitration and Conciliation Act, 1996. The decision and award of the arbitrator shall be final and binding on the Architect and the Client.

INTERIOR ARCHITECTURE

1. SCOPE OF WORK :

The Architect is required to provide services in respect of the following :

- 1.1 Site evaluation and assessment.
- 1.2 Interior design – space planning/ development & volumetric study.
- 1.3 Architectural additions and alterations.
- 1.4 Design of fixed items of work, loose furniture & interior related civil works.
- 1.5 Illumination design.
- 1.6 Sound and acoustic design.
- 1.7 Graphic design and signage.
- 1.8 Indoor plantscape.
- 1.9 Selection of materials, equipment and other interior related elements.
- 1.10 Integration of all Engineering services.
- 1.11 Periodic inspection and evaluation of works at site.

2. SCHEDULE OF SERVICES :

The Architect shall, after taking instructions from the Client, render the following services :

CONCEPT DESIGN [STAGE 1] :

- 2.01 Furnish a site evaluation and analysis report with basic approach to circulation, activity distribution, interaction and external linkages.
- 2.02 Analyse schedule of spaces in relation to activities and site potential.
- 2.03 Prepare conceptual designs with reference to requirements and prepare rough estimate of cost on area basis.

PRELIMINARY DESIGN [STAGE 2] :

- 2.04 Modify the conceptual designs incorporating required changes, prepare the preliminary drawings, interior views and schedule of finishes for the Client's approval along with the preliminary estimate of cost on area basis.

DRAWINGS FOR CLIENT'S /STATUTORY APPROVAL [STAGE 3] :

- 2.05 Prepare drawings necessary for Client's/ statutory approvals and ensure compliance with codes, standards and legislation, as applicable and assist the Client in obtaining the statutory approvals thereof, if required.

WORKING DRAWINGS AND TENDER DOCUMENTS [STAGE 4] :

- 2.06 Prepare working drawings, specifications and schedule of quantities sufficient to prepare estimate of cost and tender documents including code of practice covering aspects like mode of measurement, method of payments, quality control procedures on materials & works and other conditions of contract.

APPOINTMENT OF CONTRACTORS [STAGE 5] :

- 2.07 Invite, receive and analyse tenders, advise Client on appointment of contractors.

CONSTRUCTION [STAGE 6] :

- 2.08 Prepare and issue working drawings and details for proper execution of works during construction.
- 2.09 Approve samples of various elements and components.
- 2.10 Check and approve shop drawings submitted by the contractor/ vendors.
- 2.11 Visit the site of work and fabrication workshop, at intervals mutually agreed upon, to inspect and evaluate the progress of works and where necessary clarify any decision, offer interpretation of the drawings/specifications, attend conferences and meetings to ensure that the project proceeds generally in accordance with the conditions of contract and keep the Client informed and render advice on actions, if required.
- 2.12 In order to ensure that the work at site proceeds in accordance with the contract documents/ drawings and to exercise time and quality controls, the day-to-day supervision will be carried out by a Construction Manager (Clerk of Works/ Site Supervisor or Construction Management Agency in case of a large and complex project), who shall work under the guidance and direction of the Architect and shall be appointed and paid by the Client.
- 2.13 Issue Certificate of Virtual Completion of works.

COMPLETION [STAGE 7] :

- 2.14 Prepare and submit completion reports and drawings for the project as required and assist the Client in obtaining "Completion/ Occupancy Certificate" from statutory authorities, wherever required.
- 2.15 Issue two sets of as built drawings including services and structures.

3. PROFESSIONAL FEE :

- 3.01 In consideration of the professional services rendered by the Architect, he shall be paid professional fee and other charges in accordance with the Scale of Charges.
- 3.02 Any tax levied by law, such as Service tax, etc. contingent to professional services rendered by the Architect, shall be payable by the Client, over and above the gross fees charged by the Architect in relation to the services provided.

4. SCHEDULE OF PAYMENT :

The Architect shall be paid professional fee in following stages consistent with the work done plus other charges and reimbursable expenses as agreed upon :

<p>Retainer</p> <p>On appointment/ signing of Agreement/ acceptance of offer.</p> <p>Stage 1</p> <p>On submitting conceptual designs and rough estimate of cost.</p> <p>Stage 2</p> <p>On submitting the required preliminary scheme for the Client's approval along with the preliminary estimate of cost.</p> <p>Stage 3</p> <p>On incorporating Client's suggestions and submitting drawings for obtaining approval from the Client/ statutory authorities, if required.</p> <p>Stage 4</p> <p>Upon Client's approval/ statutory approvals and preparation of working drawings, specifications and schedule of quantities sufficient to prepare estimate of cost and preparation of tender documents.</p> <p>Stage 5</p> <p>On inviting, receiving and analysing tender; advising Client on appointment of contractors.</p> <p>Stage 6</p> <p>a. On submitting working drawings and details required for commencement of work at site.</p> <p>b. (i) On completion of 20% of the work</p> <p>(ii) On completion of 40% of the work</p> <p>(iii) On completion of 60% of the work</p> <p>(iv) On completion of 80% of the work</p> <p>(v) On Virtual Completion</p> <p>Stage 7</p> <p>On submitting Completion Report and drawings for issuance of completion/ occupancy certificate by statutory authorities, wherever required and on issue of as built drawings.</p>	<p>Rs. 20 M* or 5% of the total fees payable, whichever is higher, adjustable at the last stage.</p> <p>10% of the total fees payable.</p> <p>20% of the total fees payable less payment already made at Stage 1.</p> <p>35% of the total fees less payment already made at Stages 1 and 2.</p> <p>45% of the total fees payable less payment already made at Stages 1 to 3.</p> <p>55% of the total fees payable less payment already made at Stages 1 to 4.</p> <p>65% of the total fees less payment already made at Stages 1 to 5.</p> <p>70% of the total fees payable less payment already made at Stages 1 to 6a.</p> <p>75% of the total fees payable less payment already made at Stages 1 to 6b(i).</p> <p>80% of the total fees payable less payment already made at Stages 1 to 6b(ii).</p> <p>85% of the total fees payable less payment already made at Stages 1 to 6b(iii).</p> <p>90% of the total fees payable less payment already made at Stages 1 to 6b(iv).</p> <p>100% of the fees payable less payment already made at various stages and retainer.</p>
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* Refer explanatory note 3 under Scale of charges.

5. EFFECTING PAYMENT TO THE ARCHITECT :

- 5.1 The fee payable to the Architect shall be computed on the actual cost of works on completion. The payment due to the Architect at different stages be computed on the following basis:
- 5.1.1 At Retainer : On rough estimate of cost.
 - 5.1.2 At Stage 1 : On rough estimate of cost.
 - 5.1.3 At Stages 2 to 4 : On preliminary estimate of cost.
 - 5.1.4 At Stages 5 to 6b : Accepted tender cost.
 - 5.1.5 At Stage 7 : Actual total cost.
- 5.2 Progressive, on account, payments shall be made by the Client to the Architect against any of the above stages based on the quantum of work done during that stage, as may be mutually agreed to between the Client and the Architect.
- 5.3 No deductions shall be made from the fee of the Architect on account of penalty, liquidated damages, part rates or other sums withheld from payment or recovered from contractors/ suppliers.
- 5.4 When the work is executed wholly or in part with old material or labour or carriage is provided by the Client, the percentage of fees shall be calculated as if the work had been executed wholly by the contractor supplying all labour and new materials.
- 5.5 The actual cost of the completed works shall include cost of execution of assigned works, referred to in Scope of Work, but excluding the cost of premises.

6. DOCUMENTATION AND COMMUNICATION CHARGES :

Apart from the professional fee, the Client shall pay to the Architect Documentation and Communication charges, @ 10% of the professional fee payable to the Architect at all stages.

7. REIMBURSABLE EXPENSES :

In addition to the amounts reimbursable against site visits by the Architect/ Consultant, the Client will reimburse the Architect the following expenses incurred by him for discharge of his obligations:

- 7.01. Actual cost of travel (to & fro), boarding & lodging and local transport for any visit made by his staff to the site or such other place as may be necessary in connection with the execution of work and in connection with the performance of duties referred to in this agreement.
- 7.02. Cost of presentation models, computer simulation, presentation drawings, etc., prepared at the instance of the Client for purposes other than the Design and execution of the project.

8. CLIENT'S ROLE AND RESPONSIBILITIES :

The Client shall discharge all his obligations connected with the project and engagement of the Architect as follows:

- 8.01 To provide detailed requirements of the project.
- 8.02 To provide property lease/ ownership documents.
- 8.03 To provide location plan, measured drawings and photographs of existing space with full structural and relevant details, existing services and common outlets to which proposed services can be connected. In case such information is not readily available, the Client shall arrange for the collection of necessary information and pay for the same.
- 8.04 To furnish specific conditions/ statutory stipulations/ codes of practice/ schedule of rates, etc. desired to be followed.
- 8.05 To pay all the fees, levies, security deposits and expenses in respect of statutory sanction.
- 8.06 To give effect to the professional advice of the Architect and cause no changes in the drawings and documents without the consent of the Architect.
- 8.07 To honour Architect's bills within one month of its submission.
- 8.08 To appoint a Construction Manager (Clerk of Works/ Site Supervisor or Construction Management Agency in case of a large and complex project) as per the Architect's advice.

9. EXECUTION OF THE ASSIGNMENT :

- 9.01 The Architect shall keep the Client informed about the progress of work in his office.
- 9.02 The Architect shall appoint specialised consultants in consultation with the Client, if necessary.

- 9.03 The Architect shall be responsible for the direction and integration of the consultants work. The consultants, however, shall be fully responsible for the calculations, the detailed design and periodic inspection and evaluation of the work entrusted to them. The Architect shall, if requested, make available the design calculations.
- 9.04 The Architect will advise the Client on the Time Schedule (Bar Chart/PERT/ CPM Network) prepared by the contractors for the completion of work, if required.
- 9.05 The Architect shall supply to the Client, free of cost, upto six sets of drawings at different stages.
- 9.06 The Architect shall not make any deviations, alterations or omissions from the approved drawings, involving financial implications without prior consent of the Client.
- 9.07 Any professional services to be rendered by the Architect at the instance of the Client after the agreed project completion period shall be compensated for on mutually agreed terms.
- 9.08 The Architect shall exercise all reasonable skill, care and diligence in the discharge of his duties and shall exercise such general superintendence and inspection as may be necessary to ensure that works are being executed in accordance with the Conditions of Contract.
- 9.09 Any revision in the drawings, tenders and documents, once approved, required to be made by the Client shall be compensated as additional services rendered by the Architect and paid for @ 50% of the fee prescribed for the relevant stage(s).
- 9.10 No change shall be made in the approved drawings and specifications at site without the consent of the Architect.
- 9.11 Any curtailment of the professional services, beyond Stage 2, shall make it obligatory for the client to pay at least 20% of the fee for the remaining stage(s) of the curtailment work/ services.

10. TIME SCHEDULE :

The Architect shall, in consultation with the Client, prepare a Time Schedule in respect of various services to be rendered and discharge of client's obligations.

11. INDEMNIFICATION :

In the event that a claim or suit is brought against the Architect or the Consultants by any third party for damages arising from personal injury or property damage caused wholly by the Client, or anyone employed by the Client, or anyone for whose acts the Client may be held responsible, then the Client shall indemnify the Architect and fully reimburse any loss, damage or expenses, including the attorney's fees, which the Architect may incur in connection therewith.

12. OWNERSHIP OF COPYRIGHT :

Architectural design is an intellectual property of the Architect. The drawings, specifications, documents and models as instruments of service are the property of the Architect whether the project, for which they are made, is executed or not. The Client shall retain copies of the Architect's models, drawings, specifications and other documents for his information and use in connection with the project. These shall not be used for any other project by the Client or the Architect or any other person, except for the repetition as stipulated in the Scale of Charges.

13. TERMINATION OF AGREEMENT :

- 13.1 Agreement between the Architect and the Client may be terminated by either one giving the other a written notice of not less than 30 (thirty) days, should either fail substantially to perform his part of responsibilities/ duties, so long as the failure is not caused by the one initiating the termination.
- 13.2 When termination of this Agreement is not related or attributable, directly or indirectly to any act, omission, neglect or default on the part of the Architect, the Architect shall be entitled to professional fees as stipulated under Clause 4 and sub-clauses 9.09 & 9.11 of Clause 9.
- 13.3 In the event of Architect's firm closing its business or the Client having terminated the agreement, the Client shall have the right to employ another Architect to complete the work, after making payment to the previous architect's firm.

14. INTERPRETATION :

In case of any ambiguity or difficulty in the interpretation of the Conditions of Engagement and Scale of Charges, the interpretation of the Council of Architecture shall be final and binding on the Architect and the Client.

15. ARBITRATION :

All disputes or differences which may arise between the Client and the Architect under "Conditions of Engagement and Scale of Charges" with regard to the meaning or interpretation or matter or things done or to be done in pursuance hereof, such disputes and differences shall be referred for arbitration to the Council of Architecture. The arbitrator shall be appointed by the President, Council of Architecture. The arbitration shall be conducted as per the provisions of the Arbitration and Conciliation Act, 1996. The decision and award of the arbitrator shall be final and binding on the Architect and his Client.

SCALE OF CHARGES

Type of Project/ Services	Scope of Work & Services	Minimum fees/ Reimbursable expenses
1. Comprehensive Architectural Services 1.1 Housing	As described for Comprehensive Architectural Services in the Conditions of Engagement including Site Development but excluding Landscape Architecture, Interior Architecture, Graphic Design and Signage.	i) Single Block Housing and sites upto 0.5 hectare : 5 Percent on the cost of works assigned. ii) For a site more than 0.5 hectare and upto 2.5 hectares: 3.5 Percent on the cost of works assigned. iii) For a site more than 2.5 hectares and upto 5 hectares : 2.5 Percent on the cost of works assigned. iv) For a site more than 5 hectares : 2 Percent on the cost of works assigned. v) Individual House : 7.5 Percent on the cost of works assigned. Note : The fees payable in marginal cases in respect of clauses (iii) to (v) shall not be less than the maximum fee payable in their respective preceding clauses.
1.2 All projects other than housing	As described for Comprehensive Architectural Services in the Conditions of Engagement including Site Development but excluding Landscape Architecture, Interior Architecture, Graphic Design and Signage.	5 Percent on the cost of works assigned.
1.2.1 Repetition of the building in the same campus	As described for Comprehensive Architectural Services in the Conditions of Engagement including Site Development but excluding Landscape Architecture, Interior Architecture, Graphic Design and Signage.	5 Percent on the cost of works assigned.
1.2.1 Repetition of the building in the same campus	As described for Comprehensive Architectural Services in the Conditions of Engagement except Landscape Architecture, Interior Architecture, Graphic Design & Signage and Site Development.	2.5 percent on the cost of works assigned.
1.2.2 Repetition of the building at a different site	As described for Comprehensive Architectural Services in the Conditions of Engagement except Landscape Architecture, Interior Architecture, Graphic Design & Signage and Site Development.	3.5 percent on the cost of works assigned.
1.3 Site Development [except 1.1 and 1.2]	As described for Comprehensive Architectural Services in the Conditions of Engagement except Landscape Architecture, Interior Architecture, Graphic Design and Signage [except 1.1 and 1.2].	2.5 Percent on the cost of works assigned.
1.4 Architectural Conservation/ Retrofitting/ Additions and alterations	As described for Comprehensive Architectural Services in the Conditions of Engagement except Landscape Architecture, Interior Architecture, Graphic Design and Signage.	7.5 Percent on the cost of works assigned.
2. Urban Design	As described for Urban Design/ Urban Renewal in the Conditions of Engagement.	i) For all projects except Housing: 1 percent on the cost of works assigned, to be computed at a rate of Rs 6M per Sq.mt. of proposed built-up area. ii) Housing Projects : 20 percent of the fee payable for housing, as stated in sub-clause 1.1 above, on the cost of works assigned, to be computed at a rate of Rs 6M per Sq.mt. of proposed built-up area. iii) In case of Urban Renewal projects fee payable shall be 1.5 times of the fee stated above based on actual cost of works assigned.

Above fees are subject to a minimum of Rupees 250M.

Type of Project/ Services	Scope of Work & Services	Minimum fees/ Reimbursable expenses
3. Interior Architecture/ Graphic design and signage	As described for Interior Architecture in the Conditions of Engagement.	7.5 percent on the cost of works assigned
4. Landscape Architecture	As described for Landscape Architecture in the Conditions of Engagement.	7.5 percent on the cost of works assigned
5. Site visits	Visits by an Architect/consultant in connection with Project for which commissioned. i) Outstation Visit (a) Travelling, Boarding & Lodging Expenses (b) For each day ii) Local site visit/ field visit	Actual Air/ AC First Class Fare (to & fro), AC Car, Boarding & Lodging Expenses and Local Transport. Rs. 3M Rs. 1M
6. Advisory Consultancy	i) Outstation ii) Local	All as above at 5 i) (a) plus Rs. 10M per day or part thereof. Rs. 4M per day or part thereof.
7. Documentation and Communication Charges	Applicable on all professional fee payable to the Architect.	10 percent of the professional fees.
8. Verification and Certification of Contractor's Bills	Verification of Contractor's bills for payment, based on progress of works at site, measurements of works Certified by the Construction Manager (i.e. Clerk of Works/ Site Supervisor or Construction Management Agency) and in accordance with Conditions of Contract, Drawings and instruction issued.	1 percent in addition to above fees.

Explanatory Notes:

- For works costing upto Rs. 1500 M the professional fees may be negotiable between the Architect and the Client.
- When an Architect is engaged to undertake Comprehensive Architectural Services in respect of buildings/ Site Development and/ or Landscape Architectural Services as a follow up of an Urban Design/ Urban Renewal Scheme, his professional fee for Comprehensive Architectural Services/ Landscape Architectural Services shall be reduced by 20%.
- The current value of M is 1000.

LETTER OF APPOINTMENT

From :

Ref. :

To :

Date :

Dear Sir,

We have great pleasure in appointing your firm as our architects for Comprehensive Architectural services/ Urban Design/ Landscape Architecture/ Interior Architecture as detailed below :

Project

Scope of work

Fees

Project Completion Period.....

This letter of appointment together with Conditions of Engagement and Scale of Charges of Council of Architecture, as appended herewith, shall govern the agreement. This letter is being sent in duplicate. One copy may please be signed in token of your acceptance and returned to us.

Thanking you,

Yours faithfully,

(Signature of Client)

ACCEPTED

Signature of Architect _____

Name of the Architect _____

Council of Architecture's
Registration No. _____

Date _____

Place _____

Seal of the Firm _____

COUNCIL OF ARCHITECTURE

ARCHITECTURAL PRACTICE (COA/DOC/04/2002/APR/12&13)

ARCHITECT'S PROFESSIONAL LIABILITY

INTRODUCTION

Professionals are required to discharge their obligations and commitments diligently and befitting with quality and standards of services. The laws of the land mandate that the professionals should provide services to the consumers in a required manner exercising duty of care and while doing so they should not commit any negligent act. In order to protect the interest of the consumers against the breach of duty, the deficient services have been defined by the statute and legal actions have been initiated on the erring professionals. The services rendered by architects have also been covered by the relevant laws of the country.

It has been often asked by the Architects why the legal action taken against architects whenever buildings or any other built form collapses of which they are the architects, without inquiring their faults and circumstances leading to the collapse. The suo motu action against architects have brought disrepute, embarrassment and mental agony to them, at a time, when they are unconnected with reasons responsible for the collapse of building.

What is the professional liability of architects for the buildings which have been designed and its construction and completion is supervised by them and thereafter, remain under the control and management of owners/ occupants, and not under the superintendence of an architect who was originally engaged for the design and supervision of construction. In reality, the longevity and stability of the building are dependent upon the observance of safety and maintenance norms.

Although Council of Architecture has prescribed the Conditions of Engagement and Scale of Charges, the question of professional liability of architects during the post completion period of the project remained a vexed question for many years.

It has been the constant desire and earnest request of the professionals that Council of Architecture being a statutory body regulating the Architectural Education and Profession throughout the country, it should formulate guidelines on architect's professional liability. Keeping this end in view, the Council has prescribed guidelines on "Architect's Professional Liability" to make aware of the architects and the owners and occupiers of the buildings in what manner and under which circumstances an architect should be held responsible for the negligent act/ deficient services and at the same time, it highlights the clients/ occupiers' duties and responsibilities to be undertaken by them to preserve the longevity of the building. This document has been approved by the Council of Architecture at its 40th meeting held on 12th & 13th April, 2002, vide Resolution No.302, as guidelines to the Architects and user organisations / individual clients.

Premendra Raj Mehta
President

ARCHITECT'S PROFESSIONAL LIABILITY

1.0 Professional Duties of Architect:

- 1.1 Service:** "Service", as defined under Section 2 (1) (o) of the Consumer Protection Act, 1986, means service of any description which is made available to potential users and includes the provision of facilities in connection with banking, financing insurance, transport, processing, supply of electrical or other energy, board or lodging or both, housing construction, entertainment, amusement or the purveying of news or other information, but does not include the rendering of any service free of charge or under a contract of personal service. In other words, rendering professional service by an architect for "consideration" falls within the ambit of "service". The relationship between the Client and the Architect is that of recipient and provider of service. The professional services rendered by the architect mean the services rendered pursuant to the Conditions of Engagement and Scale of Charges, entered into between the Client and the Architect.
- 1.2 Competence:** An architect, being a professional, shall possess the required knowledge and skill i.e. proficiency and competence for discharging his professional duties and functions. These are governed under the provisions of the Architects Act, 1972 and the Architects (Professional Conduct) Regulations, 1989, framed thereunder.
- 1.3 Duty of care:** It means duty to exercise utmost skill and care. When an architect offers professional advice/architectural services, implicitly undertakes that he is possessed of the knowledge and skill for the purpose. Thus, an architect shall bring to his task a reasonable degree of knowledge and skill and must exercise a reasonable degree of care.
- 1.4 Duties:** The duties that are required to be performed by an architect for various types of projects have been prescribed by the Council of Architecture under the Conditions of Engagement and Scale of Charges for respective areas in the field of architecture. The documents stipulate the parameters within which the Architect is required to function. However, the Conditions of Engagement and matters related therewith for a given project shall be carried out in accordance with the terms and Conditions of Agreement executed between the Client and the Architect.

2.0 Professional Conduct:

An architect shall be required to comply with the standards of professional conduct and etiquette and a code of ethics set out in clauses (i) to (xxv), read with exceptions covered by sub-clauses (a) to (h) of sub-regulation (1) of Regulation 2 of the Architects (Professional Conduct) Regulations, 1989. Violation of any of the provisions of sub-regulation (1) shall constitute a professional misconduct.

3.0 Client's – Owner's / Occupant's duties and responsibilities:

The Owner – Client shall discharge all his obligations connected with the project and engagement of the Architect in accordance with the Conditions of Agreement as agreed upon. Further, the Client(s)-Owner(s) / Occupant(s) upon completion of the building shall maintain it properly to safeguard and preserve the longevity of the building.

4.0 Professional Negligence:

4.1 Negligence: "Negligence" of an architect means failure to take reasonable degree of care in the course of his engagement for rendering professional services.

4.2 Deficient Service:

- 4.2.1** "Deficiency", as defined under Section 2(1)(g) of the Consumer Protection Act, 1986, means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service.
- 4.2.2** An architect is required to observe and uphold the Council's Conditions of Engagement and Scale of Charges while rendering architectural services in terms of Regulation 2 (1) (xii) of the Architects (Professional Conduct) Regulations, 1989. Thus, failure to provide any service/services that is/are necessary for discharge of his duties and functions for the project for which he has been engaged, amount to deficient service.

4.3 Exceptions:

An architect is not liable for any liability, if the damage to the building has occasioned in the following circumstances :

- 4.3.1** Use of building for the purposes other than for which it has been designed.
- 4.3.2** Any changes/ modifications to the building carried out by the owner(s)/occupant(s) without the consent or approval of the architect who designed and/ or supervised the construction of the building.
- 4.3.3** Any changes/alterations/modifications carried out by consulting another architect without the knowledge and consent of erstwhile architect or without obtaining No Objection Certificate from him.
- 4.3.4** Illegal/unauthorised changes/alteration/ renovations / modifications carried out by the owner(s)/occupant(s).

*Prescribed under regulation 2(1)(xii) of the Architects Professional Conduct Regulations, 1989. This revised document was approved by the Council of Architecture at its 40th Meeting held on 12th and 13th April, 2002, vide Resolution No. 303.

- 4.3.5 Any compromise with the safety norms by the owner(s)/ occupant(s).
- 4.3.6 Distress due to leakage from terrace, toilets, water logging within the vicinity of the building and that would affect the strength/stability of the structure or general well-being.
- 4.3.7 Lack of periodical maintenance or inadequate maintenance by the owner(s)/occupant(s).
- 4.3.8 Damages caused due to any reasons arising out of 'specialised consultants' deficient services with regard to design and supervision of the work entrusted to them, who were appointed/ engaged in consultation with the Client.
- 4.3.9 Damages caused to the building for the reasons beyond the control of the architect.

5.0 Professional Negligence and Deficiency in Services – Professional Misconduct :

Any person aggrieved by the professional negligence and/ or deficiency in services provided by the architect, the matter shall be referred to the Council of Architecture under Rule 35 of the Council of Architecture Rules, 1973, to adjudicate whether the architect is guilty of professional misconduct or not.

6.0 Professional Liabilities:

- 6.1 Indemnity Insurance: The architect is required to indemnify the client against losses and damages incurred by the client through the acts of the Architect and shall take out and maintain a Professional Indemnity Insurance Policy, as may be mutually agreed between the Architect and the Client, with a Nationalised Insurance Company or any other recognized Insurance Company by paying a requisite premium.
- 6.2 Maintenance of Record: The architect is required to maintain all records related to the project for a minimum period of 4 years after the issuance of Certificate of Virtual Completion.
- 6.3 Duration: The architect's liability shall be limited to a maximum period of three years after the building is handed over to / occupied by the owner, whichever is earlier.

7.0 Nature of Liability:

An architect is liable for the negligent act which he committed in the performance of his duties. The action against an architect can be initiated by the Client on satisfying the following conditions :

- (a) There must exist a duty to take care, which is owed by an architect to his client.
- (b) There must be failure on the part of an architect to attain that standard of care prescribed by law, thereby committed breach of such duty;
and
- (c) The client must have suffered damage due to such breach of duty.

7.1 Disciplinary action under the Architects Act, 1972

If an architect is found guilty of professional misconduct, he is liable for disciplinary action by the Council of Architecture under Section 30 of the Architects Act, 1972.

7.2 Civil and Criminal action in the Courts of Law

- 7.2.1 The disciplinary action taken by the Council of Architecture against the architect who has been found guilty of professional misconduct does not absolve him of his liabilities under the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973, if any.

Some of the relevant laws include, The Law of Torts, The Consumer Protection Act, 1986 and The Indian Penal Code 1860, etc.

COUNCIL OF ARCHITECTURE

GUIDELINES OF CONSULTANCY PRACTICE FOR THE FACULTY MEMBERS OF THE SCHOOLS OF ARCHITECTURE

PREFACE

The Council of Architecture, whilst formulating the Regulations on Minimum Standards for undergraduate architectural education has emphasized that institutions imparting architectural education shall encourage faculty members to involve in professional practice, including research. The concept and practice of Architecture, today, is far different from that of the Twenties and Thirties. The practice now is concerned with the whole activity of designing a Complex, man-made environment, especially in the urban areas. Many new factors, including the advances that science and technology is making, call for immediate attention by the profession. Architectural education will have to be broader and more encompassing, and the faculty and the teaching institutions have to keep themselves abreast of the latest techniques and development.

It is in this context that the Council of Architecture has evolved Guidelines for Consultancy Practice by the faculty members of the schools of architecture. Institutions imparting architectural education must encourage faculty members to be involved in professional practice which would enrich the experience and knowledge of the faculty members and, in turn, upgrade the level/quality of teaching, training and research programmes. The Heads of the institutions must ensure that the faculty members do not, directly or indirectly, compromise their responsibility to the students and that the consultancy practice would not interfere with the faculty member's normal and primary duties to the students and other activities of the institution. The Consultancy practice permitted to the faculty must be consistent with the guidelines.

GUIDELINES OF CONSULTANCY PRACTICE FOR THE FACULTY MEMBERS OF THE SCHOOLS OF ARCHITECTURE

1. Introduction

The primary commitments of a faculty member are towards the students, teaching/research and other activities of the institution. It is a recognised fact that in the modern fast changing world with techniques of construction, planning/architecture concepts continuously going through a process of re-evaluation and change, the faculty and the institutions have to keep themselves abreast of the latest activities and developments. This can only be achieved with opportunities to the faculty members who involve in professional consultancy practice. Such a consultancy practice has also other advantages like:

- (a) The contact with the profession and industry enriches experience and knowledge of the faculty members in the professional spheres that upgrade the level quality of teaching, training and research programmes.
- (b) The faculty members have also opportunities for implementing their ideas under actual live conditions.
- (c) The contact with live teachers and actual projects would enable the students to perceive properly and relevant to the curriculum.
- (d) The students will thereby be trained at a much higher level by technological efficiency and latest techniques and research inputs resulting in their immediate absorption in employment after completion of their studies with greater confidence and the professional challenges.

With this in view it is recommended that the institutions may permit faculty members to engage themselves either in institutional consultancy practice or individual consultancy practice on the following guidelines.

2. General

- 2.1 The faculty members may be permitted to engage in private consultancy practice without detriment to their normal and primary duties to the students, research/training and other activities of the institution, either individually or in groups or in association with individuals or with established firms on a fee or retainer basis.
- 2.2 The faculty members shall not be entitled for any concession for engaging themselves in private consultancy practice.
- 2.3 The faculty members shall impart to the students the knowledge and experience gained in private consultancy practice and may also impart professional training to the students.
- 2.4 The faculty members shall not be entitled to any non-practising allowance whether engaged in consultancy practice or not.
- 2.5 The faculty members shall engage in consultancy practice at their own risk and the institution shall not be held responsible legally or otherwise arising out of such consultancy practice.
- 2.6 The faculty members may be required to carry out architectural and other related works of the institutions as and when assigned, on payment of fees.
- 2.7 The faculty members shall be required to submit at the end of every financial year, a statement indicating therein the income earned from private consultancy practice that has been indicated in the income tax return filed and duly certified by a Chartered Accountant.
- 2.8 The funds from the Research, Development and Staff Welfare Fund shall be utilised only for welfare programmes, research and development activities.

3. Institutional Consultancy Practice

- 3.1 The institutional consultancy practice may be undertaken through a Consultancy Cell established in the institution.
- 3.2 The Institutional Consultancy Cell may manage its affairs through a committee of faculty members and the authorities of the institution, duly authorised to initiate and conclude negotiations for jobs and other details like nature of job, fees, responsibilities etc.
- 3.3 The Consultancy Cell Committee, may, assign the job to faculty members individually or in groups.
- 3.4 The Consultancy Cell may make use of institution facilities with supporting infrastructure of its own.
- 3.5 The faculty members entrusted with the jobs may appoint a group leader for entering into agreement with clients on behalf of the Consultancy Cell and also to engage specialist consultants, as and when required, and to negotiate the fees thereof with the Consultancy Cell Committee's approval.
- 3.6 The Consultancy Cell shall contribute a portion of the fees not exceeding 10%, to the Research, Development and Staff Welfare Fund:

Provided further, that another 10% of the fees shall be placed at the disposal of the Consultancy Cell Committee to defray expenditure for its activities.

The remaining 80% of the fees shall be utilised for expenditure and for payment of honorarium to faculty members.

- 3.7 The faculty members shall submit progress reports to the Consultancy Cell periodically for review.
- 3.8 The Consultancy Cell Committee shall submit reports annually to the authorities of the institution.
- 3.9 The Consultancy Cell shall manage all its receipts and payments.

4. Individual Consultancy Practice

- 4.1 The faculty members shall keep the institution informed of each consultancy project to be undertaken seeking prior approval within a reasonable period of time:

Provided, if, in the opinion of the institution, the primary teaching duties of the faculty members are likely to be adversely affected by the quantum and nature of work, the reasons shall be communicated to the faculty members to satisfy the institution before actual engagement.

- 4.2 The faculty members in individual consultancy practice, shall contribute 30% of the net income from such consultancy practice as declared in the income tax return each year, to the Research Development and Staff Welfare Fund or 6% of the gross receipts from such consultancy practice in a given year, duly certified by a Chartered Accountant.
- 4.3 The net income from individual consultancy practice of faculty members shall not exceed the gross emoluments received annually from the institution in a year.
- 4.4 The faculty members may not use any of the institution facilities provided when institution facilities are made use of by faculty members, they shall be required to pay the institution on the norms laid down by the institution for the facilities used.

COUNCIL OF ARCHITECTURE

ARCHITECTURAL COMPETITION GUIDELINES

PREFACE

Architectural Competitions have a long history, and have produced many extremely successful buildings. They attract great public interest, and have led to the discovery of new talent and new ideas, that could only be found by throwing an architectural project wide open to competition. The Council of Architecture Competition Guidelines provide a new up-to-date code that safeguards the interests of promoters and of architects, and bring the system into line with present-day conditions.

To many clients – the choice of an architect presents no difficulty, but to many others the choice is not easy. The client's desire to see the sketch designs of several architects before he commissions him is understandable, but to ask an architect to submit a sketch design is to ask him to do the essential creative work for which he should be properly paid. If more than one or two architects are commissioned payment to each would be expensive. Architects, however, are allowed to compete against each other without charging a fee in an open architectural competition held under Council of Architecture Guidelines.

The architectural competition is a balance of advantages. Architects who would not have been considered in the normal way for an important commission, perhaps for a building of national importance have an opportunity to prove their talent and ability.

Many architects regard competitions as a valuable opportunity for research, perhaps for the study of a new building type, or for exploring the possibilities of new technical ideas and for gaining new experience. On the other hand, the profession's willingness to allow its members to compete without fee is a remarkable concession to the promoter without parallel in any other profession.

For the promoter also, there is balance of advantages. A competition will cost him a little more than if he had commissioned an architect privately and it will take a little more time. But this must be balanced against the chance to draw upon the talents of all those who respond to the architectural challenge, and the possibility that an outstanding design will emerge. He is making a public demonstration that he cares about architecture, and can take legitimate pride in his determination to find the best architect and the best design he can get. He will be rewarded with a greater public interest than is generally shown in new buildings.

Competition Guidelines as laid by the Council of Architecture protects and safeguards the interest of both the promoter and the competitors. While ensuring the promoter a design of high standard, it also ensures that each competitor competes on like conditions and within the same limitations.

The purpose of these Guidelines is to explain the architectural competitions system, and to help the client who is thinking of promoting a competition to make up his mind whether a competition is the right answer to his architectural problem, and, if so, which kind of competition would be suitable. It also tells, a would be promoter how competitions are organised, and what are the responsibilities of promoter.

ARCHITECTURAL COMPETITION GUIDELINES

ARCHITECTURAL COMPETITION – ITS PURPOSE

Architectural Competitions give the promoters a choice from the best viable project of high standard with a variety of approaches.

Competition brings out a wide range of ideas and concepts and gives the promoter the choice of selecting that which fits into his specific requirements.

One of the principal aims of the competition is to explore hidden talents among younger Architects. To many competitors, it often is the first step to a successful career.

Competition Guidelines as laid down by the Council of Architecture protect and safeguard the interests both of the promoter and the competitor.

While ensuring the promoter a design of high standard and adjudged as such by prominent Architects acting as Assessors, it also ensures that each competitor competes on like conditions and within the same limitations.

Both the promoter and the competitor are assured by these guidelines that the entries will be judged only by those who are qualified to interpret the competitors' presentations and to judge if the design selected meets with the promoter's requirements.

The guidelines therefore lay considerable emphasis on the mandatory requirement of Assessors and the qualifications.

The appointment of the Assessors should therefore be the immediate and first step the moment the promoter decides to go in for a competition. The President of the Council of Architecture, if so requested by the promoter, may suggest a panel of names experienced in this type of project proposed, for appointment as Assessors. Their responsibilities commence with the approval of the brief of the competition project. The Assessor may even help to prepare the brief.

For practical reasons, this responsibility is often taken by the Senior Assessor who would then be available to advise the promoter on all matters connected with the competition from the promoter's decision to hold the competition till the final award.

Briefly the Assessors (or the Senior Assessor) will:

1. Assist in the preparation and approval of the brief.
2. Study and understand the requirements of the Local Authorities.
3. Visit and examine the project site, if necessary.
4. Advise on the appointment of the Technical Advisers, if necessary.
5. Finalise the competition conditions.
6. Prepare the final report/award.

The project brief is the most important document. The success of the competition will depend upon the clarity and the completeness of the brief. This can be achieved by a very close cooperation between the Promoters and the Assessors (or the Senior Assessor) in the preparation and finalisation of the brief.

Further the participation of the Assessors in the preparation of the brief will enable them to understand fully the intent of the promoter. Also as qualified Architects they would be capable of visualizing the development with reference to the promoter's requirements, site conditions etc. and in interpreting the competition entries in these terms.

For complicated projects such as Hospitals, Airports etc. which are under constant development or projects encompassing highly technical elements, a Technical Adviser would be considered necessary in the initial stage to help the Promoter and the Assessors to draw up the brief and subsequently to advise the Assessors on the technical aspect of the competition entries.

Once the promoter's requirements, the site conditions, the requirements of the local authorities etc. have been formulated into the competition brief, the Assessors (or the Senior Assessor) can advise the promoter on the type of competition that should be promoted.

Schedule 1 of the Competition Guidelines describes in detail the types of competitions, which could be adopted and successfully conducted.

The conditions for Architectural competition given in Schedule 3 specifies the procedure to be followed by the promoter for conducting competitions and these conditions have been drawn up to ensure that each competitor competes on similar conditions, that the selection is based entirely on merit, that in appreciation of the effort that would be put in by each competitor suitable and adequate prize monies and honoraria are assured, that anonymity of the competitor is maintained during the competition and that each competitor enjoys Copyright and Right of Ownership.

Response from well established Architects as well as large number of young Architects to an open competition can best be assured by wide publicity. This is all the more essential for projects which are of public interest.

Publicity could begin with the invitation of Architects to participate through widely read media. This could be followed by press conferences and finally by the publication of the Assessor's report and public exhibition of all the entries.

GUIDELINES FOR ARCHITECTURAL COMPETITIONS

INTRODUCTION :

The purpose of these Guidelines is to indicate the principles upon which competitions will be conducted and the rules which must be observed by a promoter for conducting competitions.

These guidelines have been drawn up in the interest of both the promoter and the competitor and to ensure that the architectural competitions are properly conducted and that selection of the design will be on merit alone and will satisfy the promoter's requirements.

The Code of Professional Conduct of the Council of Architecture does not allow Architects to give unpaid services in competition with each other and competitive designs shall only be submitted through competition organised within the framework of these guidelines.

GUIDELINES :

ARTICLE 1 : ELIGIBILITY TO COMPETE :

Participation in any and all competitions shall be open to:

1. Architects i.e those who are registered with the Council of Architecture under the Architects Act, 1972 on the date of announcement of the competition and thereafter.
2. Firms in which all the partners shall be registered with the Council of Architecture under the Architects Act, 1972 on the date of announcement of the competition and thereafter.¹
3. Students of a Teaching Institution, the qualifying examination of which is recognised by the Council of Architecture provided that no member of the staff of the said institution is the sole Assessor or in a jury of three or more Assessors, only one Assessor is from the staff of the said institution.
4. Neither the Promoter of the competition, Assessor/s engaged for the competition nor any of their associate, partner or employee shall compete, assist a competitor or act as an architect or joint architect for the competition project.

Competitor may be requested to submit a proof of qualification, copy of his valid Registration certificate issued by the Council of Architecture, and in case of a student, a certificate from the head of his institution which is qualified as per 3 above.

ARTICLE 2 : COMPETITION :

1. The word 'Competition' shall apply to any competition described in Schedule 1 and participation shall be open only to those qualified as per Article 1.
2. The draft competition conditions including time table, registration fees, prize monies/honoraria, board of assessors, the programme etc. of competitions shall have been finalised within the framework of the guidelines prescribed by the Council of Architecture before any announcement is made by the promoter of the competition.
3. The conditions of the competitions shall clearly give:

Conditions based upon guidelines prescribed by the Council of Architecture.

Type of Competition.

Purpose of the competition and intentions of the promoter.

Nature of the problem to be solved.

All practical and mandatory requirements to be met by the competitors.

Number, nature, scale and dimensions of the documents, plan and/or models.

Estimates if required in standard form issued with the conditions.

Nature of prizes.

Names of Assessors.

Necessary information required for conducting the competition.

4. The competition shall be conducted in English.
5. All competition designs shall be submitted anonymously.

ARTICLE 3 : BOARD OF ASSESSORS :

The Board of Assessors shall at all times include Architects who are registered with the Council of Architecture and shall be in a majority of atleast one.

ARTICLE 4 : PRIZES, HONORARIA & MENTIONS :

No competition shall be conducted without adequate premium/honoraria and the competition conditions and the media announcements must state the amounts and number of prizes for the open competition and the amount of premium or honorarium to each competitor in a limited competition and in the second stage of a two stage competition.

ARTICLE 5 : COPYRIGHT & RIGHT OF OWNERSHIP :

- i. Each competitor shall retain Copyright in his own competition design.
- ii. Each competitor shall retain the right of reproduction of his own competition design.

ARTICLE 6 : EXHIBITION OF ENTRIES :

All competition designs including those disqualified by the Board of Assessors shall be exhibited for atleast one week, together with a copy of the signed report of the Board of Assessors. The exhibition shall be open to public free of charge.

ARCHITECTURAL COMPETITIONS

REGISTRATION PROCEDURE :

It is extremely important for competitors who may be asked to pay substantial registration fees to know exactly when they are registered and under what conditions the registration fee will be refunded. It is also important for intending competitors to receive sufficient information when they are invited to apply for the competition conditions to enable them to judge whether the competition falls within the guidelines for architectural competition of the Council of Architecture and whether they are capable of tackling the problem set by the competition.

The Council of Architecture recommends 3 parts Procedure:

PART I

A descriptive leaflet and / or an advertisement in general and professional media. These should include the following information:

1. Name of the Promoter
2. Purpose and nature of the competition. This should be carefully worded to give a clear idea of the scope of the project whether it is a project or an ideas competition, single or 2 stage competition and the type of material that a competitor would be asked to submit.
3. The prizes (or honoraria)
4. Names of Assessors
5. Persons eligible to compete
6. An approximate time table
7. The procedure for registration, the last date for registration and the date by which the competition conditions would be made available by the promoter.

Copies of this leaflet with a registration form attached (see model form) should be available from the promoter.

PART II

An intending competitor makes an application the bodies listed in the advertisement/leaflet for the registration form, completes the registration form as per the instructions given on the form and sends it by registered post to the promoter together with the registration fee (if any).

The registration form should be sent by the intending competitor within the time stipulated. It will establish his eligibility to compete. The registration is only complete when the promoter accepts the competitor's eligibility by placing his name on the competition register and informs him in writing accordingly.

PART III

The competition condition will be sent to the intending competitor by the promoter only when his eligibility is established and his name is entered in the competition register.

REGISTRATION FORM
(All entries in block letters)

Registration No.

OR Name of Educational Institution:

.....
.....

Year of Study

Competitor(s) Name(s)

(1) Mr/Ms.
Surname 1st Name 2nd Name

(2) Mr/Ms.
Surname 1st Name 2nd Name

(3) Mr/Ms.
Surname 1st Name 2nd Name

Address: (In case of entry by a team, give the address of the first mentioned person who will be registered by the promoter as a leader).

.....
.....
.....

Registration fee
(By Demand Draft in favour of

.....)
(indicate name of promoter)

payable at

.....
(enter name of the city)

Demand Draft for Rs. (enter amount)

no dated

drawn on..... (enter name of the Bank)

Declaration : (To be signed by Competitor i.e. an individual Architect or one of the partners of a firm of Architects or leader of a team of Architects)¹

I declare that at the time of application to register for the competition, I was registered with the Council of Architecture incorporated under the Architects Act 1972 and that the Registration with the Council of Architecture will be maintained, till the award of the Board of Assessors and thereafter till the completion of the project if I am declared and appointed as the Architect for the project.

OR

I declare that at the time of application to register I was studying Architecture in the _____ (indicate year of study) year of Architecture at the _____ (Indicate name of educational institution) (Optional clause if students are admitted).

Signature.....

Date.....

Notes:

- i. Registration is not transferable.
- ii. Ideas competitions: Students may register either individually or in team with other students.
- iii. Two Stage and Single Stage competitions: Students are not permitted to register and may therefore only participate in association with an accredited architect.

Title of Competition (Enter name of project and location)

1. Amended by the Council of Architecture at its meeting held on 26th & 27th July, 2001.

MODEL FORM FOR IDEAS COMPETITION

ARCHITECTURAL COMPETITION FOR.....

1.00 GENERAL RULES

INVITATION

- 1.1 The promoter..... (inset name of the promoter) has decided to promote an Ideas Competition and invites Architects/Students to submit designs in competition for.....(insert the name of the project) in accordance with the conditions and instructions set out below. It is not the intention of the promoter to build. The competition is promoted as an exercise in design/or planning, to draw attention to.....(describe the purpose of the competition) and to assist the community by facilitating further research and thought into the problem.

ELIGIBILITY

- 1.2 The term " Architect" will mean any person who at the time of his application is registered with the Council of Architecture under the Architects Act, 1972. Where the application is made by a firm, all partners of the firm shall be Architects. The qualification and title of the Partner who is responsible for the business of the firm, only need be stated in the registration form.¹
- 1.3 The term 'Student' shall mean a bonafide student of a recognised institution, the qualifying examination of which is recognised by the Council of Architecture.

APPROVAL OF CONDITIONS

- 1.4 This competition will be conducted in accordance with the guidelines of the Council of Architecture, which also apply in case of points which have not been specifically covered by these conditions.
- 1.5 The Board of Assessors have seen and approved these conditions.
- 1.6 A copy of the competition conditions have been filed with the Council of Architecture.
- 1.7 Registered participant wishing to submit more than one scheme may do so with payment of further registration fee for each additional entry. Each scheme should be submitted separately and the participant must apply for further copies of relevant despatch papers for each additional scheme.

PERSONS INELIGIBLE

- 1.8 No member of the Board of Assessors shall take part either directly or indirectly in the competition nor be entrusted either directly or indirectly with work connected with the prize winning design. No member of the promoting body or an associate or an employee or any member concerned with the preparation or organising of the competition shall be eligible to compete or assist a competitor.

ENTERING IN THE COMPETITION

- 1.9 The competition conditions and registration form are available on written application from.....(name of the promoter and his address).
The Registration form filled in and completed in all respects as instructed should be sent to the promoter by registered post or hand delivery together with the registration fee of Rs..... not later than.....(indicate the date).

The Registration form filled in and completed in all respects should be sent to the promoter not later than..... (indicate date). No registration fee is charged.

- 1.10 The registration fee sent along with registration form will be refunded:
1. If the applicant does not fulfil the qualification required under 1.2 and 1.3. The applicant will not be eligible to participate in the competition.
 2. If the applicant returns the competition conditions with all enclosures by (indicate the date) and informs the promoter of his intentions not to participate.

1. Amended by the the Council of Architecture at its 38th meeting held on 26th & 27th July, 2001.

BOARD OF ASSESSORS

1.11 The following members have been appointed on the Board of Assessors to advise on the conduct of the competition, adjudicate on the designs submitted and make the award. (State below name, title and designation of each Assessor)

- 1.
- 2.
- 3.
- 4.
- 5.

APPOINTMENT OF TECHNICAL ADVISERS

1.12 If necessary the Board of Assessors may consult Technical Adviser appointed by the Senior Architect Assessor/Board of Assessors. The Technical Adviser may be consulted on any aspect of the competition and he may be asked to be present during the judging to give advice on entries when he is invited to do so, but he shall not take part in the judging process.

PRIZES AND MENTIONS

1.13 The promoter undertakes to accept the decisions and the awards of the Board of Assessors and within 3 months of the date thereof to pay the following prizes:

- 1. To the author of the design placed first Rs.....
- 2. To the author of the design placed second Rs.....
- 3. To the author of the design placed third Rs.....
- 4. The promoter has also set aside an additional sum of Rs..... for further awards for mentions to be allotted at the discretion of the Board of Assessors.

ANONYMITY

1.14 Anonymity will be strictly observed at all stages of the competition by the competitors, by the Board of Assessors, by the Promoter and by all those concerned with the competition.

QUESTIONS AND ANSWERS

1.15 Competitions' questions must be written on the form provided (No. 1) (attach additional plain sheets for more questions) and sent to (name and address of the promoter) to reach not later than.....(indicate date). An explanatory memorandum dealing with the questions submitted will be dispatched to all the competitors not later than (indicate date) and will form part of the conditions and instructions of the competition.

OR

No questions will be permitted in the second stage.

SUBMISSION OF DESIGNS

1.16 Submission of design implies acceptance of the competition conditions. Competitors are advised to retain copies of the design submitted.

1.17 All plans and accompanying documents and envelopes comprising a competition entry must bear on the top right hand a 1 cm high six digit number of competitions choice. No other symbol, motto or distinguishing mark will be placed on any part of the competition entry. The design and the documents of each competitor shall be dispatched in a single packet using the label(s) provided (No. 2).

1.18 Each design must be accompanied by a declaration/proof of identity form (No. 3) signed by the competitor or joint competitors and enclosed in the envelope provided. Each competitor must be prepared to satisfy the Board of Assessors that he is the bonafide author of the design he has submitted.

1.19 Competition designs delivered by hand should reach the Promoter at his address given in 1.9 not later than (indicate date and time). Receipt with date and time of delivery will be issued by the promoter to the competitors.

1.20 Competition designs sent by post or through forwarding agent must be dispatched not later than (indicate date - this should be same as 1.19). Proof of dispatch clearly showing the date of dispatch shall be forwarded to the promoter separately with a covering letter informing him of the dispatch of the competition designs. This letter shall be on a plain paper unsigned and only with the six digit number.

1.21 Competition designs sent through post or through forwarding agent must reach the promoter at his address given in 1.9 not later than (indicate date and time)

1.22 All drawings, documents, report and photographs should be packed together in a plain brown paper and sealed. This packet will also include the sealed envelope (No. 4) containing the declaration/ proof of identity form (No. 31). If the packet has to travel a long distance, it may be dispatched in a wooden crate. Both the packet and the wooden crate will bear only the name and address of the promoter and the six digit number.

INSURANCE OF COMPETITION DESIGN

- 1.23 Each competitor is responsible for insuring his entry against loss, damage or non-delivery upto the time of its receipt by the promoter at the address given in 1.9.
- 1.24 On receipt by the promoter, each entry will be insured him (the promoter) for the sum of Rs..... till its return to the competitor after the award. This sum will also cover expenses to return of the design to the competitor.

JUDGING PROCEDURE

- 1.25 The promoter will place a secretariat at the disposal of the Board of Assessors to minute their meetings and record their decisions.
- 1.26 The deliberations of the Board of Assessors will be secret. No member of the Board or Technical Adviser or member of the promoter's staff or competition secretariat may disclose any details of the competitions, deliberations or decisions.
- The decisions of the Board of Assessors are final and binding on the promoter.
- 1.27 The judging of the entries are scheduled to take place during the month of(indicate month and year) and any delay agreed by the Board of Assessors will be publicly announced.
- 1.28 The promoter will announce the award of the competition not later than two weeks after the judging has been complete.
- 1.29 A copy of the report of the Board of Assessors will be sent to each competitor at the same time as the Board's award is made public.

DISQUALIFICATION

- 1.30 The Board of Assessors may disqualify entries for the following reasons:
1. If despatched by post or through the forwarding agent to or delivered in person at the promoter's address in 1.9 after the last date and time given in 1.19 and 1.20.
 2. If received by the promoter at the address given in 1.9 by post or through forwarding agent after the last date and time given in 1.21.
 3. If the competitor disregards any of the conditions of the competition.
 4. If the competitor attempts to influence any member of the Board of Assessors and/or discloses his identity.

TERMINATION OF THE COMPETITION

- 1.31 If against all expectations entertained by the promoter, the result of the competition is such that none of the participants could be declared by the Assessor as the winner of the competition, competition could be regarded as terminated and the promoter will on the advice of the Board of Assessors award the second, third and the additional prizes to the entries selected by the Board.

ANNOUNCEMENT OF AWARD AND EXHIBITION

- 1.32 The promoter will publish the award of the Board of Assessors and inform the Council of Architecture after having first informed the authors of the prize winning and premiated designs individually by telegrams and confirmed by letters.
- 1.33 All designs including those disqualified by the Board of Assessors will be exhibited from.....(indicate date) to.....(indicate date) at.....(indicate address) together with the copy of the signed report of the Board of Assessors. The above dates of the exhibition will also be conveyed individually to all competitors in advance.
- 1.34 Names of all competitors will be displayed at the exhibition. However, competitors of designs not premiated may choose to remain anonymous. They should so indicate on the envelope containing their declaration/proof of identity form.

RETURNING OF ENTRIES

- 1.35 Within one month after closing of the exhibition, all entries except the design placed first will be returned to the postal address given in the declaration form, by the promoter at his own cost.
- If the delivery to any such addresses is not accepted, a notification to that effect will be sent by the promoter by registered post to the said postal address and the entry will be kept by the promoter with him for collection by the competitor for a period of three months from the date of the registered letter. After that the promoter will be free to dispose of the entry at will.

RIGHTS

- 1.36 Drawings of the designs winning the first prize will be retained by the promoter as his property.
- 1.37 Copyright of all designs including the designs winning the first prize will be that of the authors of the designs.
- 1.38 Design awarded the first prize only will be used by the promoter.
- 1.39 The promoter's right on the designs awarded the first prize covers one execution. Repetition of the said design by the promoter will be with the written permission of the author and on confirmation of suitable terms.
- 1.40 No other designs whether premiated or not shall be used wholly or partly by the promoter.
- 1.41 Each competitor shall retain the right of reproduction of his designs.

SETTLEMENT OF DISPUTES

1.42 In the event of dispute not related to the judging procedure or the award of he Board of Assessors, the settlement will be by arbitration without recourse to the legal authorities.

COMPETITION TABLE

1.43 The competition will be run in accordance with the following time table:

Competition conditions will be made available by the promoter	.....(indicate date)
Last date for registration	.....(indicate date)
Last date for return of competition conditions for refunding registration fee	.....(indicate date)
Last date of receipt of questions by the promoter	.....(indicate date)
Last date for despatch of answers to questions to the competitor	.....(indicate date)
Last date for despatch of competition entries by post or delivery of entries to the promoter by hand	.....(indicate date)
Last date for receipt of entries by post or through forwarding Agent by the promoter	.....(indicate date)
Judging dates	..... (indicate date) .....to.....
Intimation to each competitor of the awards of the Board of Assessors and publication of the awards	.....(indicate date)

2.00 Explanatory Note of the promoter, purpose and intent of the project

3.00 Information of General Nature

- 3.1 Economical Aspect
- 3.2 Social and Cultural Aspect
- 3.3 Climate
- 3.4 Physical Aspect and Description of the site
- 3.5 Etc.

4.00 Programme of Requirements

5.00 Drawings and Documents to be submitted by Competitors

- 5.1 Site plan and Location plan
- 5.2 Sketch design drawings
- 5.3 Prespective view (model if necessary)
- 5.4 Etc.

6.00 Annexures

- 6.1 Registration Form
- 6.2 Competitors' Question Form (No.1)
- 6.3 Competitors' Question Envelope (No.1)
- 6.4 Label(s) (No.2)
- 6.5 Declaration/Proof of Identity Form (No.3)
- 6.6 Declaration/Proof of Identity Envelope (No.3)
- 6.7 Loation Plan
- 6.8 Site Plan
- 6.9 Photographs of surrounding area and site
- 6.10 Letter type and size for code number

Competitors' Questions (No.1) (if applicable see 1.15)

Competitors may submit questions so as to reach the promoter at.....(indicate address) not later than.....(indicate date). Questions should be in block letters or typewritten. Add extra sheets if necessary.

Question No.1

Question No.2

Question No.3

Question No.4

Question No.5

Address to which answers should be sent

Title of competition

Envelope
(No.1)

COMPETITOR'S QUESTIONS (NO.1)

The Promoter

Title of the competition

Address

Label for
Despatch
(No.2)

The Promoter

Title of the competition

Address

DECLARATION / PROOF OF IDENTITY FORM

Registration No
(Council of Architecture)

OR Name of Educational Institution

.....
.....
Year of study

Name and Address

- Competitors
- 1.

 - 2.

 - 3.

 - 4.

In case of entry by an individual architect or a firm of Architects or a team of Architects, the first name shall be of the leader.¹

1. Amended by the Council of Architecture at its 38th meeting held on 26th & 27th July, 2001.

Declaration (To be signed by competitors i.e. individual Architect or all partners of a firm of Architects or all members of a team of Architect).¹

I/We declare that the design is my/our work and that the drawings have been prepared by myself/ourselves or in my/our office under my/our supervision.

I/We have complied with and accept all regulations and conditions which apply to the competition and accept the decision of the Board of Assessors.

Signature 1

2

3

4

Date:

(Note: This form is to be completed, signed and placed in the official envelope provided, which is then sealed and placed in the packet containing the competition entries. Put the six-digit number only on the right corner of the envelope.)

Title of the competition

1. Amended by the Council of Architecture at its 38th meeting held on 26th & 27th July, 2001.

Envelope
(No.3)

DECLARATION / PROOF OF IDENTITY FORM (NO.3)

COMPETITOR'S IDENTITY NUMBER

Promoter's Code Number (if given)

In the event the design submitted under the above number NOT receiving an award the author(s) may remain anonymous by placing a 'X' in the box below.



Title of the competition

MODEL FORM FOR SINGLE STAGE OPEN COMPETITION
ARCHITECTURAL COMPETITION FOR

1.00 GENERAL RULES

INVITATION

1.1 The promoter.....(insert name of the promoter) has decided to promote an architectural competition and invite Architects to submit design in a single stage competition for.....(insert the name of the project) which is proposed to be built on a site at.....(indicate the location of the site) and admeasuring (area) Sq.m in accordance with Conditions and Instructions set out below.

OBJECTS AND NATURE OF THE COMPETITION

1.2 The object of the competition is to obtain design for.....(insert name of the project) in accordance with which after further elaboration this project will be developed.

ELIGIBILITY

1.3 The term "Architect" will mean any person who at the time of his application is registered with the Council of Architecture under the Architects Act, 1972. Where the application is made by a firm, all partners of the firm shall be Architects. The qualification and title of the Partner who is responsible for the business of the firm only need to be stated with registration form.¹

APPROVAL OF CONDITIONS

1.4 This competition will be conducted in accordance with the Guidelines of the Council of Architecture, which also apply in case of points which have not been specifically covered by these conditions.

1.5 The Board of Assessors have seen and approved these conditions.

1.6 A copy of the Competition Conditions have been filed with the Council of Architecture.

PERSONS INELIGIBLE

1.7 No member of the Board of Assessors shall take part either directly or indirectly in the competition or be entrusted either directly or indirectly with work connected with the prize winning design. No member of the promoting body or an associate or an employee or any member concerned with the preparation or organising of the competition shall be eligible to compete or assist a competitor.

ENTERING IN THE COMPETITION

1.8 The competition conditions and registration form are available on written application from.....(name of the promoter and his address). The registration form filled in and completed in all respects as instructed should be sent to the promoter by registered post or hand delivery together with the registration fee of Rs.....not later than.....(indicate the date).

OR

The registration form filled in and completed in all respects should be sent to the promoter not later than.....(indicate date).
No registration fee is charged.

1.9 The registration fee sent along with registration form will be refunded:

1. If the applicant does not fulfil the qualification required under 1.3.

2. If the applicant returns the competition conditions with all enclosures by.....(indicate the date) and informs the promoter of his intentions not to participate.

1. Amended by the Council of Architecture at its 38th meeting held on 26th & 27th July, 2001.

QUESTIONS AND ANSWERS

- 1.21 Competitions' questions must be written on the form provided (No. 1) (attach additional plain sheets for more questions) and sent to (name and address of the Promoter) to reach not later than.....(indicate date). An explanatory memorandum dealing with the questions submitted will be dispatched to all the competitors not later than (indicate date) and will form part of the conditions and instructions of the competition.

SUBMISSION OF DESIGNS

- 1.22 Submission of design implies acceptance of the competition conditions. Competitors are advised to retain copies of the design submitted.
- 1.23 All plans and accompanying documents and envelopes comprising a competition entry must bear on the top right hand a 1 cm. high six digit number of competitions' choice. No other symbol, motto or distinguishing mark will be placed on any part of the competition entry. The design and the documents of each competitor shall be dispatched in a single packet using the label(s) provided (No. 2).
- 1.24 Each design must be accompanied by a declaration/proof of identity form (No. 3) signed by the competitor or joint competitors and enclosed in the envelope provided. Each competitor must be prepared to satisfy the Board of Assessors that he is the bonafide author of the design he has submitted.
- 1.25 Competition designs delivered by hand should reach the promoter at his address given in 1.8 not later than (indicate date and time). Receipt with date and time of delivery will be issued by the promoter to the competitors.
- 1.26 Competition designs sent by post or through forwarding agent must be dispatched not later than (indicate date this should be same as 1.25). Proof of dispatch clearly showing the date of dispatch shall be forwarded to the promoter separately with a covering letter informing him of the dispatch of the competition designs. The letter shall be on a plain paper unsigned and only with the six digit number.
- 1.27 Competition designs sent through post or through forwarding agent must reach the promoter at his address given in 1.8 not later than (indicate date and time).
- 1.28 All drawings, documents, reports and photographs should be packed together in a plain brown paper and sealed. This packet will also include the sealed envelope (No. 4) containing the declaration/ proof of identity form (No. 3). If the packet has to travel a long distance, it may be dispatched in a wooden crate. Both the packet and the wooden crate will bear only the name and address of the promoter and the six digit number.

INSURANCE OF COMPETITION DESIGN

- 1.29 Each competitor is responsible for insuring his entry against loss, damage or non-delivery upto the time of its receipt by the promoter at the address given in 1.8.
- 1.30 On receipt by the promoter, each entry will be insured by him (the promoter) for the sum of Rs..... till its return to the competitor after the award. This sum will also cover expenses for the return of the design to the competitor.

JUDGING PROCEDURE

- 1.31 The promoter will place a secretariat at the disposal of the Board of Assessors to minute their meetings and record their decisions.
- 1.32 The deliberations of the Board of Assessors will be secret. No member of the Board or Technical Adviser or member of the promoters' staff or competition secretariat may disclose any details of the competitions, deliberations or decisions. The decisions of the Board of Assessors are final and binding on the promoter and competitors.
- 1.33 The judging of the entries are scheduled to take place during the month of(indicate month and year) and any delay agreed by the Board of Assessors will be publicly announced.
- 1.34 The promoter will announce the award of the competition not later than two weeks after the judging has been complete.
- 1.35 A copy of the report of the Board for Assessors will be sent to each competitor at the same time as the Board's award is made public.

DISQUALIFICATION

- 1.36 The Board of Assessors may disqualify entries for the following reasons:
1. If despatched by post or through the forwarding agent to or delivered in person at the promoter's address in 1.8 after the last date time given in 1.25 and 1.26.
 2. If received by the promoter at the address given in 1.8 by post or through forwarding agent after the last date and time given in 1.27.
 3. If the competitor disregards any of the conditions of the competition.
 4. If the competitor attempts to influence any member of the Board of Assessors and/or discloses his identity.

TERMINATION OF THE COMPETITION

1.37 If against all expectations entertained by the promoter the result of the competition is such that none of the participants could be declared by the Assessor as the winner of the competition, competition could be regarded as terminated and the promoter will on the advise of the Board of Assessors award the second, third and the additional prizes to the entries selected by the Board.

ANNOUNCEMENT OF AWARD AND EXHIBITION

1.38 The promoter will publish the award of the Board of Assessors and inform the Council of Architecture after having first informed the authors of the prize winning and premiated designs individually.

1.39 All designs including those disqualified by the Board of Assessors will be exhibited from.....(indicate date) to.....(indicate date) at.....(indicate address) together with the copy of the signed report of the Board of Assessors. The above dates of the exhibition will also be conveyed individually to all competitors in advance.

1.40 Names of all competitors will be displayed at the exhibition. However, competitors of designs not premiated may choose to remain anonymous. They should so indicate on the envelope containing their declaration/proof of identity form.

RETURNING OF ENTRIES

1.41 Within one month after closing of the exhibition, all entries except the design placed first will be returned to the postal address given in the declaration form, by the promoter at his own cost.

If the delivery to any such addresses is not accepted, a notification to that effect will be sent by the promoter by registered post to the said postal address and the entry will be kept by the promoter with him for collection by the competitor for a period of three months from the date of the registered letter. After that the promoter will be free to dispose of the entry at will.

RIGHTS

1.42 Drawings of the designs winning the first prize will be retained by the promoter as his property.

1.43 Copyright of all designs including the designs winning the first prize will be that of the authors of the design.

1.44 Design awarded the first prize only will be used by the promoter.

1.45 The promoter's right on the designs awarded the first prize covers one execution. Repetition of the said design by the promoter will be with the written permission of the author and on confirmation of suitable terms.

1.46 No other designs whether premiated or not shall be used wholly or partly by the promoter.

1.47 Each competitor shall retain the right of reproduction of his designs.

SETTLEMENT OF DISPUTES

1.48 In the event of dispute not related to the judging procedure or the award of the Board of Assessors, the settlement will be by arbitration without recourse to the legal authorities.

COMPETITION TABLE

1.49 The competition will be run in accordance with the following time table:

Competition conditions will be made available by the promoter	.....	(indicate date)
Last date for registration	.....	(indicate date)
Last date for return of competition conditions for refunding registration fee	.....	(indicate date)
Last date of receipt of questions by the promoter	.....	(indicate date)
Last date for despatch of answers to questions to the competitor	.....	(indicate date)
Last date for despatch of competition entries by post or through forwarding agent or delivery of entries to the promoter by hand	.....	(indicate date)
Last date for receipt of entries by post or through forwarding agent by the promoter	.....	(indicate date)
Judging dates	.....	(indicate date)
	to	(indicate date)
Intimation to each competitor of the awards of the Board of Assessors and publication of the awards	.....	(indicate date)

2.00 Explanatory Note of the promoter, purpose and intent of the project

3.00 Information of General Nature

- 3.1 Economical Aspect
- 3.2 Social and Cultural Aspect
- 3.3 Climate
- 3.4 Physical Aspect and Description of the site
- 3.5 Etc.

4.00 Programme of Requirements

5.00 Drawings and Documents to be submitted by competitors

- 5.1 Site plan and Location plan
- 5.2 Sketch design drawings
- 5.3 Perspective view (model if necessary)
- 5.4 Etc.

6.00 Annexures

- 6.1 Registration Form
- 6.2 Competitors' Question Form (No.1)
- 6.3 Competitors' Question Envelope (No.1)
- 6.4 Label(s) (No.2)
- 6.5 Declaration / Proof of Identity Form (No.3)
- 6.6 Declaration / Proof of Identity Envelope (No.3)
- 6.7 Location plan
- 6.8 Site plan
- 6.9 Photographs of surrounding area and site
- 6.10 Letter type and size for code number

Competitors' Questions (No.1) (if applicable see 1.15)

Competitors may submit questions so as to reach the promoter at.....(indicate address) not later than.....(indicate date). Questions should be in block letters or typewritten. Add extra sheets if necessary.

Question No.1

Question No.2

Question No.3

Question No.4

Question No.5

Address to which answers should be sent

.....
.....

Title of competition

.....

Envelope
(No.1)

COMPETITOR'S QUESTIONS (NO.1)

The Promoter
Title of the competition
Address

Label for
Despatch
(No.2)

The Promoter
Title of the competition
Address

DECLARATION / PROOF OF IDENTITY FORM

OR Name of Educational Institution

Registration No
(Council of Architecture)

.....
Year of study

Name and Address

Competitors 1.

2.

3.

4.

In case of entry by an individual architect or a firm of Architects or a team of Architects, the first name shall be of the leader.¹

1. Amended by the Council of Architecture at its 38th meeting held on 26th & 27th July, 2001.

Declaration (To be signed by Competitors i.e. individual Architect or all partners of a firm of Architects or all members of a team of Architects.¹)

I/We declare that the design is my/our work and that the drawings have been prepared by myself/ourselves or in my/our office under my/our supervision.

I/We have complied with and accept all regulations and conditions which apply to the competition and accept the decision of the Board of Assessors.

Signature 1

2

3

4

Date:.....

(Note: This form is to be completed, signed and placed in the official envelope provided, which is then sealed and placed in the packet containing the competition entries. Put the six-digit number only on the right corner of the envelope.)

Title of the Competition

1. Amended by the Council of Architecture at its 38th meeting held on 26th & 27th July, 2001.

Envelope
(No. 3)

DECLARATION/PROOF OF IDENTITY FORM (NO.3)

COMPETITOR'S IDENTITY NUMBER

Promoter's Code Number (if given)

In the event the design submitted under the above number NOT receiving an award the author(s) may remain anonymous by placing a 'X' in the box below.

Title of the competition

MODEL FORM FOR TWO STAGE OPEN COMPETITION

ARCHITECTURAL COMPETITION FOR

1.00 GENERAL RULES

INVITATION

- 1.1 The promoter.....(insert name of the promoter) has decided to promote an architectural competition and invite Architects to submit design in a two stage competition for.....(insert the name of the project) which is proposed to be built on a site at.....(indicate the location of the site) and admeasuring (area)..... Sq.m in accordance with Conditions and Instructions set out below.

OBJECTS AND NATURE OF THE COMPETITION

- 1.2 The object of the competition is to obtain design in two stages for.....(insert the name of the project) in accordance with witch after further elaboration this project will be developed.

ELIGIBILITY

- 1.3 The term "Architect" will mean any person who at the time of his application is registered with the Council of Architecture under the Architects Act 1972. Where the application is made by a firm, all partners of the firm shall be Architects. The qualifications and title of the Partner who is responsible for the business of the firm, only need be stated in the registration form.¹

APPROVAL OF CONDITIONS

- 1.4 This competition will be conducted in accordance with the guidelines of the Council of Architecture, which also apply in case of points which have not been specifically covered by these conditions.

- 1.5 The Board of Assessors have seen and approved these conditions.

- 1.6 A copy of the competition conditions have been filed with the Council of Architecture.

PERSONS INELIGIBLE

- 1.7 No member of the Board of Assessors shall take part either directly or indirectly in the competition nor be entrusted either directly or indirectly with work connected with the prize winning design. No member of the promoting body or an associate or an employee or any member concerned with the preparation or organising of the competition shall be eligible to compete or assist a competitor.

ENTERING IN THE COMPETITION

- 1.8 The competition conditions and registration form are available on written application from.....(name of the promoter and his address). The registration form filled in and completed in all respects as instructed should be sent to the professional Adviser (1.11) by registered post or hand delivery together with the registration fee of Rs.....not later than.....(indicate the date).

OR

The Registration form filled in and completed in all respects should be sent to the promoter or Professional Adviser if appointed (1.11) not later than..... (indicate the date).

- 1.9 The registration fee sent along with registration form will be refunded:

1. If the applicant does not fulfil the qualification required under 1.3.
2. If the applicant returns the competition conditions with all enclosures by.....(indicate the date) and informs the promoter of his intentions not to participate.

BOARD OF ASSESSORS

- 1.10 The following members have been appointed on the Board of Assessors to advise on the conduct of the competition, adjudicate on the designs submitted and make the award. (state below name, title and designation of each Assessor)

1. Amended by the Council of Architecture at its 38th meeting held on 26th & 27th July, 2001.

- 1.
- 2.
- 3.
- 4.
- 5.

PROFESSIONAL ADVISER

- 1.11. The promoter has appointed.....(indicate name, title and address) as Professional Adviser to supervise the conduct of the competition and assist in the preparation of the conditions. He will assist the Board of Assessors and will be present during its deliberations, but will have no vote. His responsibility will be limited to those involving the organisation of the competition.

APPOINTMENT OF TECHNICAL ADVISERS

- 1.12 If necessary the Board of Assessors may consult Technical Adviser appointed by the Senior Architect Assessor/Board of Assessors. Technical Adviser may be consulted on any aspect of the competition and he may be asked to be present during the judging to give advice on entries when he is invited to do so but he shall not take part in the judging process.

PRIZES AND MENTIONS

- 1.13 The promoter shall accept the decisions and the awards of the Board of Assessors and within 3 months of the date thereof pay the following prizes:

Each competitor selected by the Board of Assessors to participate further in the second stage will receive an honorarium of Rs.....

GUIDELINES IN RESPECT OF THE WINNING DESIGN

- 1.14 It is the intention of the promoter to build, and the author of the winning design will be appointed as the architect for the project to make final plans and render architectural and other allied services for the successful implementation of the project.
- 1.15 As soon as possible and within a reasonable time the Promoter shall confirm in writing the appointment of the winner of the competition (subject to 1.17 if applicable) as the architect in accordance with the "Conditions of Engagement and Scale of Professional Fees and Charges" of the Council of Architecture.
- 1.16 In the unusual event when the promoter decides not to appoint the winner of the competition as architect to the project as per 1.14 he will grant him compensation equal to 0.25% of the cost of the project in addition to the honorarium due to him as per 1.13.
- 1.17 If in the opinion of the Board of Assessors the winner of the competition does not have adequate experience commensurate with the importance, complexity or magnitude of the project he may be required to associate with an individual architect or an architectural firm who in the opinion of the Board of Assessors would have the requisite experience.
- 1.18 No competition may be abandoned until the first stage shall have been completed and the Board of Assessors shall have made a selection of the competitors for the second stage. No abandonment of the competition shall be permitted after instructions have been given to the selected competitors to proceed with second stage. At no time the period between the promoter's decision to abandon or proceed with the competition shall exceed 3 months. In the event the competition is abandoned by the promoter after the first stage but before the commencement of the second stage, the sum total of the amount which would have become payable by way of honoraria as per 1.13 shall be equally divided among those competitors who would have been otherwise instructed to proceed with the second stage of the competition. These amounts shall be paid to each of the competitors within two months of the promoters decision to abandon the competition. None of the selected designs or any other design will be used either partly or wholly by the promoter and all entries shall be returned by the promoter at his own cost to the participants.
- 1.19 The Promoter will start the project as soon as it is possible. If due to unforeseen circumstances and in spite of true intent the appointment referred to in 1.14 or the construction of the project should be delayed and the winner of the competition is not given any further instructions to develop his design, the promoter will pay him after one year from the date of the Award, in addition to honorarium and the prize money, an amount equivalent to 0.25% of the cost of the project.
- 1.20 If, however the project is called off or cancelled after the winner of the competition has been appointed as architect and he has rendered further services towards the implementation of the project, he shall be paid as per 1.19 or as per the Conditions of Engagement and Scale of Professional Fees and Charges' of the Council of Architecture whichever is more.

ANONYMITY

- 1.21 Anonymity will be strictly observed at all stages of the competition by the Competitors, by the Board of Assessors, by the Promoter and by all those concerned with the competition.

QUESTIONS AND ANSWERS

1.22 Competitions' questions must be written on the form provided (No. 1) (attach additional plain sheets for more questions) and sent to (name and address of the Promoter or Professional Adviser if appointed to reach not later than).....(indicate date). An explanatory memorandum dealing with the questions submitted will be dispatched to all the competitors not later than (indicate date) and will form part of the conditions and instructions of the competition.

1.23 No questions will be permitted in the second stage.

SUBMISSION OF DESIGNS

1.24 These instruction in regard to the submission of designs will apply equally to both stages. Submission of design implies acceptance of the competition conditions. Competitors are advised to retain copies of the design submitted.

1.25 All plans and accompanying documents and envelopes comprising a competition entry must bear on the top right hand at 1 cm. high six digit number of competitors' choice.

No other symbol, motto or distinguishing mark will be placed on any part of the competition entry. The design and the documents of each competitor shall be dispatched in a single packet using the label (s) provided (No. 2).

1.26 Each design must be accompanied by a declaration/proof of identity form (No. 3) signed by the competitor or joint competitors and enclosed in the envelope provided. Each competitor must be prepared to satisfy the Board of Assessors that he is the bonafide author of the design he has submitted.

1.27 Competition designs delivered by hand should reach the Professional Adviser at his address given in 1.11 not later than (indicate date and time). Receipt with date and time of delivery will be issued by the promoter to the competitors.

1.28 First stage competition designs sent by post or through forwarding agent must be despatched not later than (indicate date this should be same as 1.27). Proof of despatch clearly showing the date of despatch shall be forwarded to the Professional Adviser separately with a covering latter informing him of the despatch of the competition designs. The letter shall be on a plain paper unsigned and only with the six digit number.

1.29 First stage competition designs sent through post or through forwarding agent must reach the Professional Adviser at his address given in 1.11 not later than (indicate date and time)

1.30 All drawings, documents, report and photographs should be packed together in a plain brown paper and sealed. This packet will also include the sealed envelope (No. 3) containing the declaration/ proof of identity form (No. 3). If the packet has to travel a long distance it may be despatched in a wooden crate. Both the packet and the wooden crate will bear only the name and address of the promoter and the six digit number.

1.31 Instructions and date and time for the submission of designs in the second stage will be issued at appropriate time.

INSURANCE OF COMPETITION DESIGN

1.32 Each competitor is responsible for insuring his entry against loss, damage or non-delivery upto the time of its receipt by the professional Adviser at the address given in 1.11.

1.33 On receipt by the professional Adviser each entry will be insured him on behalf of the promoter for the sum of Rs till its return to the competitor after the award. This sum will also cover expenses for the return of the design to the competitor.

JUDGING PROCEDURE (First Stage)

1.34 The promoter will place a secretariat at the disposal of the Board of Assessors to minute their meetings and record their decisions.

1.35 The deliberations of the Board of Assessors will be secret. No member of the Board or Technical Adviser on member of the promoters' staff or competition secretariat may disclose any details of the competitions, deliberations or decisions.

The decisions of the Board of Assessors are final and binding on the promoter.

1.36 The judging of the first stage entries is scheduled to take place during the month of(indicate month and year) and any delay agreed by the Board of Assessors will be publicly announced.

1.37 The Board of Assessors shall notify the promoter and the Professional Adviser of its selection in writing by providing them with the code numbers of the designs selected for the second stage.

1.38 Only the Professional Adviser if appointed shall open the relevant envelope (No.3) containing the declaration/proof of identity form (No.3) and shall inform individually, the author/team leader of each selected design by a telegram that he/his team is entitled to participate in the second stage.

The declaration/proof of identity forms (No.3) shall then be resealed each in its respective envelopes (No.3) which will not be opened again until after the final award has been made. The names of those selected to proceed to the second stage will not be made public.

INSTRUCTIONS TO SECOND STAGE COMPETITORS

- 1.39 Supplementary instructions approved by the Board of Assessors will be issued by the Professional Adviser to all competitors selected to proceed to the second stage. These instructions will conform in outline to the present conditions but may include a more detailed specification of the accommodation, larger scale drawings to be prepared by the competitors, and any additional details which may appear necessary from the findings of the first stage.

JUDGING PROCEDURE (Second Stage)

- 1.40 The promoter will announce the award of the competition not later than two weeks after the judging has been complete.
- 1.41 A copy of the report of the Board of Assessors will be sent to each competitor at the same time as the Board's award is made public.

DISQUALIFICATION

- 1.42 The Board of Assessors may disqualify entries for the following reasons:
1. If despatched by post or through the forwarding agent to or delivered in person at the Professional Adviser's address in 1.11 after the last date time given in 1.28 and 1.29.
 2. If received by the Professional Adviser at the address given in 1.11 by post or through forwarding agent after the last date and time given in 1.29.
 3. If the competitor disregards any of the conditions of the competition.
 4. If the competitor attempts to influence any member of the Board of Assessors and/or discloses his identity any time during the first stage and second stage.

TERMINATION OF THE COMPETITION

- 1.43 If against all expectations entertained by the promoter the result of the competitions is such that none of the participants could be selected by the Assessor for the second stage, the competition could be regarded as terminated and the Board of Assessors will select for the first stage entries design for the award of the second, third and additional prizes. No honoraria will be paid.

ANNOUNCEMENT OF AWARD AND EXHIBITION

- 1.44 The promoter will publish the award of the Board of Assessors and inform the Council of Architecture after having first informed the authors of the prize winning and premiated designs individually by telegrams and confirmed by letters.
- 1.45 All designs including those disqualified by the Board of Assessors will be exhibited from.....(indicate date) to.....(indicate date) at.....(indicate address) together with the copy of the signed report of the Board of Assessors. The above dates of the exhibition will also be conveyed individually to all competitors in advance.
- 1.46 Names of all competitors will be displayed at the exhibition. However, competitors of designs not premiated may choose to remain anonymous. They should so indicate on the envelope containing their declaration/proof of identity form.

RETURNING OF ENTRIES

- 1.47 Within one month after closing of the exhibition, all entries except the design placed first will be returned to the postal address given in the declaration form, by the promoter at his own cost. If the delivery to any such addresses is not accepted a notification to that effect will be sent by the promoter by registered post to the said postal address and the entry will be kept by the promoter with him for collection by the competitor for a period of three months from the date of the registered letter. After that the promoter will be free to dispose of the entry at will.

RIGHTS

- 1.48 Drawings of the designs winning the first prize will be retained by the promoter as his property.
- 1.49 Copyright of all designs including the designs winning the first prize will be that of the authors of the designs.
- 1.50 Design awarded the first prize only will be used by the promoter.
- 1.51 The promoter's right on the designs awarded the first prize covers one execution. Repetition of the said design by the promoter will be with the written permission of the author and on confirmation of suitable terms.
- 1.52 No other designs whether premiated or not shall be used wholly or partly by the promoter.
- 1.53 Each competitor shall retain the right of reproduction of his designs.

SETTLEMENT OF DISPUTES

- 1.54 In the event of dispute not related to the judging or the award of the Board of Assessors, the settlement will be by arbitration without recourse to the legal authorities.

COMPETITION TABLE

1.55 The competition will be run in accordance with the following time table:

Competition conditions will be made available by the promoter	..... (indicate date)
Last date for registration	..... (indicate date)
Last date for return of competition conditions for refunding registration fee	..... (indicate date)
Last date of receipt of questions by the promoter	..... (indicate date)
Last date for despatch of answers to questions to the competitor	..... (indicate date)
Last date for despatch of competition entries in First stage by post or through forwarding agent or delivery of entries to the promoter by hand	..... (indicate date)
Last date for receipt of entries in first stage by post or through forwarding agent by the promoter	..... (indicate date)
Judging dates for First Stage	..... (indicate date)
	to
Instructions to be issued to participants selected for the second stage not later than	..... (indicate date)

2.00 Explanatory Note of the Promoter, Purpose and intent of the project

3.00 Information of General Nature

- 3.1 Economical Aspect
- 3.2 Social and Cultural Aspect
- 3.3 Climate
- 3.4 Physical Aspect and description of the site
- 3.5 Etc.

4.00 Programme of Requirements

5.00 Drawings and Documents to be submitted by Competitors

- 5.1 Site plan and Location plan
- 5.2 Sketch design drawings
- 5.3 Perspective view (model if necessary)
- 5.4 Etc.

6.00 Annexures

- 6.1 Registration Form
- 6.2 Competitors' Question Form (No.1)
- 6.3 Competitors' Questions Envelope (No.1)
- 6.4 Label (No.2)
- 6.5 Declaration/proof of Identity Form (No.3)
- 6.6 Declaration/proof of Identity Envelope (No.3)
- 6.7 Location plan
- 6.8 Site plan
- 6.9 Photographs of surrounding area and site
- 6.10 Letter type and size for code number No. 1

Competitors may submit questions so as to reach the promoter at.....(indicate address)
not later than.....(indicate date). Questions should be in capital letters or
typewritten. Add extra sheets if necessary.

Question No.1

Question No.2

Question No.3

Question No.4

Question No.5

Address to which answers should be sent

.....
.....

Title of competition

Envelope
(No.1)

COMPETITOR'S QUESTIONS (NO.1)

The Promoter
Title of the Competition
Address

Label for
Despatch
(No.2)

The Promoter
Title of the Competition
Address

DECLARATION / PROOF OF IDENTITY FORM

Registration No
(Council of Architecture)

OR Name of Educational Institution

.....

.....

Year of study

Name and address

Competitors 1.

2.

3.

4.

In case of entry by an individual architect or a firm of Architects or a team of Architects, the first name shall be of the leader.¹

1. Amended by the Council of Architecture at its 38th meeting held on 26th & 27th July, 2001.

Declaration (To be signed by Competitors i.e. individual Architect or all partners of a firm of Architects or all members of a team of Architects.')

I/We declare that the design is my/our work and that the drawings have been prepared by myself/ourselves or in my/our office under my/our supervision.

I/We have complied with and accept all regulations and conditions which apply to the competition and accept the decision of the Board of Assessors.

Signature 1.

2.

3.

4.

Date:.....

(Note: This form is to be completed, signed and placed in the official envelope provided, which is then sealed and placed in the packet containing the competition entries. Put the six-digit number only on the right corner of the envelope).

Title of the Competition

1. Amended by the Council of Architecture at its 38th meeting held on 26th & 27th July, 2001.

Envelope
(No. 3)

DECLARATION / PROOF OF IDENTITY FORM (NO.3)

COMPETITOR'S IDENTITY NUMBER

Promoter's Code Number (if given)

In the event the design submitted under the above number NOT receiving an award the author(s) may remain anonymous by placing a 'X' in the box below.

Title of the competition

SCHEDULE 1

TYPE OF COMPETITIONS

1. PROJECT AND IDEAS COMPETITIONS

Competitions may be either "Projects" or "Ideas" competitions or in certain circumstances a combination of both. The aim of a Project competition is to find the best solution for an actual building project and to appoint its author to carry out the commission. Competitions of Ideas are set as an exercise to elucidate certain aspects of architectural and town planning problems. The winner of such a competition may not be commissioned to carry out the project, and hence students of architecture may participate at the discretion of the promoter.

2. CLASSIFICATION OF COMPETITIONS

(I) OPEN COMPETITIONS

Competitions in which all Architects are invited to participate through an announcement by advertisements in suitable media and through circulars which may be issued by the promoters.

Open competitions for projects estimated at less than Rs. 10,00,000/- may be restricted to Architects who have their main or branch office in the State of the project site.

(II) LIMITED COMPETITIONS FOR COMPETITIONS BY INVITATION

Competitions in which limited amount of Architects (approx. 5 to 8) selected by the promoter on the advice of the Senior Architect Assessor or Board of Assessors, are invited to participate. Each participant who submits his designs shall receive an honorarium.

(III) SPECIAL COMPETITIONS

Besides competitions described in (i) and (ii) above a competition may also combine town planning as well as design problem, and may involve the use of industrial components or participation of developers. In such competitions participation may be required to be limited to professionals or group of professionals with certain definite expertise.

In such cases the competition announcement shall clearly define the field of expertise.

3. COMPETITION ORGANISATION

Competitions may be organised in one or two stages.

(I) SINGLE STAGE COMPETITION

In single stage competition the competition entries shall be fairly complete drawings i.e. plans, section, elevations, etc. to a suitable scale and sufficient to explain the scheme as set out in the competition conditions.

The designs so submitted shall be assessed by the Assessors for the award of the prizes and the appointment of the architect.

Such competitions are recommended for small and simple project.

(II) TWO STAGE COMPETITIONS

In two stage competition, the first stage is for soliciting ideas and therefore the competition entries at this stage would be limited to planning on broad basis and drawings to a suitable scale sufficient to indicate the intentions of the competitor.

Designs submitted in the first stage shall be assessed by the Assessors for selecting a small number of competitors (between 5 and 10). The author of these selected designs will be invited to take part in the second stage of the competition, and each architect so invited would be paid a specified sum.

In order to maintain anonymity, each competitor will be informed individually whether he has been or has not been invited to participate in the second stage. Correspondence in this respect will be the responsibility of the Promoter or Professional Adviser, if appointed. It will also be his responsibility to ensure that the names of those invited and those rejected are not revealed either to the assessor or to any person.

To ensure this anonymity the envelopes containing the names of the competitors shall be opened by the Promoter or Professional Adviser if appointed. After the intimation has been sent to each competitor they shall be resealed until the final award.

After the end of the first stage, the Board of Assessors, may, if found necessary and with the approval of the Promoter, clarify or amplify points in the competition conditions for the benefit of the second stage competitors. Such clarification or amplification shall not in any way disclose directly or indirectly or even inadvertently any of the designs submitted in the first stage to those invited for the second stage.

The period between the Assessors award for the first stage and submission of designs for the second stage shall not exceed six months. Only under exceptional circumstances period may be extended.

The second stage of the competition may be limited to only a part of the subject dealt with in the first stage.

Members of the Board of Assessors shall be the same for first stage and second stage of the competition.

The designs submitted for both the first stage and the second stage shall be exhibited and/or published only after the final award of the second stage competition.

If any design selected for the second stage is published or exhibited before the final award of the second stage has been declared, it will be disqualified.

Two stage competitions are recommended for town planning and for large scale or complex project.

III. REGIONAL SPECIAL CATEGORY COMPETITIONS

This type of competition is intended for small projects of charitable organisations in which four to six local firms will compete for the appointment as the Architect.

No premiums are given and the winner shall be appointed to carry out the project.

SCHEDULE 2

ADVISERS

(I) TECHNICAL ADVISER

Where appropriate and necessary the promoter shall in consultation with the Senior Architect Assessor/Board of Assessors appoint one or more technical advisers to assist in the preparation of the brief for the competition project and to advise the Board of Assessors, only when called upon to do so, on the competition design entries.

The advise of the technical adviser will be limited to his expertise and he will have no voting rights.

(II) PROFESSIONAL ADVISER

For a two stage competition a Professional Adviser who shall be an Architect registered with the Council of Architecture may be appointed. He will not be connected with the Board of Assessors or attend any of its meetings.

It will be the responsibility of the Professional Adviser to maintain the anonymity of each competitor and those selected for the second stage of the competition.

On completion of the first stage of the competition the sealed envelopes containing the names of the competitors shall be opened only by the Promoter or Professional Adviser if appointed and he shall without disclosing any of the names to anyone inform each competitor individually whether he has or has not been invited for the second stage. All the envelopes shall then be resealed by the Professional Adviser/Promoter till the final award.

If after the first stage, the Board of Assessors wish to clarify or amplify any aspect of the competition project, such clarification or amplification shall be conveyed to the competitors selected for the second stage only by the Professional Adviser/Promoter.

SCHEDULE 3

CONDITIONS FOR CONDUCTING ARCHITECTURAL COMPETITIONS

Careful preparation of the competition conditions including schedule of requirement shall be of primary importance for the success of the competition and as such adequate time shall be allowed for this phase of the competition.

1. CONTRACTUAL OBLIGATION

- i. The publication of competition shall constitute an offer of a contract by the promoter, and, by submission of design for the competition, the competitor accepts this contract.
- ii. The competition condition together with any replay to the competitor's questions constitute a legal basis for this contract which is legally binding on both the promoter and competitors.

2. GENERAL CONDITIONS

- i. The competition project brief and the conditions of the competition may be prepared by the promoter in consultation with the Senior Architect Assessor. They shall however be approved by the Senior Architect Assessor and the Board of Assessors before publication and issue to the competitors.
- ii. The conditions including the programme of requirement of the competition shall be identical for all competitors. A copy of complete competition conditions shall be filed with the Council of Architecture. Answers to the competitor's questions shall also be sent to the Council of Architecture for their record.

- iii. The conditions shall clearly indicate which of the requirements are mandatory and which could be freely interpreted by the competitor. The freedom in case of the latter shall be as wide as possible.
- iv. The information supplied to the competitors shall be specific and shall not be open to misinterpretation. Supplementary information if any issued by the Board of Assessors shall be sent to all the competitors simultaneously.
- v. Draft of the conditions of competitions approved as per (i) above shall be submitted to the Council of Architecture for information before publication and issue to the competitors.
- vi. The conditions of the competition shall indicate the promoter's priorities with reference to the solution of the problem (e.g. functional aspects, economy of construction or in use, solution to technical or circulation problems etc).
- vii. The condition of the competition shall state the exact use to which the promoter will put the winning design. Designs shall not be put to any other use or altered in any way except by agreement with the author.
- viii. Where a fixed amount is required to be remitted to with the promoters by the applicants for the 'Conditions of the Competition', it shall be refunded in full to the applicant if he decides not to compete and return the "Conditions of the Competition" in full within four weeks prior to the date of submission of the design.

Submission of design in Competition shall imply acceptance, by the competitor, of the conditions of competition.

- ix. Each design shall be accompanied by a declaration on the prescribed form signed by the competitor in a properly sealed envelope that the design is his bonafide work and that the drawings have been prepared under his supervision and that he undertakes to accept the award of the Assessors as final and binding.
- x. In case two or more architects form an association for the purpose of the competition then there shall exist a partnership deed for the purpose of carrying out the project in the event the said association wins the competition. Reference to this partnership must be made in the form of declaration.
- xi. The Board of Assessors must make awards which shall be final and binding and shall be made public by a date stated in the conditions.
- xii. The Board of Assessors when making an award may at its discretion adopt "promoters' choice".

In this procedure the Board of Assessors shall select not more than three designs which in their opinion are of equal merit and the selection of the winning design from the designs so selected by the Assessors could be made by the promoter.

The promoter may for making the final selection discuss with the authors of the selected designs their respective entries.

3. PRIZE MONEY & HONORARIA

- i. The condition for any competition must state the number of prizes and the amount of each prize money. This must be related to the size of the project, the amount of work involved for the competitors and the expenses he would incur for the preparation for the competition.
- ii. In Ideas competition and in competitions such as those for Town planning, where subsequently the work is generally carried out by official bodies, it is particularly important to allot adequate prize money to recompensate the competitors for the ideas and the work they have done.
- iii. The promoter shall undertake to accept the decision of the Board of Assessors and to pay the prize monies within one month of the announcement of the competition results.
- iv. Each participant in a limited competition (or competition by invitation) shall receive an honorarium.
- v. In a two stage competition a reasonable honorarium shall be paid to each of the competitors selected to take part in second stage. This sum which is intended to be reimbursed to them for the additional work carried out in the second stage shall be stated in the conditions for the competition.

4. ANONYMITY

The anonymity of the competitors shall be maintained until the final award of the Board of Assessors and in the interest of the competition, rigorous measures shall be taken to ensure that this principle is adhered to. No competitor shall terminate his anonymity in any way whatsoever till the final award. The anonymity of each competitor shall be guaranteed by adopting suitable measures.

5. COPYRIGHT & RIGHT OF OWNERSHIP

- i. Each competitor shall retain copyright in his own competition design.
- ii. The competition design awarded the first prize only shall be used by the promoter upon commissioning by him the author of the said design to render professional services to carry out the project.
- iii. No other design whether premiated or not shall be used wholly or in part by the promoter.
- iv. The promoter's right on the design awarded the first prize or the designs selected covers one execution only. The competition conditions however may provide for repetitive work and shall specify the terms thereof.
- v. Each competitor shall retain the right of reproduction of his design.

6. INSURANCE

The promoter shall insure for damage or loss by fire, floods, or by any other reason Competitor's design drawings submitted in competition when he assumes responsibility for them and for the duration of his responsibility and also for loss during transit when the design drawings are being returned to the competitor. The amount of such insurance shall be stated in the competition conditions.

7. COMPETITION TIME TABLE

- i. The notice of competition shall clearly indicate the last date for application for the competition conditions and the last date for submission of the design drawings.
- ii. The conditions of the competition shall clearly indicate:
 - The last date for submission of questions.
 - Approximate date when the answers to the questions will be sent to the competitors.
 - The final date for the despatch of entries by the competitors and for the receipt of the same by the promoter.
 - Sufficient time shall be allowed for transport, more particularly for open competitions where the competitors will be from all over the country.
 - The interval between the date of despatch and the date of delivery of the entries to the promoter should be between five and ten days.
 - In case of late delivery of the entry despatched before the last date for despatch, it will be the responsibility of the Board of Assessors to decide whether the entry was despatched in accordance with the competition time table and if circumstances can permit its admission for judging.
- iii. The competition time table shall under no circumstances be shortened.
- iv. The Board of Assessors shall decide upon the judging dates at the early stage of the competition and the date of announcement of the awards shall also be included in the conditions of the competition.
 - In case of two stage competitions however the conditions of competition shall indicate dates limited to the first stage only.
 - All the dates in respect of the second stage shall form part of the conditions with reference to the second stage.
- v. In case of unavoidable delay in judging, a new date shall be fixed by the Board of Assessors which shall be confirmed by all its members and publicly announced.

8. COST ESTIMATES

The competitors may be required to submit cost estimate of their design on areas or volume basis. The cost estimate shall however not be a determining factor in the Assessors' decision except where cost limits have to be rigidly imposed and is so stated in the competition conditions.

9. TERMINATION OF THE COMPETITION

The promoter may terminate the competition if in the opinion of the Board of Assessors none of the competition designs could be declared as a winning entry. In this event the promoter under the advice of the Board of Assessors shall award second, third and additional prizes as declared and none of the competitors will be considered for appointment as the architect for the project and the promoter will not be liable to make any further payments to any of the competitors.

10. APPOINTMENT OF ARCHITECT

- i. The award of the first prize to the competition design places the promoter under an obligation to appoint its author as the architect for the commissioning of the project.
- ii. If the Board of Assessors shall be satisfied that there is a valid objection to the appointment of the author of the winning design as the architect he may be required to associate with a senior architect or a firm of architects of his choice whose qualifications shall be approved by the Board of Assessors. Failing this the design placed next on merit shall be selected for commissioning and its author shall be appointed as the architect subject to similar conditions.
 - The award of the Board of Assessors shall not be varied for any reasons.
- iii. If no instructions are given to the author of the design selected by the Assessor to proceed within twelve months from the date of the award, then he shall receive payment for his services in connection with the preparation of the Competition drawings of a sum equal to 1.00 percent on the amount of the estimated cost. The first premium shall be deducted from the sum so paid. If the work is subsequently proceeded with, this sum shall form part of his ultimate fee.
 - If within twelve months of the award, the promoters shall decide to proceed with part of the work only, the author of the selected design shall be paid including the premium and in addition to the scale of fees on the work, which is being carried out a sum equal to 1.00 percent on the difference between the cost of the work carried out and his estimate of cost of the total project which sum shall also merge into the commission when the remainder of the work is subsequently executed.
- iv. The selected Architect having been appointed to carry out the work shall be paid in accordance with the Schedule of Charges determined and published by the Council of Architecture in consultation with the Promoters, and the premium already paid shall be deemed to be a payment on account.

11. EXHIBITION OF ENTRIES

- i. All competition designs including those disqualified by the Board of Assessors shall be exhibited for at least one week together with a copy of the signed report of the Board of Assessors. The exhibition shall be open to public free of charge.

- ii. The promoter shall notify all the competitors and shall also announce in suitable media the days and place of the public exhibition of the competition.
- iii. The promoters shall submit to the Council of Architecture a copy of the signed report of the jury and if requested photographs of the premiated designs for possible publication.

12. RETURN OF DESIGN DRAWINGS

All drawings, plans, models etc. submitted by the competitor except those of the winning design shall be returned by the promoter at the end of the public exhibition at his own cost. The drawings, plans, models of the winning design shall be returned to its author on being appointed as the Architect for the Project or after six months from the date of announcement of the award by the Board of Assessors whichever is early.

SCHEDULE 4

BOARD OF ASSESSORS

1. The Board of Assessors shall be set up before the promotion of the competition. Their names and those of the reserve members of the board, if any shall be stated in the competition conditions.
2. The Board of Assessors shall be composed of a smallest reasonable number of assessors which number shall be an odd figure.
3. The size of the Board shall depend upon the size of the competition project and preferably the number of Assessors shall not exceed seven.
4. Of the total number of Assessors the number of Assessors who shall be Architects and registered with the Council of Architecture shall be in a majority of atleast one.
5. The number of Assessors representing the promoters shall not exceed two.
6. Each member of the Board shall examine and approve the competition conditions before they are made available to the competitors.
7. The Board of Assessors may invite Technical Advisers as experts in specialised fields to assist in the assessment of competition entries. Such Technical Advisers shall not have any voting rights.
8. It is essential that atleast 2/3rd of the voting members of the Board shall be present at all meetings of the Board. The Board shall elect a Chairman from among its members.
9. In the event of death of an Assessor before or during the assessment of the competition or his inability to continue to act on account of illness or any other cause, another Assessor shall be appointed in his place by the promoters without affecting the majority of atleast one, of the Assessors who are Architects and registered with the Council of Architecture.
10. No promoter of the competition and no assessors engaged upon it nor any partner, associate, or employee of either shall compete or assist a competitor, or act as architect or joint architect for the project.

This regulation shall not be applicable to:

- a. Staff or present students of an Institution of which a member of the regular teaching staff is on the Board of Assessors provided he is not the sole Assessor and the Board consists of two or more Assessors of whom only one is a member of the teaching staff of this or any other Institution.
 - b. Employees of a Government, Semi-Government or a Public Sector organisation of which one of its employees is on the Board of Assessors provided he is not the sole Assessor and the Board consists of three or more Assessors of whom only one is such an employee.
11. In two stage competitions, the same members of the Board shall judge both stages of the competition. In no case may a competition as a single stage competition proceed to a second stage except with knowledge of the Council of Architecture and arrangement for payment of appropriate honoraria to the competitors involved, over and above the prize money provided for in the original competition. In the event of such a secondary competition taking place, the Assessors appointed for the original competition must be reappointed by the promoters.
 12. Any drawings, photographs, models or other documents not required by the competition condition shall be excluded by the Assessors before examining the competitors' entries.
 13. The Assessors shall disqualify any design which does not conform to any of the conditions, instructions or requirements of the competition.
 14. The Board of Assessors must make an award. The award shall be final and shall be made public in open competitions, and intimated individually to all those participating in limited competition, by a date stated in the conditions. The Board of Assessors when distributing the award money shall make full use of the amounts set aside for prizes in the competition conditions. In an ideas competition, a first prize shall be awarded.
 15. The decision of the Board of Assessors shall be taken by a majority vote with a separate vote on each entry. The award including the Assessors report to the promoter, shall be signed by all the members of the Board before they disperse.
 16. The decision of the Board of Assessors regarding selection and placement of competition design shall be final and binding on the promoter and all competitors and shall be reached by a majority.
 17. The Board of Assessors will make its award known to the promoter in a formal statement signed by atleast a simple majority of its members. The statement will indicate the number of designs examined and the order of the prizes awarded. This statement must be completed before the envelopes are opened and the Assessors disperse.
 18. The fees, travel expenses and out of pocket expenses of the members of the Board shall be paid by the promoter.

SCHEDULE 5
PRIZES AND HONORARIA
ARCHITECTURAL COMPETITION GUIDELINES

Award	Project upto built-up area 5000 Sq.m. (Rs.)	Project with built-up area above 5000 Sq.m. and upto 10,000 Sq.m. (Rs.)	Project with built-up area above 10,000 Sq.m. and upto 25,000 Sq.m. (Rs.)	Project with built-up area above 25,000 Sq.m. (Rs.)
1. OPEN COMPETITION				
i. First prize (To be adjusted in professional fees)	125M	250 M	500 M	1000M
ii. Second prize	75 M	150 M	300 M	600 M
iii. Third prize	50 M	100 M	200 M	400 M
iv. Merit prizes upto 5	10 M each	20 M each	40 M each	80 M each
2. LIMITED COMPETITION				
Minimum honoraria to be paid to each competitor	50 M	100 M	200 M	300 M
Note : The current value of M is 1000				

SCHEDULE 6
COST OF CONDUCTING ARCHITECTURAL COMPETITIONS

Description	Project with built-up area upto 10,000 Sq.m. (Rs.)	Project with built-up area above 10,000 Sq.m. (Rs.)
i. Assessors' Fee	Pre-assessment 10 M and assessment 10 M per day or part thereof.	Pre-assessment 10 M and assessment 10 M per day or part thereof.
ii. Professional Advisor/ Project Coordinator's Fee	100 M	200 M
iii. Contingent Expenditure	As per estimate*	As per estimate*
<p style="text-align: center;">Note : 1. For a two stage competition, the above fees for Professional Advisor/Project Coordinator be increased by 50%. 2. The current value of M is 1000.</p>		

* Sub-heads for contingent expenditure :

1. Land Survey.
2. Photographs of site.
3. Printing of Brochure.
4. Advertisement.
5. Communication Expenses.
6. Administrative and Legal Expenses.
7. Exhibition.
8. Publication of competition/select entries.
9. Contingent travel, conveyance, boarding, lodging etc. for Professional Advisor / Project Coordinator, Assessors and others.
10. Other incidental expenses.

IMPORTANT NOTIFICATIONS BY CENTRAL GOVERNMENT

No.F.18-22/72-T-2
Government of India
Ministry of Education & Social Welfare
Department of Education

New Delhi- 110001, dated the 11th September, 1973

OFFICE MEMORANDUM

Subject : Recognition of Technical and Professional Qualifications

The undersigned is directed to state that "The Architects Act, 1972" providing for the registration of Architects and for matters connected therewith has come into force with effect from the 1st September, 1972. The Act provides for a Schedule of Architectural qualifications which are recognised qualifications for the purposes of the Act. The Government Diploma in Architecture awarded by the Government of Maharashtra (or the former Government of Bombay) and (ii) Diploma in Architecture of Kalabhavan Technical Institute, Baroda, are included in the Schedule to the Act.

2. The Government of Maharashtra (or the former Government of Bombay) was offering a scheme of Government Diploma in Architecture (G.D. Arch.) course (old course) for the benefit of private students as well as students trained at certain architectural institutions. The Government of Maharashtra abolished this scheme of Diploma Course (old course) in 1963 and in its place introduced a scheme of revised Diploma course at the following architectural institutions:-
 - i) Sir J.J. College of Architecture, Bombay.
 - ii) Academy of Architecture, Bombay.
 - iii) Bandra School of Art, Bombay.
 - iv) Abhinava Kala Vidyalaya of Architecture, Poona; and
 - v) Kala Niketan, Kolhapur.
3. In view of the Architects Act, 1972 coming into force and in view of the fact that (i) Government Diploma in Architecture awarded by the Government of Maharashtra (or the former Government of Bombay) and (ii) Diploma in Architecture of Kalabhavan Technical Institute, Baroda, have been included in the Schedule to the Act, the recognition of these Diplomas for the purposes of recruitment to superior posts and services under the Central Government was re-considered by the Board of Assessment for Technical and Professional qualifications at its meeting held on the 15th December, 1972. On the recommendations of the Board of Assessment for Technical and Professional Qualifications and keeping in view the provisions contained in the Act, the Government of India has decided to recognise (i) Government Diploma in Architecture (G.D. Arch.) awarded by the Government of Maharashtra (or the former Government of Bombay) according to old scheme of the course, and (ii) Diploma in Architecture of Kalabhavan Technical Institute, Baroda, at par with the B.Arch. Degree of a recognised Indian University for the purposes of recruitment to superior posts and services under the Central Government in the field of architecture. This recognition comes into force with effect from the date of enforcement of the Architects Act, 1972 i.e. the 1st September, 1972.
4. The above recognition to the Diploma supersedes the recognition accorded to these Diplomas in this Ministry's O.M. No. F.18-44/61-T-2 dated the 6th January, 1968 and O.M. No. F. 18-5/58-T-5 dated the 15th January, 1959 respectively.
5. The Government Diploma in Architecture awarded by the Government of Maharashtra according to the revised scheme of the course is covered in the comprehensive entry made under the "Government Diploma in Architecture awarded by the Government of Maharashtra (or the former Government of Bombay)" in the schedule to the Act. The Government Diploma in Architecture awarded by the Government of Maharashtra according to the revised scheme of the course, therefore, stands automatically recognised for the purposes of recruitment to superior posts and services under the Central Government in the field of architecture and no formal order recognising this Diploma is necessary by the Government.

Sd/-
D.V. Narasimham
Deputy Educational Adviser (Technical)

To

All Ministries & Departments of the Government of India, State Governments, Universities etc...

Government of India
Ministry of Education and Culture
(Department of Education)

New Delhi, the 5th August, 1992

NOTIFICATION (37)

F.No. 1-51/87/T-7/T-13/TD-V. On the recommendations of the Board of Assessment for Educational Qualifications, the Government of India have decided to recognise the Associate Membership of the Indian Institute of Architects (By Examination) at par with a Bachelor's Degree in Architecture of a recognised Indian University for the purpose of employment to posts and services under the Central Government in the appropriate field.

Sd/-
(Vijay Bharat)
Deputy Education Adviser (Tech)

Government of India
Ministry of Human Resource Development
(Department of Education)

New Delhi, the 10-4-1996

NOTIFICATION (51)

No.F.8-17/95-TS.IV .On the recommendations of the Board of Assessment for Educational Qualifications, the Govt. of India have decided to extend the provisional recognition of the Diploma in Architecture awarded by the Institute of Environmental Design, Vallabh Vidyanagar, to the students trained at D.C. Patel School of Architecture, at par with a degree in Architecture for the purpose of employment to posts and services under the Central Government in the appropriate field, till the date, the course has approval of All India Council for Technical Education, New Delhi.

Sd/-
(Vijay Bharat)

Director (T)No.F.17-9/81-T.3
Government of India
Ministry of Education & Culture
(Deptt. Of Education)
T-3 Section

New Delhi, the 19th February, 1982

To,

Chief Secretaries of State Government

Subject: Enforcement of the Architects Act, 1972, issue of Licences by local authorities -regarding

Sir,

As you are aware, the Govt. of India, with the concurrence of the State Governments, enacted the Architects Act, 1972 for the registration of Architects and for matters connected therewith. This statutory legislation had come into force w.e.f. 1st September, 1972. The main purpose of this Act is to regulate the practice of architects and thus to protect the general public from unqualified persons working as architects and ensure satisfactory practice of the profession. The Central Government constituted the Council of Architecture under Section 3(1) of the Architects Act, 1972 which has been vested with the powers to register architects and also to prescribe standards of professional conduct and etiquette and the code of ethics for architects. All the State Govts./ Union Territories have their nominees on the Council. The Office of the Council is at present, located at New Delhi.

2. As per the provisions of the Act only those persons "registered" with the Council of Architecture under the Architects Act, 1972 can use the title and style of "Architect". The Government therefore cannot recognise any person other than a registered architect or a firm of registered architects practicing as an "architect" for any purpose whatsoever.

3. In spite of these provisions and also the fact that the matter has been taken up a number of times by the President of the Council of Architecture, it is found that complaints are still being received in the Council of Architecture from various quarters regarding the violation of the provisions of the Architects Act, 1972 by local authorities/agencies such as some State Govt. Deptts., Municipal Corporations etc.

4. We shall, therefore, be grateful if you could kindly arrange to issue necessary directions in terms of the provision of the Architects Act, 1972 which has become a statutory legislation to all the Municipal Corporations/Municipalities/Improvement Trusts etc. under your control who are concerned with the issue of licences to persons to function as "architects" under their jurisdiction to see that only persons registered with the Council of Architecture under the Architects Act, 1972 are issued licences to act as architects and bring to their notice also that any contravention of the rules framed under the Act will not be legally sustainable and will attract punishment as stipulated.

The Council of Architecture, 8-B, Shankar Market, Connaught Circus, New Delhi -110001 will be in a position to give any further information that is desired.

Yours faithfully,

sd/-
(C. S. JHA)
Educational Adviser (TECH.)
Tele. No.381096

Copy to:

The President
Council of Architecture,
8-B, Shankar Market,
Connaught Circus,
NEW DELHI -1

This refers to his letters
dated 29.8.81 and 17.2.1982

sd/-
(S.D. AWALE)
Assistant Educational Adviser (T)
Tele. No.381894

No.F.17-1/83.T.13
Government of India
Ministry of Education and Culture
(Department of Education)

New Delhi
Dated 28th May, 1984

To

The Chief Secretaries of State Governments

Subject : Enforcement of the Architects Act, 1972 (Act. No.20 of 1972) .Charging of Fees by Local Bodies from registered Architects – Regarding.

Sir

I am to invite your attention to this Ministry's letter number F. 17-9/81. T. 13 dated 19th Feb., 1982 (Copy enclosed) wherein, to safeguard the provisions of the Architects Act, all the State Governments were requested to issue instructions to all Municipal Corporations/Municipalities/Improvement Trusts etc. under their control to issue licences only to those Architects who were registered with the Council of Architecture.

2. It has been brought to the notice of this Ministry that, some of the local bodies have been charging fees from the Architects already registered with the Council of Arch. for practising in their areas. This does not seem to be justified. In a recent case, where Municipal Corporation of Delhi had insisted on fresh registration with the local body from the Architects registered with the Council of Architecture. the High Court of Delhi had given a judgement against the Municipal Corporation of Delhi. The latter went in for appeal to the Supreme Court, but the appeal has been dismissed by the Supreme Court on 22nd April, 1983.
3. In view of the above, you are requested to advise all the local bodies viz. Municipal Corporations/Municipalities/Improvement Trusts etc. under your control that no further registration or fees are asked from the Architects already registered with the Council of Architecture which is a statutory organisation set up under an Act of Parliament, for practising their profession in any part of the country.
4. A copy of Hindi version of this letter will follow.

Yours faithfully,

Sd/-
(M.S. Srinivasan)
Joint Educational Adviser (T)
Tel. No.384245

Copy forwarded for information to:

Shri H.R. Laroya, President, Council of Architecture, 8-B, Shankar Market, Connaught Place, New Delhi- 110001.

Joint Educational Adviser (T)

From

The Chief Architect, Haryana
Department of Architecture
S.C.O. No.44, Sector-17A, Chandigarh

To

The Administrative Officer
Council of Architecture, India Habitat Centre
Core 6-A, 1st Floor, Lodhi Road, New Delhi-110003

Memo No: Arch-98/E4/7161

Dated Chandigarh, the 3.7.1998

Subject : Enforcement of the Architects Act, 1972 (a Union Act) – exemption from further registration with or payment of fees/security deposit to Local Bodies by architects registered with the Council of Architecture – reg.

Reference your letter No.CA/28/98(AE), dated 27-5-98 on the subject noted above.

As desired a copy of letter under reference is enclosed herewith for further necessary action.

Sd/-
Superintendent (Estt.)
For Chief Architect, Haryana
Deptt. of Architecture
Chandigarh

From

The Chief Administrator
Haryana Urban Development Authority
Sector 6, Panchkula

To

1. The Administrator, HUDA, Panchkula
2. The Administrator, HUDA, Faridabad
3. The Administrator, HUDA, Hissar

Memo No. A-14-98/dt. : 30 March, 1998

Subject : Enforcement of the Architects Act, 1972 (A Union Act) – exemption from further registration with or payment of fees/security deposit to local Bodies by Architects registration with the Council of Architecture regarding.

Please refer to the subject cited above.

A copy of instructions on the subject circulated vide headquarters memo No. A-14-97/20679 dated 19/6/97 is enclosed herewith for your information and taking necessary action in the matter.

You are requested to dispose off such cases accordingly.

Sd/-
Administrative Officer
for Chief Administrator, HUDA

Endst. No. 4-14-98/8244/dt. 28-3-98

A copy alongwith copy of memo dated 19/6/97 is forwarded to the Chief Architect, Haryana, Department of Architecture, SCO No.44 Sector-17A, Chandigarh for information with reference to his memo No. 1843 dated 12/2/98.

Sd/-
Administrative Officer
For Chief Administrator, HUDA

From

The Chief Administrator
Haryana Urban Development Authority
Sector-6, Panchkula

To

The Administrator
HUDA, Gurgaon

Memo No. A-14-97/20769 dt. 19-6-97

Subject : Enhancement of registration/renewal fees of architects/engineers

Reference your office memo no. EA-8735 dated 22/5/97 on the subject cited above.

The registered architects were exempted from registration vide agenda item No.18 by the Authority in its 27th meeting. As such, no registration/renewal fee is to be charged from the Architects registered with Council of Architects. This is for your information please.

Sd/-
Administrative Officer
for Chief Administrator, HUDA

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TRANSLATED VERSION

No.1699/9-A-3-1999

From

Shri Atul Kumar Gupta
Secretary,
Government of Uttar Pradesh.

To,

Vice-Chairman,
Development Authority,
Muzaffarnagar.

Housing Section-3

Lucknow : Dated 18 August, 1999

Subject : Implementation of the provisions of the Architects Act, 1972

Sir,

It has been brought to the notice of the Government by the Administrative Officer, Council of Architecture that some persons are practising as architects unauthorizedly within the area of Muzaffarnagar Development Authority, which is improper. He has requested that it is necessary to impose restriction on this forthwith to safeguard the public interests and the architectural profession.

2. In this connection, I am directed to say that the Architects Act, 1972 is a Central Law and it is applicable throughout India as per Gazette Notification of Government of India, dated 31 May, 1972. Under Section 3 of the said Act, the Council of Architecture has been constituted and under the provisions of Section 37, it is totally prohibited for a person to practice as an architect except the person who is registered as an Architect with the Council of Architecture. This practice is also a punishable offence under Section 39 of the said Act. In addition, it is not necessary for an architect registered with the Council of Architecture to get himself registered at any other stage and to obtain licence for practising as an architect throughout India.

3. You are requested kindly to implement most effectively the provisions of the Architects Act, 1972 within your jurisdiction and to take necessary action immediately against the persons who are practising as architects unauthorizedly. The action taken be also intimated to this Government.

Your faithfully

Sd/-
(Atul Kumar Gupta)
Secretary

No.1699(1)/9-A-3-1999 dated as above.

Copy to the following for information and necessary action :-

1. Shri K. Gopala Krishna Bhat, Administrative Officer, Council of Architecture, India Habitat Centre, Core 6A, First Floor, Lodhi Road, New Delhi, w.r.t. his letter no. CA/28/99/AE dated 27-3-1999, addressed to the Chief Secretary, Government of Uttar Pradesh.
2. Staff Officer, Chief Secretary, Government of Uttar Pradesh
3. Housing Commissioner, Housing and Development Council, Uttar Pradesh, Lucknow
4. Vice-Chairman, All Development Authorities, Uttar Pradesh
5. President, U.P. Chapter, Indian Institute of Architects, 58, Hazaratganj, Lucknow.

By order

Sd/-
(Yagyavir Singh Chauhan)
Special Secretary

SURAT URBAN DEVELOPMENT AUTHORITY

NO.SUDA/U-3/V-144-145/6533

Date : 30-10-1999

To

Jt. Secretary
Shree Labhu Vaghasia
I.I.A. Surat Centre
202, Chancellor,Opp. Krishi Mangal
Ring Road, Surat-395001

Subject : Implementation of provision of the Architect's Act, 1972

Ref. : (1) Letter of CA dtd. 24-8-99 No. CA/28/99/AE

(2) Your letter dtd. 3-8-99

Sir,

With reference to above subject, it has been brought to the notice of the authority that, the present provision in DCR, regarding Architect's registration & registration fees for practising their profession as an architect, is contrary to the instructions of the nodal ministry of COA.

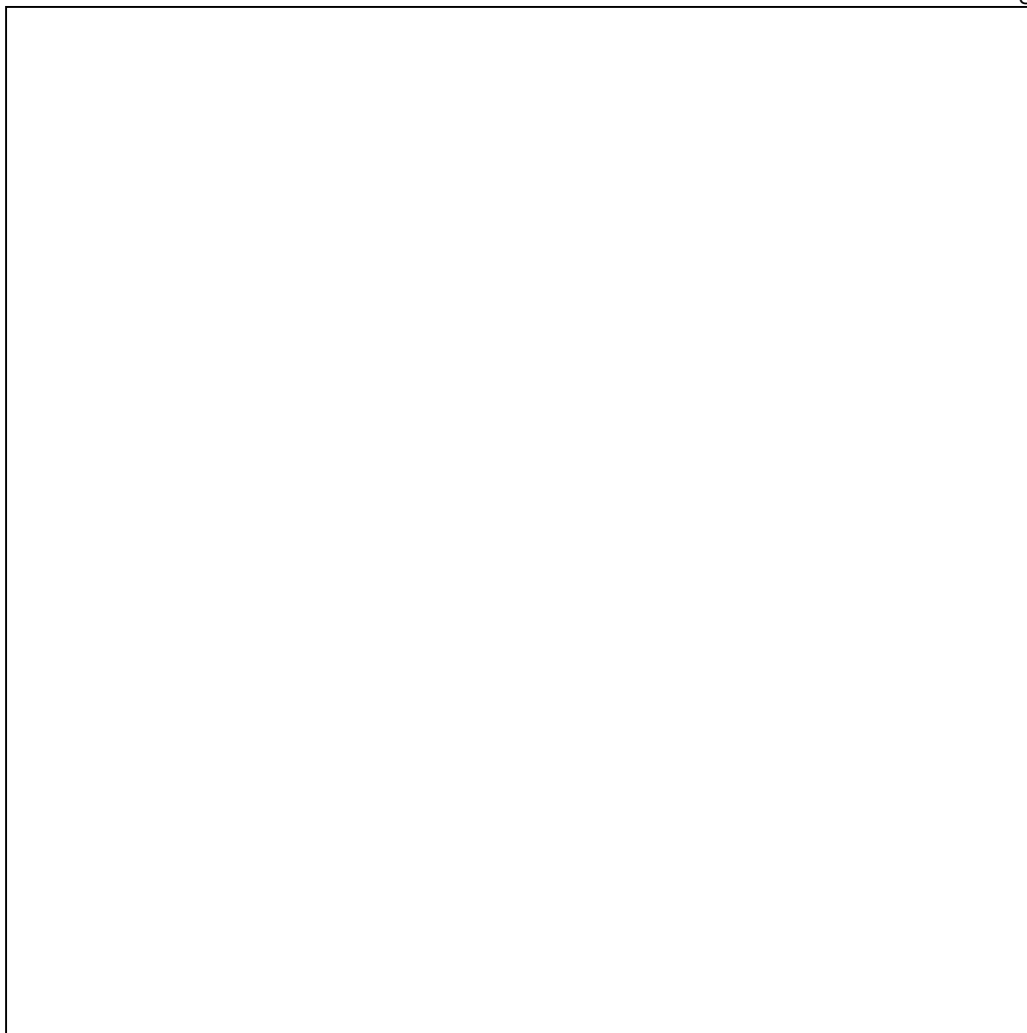
In this connection and to implement most effectively the provision of the Architect's Act, 1972, authority has issued a "PARIPATRA" dtd. 12-10-99, regarding fact, that now onwards, it is not necessary for an architect, registered with COA, to get himself registered with authority and to obtain licence for practising as an architect in SUDA area.

A copy of the same, is given for information and to circulate all members of COA in Surat region. Further it is requested to send the list of all registered architects for office use.

Yours faithfully

Sd/-
Chief Executive Authority
Surat Urban Development Autho
Surat

Encls : As above



કુરલ સહેરી વિકાસ સંસ્થામંડળ

નં.કુડા/સુ.૩/ - ૨૦૧૦-૧૧

'કુડા સ્વન',
કલેક્ટર કચેરીની બાજુમાં,
નાનુરા, કુરલ.
તા. ૧૨-૧૦-૯૯.

વિષય :-

સરકારકીમે મુજબ કરેલ અને હાલે અમલી જેવી વિકાસ યોજના અન્વયેના મુજબ અને અમલી વિકાસ નિયંત્રણ નિયમો (નિયમ ૯.૨(૧)) ની જોગવાઈઓ અન્વયે કુરલ સહેરી વિકાસ સંસ્થામંડળના કાર્યકોશમાં કમા વિન્ટ યત્ર વિકાસમાં 'માકીટિકટ' તરીકે પ્રેક્ટીસ કરવા માટે રજીસ્ટ્રેશન કરવું કરવાયાલ છે. તથા તે ક્ષેત્રે નિયમ કોમ્પાઈ અરજી કરેલી તથા જરૂરી રજીસ્ટ્રેશન હી ભેંચી સંસ્થામંડળ દ્વારા 'માકીટિકટ' તરીકે પ્રેક્ટીસ કરવા માટેનું લાયકાતના માપવાયા' થાય છે.

વહીવટી અધિકારીકી, કાઉન્સીલ ઓફ માકીટિકટર નુ દિલ્હીના તા.૨૪-૮-૯૯ ના પત્રનં.સીએ/૨૮/૯૯/એબી વિમતોએ, માકીટિકટ કોડ-૧૯૭૨ ની અમલવારી કરવાયાલ બન્યા કોઈ, તદ્દાન્વયે સ્થાયેલ કાઉન્સીલ ઓફ માકીટિકટના રજીસ્ટર્ડ માકીટિકટ હોય તે જ સંસ્થા 'માકીટિકટ' તરીકે પ્રેક્ટીસ કરી શકે છે. તથા તેઓને પ્રેક્ટીસ માટે લાયકાતની જરૂરીયાલ રહેતી નથી. તથા તે ક્ષેત્રે રજીસ્ટ્રેશન હી પણ બરવાની રહેતી નથી. આ બંનેના રજુ રાખેલ યાયાસ્પુરાવાના વિહાલોની વિમતોએ તથા મહેત્રી સરકારકીની મુજબી ક્ષેત્રે ૨૦૧૨ કરેલ યુનરાવનિત વિકાસ યોજનાના વિકાસ નિયંત્રણ નિયમોમાં, પૂરવું બાખલ કરલ જોગવાઈઓને લેલે લેલા, કાલમાં કાઉન્સીલ ઓફ માકીટિકટ નુ દિલ્હીના રજીસ્ટર્ડ માકીટિકટને સંસ્થામંડળના વિકાસમાં 'માકીટિકટ' તરીકે પ્રેક્ટીસ કરવા રજીસ્ટ્રેશન કરાવવાની જરૂરીયાલ રહેતી નથી. જેની અમલકતાએ નોંધ લેવી.

કહી/--
(જે.બી.કોરા)
મુખ્ય કારોબારી અધિકારી
કુરલ સહેરી વિકાસ સંસ્થામંડળ
કુરલ.

- નકલ રવાના :-
- ૧. તમામ સામા અમલકારીઓ...
 - ૨. તમામ પ્લાનિંગ કમીટી.....

રવાના કરું,
વિભાગકારી
મદદનીસ નમક વિભાગ
કુરલ સહેરી વિકાસ સંસ્થામંડળ
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OFFICE OF THE ADMINISTRATOR HUDA, GURGAON

To

The Administrative Officer,
Council of Architecture,
India Habitat Centre, Core 6A,
1st Floor, Lodhi Road, New Delhi-110003.

Memo No. EA/8154 dt.: 25-9-01

Subject : Registration of Architects and renewal of licence by HUDA

Ref. : Your office memo No. CA/28/2001 AE dated 12-7-2001

In this regard, it is intimated that as per instructions issued by the Chief Administrator, HUDA, Panchkula, No registration/renewal fees is being charged from Architects who are registered with Council of Architecture. This is for your kind information, please.

Sd/-
Sr. Accounts Officer,
For Administrator,
HUDA, Gurgaon

**Office of the Deputy Commissioner, Service Tax
Block No.11, 7th Floor, C.G.O. Complex, Lodhi Road, New Delhi-110003**

C.No. CE/ST/ARCHITECT/AUDIT/2001/1269

Dated : 29 -8-2001

To

The Administrative Officer,
Council of Architect (India Habitat Centre),
Core 6-A, 1st Floor, Lodhi Road,
New Delhi-110003.

Subject : Liability of payment of Service Tax - clarification - reg.

Kindly refer to your letter R.No.CA/28/2001 S.Tax/dated 22.8.2001 on the above subject.

In this regard your attention is drawn to sub Section(1) of Section 68 of the Finance Act, 1994 according to which every person providing taxable services to any person shall pay Service tax at the rate specified in Section 66 of the Act *ibid*.

Therefore, in respect of services provided to any person by an architect or by an interior decorator as described under sub section 72 clause (p) or (q) of Section 65 of the Finance Act, 1994, the service provider i.e. architect or interior decorator shall be liable to pay Service tax on the gross amount/value received by them for the services provided to their clients. As regards the recovery of Service Tax from the clients it is totally dependent upon the terms and conditions of the contract/agreement which was executed by the service providers with their clients.

In case of failure of payment of Service Tax by any client, recovery for such failure can be enforced as per the civil procedure code depending upon the terms and conditions of the contract/agreement executed between the service providers and their clients.

As regards the liability to pay Service Tax where a client refuses to pay the same, as already explained above it will be the liability of every person providing taxable service to pay the Service Tax. In terms of provisions contained in Section 68 of the Act *ibid* in the event of inability to recover the Service Tax from their clients or in situation of refusal to pay the Service Tax by the clients it will be the liability of the Architect/Interior Decorator/Service providers to pay tax on the gross amount/value charged by them.

It has been clarified by the Ministry of Finance vide M.F.(DR) TRU F.No.341/43/96/TRU dated 31-10-96 that a person responsible for collecting the Service Tax is liable to pay such tax to the credit of the Central Govt. irrespective of whether he has collected the amount of service tax from the clients or not. No exemption for payment of service tax can be claimed on the ground that the same was not paid by the client.

Yours faithfully

Sd/-
Neeraj Kansal
Deputy Commissioner
Tele : 4364645

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Implementation of the Architects Act, 1972 (Central Act No.20 of 1972) in Andhra Pradesh –
Instructions to Urban Development Authorities, Municipal Corporations and Municipalities - Orders-Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (M1) DEPARTMENT

G.O.Rt.No.978 MA

Dated 15th November, 2001
Read :

From Sri A.B. Reddy, President, Practicing Architects Association
letter dated 6-12-1999

ORDER:

In the letter read above, the President, Practicing Architects Association has represented that the Architects qualified and registered under the Architect Act, 1972 (Central Act, No.20 of 1972) are entitled to practice anywhere in the country without any further permit or registration or empanelment or restriction imposed by any Municipality/Municipal Corporation or Urban Development Authority in view of the settled position of Law explained by the Hon'ble High Court of Delhi in their judgement in C.W.P.509/75 and 515/75, LPA No. 59/1975 and in view of the dismissal of Special Leave Appeal No. 6469 and 9380 of 1980 by the Supreme Court of India. He also furnished a copy of the letter addressed by the Joint Educational advisor Government of India, Ministry of Education and Culture,

(Department of Education) dated 28th May, 1984 to all the Chief Secretaries of State Governments wherein he has requested to advise all the local bodies i.e., Municipal Corporations, Municipalities, Urban Development Authorities, not to insist further registration of fees from the Architects who already registered with the Council of Architecture. They have also submitted that inspite of the above position all the Municipalities and Municipal Corporations are insisting for separate registration/licence thereby causing hardship and imposing unnecessary restrictions. They have therefore requested to issue necessary instructions to Municipalities/Municipal Corporations/Urban Development Authorities in State.

2. Government after careful examination of the matter hereby direct all the Municipalities, Municipal Corporations, and Urban Development Authorities in the State not to insist for separate registration of licence from the Architects registered with the Council of Architecture under the Architects Act, 1972 (Central Act. No. 20 of 1972). However the Architects shall submit the attested copy of the registration certificate along with the submitted plans.

3. The Commissioners of Municipalities/Municipal Corporations and Vice Chairman and Special Officers of Urban Development Authorities are therefore requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K. Goyal
Principal Secretary to Government

To

The Commissioners of all Municipalities in the state (through R.D.D.T.Ps)
The Commissioners of all Municipal Corporations
The Vice Chairman and Special Officers of all Urban Development Authorities
The Director of Town & Country Planning, Hyderabad
The Chairman Indian Institute of Architects, A.P. Chapter
The President Practicing Architects Association, A.P.
To All Regional Deputy Director of Town Planning (through D.T. & C.P. Hyd.)

|| FORWARDED BY ORDER ||

Sd/-
Section Officer

IMPORTANT CIRCULARS OF STATES/LOCAL SELF-GOVERNMENTS

CORPORATION OF MADRAS

Works Department
Dated 23.2.1985

W.D.C. No. D7/1220/85

CIRCULAR

Sub: Licensing of Surveyors – Licence renewal of lie 1985.86 reg.

The licence's issued to the Licensed Surveyor for year 1984-85 expires on 31.3.1985. Those who desire to renew their licence for the year 1985-86 are requested to send their applications for renewals duly furnishing the particulars called in the enclosed proforma along with the professional tax paid receipt for the year 1984-85.

Those Architects who have registered their names in the Council of Architects need not apply for licence. However they will be allowed to practice as Licensed Surveyors of the Corporation. As per the provisions of the Architects Act, 1972, on production of evidence to the effect that they are members of the Council of Architects.

The fees for the renewal of licence should be remitted only after the intimation received from this office and not with the renewal application.

Sd/-
V. Jayagopal
Engineer

MUNICIPAL CORPORATION OF GREATER BOMBAY

No. MGC/B 8207 of 1.7.'85

CIRCULAR

Sub : Granting of Surveyors' Licences

A circular under No. CE/B/5594/11 in respect of granting surveyors' licences by charging fees and the qualifications prescribed for grant of such licences, was issued in the past. Subsequently it was decided to issue Surveyors' licences and charge nominal fee of Rs. 10/- only to the persons who are registered with the Council of Architecture, New Delhi, vide M.C.'s orders under No. MDC/155 of 1.3.'85.

The Maharashtra Chapter of Indian Institute of Architects have, however, filed a writ petition in the High Court for declaration that the provisions of the B.M.C. Act are not applicable to the architects registered under the Architects' Act 1972 and for direction against the State of Maharashtra and the M.C.G.B. not to require any person registered as an architect under the Architects' Act, to be licensed as a Surveyor under the provisions of the B.M.C. Act and not require the payment of any licence fees to the Corporation. Till the above case is finalised in the Court and disposed off, it will not be open to the Corporation to insist on payment of licence fees from those architects, who are registered with the Council of Architecture, New Delhi. This, however, will not be applicable to the persons, who are not registered with the Council of Architecture and who are given Surveyor's licence under the provisions of the B.M.C. Act.

In view of the above legal position, at present, we need not insist upon the architects who have registered their names with the Council of Architecture, New Delhi, to pay the licence fee for renewal of the surveyor's licence. They will be allowed to practice as Licensed Surveyors of the Corporation in view of the provisions of the Architects' Act, 1972, provided they produce the evidence to the effect that they are the members of the Council of Architecture, and their registration with the Council is duly renewed. As we have already given numbers to all the architects viz. those, who are covered under the Architects' Act, '72, and those who are not covered under the said Act, we should maintain their numbers as per our register. However, the numbering system will be slightly modified by adding a suffix to the Sr. No as under:

Suffix "-C.A." - for those architects, who are registered with the Council of Architecture, New Delhi, under the Architects Act, 1972.

Suffix "-L.S." - for those architects/surveyors/engineers who are given surveyors licence by the Corporation under the provisions of the B.M.C. Act.

The architects covered under the Architects' Act 1972 should be asked to submit a copy of their registration with the Council of Architecture duly renewed, before 31st March, every year and the names of the architects, who will not submit such duly renewed certificate of registration with the Council of Architecture before 31st March every year, will be circulated to all the concerned and the proposals received from them; proposals while in progress shall not be entertained till such registrations are renewed and copy thereof is submitted to the Corporation. The architects covered under the Architects' Act 1972 shall be asked to submit a photo-copy of their registration certificate (for registration with the Council of Architecture) duly renewed, alongwith every proposal submitted by them for approval of plans/development permission. It should be clearly noted that no architect's proposal should be entertained unless a registration No. is given by the B.M.C.

The procedure for grant of and renewal of the surveyors' licences for other persons will however continue as per the present policy.

Sd/-

J.R. Patwardhan

Director (E.S. & P.)

Sd/-

J.G. Kanga

M.C.29.6.'85

PUBLIC ANNOUNCEMENTS

RESTRICTION ON THE USE OF TITLE "ARCHITECT"

The Vadodara Municipal Corporation has inserted an advertisement in "SANDESH" dated 17.06.1998, a daily newspaper published in Gujarati, in connection with the use of the title "Architect". The translated version of the advertisement is as under: -

The building permission department is giving licence to Architect, Engineer, Surveyor and Structural Designer as per the provisions of General Development Regulation (G.D.R.). Under Section 9.2, only those licence holders who are qualified and registered under the Architects Act, 1972 will only be considered as an approved Architect. The person having other qualifications are announcing themselves as an Architect are offender under the provisions of the law. So hereby all the licence holder should note that as per the Architects Act, persons other than the Architect, shall not use title "Architect" with their name, otherwise their plans are not acceptable for the permission.

P.R.O. No. 99/98-99

Dy. Municipal Commissioner (Admn.)

NOTICE INVITING ARCHITECT'S OFFER WITHDRAWN

The Power Grid Corporation of India Limited (A Govt. of India Enterprise), Old A.P. Secretariat Bldg., G.S. Road, Shillong-793001 vide letter no. NERTS/ENGG. & FQA/202 dated 03.07.1998 has informed the Council of Architecture that the Notice inviting Tender from the Architects for a building of National importance has been withdrawn and they have agreed to follow the Architectural Competitions Guidelines, Rules & Regulations of Council of Architecture for the selection of an Architect for their Project.

PUBLIC NOTICES

The following public notices were published in the Indian Express, all India editions and the same are appended below:

PUBLIC NOTICE FOR INFORMATION AND GUIDANCE

Issued by

Council of Architecture

(Constituted under The Architects Act, 1972)

General

- The Council of Architecture is a statutory body constituted under an Act of Parliament (Central Act).
- The Act Prohibits those persons not registered with the Council of Architecture to use the Title and Style themselves as "Architect" with any prefix or suffix to their designation.
- Unregistered persons irrespective of their qualification, if use title "Architect" Commit an offence and they can be prosecuted and punished as prescribed.
- For Professional Architectural Services engage only Registered Architects.
- Beware of those who misrepresent themselves as Architects.
- Public, Govt./Semi Govt. authorities, corporate bodies and individuals must engage only Registered Architects having up to date renewal.

Complaints for professional misconduct

- Architects are governed by Architects (Professional Conduct) Regulations, 1989.
- Complaints, if any, against the erring architects can be filed before the Council in prescribed format with necessary documentary evidence.
- Misconduct, Violation, if proved, to the satisfaction of the Council after holding the enquiry, the architect can be penalised as prescribed.

Architectural Education

- The council is entrusted to ensure minimum standard of education including inspection of institutions and to recommend grant and withdrawal of recognition of insitutions.
- It should be noted that only those who possess recognised qualifications are entitled to the registration.
- Students/Parents/Guardians are advised and cautioned to seek admission for studies only in recognised institutions. List of recognised Institutions is published separately for information and guidance from time to time.

For further particulars and enquiry contact:

Council of Architecture

India Habitat Centre

Zone 6-A, 1st Floor, Lodhi Road, New Delhi-110003

J.R. BHALLA

S.K.

President

Registrar-Secretary

RANJAN



Council of Architecture

(A statutory body consituted by Ministry of Human Resource Development, Government of India, under the Architects Act, 1972) India Habitat Centre, Core 6-A, First Floor, Lodhi Road, New Delhi-110003. Tel.: 4648415, 4654172, Fax : 4647746, E-mail : coa@ndf.vsnl.net.in

PUBLIC NOTICE

**BEWARE OF
UNQUALIFIED AND UNREGISTERED
PERSONS PRACTISING AS ARCHITECTS**

It is brought to the notice of the general public that under Section 37(1) of the Architects Act, 1972, no person other than a registered architect with the Council of Architecture, or a firm of architects shall use the title and style of Architect and / or hold office as an Architect or carry out duties and functions of an Architect (by whatever name called) either in Government or in any other local body or Institution or in private organisation.

All such persons who are not registered with the Council of Architecture are hereby warned to stop using the title and style of architect and/or practising architecture with immediate effect and any violation thereof shall attract penal action as provided under Section 37(2) of the Architects Act, 1972, which may amount to fine or imprisonment or with both.

General Public, in their own interest, is hereby informed that only persons who are registered with the Council of Architecture are permitted to practice architecture and to use the title and style of Architect. If any un-registered practitioner (Indian or Foreign National) is noticed, the matter may be intimated to the undersigned for taking necessary legal action.

The Council of Architecture is required, by law, to take cognizance of misrepresentation, misuse of the title and style of Architect, and of unauthorized persons illegally practising architecture. The Council shall initiate criminal proceedings against such offending persons/firms/companies, under Section 39 of the Architects Act, 1972.

Registrar

IMPORTANT COURT JUDGEMENTS

	Page No.
1. In the High Court of Delhi – M.C.D. & others Vs. Shri Ram Kumar Bhardwaj & others in the matter of further registration of architects with M.C.D. and issue of licences to architects registered with the Council of Architecture.	132
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IN THE HIGH COURT OF DELHI AT NEW DELHI

L.P.A. No.59 of 1975

1. Municipal Corporation of Delhi, through the Commissioner, Town Hall, Delhi.
2. The Commissioner the Municipal Corporation of Delhi, Town Hall, Delhi.
3. The Executive Engineer (Bld), Building Department (HQ), Town Hall, Delhi.

.....PETITIONERS

VERSUS

1. Shri Ram Kumar Bhardwaj, S/o. Shri Ram Chandra Sharma, 25/149 Shaktinagar, Delhi-7
2. Shri Kasturi Lal, S/o. Shri Panju Ram, 76-A, East Azad Nagar, Shahdara Delhi.
3. Shri Miri Lal Sanoriya, S/o. Sh. Nanak Chand Sanoriya, 2/44 Roop Nagar, Delhi-7
4. Shri R.G. Sanoria, S/o Shri Niader Mal Sanoria, 243, Ajmeri Gate, Delhi-6
5. Shri C.L. Ghai, S/o. Jiwand Lal, 1/32 B, Poorvi Marg, New Delhi-6.
6. Shri Radha Lal Saxena, S/o. Shri Brij Basi Lal Saxena, C-1/444, S.J.D.A., New Delhi.7
7. Shri Chanan Ram Sharma, S/o. Sh. Manak Chand Sharma. 4/60, Roop Nagar, Delhi-7.
8. Shri P.S. Jain, S/o. Sh. Bansari Das Jain, 2153, Gali Hanuman Pershad, Masjid Khajoor, Delhi-6.

....RESPONDENTS

LETTERS PATENT UNDER X OF THE LETTERS PATENT AGAINST THE JUDGEMENT DATED 23.5.1975 BY HON'BLE MR. JUSTICE S. RANGARAJAN IN C.W.P. NO. 509/75 and 515/75.

This the 2nd day of April, 1980.

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.N. KIRPAL.

FOR THE PETITIONER: SHRI MAHARAJ KISWAN WITH SHRI P.R MONGA, ADVOCATE.

FOR THE RESPONDENT: SHRI D.D CHAWLA, SR. ADVOCATE WITH SHRI C.L CHAUDHERY, ADVOCATE

ORDER

V.S. DESHPANDE C.J. (ORAL):

The respondents are registered as architects under the Architects Act, 1972 and practice as such in the Union Territory of Delhi. They filed two writ petitions : challenging the power of the Delhi Municipal Corporation to impose restrictions on their right to practise as architects. The restrictions and the basis on which the restriction was imposed may be described as below :-

Section 2 (25) of the Delhi Municipal Corporation Act, 1957 (the Act) is as below:

"Licensed architect" 'licensed draughtsman' 'licensed engineer, 'licensed plumber, 'licensed surveyor' and 'licensed town planner' mean respectively a person licensed under the provisions of this act as an architect, draughtsman, engineer, plumber, surveyor and town planner." .

Since the definition of section 2(25) contemplates that a licensed architect or a licensed draughtsman, it is necessary to know the provisions which empower the Corporation to license an architect or a draughtsman under the Act. Section 430 (1) of the Act states that whenever it is provided in this Act or any bye-law made thereunder that a licence or a "written permission may be granted for any purpose, such licence or a written permission shall be signed by the Commissioner or by the officer empowered to grant the same under this Act or the bye laws made thereunder". There is no specific provision in the Act itself empowering the Corporation to issue licence to an architect or a draughtsman. Section 481 (1) of the Act empowered the Corporation to make bye- laws for various matters. Part F thereof empowers the making of bye-laws relating to buildings. Part L thereof empowers the making of bye-laws relating to miscellaneous matters. Clause 97 of Part L is .as follows :-

"(7) Any other matter which is to be or may be prescribed by bye-laws made under this Act or in respect of which this Act makes no provisions or makes insufficient provision and provision is, in the opinion of the Corporation, necessary for the efficient municipal government of Delhi."

This is a residuary power to make bye-laws given to the Corporation, if the making of such bye-laws is necessary "for the efficient municipal government of Delhi".

Whatever may have been the position before the coming into force of the Architects Act, 1972, what we have to consider is whether after the coming into force of the said Act the Delhi Municipal Corporation has any power to regulate the practice of architects by the insistence that they must possess a licence issued by the Corporation. The Architects Act, 1972 sets out the qualification to be possessed by the persons to be registered as architects under the said Act. It also prohibits persons who do not have such registration from describing themselves as architects and also deals with disciplinary action for misconduct of architects. It is, therefore, a complete enactment the effect of which is that a person cannot call himself an architect unless he is registered under the said Act. Of course, unlike the Advocates Act, which restricts thereunder, the Architects Act does not restrict the practice by architects to persons registered under the said Act. Therefore, some persons who cannot call themselves architects may still be free to do the work which is ordinarily done by architects and they are not dealt with by the Architects Act, whether the Corporation can deal with such persons is not a question which arises before us. Our considerations is limited to the question whether the corporation can regulate the profession and practice of architects registered under the Architects Act, 1972 by insisting that the architects practising in Delhi and submitting plans for construction of buildings for the approval of the corporation must possess licences issued by the Corporation.

The provisions in the Act on which such authority could be claimed by the corporation have been discussed above and it has been found that there is no specific provision in the Delhi Municipal Corporation Act itself authorising the corporation to issues licences to architects. We have, therefore, to seek for such provisions in the bye-laws, 69 bye-laws 6, 9 and 10(2) of the Building Bye-laws, 1959 refer to the licensed architects as being persons who can submit building plans. In view of the definition of "licensed architects" in section 2(25) the licensed architects referred to in the bye-laws have to be persons who are licensed under the provisions of the Act. The result is that on a consideration of these bye-laws the Commissioner, Delhi Municipal Corporation, issued the letter, dated 7th May, 1974 which is Annexure A to writ petition. In this letter it was proposed that the corporation may frame bye-laws for licensing and registration, inter alia, of draughtsman and architects as required by virtue of powers under 2(25) read with sections 430 and 431 of the Act, and Bye-laws 6 and 9 of the Building bye-laws, 1959. In the bye-laws proposed in this letter, provision is sought to be made to prescribe qualifications to be held by architects and draughtsman before licences could be issued to them, for payment of licence fees, deposit of security amounts by them and certain penalties to be imposed on them for contravention of these bye-laws. The whole scheme of such regulation was challenged by the respondents.

The writ petitions of the respondents are allowed by the learned Single Judge. who granted reliefs prayed for, namely to declare that this regulatory scheme was contrary to the Architects Act, 1972 and superseded by the said Act and, therefore, the purported action of the Corporation was ultra vires the Delhi Municipal Corporation Act, 1957. The resolution No.724, dated 3.9.1974, and the orders dated 2.4.1975

and 15.4.1975 were also apparently quashed by, allowing the writ petitions as a whole. These appeals have been preferred by the Corporation against the said decisions of learned Single Judge.

Two considerations are relevant to determine the authority of the Corporation to regulate the practice of the architects in submitting building plans to the Corporation for approval. Firstly, whether the Act and bye-laws framed validly there under authorise the Corporation to do so, and secondly, what is the effect on the authority of the Corporation, if any, of the passing of Architects Act, 1972.

CONSIDERATION NO.1

Presumably, section 2(25) of the Act contemplated issue of licences to architects and draughtsman because at the time the Act was framed and enacted there was no Act providing for the registration of architects and issuing of registration certificates to them and thus regulating the profession and practice of Architects. Further, there may be other persons who cannot be registered as architects under the Architects Act, 1972 and in respect of such persons it is arguable that the Corporation had to make some provision because the building plans submitted to the Corporation have to be by persons who are qualified to the satisfaction of the Corporation. It is necessary for the Corporation to ensure that building plans are made by qualified persons and since the Corporation authorities cannot be expected to scrutinise the building plans with a view to redrafting them in each and every case, some preliminary safeguard that the plans have been prepared by qualified persons could be insisted up in by corporation. The authority for making bye-laws for this purpose is somewhat tenuous, but it may be spelt out from the provision of section 481 part F and Part L, particularly sub section (i) of part L containing the words necessary for the efficient municipal Government of Delhi. In so far as the building plans submitted to the Corporation made by persons who are not architects under the Architect's Act, 1972 are concerned, we need not say anything as to the power of the Corporation to insist on such to the persons possessing licences to be issued by the Corporation under the bye-laws framed by the Corporation. In our view, therefore, the authority of the Corporation, if any, is restricted to the licensing and making other related provisions to govern the qualifications and conduct of persons other than the registered architects while submitting building plans to the Corporation. But as will be shown under the second consideration below, the Corporation does not possess any such power after the coming into force of the Architects Act, 1972 in relation to persons who are registered as architects thereunder.

CONSIDERATION NO.2

Section 502 of the Act is as follows : –

"Save as: provided in this Act, nothing contained in this Act shall be constructed as authorising the disregard by the corporation or any municipal authority or any municipal officer or other municipal employees of any law for the time being inforce."

This salutary provision recognises that the Delhi Municipal Corporation Act being a general measure relating to the functioning of the Corporation is not expected to provide for the details of the various related questions with which the Corporation may have to deal for the time being only or in the absence of special law dealing with such matters. The Architects Act, 1972 is a special law dealing with the qualifications to be possessed by persons for being registered as architects and restricting the terms "architect" or "registered architect" to such persons only. Since the possession of a registration certificate under the Architects Act, 1972 regarded by Parliament as sufficient qualification for the practice of architects and since all related questions have been dealt with in respect of architects by the said Act, It became unnecessary for the Corporation to do so thereafter. In view of section 502 of the Act, the provisions referred to above which could be constructed authorising the corporation to regulate the licensing of architects and draughtsman could not be so constructed after coming into force of the Architects Act, 1972.

We accordingly declare that the judgements under appeal by the learned single Judge are not to be understood to mean that the impugned actions of the Corporation including the bye-laws and the resolutions or orders referred to in relief(s) asked for in the writ petitions are quashed for all purposes. It is sufficient for us to declare that none of these provisions will affect in any way the status and practice of persons. including the possession of licence and payment of licence fee or amounts or security. etc. and the respondents shall be free to act as architects and submit building plans to the Municipal Corporation of Delhi without having to comply with any of these provisions.

Subject to these observations. the appeals are dismissed without any order as to costs.

Sd/-
B.N. Kirpal
Judge

Sd/.
V .S. Despande
Chief Justice

Seal
High Court of Delhi

(From the judgement and order dated 2-4-80 of the High Court of Delhi at New Delhi)

In L:P:A. No. 59/75

Municipal Corpn. of DelhiPETITIONER(S)

VERSUS

Ram Kumar Bhardwaj & Ors. etc.

(with appln for stay)RESPONDENT(S)

Date : 22-4-83. This petition was called on for hearing today.

CORAM: Hon'ble

Hon'ble Mr. Justice A. P. Sen

Hon'ble Mr. Justice E. S. Venkatramiah

For the Petitioner(s) : Mr. L. N. Sinha, A. G. Mr. Subhash Bhatt &
Mr. B. P. Maheshwari, Advs.

For the Respondent(s) : Mr. S. L. Bhatia, Sr. Adv. Mr. B. R. Aggarwal and
Mr. K. S. Rohtagi, Advs.

UPON hearing counsel the Court made the following

ORDER

Special Leave Petitions are dismissed

Sd/-
Court Master

IN THE HIGH COURT OF DELHI

No. C.W.No.547/80

Date of Decision : September 17, 1982

Shri Om Prakash Mittal, through Shri Raghubir Malhotra with Mr. Yash Pal and Mukul Gupta, Advocates

Versus

Council of Architecture and ors., through Mr. K.R. Nagaraja, Advocates

Coram: –

The Hon'ble Mr. Justice S.B. WAD

The Hon'ble Mr. Justice

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement? Yes

S.B. WAD, J

In this petition, under Section 226 of the Constitution the petitioner has challenged the order of the Council of Architecture passed on October 9, 1979, refusing the registration to the petitioner as an Architect, under Section 25(b) of the Architect Act, 1972. The relevant portion of the order reads:

"I regret to inform you that on the basis of the documents submitted, and your personal interview, you cannot be registered as an Architect under Section 25(b) of the Architects Act, 1972 as the Council is not satisfied that you were engaged in practice of ex service as an Architect for more than 5 years prior to 27th April, 1974."

The petitioner has also prayed for a declaration that Sections 35 and 37 of the Act violate Article 14 and 19(1) (g) of the Constitution and are, therefore, unconstitutional.

For appreciating the petitioner's grievance, the object and scheme of the Act will have to be noted. The statement of objects and reasons fully explain the reasons for the passing of the Act. The statement reads:

"Since independence and more particularly with the implementation of the Five-Year Plans, the building construction activity in our country has expanded almost on a phenomenal scale. A large variety of buildings, many of extreme complexity and magnitude like multi-storeyed office buildings, factory buildings residential houses, is being constructed each year. With this increase in the building activity, many unqualified persons calling themselves as architects are undertaking the construction of buildings which are uneconomical and quite frequently are unsafe, thus bringing into disrepute the profession of architects. Various organisations, including the Indian Institute of Architects, have repeatedly emphasised the need for statutory regulation to protect the general public from unqualified persons working as architects. With the passing of this legislation, it will be unlawful for any person to designate himself as 'architect' unless he has the requisite qualifications and experience and is registered under the Act. The Legislation is generally on the same line as similar Act in other countries."

Section 37 of the Act prescribes that after the expiry of one year from the date/appointed/under sub section (2) of Section 24, no person other than a registered architect or a firm of architect shall use the title and style of architect. The appointed date fixed under the said Section is 27th April, 1974. Since the prescription of the qualifications and experience for the registration of a person as an architect were being prescribed for the first time by the said Act, it was necessary to make a special provision for the registration of persons who were working as architects before that date. Section 24 provides for a Registration Tribunal consisting of 3 persons to examine whether a person is qualified enough to be registered as an architect. The decision was to be taken by the Tribunal after giving the person affected an opportunity of being heard and after calling for relevant records, Register of architects prepared after such examination was described as the first register. It may be mentioned that the Central Government had appointed such Registration Tribunal under the Chairmanship of Justice P.N. Khanna of this Court and 'the first register' was prepared. For the administration of the Act and for discharging various functions under the Act, Section 3 of the Act envisages a Council of Architecture. It is a large body of about 50 people with the representation of the profession, Central Government and State Governments. Section 21 empowers the council to prescribe minimum standards of architectural education. Sections 18 and 19 empower the Council to regulate the courses for the training of architects and to enforce academic standards through the institutions imparting training in architecture. Section 22 empowers the Council to frame regulations to prescribe professional conduct, etiquette and a code of ethics for architects. The Council can remove an architect from the register if an architect is found guilty of professional mis-conduct by virtue of power under Section 30 of the Act. As stated above, Section 37 prohibits a person from using the title or to style himself as an architect unless he is registered by the council. Section 35 gives a preference to a registered architect in matter of appointment as an architect under central or State Government or a local body.

Section 25 makes a provision for registration where the applications are made after 27th April, 1974, the appointed date under Section 24(2) of the Act. A person can be registered under Section 25, if the –

- "(a) holds a recognised qualification, or
- (b) does not hold such a qualification but being a citizen of India, has been engaged in practice as an architect for a period of not less than 5 years prior to the date appointed under sub section 2 of Section 24, or
- (c) possesses such other qualifications as may be prescribed by the Rules."

The decision regarding registration is taken by the Registrar as empowered by Section 26(2) of the Act. Section 26(3) provides for the appeal to the Council against the order of the Registrar. The appeal should be filed within 3 months of the date of rejection of the application by the Registrar.

The petitioner passed the examination conducted by All India Council of Technical Education and was awarded national certificate in Civil Engineering in 1961. In 1967, he got the national diploma in Civil Engineering from the same institute. This diploma is held to be equivalent to Bachelor in Engineering examination. He got this diploma when he was serving as a junior engineer in C.P.W.D. He worked in C.P.W.D. as a Junior Engineer from September 27, 1963 till May 12, 1972. He was enrolled as a member by the Institute of Engineers (MIE) thereafter. In 1973, he was issued a licence by the Municipal Corporation of Delhi to practice as an engineer. He was also included in the list of approved architects and valuers under 'Own Your Home' scheme of the Life Insurance Corporation of India. He was permitted by the urban estate office, Faridabad to act as an architect and was registered as such.

On 24-7-1975 the petitioner made an application for registration in Form No.XI prescribed by the Rules. As against the column "Date of commencement of profession/service" the petitioner wrote "Affidavit attached". As against the column "whether practising independently/as partner or employed", the petitioner wrote "practising independently, Prof. M/s Mittal & Associates". In the affidavit the petitioner stated that he had been in the architectural profession for the last 15 years and had designed and supervised a number of buildings including residential, commercial and factory buildings. It may be noted that the petitioner did not disclose that he was working as a Junior Engineer in the CPWD from 1963 to 1972. He also did not disclose the particulars or plans of the buildings designed and supervised by him. At the time of the arguments, the counsel for the respondent pointed out that the petitioner did not disclose in his application that he had applied for registration under Section 24 and the Registration Tribunal had rejected his application. For the purpose of this petition we may assume that a fresh application can be made under Section 25(b) even if an application under Section 24 is rejected. On receipt of the application, the Registrar of Council informed the petitioner that he had not mentioned "the actual date of commencement of the profession of architecture." The petitioner replied that he was "engaged in the profession and architecture since July 1, 1961". On the scrutiny of the application, the Registrar rejected the application for registration under Section 25(b) after considering the particulars stated in the application and the other relevant documents filed by the petitioner. This order was passed on 23.12.1976. The order reads:

"The applicant Shri O.P. Mittal does not hold any architectural qualification. He worked as Junior Engineer in CPWD from 27.9.1963 to 12-5-1972 as per statement made in the application filed with the Municipal Corporation of Delhi for licences No.E-571 vide certified copy of municipal licence (receipt No.554057 dated 20.1.73). He, therefore, does not fulfil the condition of 5 years in practice as Architect prior to 27.4.74 under Section 25(b) of the Act. His application, therefore, is rejected."

His appeal against the order of the Registrar was rejected by the Council on October 9, 1979. The relevant portion of the order is quoted above.

The impugned order is challenged by the petitioner on the following grounds: –

- (1) That the order is not passed by the Council as required by Section 26 of the Act but by the Advisory Committee;
- (2) He was denied the proper opportunity of being heard. He was not allowed to file some documents and certain documents filed by him were not considered;
- (3) The order was a non speaking order;
- (4) The Council misconstrued the provisions of Section 25(b) in as much as it took the view that the five years experience prescribed by the Section must be in private practice and not in Government service. His experience for 9 years in CPWD was over-looked.
- (5) Section 37 of the Act was violative of Article 14 & 19 of the Constitution. Restricting the use of the title architect only to certain category of qualified persons as distinguished from other qualified persons has no rational nexus to the objects of the Act;
- (6) The right to carry profession (Article 19(1) (g) is denied to him by virtue of the said Section;
- (7) Section 35(2) was a discriminatory as it seeks to jeopardies & injuriously restrict the progress of otherwise qualified and competent practitioners of the profession of architectural;
- (8) The impugned decision is discriminatory and violates Article 14 in as much as some other persons, similarly situate, have been granted the registration, while the same is refused to the petitioner.

I will first deal with the challenge to constitutionality of Section 35(2) and Section 37. Section 37(1) states that no person other than a registered architect, or a firm of architects shall use the title or style of architect one year after the appointed date under Sub-section (2) of Section 24. This provision is a necessary consequential provision to mandatory requirement of registration under the Act. The Act and the Regulations prescribe professional qualifications, for registration as an architect. They also lay down the standards of professional experience (of architectural work) required for an architect, where a person does not hold the professional academic qualifications prescribed under the Act. Right to practice a profession is guaranteed by Article 19 (1) (g) of the Constitution. Article 19(6) empowers State to make law relating to the professional or technical qualifications necessary for practising any profession. Laying down professional qualifications for the profession of architecture as done by the Act and prohibiting persons who do not fulfil the said qualifications from posing themselves as architects, is constitutionally permissible. The restriction, if all all, is a reasonable restriction. There is no merit in the petitioner's contention that there is no nexus with the object of the Act. The object of the Act, as stated above, is to prevent unqualified persons calling themselves as architects and undertaking the construction of buildings which are uneconomical or unsafe and who bringing the profession of architect into disrepute. The provision is essentially in the interest of general public and it is meant for protecting the public from unqualified persons working as architects. The restriction imposed by Section 37 does not violate Article 14 of the Constitution. Challenge to the validity of Section 35 of the Act is also without a merit. Section 35 gives preference to registered architects in matters of employment in government service and in the service of local authorities. Public works are undertaken by these bodies for the welfare of the people, huge public fund are employed for that purpose. It is in public interest that the funds are properly utilised and substandard and uneconomical constructions are prevented. A qualified architect would naturally have preference over an unqualified person claiming to be an architect. There is no discrimination because by very definition a qualified architect falls in a different class from that of a person who is not qualified. Preference in public employment, is also an added encouragement for a prospective architect for achieving high professional and technical proficiency.

Only two cases were cited by the counsel for the petitioner to substantiate the charge of discrimination. They are of Shri Gurcharan Singh and Shri H.H. Dixit. Gurcharan Singh was carrying on independent practice as an architect. He was working as a senior architectural draftsman in the architectural wing of the C.P.W.D. From 1.1.1971, he was given in selection grade as an architectural assistant. His work was certified by Shri H. Rehman, Chief Architect, Shri O. Muthachen, Engineering Chief, Shri J.M. Binjamin, Chief Architect CPWD and Shri A.N. Banerjee, Secretary Ministry of Works and Housing, New Delhi. His architectural drawings of important and prestigious projects were also seen by the council. Shri Dixit, who holds a degree in Civil Engineering was working as a Civil Engineer in Bisra Stone Lime Company Ltd. Birmitrapur, Orissa. He was working both as an Architect and Civil Engineer in the company. The plans prepared by him and as sanctioned by municipality and town planning authority were produced. He had also produced sixty building plans prepared by him. The plan were examined by the committee and the committee was satisfied that Dixit had sufficient experience of designing major works. As against this, the petitioner did not produce any plans prepared by him and sanctioned by the Municipal authorities. He did not produce any letters engaging him as an architect. He also did not produce the income tax returns. He was specifically directed to produce these documents. Considering the material produced by the petitioner, the council was not satisfied that he had sufficient experience to be registered as an architect. I am satisfied from the record of Shri Gurcharan Singh and Dixit that the decision of the council was based on sufficient objective data. Compared to these two persons the petitioner did not disclose through any record that he possessed experience equal to that of Gurcharan Singh or Dixit. The charge of discrimination is ill conceived and is, therefore, rejected.

The argument of the petitioner is that it is the Council who should take the decision under Section 26 and the advisory committee had no jurisdiction to decide the appeal. The argument has no substance. As pointed out earlier, the Council consists of about 50 members. They come from various States. They also come as representatives of several institutions. Five architects are elected by Indian Institute of Architects from amongst its members. The members of the Council come from different parts of India. It is impossible and impracticable for such a large body to meet for each appeal. The Legislature is aware of this difficulty. Section 10(1) for the Act, therefore, provides that the Council may constitute committees for such general or special purposes as the council deems necessary to carry out its functions under the Act. The appointment of the Advisory Committee was made under Section 10. The decision of the advisory committee is approved by the Council. Even in quasi-judicial matters, it is not unknown to distribute the functions in more than one authority. Under the C.C.A. Rules the disciplinary authority appoints an enquiry officer to carry out the

disciplinary enquiry but the final decision is taken by the disciplinary authority. In this case, the advisory committee consisted of eminent experts. Shri B. Kambo, who acted as a Chairman, was a Chief Town Planner and Architect and Adviser to Government of Rajasthan. Major General Harkirat Singh was the nominee of Institution of Engineers of India. Shri B.N. Banerjee was the Chief Architect to the government of West Bengal and Mr. M.H. Siddiqi, was the Chief Architect of the Government of Jammu and Kashmir. The submission of the petitioner is without any merit.

The next submission of the petitioner that he was not given the proper opportunity of being heard, is wrong. The petitioner was directed to appear in person and produce the documents such as the actual plans prepared by him, the letters of the municipal authorities sanctioning such plans, the letters of the owners of the buildings appointing him as an architect and income tax assessment orders. He merely submitted a general list of the works allegedly undertaken by him without furnishing the said documents. He was given oral hearing. It is not a fact that he was prevented from producing any documents. The letter which called upon him to produce the above mentioned documents also gave him liberty to produce any other documents in his possession. It is not the Council but the petitioner who denied to himself the opportunity of presenting sufficient material or arguments in support of his case. The allegation of denial of opportunity is thus false. The petitioner then submits that the council did not properly appreciate the requirement of Section 25(b). According to the petitioner Section 25(b) should be liberally construed so as to include the experience as an engineer also. He submits that every engineer performs architectural functions. In his opinion, the Council erroneously assumed that the experience of five years prescribed by Section 25(b) is an experience in a private practice. The submission of the petitioner is totally misconceived. It is too presumptuous for the petitioner, who was merely a Junior Engineer in C.P.W.D. to imagine that the persons of the eminence who sat in the advisory committee did not understand the meaning or requirement of Section 25(b) of the Act. Some of them are eminent engineers and architects. They know the difference between the professional work done by engineer and by an architect. There is certain amount of finality to the judgement of the high power expert body.

Their judgement as to what constitutes experience of architectural worker must be given high regard. It must be frankly admitted that the courts, which are not trained in the technical discipline of engineering and architecture, cannot claim any technical knowledge superior to the experts in the field. It is well recognised principle of law that the Court shall not substitute its own judgement to that of an expert particularly in the highly technical fields. The scope of enquiry by the Court is limited only to find out whether the technical requirements of law, in arriving at a decision, are followed or not or whether the decision is vitiated by malafides, fraud etc. The petitioner himself suppressed the fact that he was working as a junior engineer in the C.P.W.D. for 9 years. He did not mention it in the proforma application. Can such a petition now turn around and say that the Council did not consider this experience? As a matter of fact the statement of the petitioner that his experience in service is not considered is incorrect. The impugned order clearly states that Council was not satisfied that he was engaged "in practice/service as an architect for more than 5 years prior to 27th April, 1974". The Council has thus considered both his private practice as well as service. But merely to confirm that the Council was not on the wrong track, I permitted the petitioner to enumerate the duties of a junior engineer in C.P.W.D. By way of Annexure P.6 the petitioner has produced the duty chart of the junior engineers, as mentioned in Appendix XVI of the Central Public Works Department. The duty chart shows that the main functions of a junior engineer is to remain at the site throughout in order to see that works are executed according to the specifications, drawings and standards. He arranges for the materials and keeps the government materials in his custody. He records measurements of works and prepares extracts of measurements at the time of preparation of bills, or closing of muster rools. He submits progress reports of works as required by the superiors. He maintains Register/Accounts such as cement register, curing register etc. He maintains accounts of temporary advances, stock accounts, and imprest accounts etc. He maintains the register of inspection of buildings. He marks the attendance and maintains attendance register and muster rolls of the labour. His other duties are to prepare estimates of annual repairs, to submit reports of accidents, to make first aid arrangements in case of accidents, to verify the bills, to detect and report unauthorised occupation or additions or alterations. He keeps the drawings of buildings and services under his charge. He submits progress reports and other returns to the superior officers. He collects engineering data for estimates and prepares rough drawings and site plans connected therewith. He checks up the cost estimates. He helps the preparation and checking of design. He scrutinies the drawings prepared by the architects. The list of duties does not indicate that junior engineer is in any way concerned with the planning and designing of the buildings. He is almost at the lowest rung officer amongst the civil engineers. The Assistant Engineer, Executive Engineer, Supdt. Engineer and Chief Engineer are superior officers in the normal hierarchy of civil engineers in all engineering establishments of the government. It is too much to say that the officer at the longest rung in engineer department, plans and designs the buildings. The duty chart fully justify the decision of the Council that the petitioner was not performing any architectural functions as a junior engineer. Once the period of 9 years as a junior engineer is excluded it is obvious that the period of five years as required by Section 25(b) would not be complete, even if it is assumed that the experience of the petitioner subsequent to 1972 was of the nature of architectural practice. However, the facts are different. The licence which the petitioner secured from the M.C.D. is only for practising as engineer and not as an architect. So is the case with the panel enlistment in L.I.C. Under the "Own Your House" Scheme (OYH) of the LIC, valuation of houses required to be made for the purposes of advancing loan to policy holders. The L.I.C. permits an engineer as well as an architect to furnish such valuation of a building. To work as a valuer of L.I.C., therefore, does not amount to carrying on the profession of an architect. The story as regards the registration with the urban estate office Faridabad, is not much different. In fact, no particulars are provided by the petitioner to judge the experience of architectural work performed by the petitioner by virtue of the said Faridabad registration. With the material produced by the petitioner (or lack of material) the Council was fully justified in taking the decision of not registering the petitioner as an architect.

The decision of the Council is however challenged on the ground that the appellate order is a non-speaking order. It is not correct to say that the order is not a speaking order. The petitioner did not produce any material, although full opportunity was given to him to do so.

The service particulars of the petitioners were not furnished by him in his application. The Registrar discovered them. It is too obvious as fact that a junior engineer in C.P.W.D. does not plan or design any buildings or constructions works. The other certificates of practice produced by the petitioner on their face, represent the practice as an engineer and not as an architect. The experts who sat in advisory committee are experts in the technical field. They are not trained lawyers or Judges. It is too much to expect that they should disclose in the order each of the arguments and to give reply to them point by point. If the decisions of expert bodies, are based on the proper data (evidence) and if the decisions are not coloured by any extraneous considerations and if the decisions show proper application of mind, such decision must be assumed to be reasoned orders. There are no allegations of the nature stated above, vitiating the decision of the council. This submission of the petitioner is also to be rejected.

For the reasons stated above, petition is dismissed; but in the circumstances of the case, there shall be no order as to costs. Rule is discharged.

September 17, 1982

Sd/-
S.B. WAD
Judge

(To be Refer to the Reporter)

(To be Refer to the Reporter)

Item No. 3

Court No. 6

Section XIV

**SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS**

237489

Petition(s) for Special Leave to appeal (Civil/No.(s) 6612 of 1983

(From the Judgement and order date 24.11.82 of the High Court of Delhi at New Delh in LPA No.142/82)

Om Prakash Mittal

.....PETITIONER(S)

VERSUS

Council of Architecture & Anr.

.....RESPONDENT(S)

Date : 12.3.90 : This/These petition(s) was/were called on for hearing today

CORAM :

Hon'ble Mr. Justice K. Jagannatha Shetty

Hon'ble Mr. Justice S.C. Agrawal

Hon'ble Mr. Justice

For the Petitioners : Mr. Wazir Singh and Mr. Mukul Gupta, Advs.

For the Respondents : Mr. K.R. Nagaraja, Adv. (NP)

Upon hearing counsel the Court made the following

ORDER

Special Leave Petition is dismissed.

Sd/-
(Seema)
Court Master

Sd/-
(V.K. Minocha)
Court Master

SEAL

SUPREME COURT OF INDIA

IN THE HIGH COURT OF DELHI

CIVIL WRIT PETITION NO. 1348 OF 1980

Date of Decision : September 17, 1982

Kaustubha Nand Pandey

..... PETITIONER
through Mr. Amlan Ghosh, Advocates

Versus

Council of Architecture etc.

..... RESPONDENTS
through Mr. K.R. Nagaraja, Advocate

Coram: -

The Hon'ble Mr. Justice S.B. WAD

The Hon'ble Mr. Justice

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?

S.B. WAD, J.

This writ petition is filed against the order of the Council of Architecture passed on 17th September, 1979 rejecting petitioner's application for registration as an Architect under Section 25(b) of the Architect's Act, 1972.

2. The grounds for the challenge of the said order and the legal submissions are the same as are made in Civil Write Petition No. 547 of 1980. I have fully dealt with the said submissions in the said writ petition and have rejected the same. This petition was in fact heard along with the said petition.
3. I will only examine now the submissions on merits made in this petition.
4. The petitioner was born in 1949. He passed his High School Certificate Examination in 1962. In 1972 he passed B.Sc. Examination. According to the certificate produced by him from R.C. Mehta, Architect and Chartered Engineer, Surveyor and Estate Valuer, New Delhi, the petitioner was working as an Architectural Assistant with the firm from May 1961 to June, 1963. He has annexed the list of works executed by him. The list shows that about twenty construction works were undertaken by him, the total valuation of which runs into several lacs. Thereafter he was working as a Punch Operator at the Computer Centre, Structural Engineering Research Centre till 4.7.1971. From 5.7.1971 to 28.6.1972 he was working as a Programme Assistant, Meerut University. He claims to have continued his practice as an Architect thereafter.
5. It may be seen that the petitioner does not hold any academic qualification as an Architect. He is not even a Civil Engineer as in the other case. He passed his Matriculation Examination in 1962 but claims that from 1961 to 1963 he was working as an Architect and had done works worth rupees several lacs. This means that between his age of twelve and fifteen he was practising as an Architect. After the arguments were over the petitioner had filed an affidavit to state that according to his Janampatrika he was born on 28th June, 1946 and not in 1949 as is recorded in the School records. The petitioner must be some thing of a genius to do construction works worth lacs of rupees at the age of about 15. He has worked as a Computer Operator and as a Programme Assistant which has nothing to do with the Architectural profession. Even assuming that he was doing some architectural work after 1972 he did not complete the five years experience on 27.4.1974 as required by Section 25(b) of the Act. Before the Advisory Council he did not produce any drawings of the works done by him. The Council of Architectures was fully justified on the basis of the information and the documents supplied by the petitioner to come to a conclusion that he did not deserve to be registered as an Architect.
6. The petition is dismissed. In the circumstances of the case I do not pass any orders as to costs.

Rules is discharged.

September 17, 1982

Sd/-
S.B. WAD
Judge

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil No.(s) 12110 of 1983

(From the Judgement and order date 6.1.1983 of the High Court of Delhi at New Delhi in L.P.A. No.146 of 1983)

Kastuba Nand Pandey

.....PETITIONER(S)

VERSUS

The Council of Architecture and Anr.
(With appln. for condn. of delay)

.....RESPONDENT(S)

Date : 26.4.90 : This/These petition(s) was/were called on for hearing today.

CORAM :

Hon'ble Mr. Justice M.M. Punchhi
Hon'ble Mr. Justice R.M. Sahai
Hon'ble Mr. Justice

For the Petitioners : Mr. K.K. Venugopal, Sr. Adv.
Mr. N.K. Aggarwal, Adv.

For the Respondents : Mr. K.R. Nagaraja, Adv.

UPON hearing counsel the Court made the following

ORDER

Delay not condoned. Consequently Special Leave Petition is dismissed.

Sd/-
(Seema)
Court Master

Sd/-
(V.K. Minocha)
Court Master

SEAL
Supreme Court of India

IN THE GAUHATI HIGH COURT

(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh)

BEFORE

The Hon'ble Chief Justice Mr. Brijesh Kumar
The Hon'ble Mr. Justice P.G. Agarwal

Date : 3-7-1999

WRIT APPEAL NO.114 OF 1996

APPELLANTS :

- | | | | | | |
|-----|-------------------------|------|----------------------|------|----------------------|
| (1) | Smt. Tulya Gogoi | (8) | Smt. Purabi Handique | (15) | Smt. Himani Patowari |
| (2) | Smt. Pranita Das | (9) | Smt. Meenakshi Deka | (16) | Smt. Lipika Goswami |
| (3) | Smt. P. Sakhirani Singh | (10) | Smt. Juna Mazumdar | (17) | Smt. Ranu Goel |

- | | | |
|---------------------------------|---------------------------|----------------------------|
| (4) Smt. Nani Borah | (11) Smt. Pranati Kalita | (18) Smt. Minati Das |
| (5) Smt. Mahmuda Begum | (12) Smt. Aparazita Deka | (19) Smt. Hemlata Talukdar |
| (6) Smt. Pronita Borpatra Gohai | (13) Smt. Pramila Kalita | (20) Smt. Mumtaz Begum |
| (7) Smt. Arati Das | (14) Smt. Modhumita Barua | (21) Smt. Bulu Bharali |

Junior Architects,
Public Works Department
Building Division, Guwahati - 3

By Advocates : Mr. B.K. Bas

Mr. P.K. Roy

RESPONDENTS :

- (1) Association of Architects, Assam, represented by its General Secretary - Shri Sriprakash Sandilya, Maniram Dewan Path, Chandmari, Guwahati - 21. (Near designer building)
- (2) The State of Assam
- (3) The Secretary to the Govt. of Assam Public Works Department, Dispur
- (4) The Chief Engineer, Public Works Department, Building Division, Assam, Guwahati -3.
- (5) The Director of Technical Education, Assam, Kahilipara, Guwahati - 19.
- (6) Girls' Polytechnic, Guwahati, represented by its Principal, Guwahati - 21.

By Advocates : Mr. B.D. Goswami for Respondent No.1
Miss D. Das
Government Advocate, Assam

Dates of Hearing : 30-3-1999, 31-3-1999 & 1-4-1999

Date of Judgement : 12-5-1999

JUDGEMENT AND ORDERS

Brijesh Kumar, C.J. –

This Writ Appeal has been preferred by the appellants against the judgement and order dated 22-2-96 passed by the learned single judge in Civil Rule No.2148/92 by which it has been directed that the authorities shall not use the name, style and designation of Architect in respect of respondent Nos. 9 to 34 in the Writ petition (appellants in this appeal). The appellants who were appointed as Architectural Draftsman were redesignated by means of the impugned order dated January 20, 1988 as Junior Architect which was challenged by the Respondent No.1, namely, Association of Architects, Assam, by filing the above noted Civil Rule.

2. We have heard the learned counsel Shri B.K. Das for the appellants and the learned counsel appearing for the respondents.
3. The writ petition was filed by Association of Architects, Assam which is registered under the Societies Registration Act. It is averred that its members are qualified and registered Architects under the provisions of the Architects Act, 1972. Some of them are private professionals and others are employed including in the P.W.D., Assam. The present appellants were appointed by different orders passed by the Chief Engineer, P.W.D. as Architectural Draftsman. Order dated January 20, 1988 was issued by the Government of Assam saying that in the interest of public service the Governor of Assam was pleased to redesignate the post of Architectural Draftsman, P.W.D. as Junior Architect with immediate effect. This redesignation has been objected to by the Association of Architects, Assam on the ground that the appellants have undergone three years' Diploma course in Architectural Assistantship from the Girls' Polytechnic which is neither recognised by the Central Government nor the Council of Architecture. They are also not registered as Architect as provided under Section 37 of the Architects Act, 1972 (hereinafter referred to as the 'Act, 1972'). Therefore, designation of Architects or Junior Architect cannot be bestowed upon them. It violates the provisions of the Act, 1972. It was also the case of the petitioner association that the appellants were being considered for promotion to the post of Assistant Architect in the Public Works Department from the post of Junior Architect in the similar manner as provided for the Diploma holder Junior Engineers in the P.W.D. who are promoted to the post of Assistant Engineer and so on. The case of

the petitioner further is that under the Service Rules in the P.W.D there is no post of Junior Architect. Hence the process of consideration of promotion of the appellants as Assistant Architect was bad in law and prayer was made that the Government may be restrained from proceeding further in the matter. Various provisions of the Act, 1972 have been placed before us.

4. Clause (a) of Section 2 of the Act, 1972 defines the word "architect" to mean a person whose name is entered in the register. Section 14 of the Act, 1972 provides for recognition of qualifications granted by the authorities and it provides that qualifications included in the schedule or notified under Section 15 shall be recognised qualifications for the purpose of the Act. As indicated earlier, according to the petitioner-respondent, three years' diploma in Architectural Assistantship given by the Girls' Polytechnic, Assam is not a recognised qualification in terms of Section 14. A reference has also been made to Section 21 of the Act, 1972 which provides that the Council may prescribe the minimum standard of architectural education required for granting recognised qualifications by colleges or institutions in India. Section 22 of the Act, 1972 provides for regulation of professional conduct of the Architects by the Council of Architecture. Section 23 provides for preparation and maintenance of register of architects. Section 25 provides for qualification for entering in the register and says that a person shall be entitled on payment of prescribed fee for his name to be entered in the register if he carries on his profession of architect in India and holds a recognised qualification, or in case he does not hold such a qualification but being an Indian citizen, has been engaged in practice as an architect for a period of not less than five years prior to the date appointed under sub-section (2) of Section 24. Section 35 provides for some preference to be given to the registered architects in the matter of employments in the Government and local bodies and institutions. The relevant provisions contained in Section 37 which prohibits the use of title of "architects" reads as under:

"37. Prohibition against use of title – (1) After the expiry of one year from the date appointed under sub-section (2) of section 24, no person other than a registered architect, or a firm of architects shall use the title and style of architect:

Provided that the provisions of this section shall not apply to –

- (a) practice of the profession of an architect by a person designated as a 'landscape architect' or 'naval architect'
- (b) a person who, carrying on the profession of an architect in any country outside India, undertakes the function as a consultant or designer in India for a specific project with the prior permission of the Central Government.

Explanation - For the purposes of clause (a) –

- (i) 'landscape architect' means a person who deals with the design of open spaces relating to plants, trees and landscape;
- (ii) 'Naval architect' means an architect who deals with design and construction of ships.
- (2) If any person contravenes the provisions of sub-section (1), he shall be punishable on first conviction with fine - which may extend to five hundred rupees and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding one thousand rupees or with both."
5. The learned Single Judge by means of the impugned judgment disposed of the writ petition holding that the Government cannot use the title of Architect in respect of persons who are not qualified and registered under the Act. It was further provided that promotion may be given to those persons in due course, but not with the name and style of Architects and that the service condition of the appellants may not be changed.
6. Learned counsel for the appellants has vehemently urged that the provisions contained in the Architects Act, 1972 would not be applicable in the case of those who are in the Government employment. There is no denial of the fact that the names of the appellants are not registered in the register of Architects as provided under sections 24 and 25 of the Act. There is also no denial of the fact that the qualifications as held by the appellants, namely, three years diploma course from the Girls' Polytechnic, Assam, is not recognised qualification under Section 14 of the Act having not included in the schedule. Section 14 of the Act reads as follows :

" 14. Recognition of qualifications granted by authorities in India. (1) The qualifications included in the Schedule or notified under section 15 shall be recognised qualifications for the purpose of this Act.

(2) Any authority in India which grants an architectural qualification not included in the Schedule may apply to the Central Government to have such qualification recognised, and the Central Government, after consultation with the Council, may, by notification in the official Gazette, amend the Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the Schedule against such architectural qualification declaring that it shall be a recognised qualification only when granted after a specified date:

Provided that until the first Council is constituted, the Central Government shall, before issuing any notification as aforesaid, consult an expert committee consisting of three members to be appointed by the Central Government by notification in the Official Gazette."

7. Section 15 provides for recognition of qualification granted by any university or other institution in any country outside India. It appears that the Girls' Polytechnic granting three years' diploma to the appellants has not applied to the Central Government for its inclusion in the schedule. In any case, it is nobody's case that it finds place in the schedule. According to the definition of the word "architect" it means a person whose name is entered in the register. Register of architects is maintained under Sections 23 and 24 of the Act. Thus from the provisions indicated above, it is quite clear that the qualification which is held by the appellants is not recognised qualification in terms of Section 14 of the Act and the appellants are also not entered in the register of architects. On behalf of the appellants, however, it is indicated that the qualification held by the appellants is recognised by the State Council of Technical Education and the Girls' Polytechnic is recognised by All India Council For Technical Education. It may be correct, but the question is whether it meets the requirement of the provisions of Architects Act, or not. In case it does not meet the requirement of the provisions of the Act, one may not be entitled to use the title of designation of 'Architect'. A clear prohibition is also contained under section 37 of the Act.

8. We may now consider the submission made on behalf of the appellants that the Architects Act, 1972 would not be applicable to the architects working in the Government Department. In this connection learned counsel has drawn our attention to the statement of objects and reasons of the Architects Act, 1972. According to the said statement, since the building activity had increased manifold all around, namely, multi-storeyed office building, factory building, residential houses, etc., minimum qualified persons calling themselves as Architects have been undertaking the construction of building which are uneconomical and not safe. Thus with a view to protect the general public from unqualified persons working as Architects a statutory regulation would be necessary. The statement of objects and reasons also says that with the passing of the legislation it would be unlawful for any person to designate himself as 'architect' unless he has the requisite qualification and is registered under the Act. Thereafter the main features of the Bill are indicated in the statement of objects and reasons. The feature at serial No.4 has been particularly placed before us which stipulates that after expiry of two years from the date of the Act coming into force, a registered architect shall get preference for appointment as an architect under the Central or State Government or any other local body. From this feature it is tried to be shown that there is clear bifurcation of those carrying on private profession and those who may be provided Government employment. Those who get Government employment, they would be governed by the conditions of service of the Government department and not by the provisions of the Act, whereas the private professionals whose conduct is sought to be channelised and mal practices are sought to be checked, they will be governed by the provisions of the Act. To lay a further emphasis on this aspect of the matter learned counsel for the appellants has urged that so far Government employees are concerned, their conduct is controlled and governed by the rules of the Government service. In case they commit any gross negligence or any other misconduct they can well be dealt with under the Rules applicable to the Government employees, but private professionals would not be controlled by any provisions except as contained in the Architects Act, 1972. It is thus submitted that the purpose of enacting the Architects Act, 1972 was only to have control over the private professionals.
9. Learned counsel for the appellants has also drawn our attention to Section 23 of the Act which provides for preparation and maintenance of register of architects. One of the information prescribed to be recorded in the register is indicated in clause (d) of sub-section (3) is the "professional address". It provides as follows:

"(3) The register shall include the following particulars, namely:-

- (a)
- (b)
- (c)
- (d) his professional address; and"

Form 2 as prescribed under the Rules requiring similar information has also been pressed into service to infer that the register is maintained only for the professionals. It may be indicated that clause (e) of sub-section (3) of Section 23 further provides that such further particulars are also to be mentioned as prescribed by the rules. It is difficult to infer from the above noted provisions that the provisions of the Act apply only to the private professionals.

10. Learned counsel for the appellants has cited before us a decision of the Hon'ble Supreme Court reported in AIR 1958 SC 353 (Workmen of Dimakuchi Tea Estate vs. Management of Dimakuchi Tea Estate) where it has held that in case of doubt about the meaning of a word of a statute it is to be understood in the sense in which they best harmonise with the subject of the enactment and the object which the Legislature had in view. The meaning need not be strictly in accordance with the grammatical or etymological propriety of language nor its popular use, but the object which is sought to be attained has to be kept in mind. On the basis of this decision it is submitted that the objects of enacting Architects Act, 1972 was to protect the general public from unqualified persons working as architects. Such unqualified persons work in a manner which is unsafe and uneconomical and they also bring the profession of architect to disrepute. With this end in view the enactment was made. The submission is that the Government does not need any such protection. It is not included in the general public. Hence the provisions of the Act are to be interpreted in the manner that they serve the object and purpose of the Act for which it is enacted rather than to have in its sweep the Government employees also who remain under the control of the Government and are bound by the Government rules and are answerable to it.
11. On behalf of the respondents reliance has been placed upon a decision reported in AIR 1983 Delhi 223 (Om Prakash Mittal v. Council of Architecture and others) in which the validity of the provisions of the Architects Act including Section 37 has been upheld. We hardly find that this decision is of any help on the point involved in the present case. The vires of the Act is not under challenge.
12. It is no doubt that the argument as advanced on behalf of the appellants is attractive, but it hardly appeals us. It is true, looking to the sudden spurt in the activity of building constructed for factories, industries, housing colonies, office complexes, etc. it was considered that the profession of architecture must be regulated. Only those who have proper education and training and are qualified to work as such may alone be permitted to work as architects. It is a legislation especially dealing with the architects. Meaning of the word 'architect' has been statutorily provided under clause (a) of Section 2 where it has been provided that it means one whose name is entered in the register. A register of architects is prepared and maintained as indicated earlier under the provisions of Sections 23 and 24 of the Act. Section 25 provides that a person shall be entitled to be entered in the register who holds a recognised qualification. So far recognised qualification is concerned, it is one which is included in the Schedule under Section 14 of the Act. Any authority which grants an architectural qualification has a right to apply to the Central Government to have such qualification recognised. The Central Government in turn after consulting the Council of Architecture may by a notification in the official gazette, recognise the qualification and include the same by amending the schedule including the qualification. The authority who imparts architectural education has to maintain certain standard in the educational training failing which the recognition is liable to be withdrawn. Therefore, such institutions have to maintain the standards of examination and provide staff, equipment training and other facilities so that the candidates undergo courses of study and examination and acquire proficiency up to the standard as prescribed by Section 20 of the Act. Section 21 of the Act provides that the Council of Architecture may prescribe the minimum standards of architectural education. Professional conduct is also subject to the regulations framed by the Council. The Council of Architecture, under Section 30 of the Act, is empowered to punish an architect if found guilty of misconduct, may suspend him from practice as an architect or remove his name from the register. Conduct of an architect is effectively controlled by Section 30. As a Government servant one may be punished under the Government rules, but still he may practise the profession of architecture. But check is placed by Section 30 under which the name of an architect is even liable to be removed from the register disentitling him to practise. Therefore, the argument that being in

Government service an architect is accountable to his employer according to the rules does not hold good since mere punishment as a Government employee may not be enough to debar him from practising as an architect which is only controlled under Sections 22, 29 and 30 of the Act. The purpose of the Act, therefore, is not only to protect the individuals from unqualified or underqualified persons professing themselves to be Architects but also to regulate the standard of professional education so that they must attain the minimum proficiency and standards required for working as Architects. The standards of professional education set as well as the quality of the institutes imparting education in architecture as well as standards of examination as provided under Sections 18 to 21 are necessary to achieve desired standards of an Architect which is necessarily required for all alike - may be private profession or in Government employment. In this view of the matter, prohibition as contained under Section 37 of the Act against use of title and style of Architect except by a registered Architect fulfils the reasons and objects for which the Act is enacted.

13. Three years' diploma course in Architectural Assistantship held by the appellants may be recognised by All India Council for Technical Education and the State Council of Technical Education which may be good enough to get them some employment, but not as an Architect unless it is recognised by Council of Architecture in terms of Section 14 of the Act. It is not known as to whether the authorities concerned have ever applied to the Central Government for recognition of diploma in Architectural Assistantship under Section 14 of the Act or not. It is also not even the case of the appellants that the standards of the three years diploma course of Girl's Polytechnic conforms to the standards of professional education as laid down by the Council of Architecture under the Act. Under the provisions of the Act only those who have recognised qualification would be entitled for being entered in the register of architect and the "architect" would mean one who is entered in the register of architects. In sequence of things prohibition is contained in Section 37 of the Act that no person other than a registered architect is entitled to use the title and style of architect.
14. We do not think it is possible to draw any distinction, as vehemently canvassed before us, between the architects carrying on their private profession as such and the architects who may be in the employment of the Government or in the employment of any other statutory body or local authority or for that purpose any other establishment. The proficiency as required of one carrying on the job of architect is provided, controlled and maintained by the provisions of the Act. It would be difficult to equate three years' diploma course of Architectural Assistantship with the degree course of Architecture imparted according to the standards set under the Act. The same standard of efficiency is required, may be the building activities are carried on by the State or by private individual. In these circumstances the prohibition as contained in Section 37 of the Act cannot be confined only to the private professionals.
15. It may also be pointed out here that proviso to Section 37 indicates as to which case Section 37 would not be applicable. It would not apply in case of a "landscape architect" and "naval architect" who deal in design of open space relating to plants and trees, etc. and in designing construction of ship respectively. Section 37 will also not apply to one who carries on profession outside India but has undertaken any specific project in India. Apart from the categories as indicated above, no other exception to the applicability of Section 37 has been provided much less on the ground that one is engaged in private profession or in Government employment.
16. The appellants were appointed as Architectural Draftsman. Their designation was sought to be changed later on after they had joined the employment. In our view, the learned Single Judge committed no error in holding that change in the designation describing the appellants as Junior Architects was hit by Section 37 of the of the Act. We also feel that the learned Single Judge has rightly provided that while reverting back to the designation of the appellants to 'Architectural Draftsman' would not in any manner affect their chances of promotion as may be provided under the conditions of their services.
17. In view of the discussions held above, we hardly find any good reason to interfere with the order passed by the learned Single Judge. The appeal has no merit and it is accordingly dismissed.

No order as to costs.

Sd/-
P. G. Agarwal
Judge

Sd/-
Brijesh Kumar
Chief Judge

Seal
3/7/99

**IN THE COURT OF CHIEF METROPOLITAN MAGISTRATE
TIS HAZARI AT DELHI**

Case No. 39/1 of 1996

In the matter of:

Council of Architecture
through its Registrar
India Habitat Centre
Zone 6-A, 1st Floor
Lodhi Road
New Delh-110003

..... COMPLAINANT

Vs.

Shri R.R. Nagpal
R/o F.10/32 Krishna Nagar
Delhi-110051
Office : Chamber No. 504
Civil Wing, New Courts
Tis Hazari, Delhi-110054

COMPLAINT UNDER SECTIONS 419, 465, 468 & 471 OF IPC
AND UNDER SECTIONS 35, 36 & 37 OF
THE ARCHITECTS ACT, 1972

..... ACCUSED

NOTICE

I, Rakesh Garg MM, Delhi do hereby serve upon you R.R. Nagpal S/o Late Shri Dwarka Dass Nagpal as follows :

It is alleged against you that on the complaint of Shri B.R. Chopra dt. 24/8/95 that you were not the member of Council of Architecture but inspite of the same you were practicing as an Architect. Also your name has also not been registered/mentioned in the Council of Architecture. Inspite of your name not being registered in the Council of Architecture, you used the word Architect alongwith your name in the courts, in the reports/inspection reports filed by you in various courts and thereby committed an offence punishable under Section 36 Indian Architect Act, 1972.

You have also used the name plate/sign board and have used the word Architect alongwith your name and thereby committed an offence punishable under Sec. 36 Indian Architect Act and within the cognizence of this court.

Show cause as to why you should not be tried by this court on the above offence.

Sd/-
MM/Delhi
19/5/1999

Notice read over and explained to accused who is further questioned as under:

Q. : Do you plead guilty or have you any defence to make ?

Ans : I plead guilty

R.O. & A.C. Sd/-
MM/Delhi
19/5/99

Pr : Counsel for the complainant.

Accused on bail with counsel.

Notice under Section 36 Indian Architect Act, 1972 framed against the accused to which he pleaded guilty. I accept the plea of guilt as the same is voluntarily, without any coercion or undue influence. Accused is convicted for offence under Section 36 Indian Architect Act, 1972.

Heard on sentence. Accused is directed to pay a fine of Rs.1000/- in default SI for three months. Fine of Rs.1000/- paid by accused. File be consigned to Record Room.

ANNOUNCED IN THE OPEN COURT:

19/5/99

Sd/-
(Rakesh Garg)
Metropolitan Magistrate
Delhi

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

Order passed by the High Court in the case of :

Manoj Balkrishna Lad

Aged : 20 years

Occupation : Student

Resident of : 116A, Somwar Peth,
Satara (M.S.), Pin Code - 415 002

..... PETITIONER

V/s

(1) State of Maharashtra
Through
Secretary
Ministry of Higher and Technical Education
Mantralaya
Mumbai - 400 032

- (2) Director of Technical Education
3, Mahapalika Marg
Fort
Mumbai - 400 001
(Copies of Respondent Nos. 1 & 2 to be served
on Government Pleader, High Court, Bombay)
- (3) Vice Chancellor
University of Bombay
Kalina, Santacruz (East)
Mumbai
- (4) Vice Chancellor
University of Poona
Ganesh Khind
Pune
- (5) All India Council for Technical
Education
Through
Regional Officer, Western Region
2nd Floor, Industrial Assurance Building
Veer Nariman Marg
Mumbai - 40020
- (6) Council of Architecture
1st Floor, Core 6-A
India Habitat Center
Lodhi Road
New Delhi-110003

..... RESPONDENTS

ARISING OUT OF :

Respondent No.2 and Respondent Nos. 3 & 4 Universities not giving admission to the Petitioner to Second Year directly of Degree Course of Bachelor of Architecture in spite of he having passed the Diploma Course of Architecture Assistantship of three years.

Being Writ Petition No. 3798 of 2000, under Article 226 of Constitution of India, praying that :

- (a) to, grant rule and allow the Petition of Petitioner,
- (b) to, direct Respondent Nos. 2 to 4 to give admission to Petitioner in 2nd Year of Degree Course of Bachelor of Architecture in Colleges imparting education in concerned faculty within their territorial and academic jurisdiction during the pendency and final disposal of the present Writ Petition,
- (c) to, give ad-interim relief in terms of Prayer Clause (b) above,
- (d) to, direct Respondent Nos. 2 to 4 to give admission to Petitioner in 2nd Year of Degree Course of Bachelor of Architecture in Colleges imparting education in concerned faculty within their territorial and academic jurisdiction,
- (e) to, grant costs of this Writ Petition against the Respondent Nos. 1 to 4 and any other legal and equitable relief as deemed just and fit having regard to the facts involved in the case and circumstances attending the case.

Mr. P.B. Deo for petitioners

Mr. R.G. Ketkar for respondent No.1

Mr. S.K. Shinde AGP

Mr. Girish Kulkarni for respondent No. 4

Mr. R. Patil for

CORAM : A.P. Shah & V.C. Daga J.J

Date : 7-8-2000

P.C.

The short question which falls for consideration is whether the petitioners who have acquired diploma in Architecture Assistantship in first class from Maharashtra State Board of Technical Education are entitled for admission directly to 2nd year degree course of Bachelor of Architecture?

2. The petitioners claim that they are eligible for direct admission to the 2nd year degree course of Bachelor of Architecture. They are relying upon the rules relating to direct admission to 2nd year degree course in engineering and technology which are annexed at Exhibit 1 to the petition. The petitioners are also relying upon the letter dated 25-8-1989 issued by the Officiating Registrar of Council of Architecture. According to the petitioners in a similar case the division bench has granted interim relief in writ petition no. 4808 of 1998.
3. We have heard the learned counsel for the parties. We have also perused the affidavit filled by the Council of Architecture. At the outset it is required to be stated that the annexure I to the petition is not applicable to the case of discipline in question. A Bare perusal of annexure I makes it clear that the said eligibility criteria is applicable for direct admission to the second year degree courses in engineering and technology and not to Architecture. As far as the letter dated 25-8-1989 issued by the Officiating Registrar of the Council of Architecture is concerned it has been pointed out that when this letter was brought to the notice of the Council, the same was withdrawn vide letter dated 11.10.1999.
4. It is also seen from the guidelines dated 15.6.1992 issued by the AICTE on 11.7.1992 that provisions of lateral entry for degree course are excluded as far as Architecture, Pharmacy and Arts etc. are concerned. This is clearly seen from the para 9 (2) of the guidelines. Minimum standards of Architectural Education Regulation 1983 issued by the Central Government also do not provide for lateral entry either for degree or diploma course in Architecture. Further regulation 3 (1) of the Regulations 1983 stipulates that Architecture course shall be of minimum duration of 5 academic years or 10 semester of approximately 16 working weeks each inclusive of six months/one semester of approximately 16 working weeks of practical training after the first stage in a professional office. Therefore even if the students got admission to the 2nd year degree course he is not entitled to register as Architecture under section 25 of the Architectures Act 1972. Thus we have no hesitation in holding that the petitioners are not entitled to direct admission to the 2nd year degree course of Bachelor of Architecture.
5. During the course of arguments a contention was raised by the learned counsel for the petitioners that the petitioners took admission to the diploma course in view of the letter dated 25.8.1989 from the Officiating Registrar of Council of Architecture and they were under the bonafide belief that they would be entitled to direct admission to the 2nd year degree course otherwise they would not have taken admission to the diploma course. Thus the petitioners had legitimate expectation that they would be give admission in 2nd year course and therefore it is not permissible for the respondents to deny admission to the petitioners. This plea is not even raised by the petitioners in the petition. In any event letter written by the Officiating Registrar cannot confer any such right on the petitioners. The petitioners cannot be admitted in the 2nd year degree course in violation of the rules and regulations.

Petition is dismissed.

Sd/-
Shri S.R. Achrekar
13/10/2000
For Additional Registrar

True Copy

Sd/-
Assistant Registrar
14-11-2000

SEAL

IN THE COURT OF N.C. NIRJA BHATIA : CIVIL JUDGE, DELHI

SUIT NO. 414/89

Shri Sudesh Pal Jain
S/o Late Sh. Tara Chand
R/o 163, Vikas Nagar, Bhiwani (Haryana)

..... PLAINTIFF

V/s

Council of Architecture
8-B, Shankar Market
Connaught Circus
New Delhi-110001
through
Its Chairman

..... DEFENDENT

SUIT FOR DECLARATION & INJUNCTION

JUDGEMENT

By this order I shall dispose off the suit of the pltf. The facts of the present suit for declaration and injunction are that plaintiff is claiming himself to be a diploma holder of Civil Draftsman from Rohtak in the year 1972. Pltf. claims that he has been practising as an Architect since 1968 as associate of one Sh. S.K. Jain, Architect at Rohtak and most of the building plans submitted in the municipal committee, Rohtak, during the period from 1968 to 1972 were drafted by him under the guidance and supervision of Sh. S.K. Jain. It is claimed by the pltf. that he has been regularly and continuously attending the office of Sh. S.K. Jain during this period and on that account a certificate of experience was issued by Sh. S.K. Jain as well as by the Administrator of Rohtak municipality.

Pltf. filled an application to get his name registered as Architect under the provisions of Section 25 (1) on the Architect Act of 1972 and submitted requisite documentary evidence established his practice as Architect since 1968. It is averred by the pltf. that as per the provisions contained U/s. 25 (b) of the Architects Act, 1972 any person who resides and carries on the Profession of Architect in India and is a citizen of India engaged in practice for five years prior the date of notification U/s. 24 (2) i.e. 27/04/74 has a statutory right to have his name registered as an Architect.

Pltf. claims that though he fulfilled all the essential qualifications, the deft. declined to register him as an Architect and alleged by their letter no. 002/84/7761, dt. 03/06/85 that on scrutiny of documents submitted by pltf., the pltf. was found not eligible for registration as Architect. It is alleged by the pltf. that order was against facts and record and also against the provisions on the Act as it was passed on the basis of conjectures and surmises and further no reason has been disclosed as to how and on what basis the conclusion has been arrived at.

Aggrieved by the orders Pltf. filed an appeal U/s 26 of the Architect Act before the appropriate authority. However, after the lapse of five years, the pltf. received a letter dtd. 12/01/89 requiring the pltf. to produce the attested copies of municipal licence issued to the pltf. and list of the work undertaken by the pltf. as an Architect alongwith copies of letter of appointment engaging the pltf. as an Architect and other documents as Income Tax Assessment orders. The said documents were filed by the pltf. alongwith the request for an Early hearing. However, on 10/07/89 pltf. was shocked to receive the letter by the deft's office which stating that pltf. cannot be registered as an Architect U/s. 25 (b) of the Act as counsel was not satisfied that pltf. was engaged in practice as an Architect for more than five years prior to 27/04/74. It is alleged by the pltf. that the said letter was not supported with an order. Pltf. in pursuance approached the deft. and requested for order as the letter did not give any reason on the basis on which the deft. had arrived at the above said conclusion. It is the alleged by the pltf. that the act of deft. is arbitrary against the principles of natural justice as the pltf. ought to have been given an opportunity to produce the evidence to show his genuineness and authenticity of documents showing his experience as an Architect. It is alleged that no justification has been given in ignoring the certificate of the reputed Architect Sh. S.K. Jain who has in clear terms stated that pltf. was practising as an Assistant since May, 1968 as an Architect and most of the building plans submitted in the municipal committee, Rohtak since 1969 to 1982 were drawn by the pltf. under his guidance & control. Pltf. alleges that in view of these facts he is entitled for declaration and other relieves sought by him.

Def. has denied in totality the claim of the pltf. It is stated by the deft. that the object and the scheme of Architects Act, 1972 provides that there is a need for statutory regulation to protect the general public from unqualified persons working as Architect since large number of buildings are being constructed and as unqualified persons undertake construction which are uneconomical and unsafe. These persons being disrepute to the provision of Architecture and hence it was declared that it will be unlawful for any person to designate himself as Architect without requisite qualifications, experience and registration under the Act. It is admitted by the deft. that Section 25 of the Architect Act makes a provision for registration where applications are made after 27/04/74 and Section 25 (b) of the Act provides that in case a person does not hold the recognised qualifications but has been engaged in practice as an Architect for a period of not less than five years prior to cut-out date of 27/04/74, such person can be registered. It is admitted by the deft. that pltf. seeks to be covered under this Section.

It is stated by the deft. that deft. has been visited with discretionary power of being satisfied about the eligibility of a person for registration as an Architect and the deft. is highly professionally skilled body and the decisions are based on material evidence produced before it. It is stated that deft. has to take into consideration a variety of factors for registering a person as an Architect in the light of rules and regulations and objects and reasons of the Act. It is admitted by the deft. that the essential reasons for incorporating the present section and fixing the date of 27/04/74 is to enable such of the unqualified persons having aesthetic and practical abilities and skill and technical knowledge who are actually engaged in practice as an Architect to get themselves registered for the purpose of continuing their profession. It is stated by the deft. that the Architect is the creator of building who conceives it and prepares the plan and superintends work and design as a creator. The skill necessarily involves a highly imaginative and creative mind and proficiency and ability to translate these ideas & concepts into drawings and thereafter to construct the building. It is stated by the deft. that the profession requires specialised knowledge of art, science, technology, general knowledge, latest trends, fashion, applied science, engineering, technology, construction, sanitation, heating, lighting, ventilation, accoustics etc. and other connected ancillary subjects. It is averred that an Architect all so be versed with the socio-economic laws of the Authority's rules and regulations, the building bye-laws, the financial statistics, labour working, etc. Apart from this an Architect must have the necessary skill to proficiently integrate all this knowledge, experience and create a building which has its own identity and hence the knowledge of such diverse fields and the job involved while practising as an Architect requires lot of devotion in terms of time and energy. It is stated by the deft. that being a highly professional body deft. determines the eligibility of a person after careful consideration, scrutiny of the above things and after going through the above process, the application and appeal was rejected since the pltf. was not covered under the requirements.

Def. has denied that pltf. had been practising as an Architect since 1968, as alleged by the pltf. It is denied by the deft. that pltf. was regularly and continuously attending the office of Sh. S.K. Jain and was looking after his work including drafting of the site plan, as per full satisfaction, as alleged. Def. has denied that the documents placed by the pltf. conclusively

establish that pltf. was practising as an Architect from January, 1996 to August, 1972. Deft. further denies that other certificates produced by the pltf. establish that pltf. was practising as an Architect for the period of 1972 to 1982 and was a registered Architect for want of knowledge. Deft. further denies that the certificate of Sh. S.K. Jain is a conclusive proof of evidence towards the experience of pltf. It is stated that the certificate of Sh. S.K. Jain in clear terms state that the pltf. was practising as his Assistant since May, 1968 and most of the building plans submitted in the municipal committee, Rohtak were drawn by pltf. under his guidance and control, as alleged. Deft. denies that certificate was corroborated by the other certificates issued by the Municipal Committee of Bhiwani. It is averred that the certificate issued by Sh. S.K. Jain certifies only that pltf. is his cousin brother and is staying in his premises and is assisting him as Trainee as a Draftsman on a part-time basis. It is stated by deft. that on the basis of appreciation of these documents, it was found that pltf. did not qualify the eligibility criteria set-up by the counsel as per suit U/s. 25 (b) and after giving an opp. of being heard and personal appearance his appeal was rejected.

In view of the facts, it is stated by deft. that pltf. is not entitled to any declaration, as alleged. Pltf. filed the replication and reiterated the facts narrated by him in the plaint. As the pleadings were complete, parties appeared for AD of documents and framing of issues which were framed on 02/05/91 to the following effect :

ISSUES :

1. Whether the suit of the pltf. is not maintainable as per provisions of S.R.C. and Architects Act, 1972 ? OPD
2. Whether the pltf. is entitled to the relief claimed ? OPP.
3. Relief.

ISSUE NO. 1

Issue No.1 was treated as preliminary issue and was disposed off by the orders of Lt. Sh. Jai Prakash Narain, the then Sub Judge, First Class, Delhi on 11/11/93. In view of the disposal of this issue, issue is now not taken up.

ISSUE NO. 2 & 3

Onus of proving this issue was upon the pltf. To discharge the bonus, pltf. brought into witness box, PW1 Sh. M.P. Jain, Engineer from Municipal Committee, Bhiwani, PW2 Sh. Subhash Sindhvani, Clerk from Municipal council, Haryana, PW3 Sh. S.K. Jain, Architect, PW4 Sh. K.K. Jain, Executive Officer, Municipal Council, Jagadhari, Haryana, PW5 Sh. Rajinder Singh, Clerk, Municipal Council, Bhiwani. He deposed Himself as PW6.

The deft. in rebuttal brought only Sh. Vinod Kumar, Registrar for deft. as DW1.

The witnesses supported the documents filed on record by the pltf. At the first instance, it may be appropriate that the perusal of evidence produced by the parties is started from the certificate issued by Sh. S.K. Jain, PW3 dtd. 30/12, Exhibited as PW3/A. The said certificate reads "To whom so ever it may concern, Certified that Sh. Suresh Pal Jain S/o Sh. Tara Chand Jain is my cousin brother. He has stayed with me in my house from 18/05/68 to 30/08/72." It further reads that "In this period he worked with me as a part time trainee in Draftsman Civil. He also assisted me in supervision of building, detailing for estimate and making drawings, etc. During this period his work and conduct found satisfactory."

I would like to take a pause here and scrutinise this piece of evidence again. It is pertinent to mention that nowhere Sh. S.K. Jain, Architect certifies that pltf. was working with him as an Architect.

The word 'Architect' gains immense importance in view of these statements made by deft. in the written statement to the effect that the work in the Architecture and the job of an Architect is a cumulative job requiring multi-dimensional approach to the subjects concerning mankind. The present certificate clearly mentions that the pltf. was working with Sh. S.K. Jain as a part-time Trainee in Draftsman (Civil). It nowhere specifies that his experience even if stretched from 18/05/68 to 30/08/72 during the stay with Sh. S.K. Jain was in the capacity of an Architect touching the various aspects of Architecture and imparting comprehensive knowledge of the subject and further showing the approach of pltf. towards all the dimension enumerated above. The other documents/certificates placed on record by the pltf. which are not disputed are of the period after 1972. If the period of 1972 is calculated up to the cut-out date i.e. 27/04/1974 it nowhere reaches to the experience of five years as set-out as an eligibility condition for the grant of registration. The certificate Ex. PW2/A issued by the Administrator as bearing a date of 1985. This certificate is based on Ex. PW3/A and hence cannot be placed over and above Ex. PW3/A and hence cannot be given more value. The other certificates such as Ex. PW4/1, Ex. PW4/2 are also belonging to the period after the year 1972 and hence taken into consideration does not help pltf. fulfilling the condition of five years experience.

The Pltf. has further placed on record his matriculation examination certificate of his application for registration along with another certificate dtd. 17/8/78, same are exhibited by him as PW6/D1, Ex. PW6/1 and PW6/2. Again Ex. PW6/2 certifies that pltf. has been working as Draftsman (Civil) since 10/05/74 with one R.C. Aggarwal & Associates. This document is also in league with

other certificates and also does not give any value to the experience as Architect of pltf. for the period prior to 1972. Pltf. has exhibited the order dtd. 30/05/85 issued by council of Architect which specifies that claim of pltf. cannot be allowed as at the time of pltf.'s allegedly started working as Architect was in the year 1968 and at that time pltf. was merely 16 years of age and on the basis of documents the contention of the pltf. that he was looking after the office of Hissar and Rohtak cannot be upheld and hence claim for registration was declined.

At this stage, before I take-up the other documents placed on record by the pltf., I propose to deal with the counter-evidence placed on record by the defts. the registrar of the deft. who appeared as DW1 completely supported the claim of the deft. and rebutted that of pltf. It was categorically averred by the said witness in the sequence of events that the claim of the pltf. was admittedly taken-up for consideration on his application U/s. 25 (b). It was duly considered and was rejected. The appeal against the order was filed and was placed before the Advisory Committee consisting of various reputed persons from the field of Architecture, the said report is exhibited as DW1/3. It would be appropriate that few instances concerning the claim of the pltf. are reproduced. Under Item No.7 on page 6 resolution no. 136 specifies that appeals of the candidates such like pltf. in totality 71 appellants were taken-up for consideration. The names of persons whose appeals were not accepted are given on page 3 of Appendix C wherein the report of Advisory Committee is given. It says that personal hearing was imparted to 42 appellants who appeared out of 74 appeals, the remaining persons did not appear though the opportunity was given, however, pltf. appeared before the Advisory Committee and was granted a personal hearing. Clause 4, 6 clearly mentions the intention of the Committee and the objects while dealing with such persons wherein it says, "The Committee strongly feels on considering the appeals either in person or in absentia that many of the appellants being fully aware of the prescribed conditions for registration under the Architecture Act, 1972 are trying to seek registration somehow or other". The Committee, therefore, recommends that administration are in the initial stages itself clarify to the applicants on their eligibility or otherwise. The Committee further discussed the scope of Section 25 (b) in detail in Point 5 at page 2 in its report. It is pertinent that the finding on page 3 point 5.1 be produced which says, "On a careful reading of this provision, the committee came to the conclusion that the appellants should prove to the satisfaction of the Council that they have been engaged in practice as an Architect for a period of not less than five years prior to 27/04/74. Point 5.2, 5.3, 5.4 further defined the terms as Architect and phrase practising as an Architect. It would be interesting to note the finding on point 5.6 which says, "If a person is practising as a Draftsman, he is merely assisting the Architect in carrying-out his instructions and translating his ideas into drawings. This does not mean that a person is practising as an architect". Further annexure of this report at issue no. 31 details the case of the pltf. which says that "Sh. S.P. Jain of Bhiwani (Haryana) appeared before the Committee on Friday, the 17th February, 1989 in connection with his appeal against the decision of the Registrar of the Council for registration of his name under the Architects Act, 1972. The Committee noted that he obtained the Civil Draftsman Certificate in 1972 from Industrial Training Institute, Rohtak and also noted his claim that he was working on part-time basis with his cousin, Sh. S.K. Jain when he was studying for the Civil Draftsman Certificate Course. Shri Jain also made a plea before the committee for relaxation of the prescribed conditions for registration and taking into consideration his practice after 1972 to register him. The Committee, however, made clear to Sh. Jain that no relaxation is permissible."

In totality, the perusal of report shows no infirmity whatsoever alleged by the pltf. It is patently clear from the perusal that the case of pltf. was duly considered at all the stages by the appropriate, concerned authorities. The details were discussed and in view of the objects and intentions of the Architecture Act and in furtherance of the guidelines required for the provision enumerated above it was found that the case of pltf. was not covered under the definition of Architect as he was looking after the field of Draftsman (Civil). It is also clear that the pltf. himself was aware of such fact and asked for the relaxation which was declined.

On the basis of this, the pltf. has taken the other Argument to the fact that his case was at par with some other persons namely M. Kumar, K.K. Jaitley, S. Ram Kakkar and Sh. Gulzaar Singh. It is stated by the pltf. that though his case was at par in view of the facts & circumstances of the other's case he was discriminated upon and his registration was not considered wherein the other above named persons were registered by the defts. The reports concerning these persons are exhibited by the pltf. as Ex. PW6/5, Ex. PW6/6, Ex. PW6/7, and Ex. PW6/8. At the out set in the evidence given on oath by the deft., deft. denied that these orders were passed by the deft. It is stated by the Registrar DW1 that these are the orders of appellate authorities U/s. 24 Clause 4. It is stated by the deft. that the deft. has no jurisdiction with respect to these cases as they are dealt directly by the Govt. of India, Ministry of Education and Social Welfare and Department of Education. This contention was neither denied nor disputed by the pltf. It remains to be admitted. Apparently Ex. PW6/7 clearly shows that these are the appeals considered by the Govt. of India and not by the deft. in isolation. Pltf. did not bring any argument in support of the contentions that these orders were passed by the deft. The pltf. also did not bring any argument to the effect that he also approached or exhausted the remedy exhausted by the persons above named. Apparently, after the orders of the deft., pltf. came to the court for the grant of declaration without exhausting this remedy.

The appreciation of the documents admitted by the pltf. as PW5 to PW8 and the reading there of also shows that the certificates filed by the concerned persons were with respect to their experience in the field of Architecture and not in the field of Draftsman. Two of the persons above named were holding more than 8-10 years of experience. In view of these facts, the contention of the pltf. that he has been discriminated upon is also meritless. Heard, at this stage, I propose to take-up the objection furthered by the deft. that has held by the Hon. Justice Sh. S.P. Wad in his orders dtd. 17/09/82 corroborated again by the orders dtd. 17/09/1982 on the same issue, it is held by Hon. Justice Sh. S.P. Wad that the courts which are not trained in the technical discipline of engineering and Architecture cannot claim any technical knowledge to the experts in the field. It is well recognised principles of law that the court shall not substitute its own Judgement to that of an expert particularly in highly technical fields. Scope of enquiry by the court is limited only to find-out whether the technical requirements of law in arriving at a decision are followed or not or whether the decision is vitiated by malafide, fraud, etc. I am in full confirmity and respectfully accept the opinion of Justice Sh. S.P. Wad. It is a well settled principal of law upheld by various courts of law that the pronouncements of the authorities having due diligence and knowledge shall not be disturbed unless it smacks of malafide or fraud, etc. The perusal of the above discussion leaves me with no doubt that the procedure was completely followed in its intent and sole at every stage by the deft. The pltf. also has not alleged any fraud. No malafide is also alleged by the pltf. The only contention raised by the pltf. were with respect to the declining, an opportunity and not following the principles of natural justice, arbitrariness on behalf of the deft. and discrimination which are properly met-out in the detailed discussions above. I see no ground to disturb the findings of the Advisory Committee. In view of this discussion, I am of the opinion that no wrong is committed and hence the issue sets at rest in favour of

the deft. and agst. the pltf. In view of this observation, pltf. is not entitled to any relief, as prayed. The suit of the pltf. is dismissed with no orders as to costs.

Decree sheet be prepared accordingly.

Ele be consigned to Record Room after completing necessary formalities.

ANNOUNCED IN THE OPEN COURT ON 18/01/2001.

Sd/-
(Nirja Bhatia)
Civil Judge, Delhi

O. No. 18517/2000

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

Special Civil Application No. 1111 of 1999

1. **GIRISH MISTRY, CHAIRMAN, INDIAN INSTITUTE OF ARCHITECTS
B- 14, CHANSHYAM AVENUE,
13, SATTAR TALUKA SOCIETY,
OPP, GUJARAT HIGH COURT,
AHMEDABAD 380 014**

.....PETITIONER

VERSUS

1. **STATE OF GUJARAT
SECRETARY, HOUSING AND URBAN DEVELOPMENT DEPTT.,
SACHIVALAYA,
GANDHINAGAR.**
2. **CHAIRMAN, GUJARAT HOUSING BOARD
HOUSING BOARD OFFICE
NR, PRAGATINAGAR BUS STAND
PRAGATINAGAR
AHMEDABAD 380 013.**
3. **SANDIP & PRERAK ASSOCIATES
THROUGH PARTNER – SANJAY SHAH
2, GROUND FLOOR, PRAJAL APPT.,
OPP. PRARTH EMPIRE,
NEAR MANINAGAR, AHMEDABAD 380 008**
4. **VINOD TULJARAM LALWANI
PARTNER, SANDIP & PRERAK ASSOCIATES,
BUNGALOW OF MAHENDRABHAI, KARNAVATI SOCIETY
BHAIRAVNATH RD., AHMEDABAD –8.**
5. **SANJAY SHARADCHANDRA SHAH
PARTNER, SANDIP & PRERAK ASSOCIATES,
“ASHIRVAD”,
GORDHANRAI TEKRO, KANKARIA
AHMEDABAD.**
6. **SANJAY SHARADCHANDRA SHAH H.U.F.
THROUGH KARTA SANJAY SHARAD CHANDRA SHAH,
PARTNER SANDIP & PRERAK ASSO., “ASHIRVAD”
GORDHANRAI TEKRO, AHMEDABAD.**
7. **COUNCIL OF ARCHITECTURE
CHAIRMAN, INDIA HABITAT CENTRE
CORE 6-A, FIRST FLOOR
LODHI ROAD,
NEW DELHI.**

APPEARANCE ON RECORD

MR BD KARIA for Petitioner No.1

GOVERNMENT PLEADER for Respondent No. 1

MRS. KETTY A MEHTA for Respondent No. 2

MR. BP MUNSHI for Respondent No. 3,5-6

MR. NIRALI B MUNSHI for Respondent No. 4

MR. MH RATHOD for Respondent No. 7

SCA/1111/1999 C.A.V. Judgement dated 20/6/2000

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1111 of 1999

with

CIVIL APPLICATION NO. 12021 OF 1999

with

CIVIL APPLICATION NO. 1927 OF 2000

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR. DM DHARMADHIKARI

Sd/-

and

Hon'ble MR. JUSTICE B.C.PATEL

Sd/-

1.	Whether Reporters of Local Papers may be allowed to see the judgements?	:	YES
2.	To be referred to the Reporter or not?	:	YES
3.	Whether their Lordships wish to see the fair copy Of the judgement?	:	NO
4.	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?	:	NO
	Whether it is to be circulated to the Civil Judge?	:	NO

GIRISH MISTRY, CHAIRMAN, INDIAN INSTITUTE OF ARCHITECTS

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1111 of 1999 & Civil Application No. 1927 of 2000

MR B.J. SHELAT FOR MR. BD KARIA for Petitioner

MR S.K. PATEL, AGP, for Respondent No. 1

MRS KETTY A MEHTA for Respondent No. 2

MR B.P. TANNA for MR. BP MUNSHI for Respondent no. 3, 5 & 6

MS NIRALI B MUNSHI for Respondent No. 4

MR MH RATHOD for Respondent No. 7

Civil Application No. 12021 of 1999

MR A.K. CLERK for the applicant

MR. B.D. KARIA for the Respondent

**CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR. JUSTICE B.C. PATEL**

Date of decision: 20/06/2000

C.A.V. JUDGEMENT (Per B.C. Patel, J)

By way of this Public Interest Litigation the Petitioner, the Chairman of the Indian Institute of Architects, Gujarat Chapter, Ahmedabad, has moved this court for quashing and setting aside the agreement entered into between the respondent, Gujarat Housing Board and respondent No. 3 Sandip & Prerak Associates claiming to be the reputed Architectural Consultancy Firm.

2. Short facts which are relevant to dispose of this petition are as under:

3. The Architects Act, 1972 (hereinafter referred to as 'the Architects Act') has been enacted by the Parliament which provides for Council of Architects, President and Vice-President of Council, Finances of Council, Recognition of qualifications granted by authorities in India, Recognition of architectural qualifications granted by authorities in foreign countries, effect of recognition, Minimum standard of architectural education and Professional conduct etc. Chapter III refers to Registration of Architects. Chapter III provides for preparation and maintenance of register, qualification for entry in register, procedure for subsequent registration, removal from register, procedure in inquiries relating to misconduct, effect of registration. In chapter IV provisions are made including that of prohibition against use of title and cognizance of an offence.

4. According to the Architects Act, as architect is a person whose name is for the time being entered in the register. Person possessing minimum standard of architectural education required for granting qualifications by Institutions in the India can be enrolled as an architect in the register maintained under the Act. It is for the Council to prescribe minimum standard of architectural education. Section 37 of the Architects Act prohibits use of title unless he is a registered architect. Section 37 of the Architects Act being relevant is reproduced hereunder:-

“Prohibition against use of title – (1) After the expiry of one year from the date appointed under sub-section (2) of Section 24. No person other than a registered architect, or a firm of architects shall use the title and style of architect:

Provided that the provisions of this section shall not apply to :

- (a) Practice of the profession of an architect by a person designated as a “landscape architect” or “naval architect”;
- (b) a person who, carrying on the profession of an architect in any country outside India, undertakes the function as a consultant or designer in India for a specific project with the prior permission of the Central Government.

Explanation – for the purposes of clause (a) –

- (i) “Landscape architect” means a person who deal with the design of open spaces relating to plants, trees and landscape;
- (ii) “Naval architect” means an architect who deals with design and construction of ships.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable on first conviction with fine which may extend to five hundred rupees and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding one thousand rupees or with both.”

5. From the aforesaid provisions it is clear that a firm of architects can use title if all the partners are architects and not otherwise. For a firm which is introducing itself as a firm of architects, all its partners must be architects under the Act. If a person is not a architect, he cannot be introduced as a partner to the firm of architects and such person cannot be introduced as an architect. Like the legal profession, medical profession and Chartered Accountants, for the architects, Architects Act prescribes qualification, entry of name in the register, removal of name from the register and procedure in inquiries relating to misconduct. The legislature considering the fact that the architects are engaged in profession and not in business, has enacted the Architects Act with a view to maintain standards of architects and to protect the dignity of architects. The petitioner in the capacity as the Chairman of Gujarat Chapter of Indian Institute of Architects, submitted that the national body of Architectural professionals has 15000 members while the Gujarat Chapter of Indian Institute of Architects has about 600 members. He being interested to uphold and maintain standards and status of practising Architects in Gujarat in accordance with the provisions of the Architects Act and the rules and regulations framed thereunder, has thought it fit to file the petition and to point out the illegalities and gross irregularities committed by the respondents.

6. Respondent No. 2 is the Chairman of the Gujarat Housing Board which is duly constituted under the provisions contained in Gujarat Housing Board Act. 1961 and the Board took a decision to appoint private architects for its project at Gotha Housing Township worth Rs. 230 crores in 43 hectares of land at Gotha village, touching the border of Ahmedabad. It is averred in the petition that the decision to appoint private architects was taken by the Housing Board and to pay Consultancy charges of about Rs. 10 crores to respondent Nos. 3 to 6.

7. Respondent No. 3 is a partnership firm carrying on business in the name and style of M/s. Sandip & Prerak Associates which has its office at Prajal Apartments, opp. Prarth Empire, Near Maninagar Police Station, Maninagar, Ahmedabad. The said firm has three partners, namely, respondent Nos. 4, 5 and 6. Respondent no 4 V.T. Lalwani, is an architect, whose name appears in the register of the Architects. Respondent No. 5 is an Engineer having a diploma in Engineering while respondent No.6 is HUF of respondent No.5. Respondent No. 5 is a karta of the said HUF. It is pointed out in the petition that respondent No. 4 V.T. Lalwani's share in the firm is 2% and the HUF of Sanjay Sharadchandra Shah's share is 70%. An agreement was executed by and between partners respondent Nos. 4, 5

and 6 of respondent No. 3, a partnership firm, on 1.4.1997. Clause (3) of the agreement refers to the object of the firm. Reading the same it appears that respondent No. 3 is to be considered as a sister/secondary concern of M/s. Sanjay Shah and Associates. Respondent No. 3 shall carry out the business of Architectural, Civil, Engineering, Planning and Designing etc. of Government, Semi Government, Public Sector or Private Trust or Private Properties. It will purchase the land, organize it and construct, houses for sale. Over and above this, if any other business is required to be carried out with the consent of the partners, the same shall be carried out. In clause (7) there is a reference to working partners and the amounts to be paid as per book profits in accordance with Section 40(b) of the Income-tax Act, 1961. Respondent No. 4 is referred as working partner who is closely associated with Sanjay Shah and Associates and he has a registration certificate issued by the Indian Institute of Architects bearing registration No. C/A 15657. For the purpose of license/identification, registration number of architect is required. The said registration certificate and its registration number shall be used as authorised registered number. Thus, for the purpose of identification, registration and use of the registration number of respondent No. 4 is considered as legitimate registered number of the firm and respondent No. 4 has agreed to allow the use of such number in favour of the partnership firm.

8. So far as the work is concerned, it is clear that only other partners were authorised to deal. It is only that Sanjay Sharadchandra Shah was authorised to present the bills, to receive payment, to appoint advisers, to prepare, accept and finalise details of the plans, to take a decision, to enter into an agreement, to offer or to accept or reject offer, to give public advertisement, to appoint staff or to cancel appointment of the staff, to appoint contractor, to accept bills, to finalise bills and to take a decision in this behalf and to do all other act for carrying out the object of the firm. Respondent No. 5, Sanjay Sharadchandra Shah was authorised to deal on behalf of the firm. Reading the agreement, it clearly appears that respondent No. 4 V.T. Lalwani was not required to do anything except to permit the use of his registration number by getting 2% of the book profits of the firm.

9. Clause (10) of the agreement indicates that all accounts shall be operated only by Sanjay or Sharadchandra Rajnikant Shah.

10. Clause (16) of the agreement refers to the service of registered architect Harishbhai C. Parikh who is rendering his service since 1984. In case of need to experts' services, clause (16) of the agreement is required to be referred. It is specifically stated that services of registered Architect Harishbhai C. Parikh are availed of by the firm as well as sister concern since 1984. Registration number of the said architect is used wherever and whenever required with his consent for which agreement is also executed. Thus services of respondent No. 4 were only for a limited purpose of using his registration number and no further. Thus, it is clear that the agreement is sham agreement executed only with a view to use the name of respondent No. 4 as architect and to introduce the firm as firm of architects.

11. On 5.2.1998 all the partners of the firm executed Power of Attorney in favour of Sanjay Sharadchandra Shah and thus on behalf of firm, respondent No. 5 was required to sign. On 5.2.1998 as agreement was executed between respondent No. 3 and 4 in connection with Gujarat Housing Board, Gotha Township. In that document respondent No. 4, authorised partnership firm to use his registration number and licence wherever and whenever is required and the same shall be considered as a registration number and licence in favour of the partnership firm. The partnership firm was registered on 13.2.1998 with the Registrar of firms, Ahmedabad City. The petitioner has placed on record all the documents which are referred to hereinabove.

12. Gujarat Housing Board published an advertisement in English daily of Western Times (evening circulation only) dated 18.1.1997 inviting applications for empanelment of architectural consultants. This newspaper has only evening edition. The last date for collecting application forms was fixed as 29.1.1997 while the last date for submitting application forms was fixed as 5.2.1997. The advertisement which is placed on record, if read, it becomes clear that the Housing Board invited applications for pre-qualifications to appoint panel of Architectural Consultancy Firm for its project. It invited applications from reputed architectural consultancy firms interested for pre-qualification. It appears that five applications were received by the Board and marks were awarded as indicated in para 7 of the petition. Respondent No. 3 firm was given third rank (56 marks) on the basis of assessments. The petitioner has obtained comparative statement for pre-qualification of Architects Firms which is placed on record at Annexure-C. It is pointed out in the petition that respondent No. 3 firm made a tall claim of practising as architects since 10 years in its application while in fact, respondent No. 3 firm commenced its business on 18.1.1997 which fact cannot be denied. In assessing and evaluating status of the applicant firm, marks were to be assigned at the rate of one mark in term of each year of practice subject to maximum of 10 marks. Respondent No. 3 has been given 10 marks as per its claim of practice for 10 years. On behalf of the petitioners it is pointed out that this is utterly incorrect and misleading. It is clear that the firm came into existence only in 1997 and therefore was not entitled to have the credit of 10 marks at the rate of one mark per year. It is suggested that the respondent Board has connived at this glaring lapse with a view to favour the respondent No. 3 firm and its partners.

13. As indicated in earlier part of the judgment that out of the three partners only respondent No. 4 Mr. V.T. Lalwani, partner of respondent No. 3, is an architect. As per the public advertisement, applications were invited latest by 5.2.1997. An agreement that respondent Nos. 4,5 and 6 executed on 1.4.1997, is much later than the date on which application was submitted pursuant to the advertisement of the respondent Board dated 18.1.1997. Surprisingly, respondents have come out with a case that they commenced business on 18.1.1997, the date on which advertisement appeared in the newspaper. It is thus pointed out that the marks given by the respondent Board are incorrect and are given only with a view to favour respondent No. 3. The petitioner has specifically averred in the petition in para 11 that as per the provisions of Section 2(a) to 2(e) and Section 35 and Section 37 of the Architects Act, there cannot be a partnership between an architect and non-architect. It is further submitted by the petitioner that the firm having all the partners who are architects can introduce the firm as an architectural firm or architectural consultant. If one of the partners of the firm is not an architect, the firm cannot be introduced as an architectural consultancy firm or cannot be appointed as an architectural firm. Section 45 of the Architects Act permits the Council with the approval of the Central Government to make regulations not inconsistent with the provisions of the Act or Rules thereunder to carry out the purpose of this Act. Section 44 of the Architects Act empowers the Central Government to make Rules. The Rules made under this section is to be laid as soon as may be after it is made before each House of Parliament. Reading this section it clearly appears that the consent of each House of Parliament is required. There is rule making power and the Central government has made regulations known as Architects (Professional Conduct) Regulations, 1989 **which prescribes that all partners in a firm of architects should be registered architects**. It is submitted before us that respondent No. 5 being a diploma holder in Civil Engineering and not an architect, the firm cannot be said to have been constituted by architects and thus not in accordance with law. It is further submitted by the learned counsel for the petitioner that the respondent No. 3 are hand in glove to share consultancy fees of Rs. 10 crores to be paid by the respondent Board.

14. The respondent Housing Board has its own architectural department and is having about 200 qualified Engineers and architect personnels from the level of Chief Engineer to Junior Engineer. It is specifically averred in the petition that despite this huge infrastructure, having experienced and qualified Engineers and Architects who have prepared the master plan and design for Gotha Housing Township, the respondent Board has appointed the respondent No. 3 firm only to siphon the funds of Gujarat Housing Board illegally.

15. On behalf of respondent Housing Board an affidavit is filed by one Patel Ramanlal Bhulabhai. In the title of the affidavit or in the operative part of the affidavit we do not find the status of deponent and therefore it is difficult for us to state in what capacity he has filed the affidavit. The Housing Board has come out with a case that the members of the Indian Institute of Architects are interested persons and have invoked the jurisdiction of this court to decide the disputed questions of facts.

16. With regard to the advertisement given in Western Times dated 18.1.1997 the Housing Board has come out with an explanation that the Housing Board is expected to send the information to the District Information Officer of the Government of Gujarat and it is for him to decide as to in which newspaper the advertisement should be published. It is submitted that thus the Housing Board has no control over the said department regarding giving of the advertisement in a particular newspaper. It is specifically averred in para 7 of the affidavit that "I say that referring to the advertisement, it is clear that there was no intention of the Gujarat Housing Board to give consultancy of township i.e. Gotha Oganaj to respondent Nos. 3 to 6. In fact, the advertisement makes it clear that it was intended to create a general panel of architects consultancy firm in Ahmedabad, Baroda and Rajkot circles separately." The Housing Board has further stated in the affidavit that the Board had not decided to give advertisement in a particular newspaper and it had not advertised for giving consultancy to private architects for its particular township of Gotha-Oganaj.

17. With regard to the firm, in para 8 of the affidavit the Housing Board has come out with a version that respondent No. 3 firm is a sister concern of M/s. Sanjay Shah & Associates and that the partners of the firm are the partners of the said firm. It is further stated in the affidavit that M/s. Sanjay & Associates was working as Architects and Engineers. It is further averred in the affidavit by the deponent that respondent No. 3 firm was formed in 1997 with the intention to provide the architectural services to the Government and in view of this fact 10 marks were awarded to respondent No. 3 considering the experience of M/s. Sanjay Shah & Associates. Deponent of the affidavit has not placed on record any material to indicate the work entrusted to M/s. Sanjay Shah and Associates, working as Architects and Engineers or no documentary evidence is placed on record for that firm to indicate its existence etc. Thus, wrong excuse is given for awarding them 10 marks. In para 9 of the affidavit the Housing Board has given details about the work so as to justify that the work is required to be done by an Architect and Engineer. From the contents of para 9 it appears that the board is trying to suggest that majority of the work was required to be done by an Engineer and not by an Architect and work was not within the scope of the firm managed by architects alone and thus has tried to justify the inclusion of name of respondent No. 3 in the panel of architects.

18. Respondent Board in para 13 of the affidavit has suggested that the Housing Board has awarded consultancy services to the firm and not to the individual partners. The Board is of the opinion that if the firm is having a registered architect as a partner it complies with the guidelines. The Board has denied that it had 2000 qualified Engineers and Architects from the level of Chief Engineer to the level of Junior Engineers. **It is averred that in fact the Board has strength of 180 qualified engineers and architects.** From the affidavit it appears that incorrect figure of "2000" qualified engineers was referred and therefore the Board has denied the same but has admitted about staff of 180 persons as stated hereinabove. In the affidavit it is admitted that the Board has technical staff who are trained and experienced in planning, supervision etc. in conformity with the Government rules and regulations. However, it is stated that the staff is not in touch with the prevailing trends of the market. Thus, the officer of the respondent Board is conveying that the officers of the respondent Board are not upto date with the day-to-day management and research in the Engineering or housing sector. The Board has justified its action by stating that to develop the Township with modern concept of living, it has decided vide its Resolution No. 209/97 dated 27.6.1997 to avail of the services of private architectural consultancy.

19. We have perused the affidavit placed on record by respondent No. 7, Council of Architects, affidavit in rejoinder on behalf of the petitioner and the affidavit filed on behalf of respondent Nos. 3, 5 and 6. It was submitted before us that in the architectural firm it is not necessary that all the partners must be architects. It was submitted before us that huge work is entrusted to respondent No. 3 and interference by this court at this stage would stall the work which is in progress. It was submitted before us that the scheme will be completed within a short period. A statement showing progress of different schemes of Gujarat Housing Board, Ahmedabad, in township Gotha-Oganaj is placed before us. So far as residential development of 205 LIG T/S and 196 MIG T/S is concerned it was submitted that the work has been completed. With regard to other work in progress we have perused the details. So far as these two schemes are concerned, planning was undertaken by Gujarat Housing Board which is clear from the remarks column. So far as the other types of work is concerned, the statement makes it clear that except 401 houses referred to hereinabove, nothing is completed. Out of 5629 residential houses except 401 houses, one entrance gate and one amenity (out of 16), no construction work is carried out. So far as the infrastructure development is concerned, no roads are constructed. For 1583 houses tenders are only finalised. For 586 houses tenders are under finalisation and for 1668 houses tenders are not invited. It appears that for about 1111 tenements there is some progress but what is the stage of construction is not placed on record. Whether digging of the ground is completed for construction or whether plinth area is completed or what type of work has been carried out has not been stated. Thus, except 401 houses not a single house is ready.

20. An application was submitted by the learned advocate Mr. Clerk being Civil application No. 12021 of 1999 on behalf of Gujarat Housing Board Engineers Association through its President for joining as a party but after some hearing it was stated that if the application is to be allowed then the respondents would like to file reply and thus wanted to delay the hearing of the matter. Even otherwise, in our opinion, it is not necessary to entertain the application as the court can decide the matter in absence of applicants of Civil Application No. 12021 of 1999. The applicants are not likely to be adversely affected. No relief is sought against the applicants. Hence this Civil Application is rejected.

21. The dispute between the petitioner and the Housing Board is required to be decided, in view of the aforesaid facts and circumstances. One will also have to consider the contents of the advertisement and the extent of the circulation and the type of publication. On the basis of the advertisement and the extent of the circulation etc., can it be said that all the firms, association of persons, association of architects were deprived of submitting applications and by short circulation, people were not duly informed?

22. Reading the advertisement at Annexure – A, copy of which is at page 113 at Annexure-B (collectively) filed by respondent No. 2, it is clear that the Housing Board was intending to invite applications from Reputed Architectural Consultancy Firms, and for the purpose of pre-qualification for architectural consultancy services with a view to appoint panels of Architectural Consultancy Firms, advertisement was given. Obviously, in view of the words used in the advertisement "Architectural Consultancy Firms" a person reading the advertisement would consider that an application can be submitted only by a firm of architects and not by a firm or association of persons of which one is not an architect as defined in Architects Act. In view of this advertisement, persons similarly situated like respondent No. 3 were obviously deprived of making application. When the Board is taking a decision, it was the duty of the Board to give publicity correctly. If it wanted to have only Architectural Consultancy Firms then it should have used the words as are used in the advertisement. After filing the petition respondent Board has come out with a version that the nature of work was such which could not be carried out by the architects alone. If that was the opinion of the Board at the time of issuing the advertisement, the Board could have said it clearly that the firms or association of persons of which one partner of the firm need not be an architect can apply and architects, with engineers as the partners, even diploma holders, can apply for the pre-qualification of services. Fact that the words 'Architectural Consultancy Firms' indicate that all the partners of the firm must be architects. It is clear that the Board is managed by the persons having qualifications in various branches. They have their

own Law Officers. The Board is aware about the distinction between Architects and Engineers. The Board has employed in its services Engineers and Architects and therefore it was known to the Board the clear distinction between Architects and Engineers. Qualifications for Architects are prescribed in the Schedule of the Architects Act. Reading the Schedule it is clear that even a person not engaged in housing activities would know the distinction between Architects and Engineers. Therefore, it is difficult to accept the contention raised by the Board. The Board could have accepted applications on behalf of firms of architects alone. Thus, on the material aspect the Board has committed a serious error in accepting the application of respondent No. 3 a firm of an architect and an Engineer as an application submitted by a firm of Architects.

23. It is also required to be noted that looking to the agreement executed by and between the partners which has been discussed in detail in earlier part of the judgement and the power of attorney executed in favour of the firm by respondent No. 4, it is clear that the services of the architect as such were never solicited by the firm. The fact that agreement came to be executed between respondent No. 4 and 3 permitting the use of registration number and licence wherever and whenever required and under the agreement of partnership, the bank accounts were to be operated only by the respondent No. 5 and one Sharadchandra Rajnikant Shah. It clearly appears that respondent No. 4 had to play no role in carrying out day-to-day activities of the firm. The aforesaid aspect is strengthened by the fact that the document of partnership refers that the respondent No. 4 has to permit the use of his registration number and licence as if it is the number of the partnership firm and the licence of the partnership firm and that all types of transactions were required to be entertained by Sanjay Sharadchandra Shah, respondent No. 5. Thus, the name of respondent No. 4 was used merely for the purpose of constituting a firm for the purpose of introducing the firm as the firm of architects. Respondent No. 4 in his affidavit has stated that he had been actively involved in diligently rendering complete and comprehensive architectural services for development of the entire Township project of respondent no. 2 Board at village Gotha near Ahmedabad. No material is placed for the said purpose. The documents i.e. partnership deed and documents placed on record refer contrary to that. In his affidavit he has referred having his association with Sanjay Sharadchandra Shah and Associates, the firm which is providing technical consultancy in practice of Architecture, Engineering & Interior designs. He has stated that he is an active professional since 1984 with respondent No. 5. At the cost of repetition, it is required to be stated that the firm of architects can only have architects as its partners. However, it is open for an architect and an engineer to enter into an agreement of partnership and to carry on business but certainly such firm cannot introduce itself as the firm of architects or architectural consultancy firm. Respondent No. 4 has kept mum about the work to be carried out specifically by him. All aforesaid circumstances go to strengthen the say of the petitioner.

24. What was the necessity for the respondent No. 4, 5 and 6 to enter into an agreement on 1.4.97 for having commenced business on 18.1.1997? The partnership deed is silent about the intention of the partners to carry on business as architectural consultancy firm. If that was so they would have referred in agreement itself. Therefore, it appears that after submitting an application, documents might have been executed later i.e. on 1.4.1997. Respondents ought to have placed on record details of application indicating the fact that three partners were partners of the firm and were applying in response to the advertisement. It appears that as and when necessity arose agreements were executed. Power of attorney is executed on 5.2.1998 by respondent No. 4 authorising Sanjay Sharadchandra Shah to act on behalf partnership firm and on the same date an agreement has been executed authorising the partnership firm to use his registration number and licence whenever and wherever required. It is also interesting to note that the firm is registered with the Registrar of Firms thereafter on 13.2.1998. There is an agreement between the Executive Engineer, Housing Division of Gujarat Housing Board and respondent No. 5. This clearly reveals that after this agreement, a further agreement between the partners of the firm has been executed so as to exclude respondent No. 4 from acting on behalf of the firm and authorising respondent No. 5 to act on behalf of the firm. Thus, it is clear that there was no firm in existence on the day on which advertisement appeared or the firm has not carried out any work prior thereto. There is nothing to indicate what type of work has been carried out by the firm. Therefore, also the marks awarded to respondent No. 3 firm are awarded arbitrarily in empaneling respondent No. 3 in the panel as Architectural Consultancy Firms.

25. So far as the publicity is concerned, the project for constructing housing was required to be undertaken by three Circles, namely, Ahmedabad, Baroda and Rajkot. The scheme in question involves huge amount. For one project, consultancy fees of Rs. 10 crores are to be paid. This Figure indicates the nature of the work. The total houses, under the scheme for which respondent No. 3 is appointed, required to be constructed are 5629 houses in large area of land situated on the border of Ahmedabad city. This is not the only scheme. For the purpose of preparing panel for carrying out huge work, it was the duty of the respondent Housing Board to see that there is proper advertisement.

26. The advertisement at Annexure-A as well as at Annexure-B collectively suggest for preparation of a panel of Architectural Consultancy Firms. No details about the projects to be undertaken or cost of projects to be undertaken are given. Advertisement nowhere refers the nature of work to be carried out with the help of an Engineer. Thus, an architect, reading the advertisement would be under an impression that the architect whose name will be empaneled will be required to carry out the work as an architect only. It is to be remembered that the nature of work to be performed by an architect and by an engineer is different though there may be overlapping. Grolier Electronic Publishing has published notes with regard to architects, architecture, modern architecture, civil engineering. Architecture is probably the oldest of the fine arts. In this country as well as in Western countries, even today, there are number of buildings constructed before several years. In medieval illuminated manuscripts, God was frequently shown armed with compass and mason's square, as an Architect of the Universe. History of significant buildings, castles, cathedrals, palaces, temples and manor institutional monuments shows what is the architecture.

27. Well-known authors while describing architecture have taken care after. Scrutinising the nature of work performed by architects in the past and in the present. The sum and substance with regard to architecture can be said in four ways; all valid, all interrelated. It is the art and method of erecting structures; it is a planned entity, the result of a conscious act; it is a body or corpus of work; it is a way to build. A good definition was provided by Roman architect VITRUVIUS in the 1st century AD and later on translated from Latin into English during the 17th century by Sir Henry Wotton. The definition recognizes that architecture embraces functional, technological and aesthetic requirements; it must have commodities (utilitarian qualities), firmness (structural stability and sound construction) and delighte (attractive appearance).

28. The name of architects first began to be known in Italy during the RENAISSANCE in the 15th and 16th centuries. The idea of a professional architect with formal training and academic qualification is a product of the 19th century. In 1819 architecture courses were instituted at the ECOLE DES BEAUX ARTS (School of Fine Arts) in Paris; and thereafter in various universities in different years. The said art has retained to some extent its local requirements. Contemporary architects and scholars emphasize the influences of technology on the development of buildings. The use of iron and steel beams and columns released the wall from its traditional load bearing function and allowed architects to incorporate enormous windows and wide, open-plan floors, two of the most significant characteristics of modern architecture. No large modern building, however, would be practicable without the parallel development of elevators, central heating and ventilation systems, and electric lighting devices. Today, the system has further added the use of electronic devices with includes computers, video cameras and communication network.

29. Architects considering the requirements of the time and need of people have to plan from townships to cities or big complexes such as commercial and residential. They have to bear in mind different requirement of the people in a country. Architects are also required to keep in mind the most important aspect which is known as 'cost factor'.

So far as the Civil Engineers are concerned, ordinarily they are engaged in designing and constructing major structures and facilities bridges, dams, tunnels, tall buildings, factories, highways, airports, railroads, and so on. There is a significant contribution by this branch also and has glorified by creation of sanitary system to reduce disease and improve the environment. Transportation is one branch and it has divisions such as highway, bridge and traffic engineering. Another branch known as structural engineering has to concentrate on the design of bridges and large buildings. **Structural engineer may cooperate with an architect, who concentrates on the aesthetic and functional aspects of design while the engineer is concerned with materials, methods of construction and other technical requirements.** The present day sanitary engineer is concerned with water supply and sewerage systems for collecting and processing human wastes. Some Civil Engineers manage the construction of other engineers' designs, concerning themselves with the scheduling and coordinating phases of construction and inspection to assure adherence to specifications.

Considering various aspects it is clear that the function of Architects and Civil Engineer cannot be the same. To some extent, the work might be appearing to be overlapping. The Engineer may carry out the work of erecting a building as per the design prepared by the architect. Architect may require supervision of the work carried out by the Engineer. It may be that in some cases one may require assistance of architect and engineer to complete the work but at the same time it must not be forgotten that the legislature has taken note of the fact that architects are professionals and qualifications are enumerated in the schedule to the Architects Act. So far as the Civil Engineers are concerned, nothing has been placed before us indicating that they are required to be enrolled with the statutory body recognised under the Act, empowering the statutory body to exercise powers over the members or to take action, such as disciplinary action. An engineer cannot be equated with an architect. This important aspect has been lost sight of by the Board while scrutinising the application.

30. The Board has come out with a very weak defence that it was for the government to take a decision as to in which newspaper the advertisement should be circulated. Gujarat Housing Board should know its duties very well. It was for the Board to realize as what would be the outcome if there is no proper advertisement. It was the duty of the Board to see that there is proper circulating by giving advertisement in a newspaper having larger circulation. In our opinion, circulation of advertisement or publishing an advertisement in a newspaper having circulation in the evening only may not serve the purpose. General public is in the habit of reading the daily newspaper in the morning. It was the duty of the respondent Board to see that their advertisement is published in daily newspaper having vast circulation and having not done so, this advertisement has not served the purpose and possibly by giving advertisement in a newspaper having no larger publicity and having publication in the evening has benefited certain persons. The fact that in Gujarat out of more than 500 architects, very limited number of persons have submitted applications clearly indicates that there was no wide publicity and the person who were aware about the intention of the Board might have applied. Therefore also in absence of proper publication, it cannot be said that the Board has given proper publicity.

31. In view of the fact that Board though invited applications only from Architectural Consultancy Firms has treated the application submitted on behalf of the firm having not all the partners as architects. The decision taken by the Board for preparing panel is bad in law and it must be quashed and set aside on the ground that respondent No. 3 is not an architectural consultancy firm. In view of the provisions contained in Architects (Professional Conduct) Regulation, 1989 the Board has committed a serious error in accepting the application. The decision of the Board is also required to be quashed and set aside on the ground that it has deprived others who were similarly situated like respondent No. 3. If in the advertisement, the Board would have made it clear that the association of persons or firm consisting of the architects and engineers can apply then possibly no injustice could be said to have been done. The petition is thus required to be allowed. As a result, inclusion of respondent No. 3 in the panel of "Architectural Consultancy Firms" is not in accordance with law. Respondent No. 3 cannot be identified as a firm of architects. The agreement entered into between Gujarat Housing Board and respondent No. 3 on the basis that respondent No. 3 is a firm of architects, which in fact is not, is hereby quashed and set aside. However, it is directed that the Board shall carry out its obligation for the work carried out by the respondent No. 3 till this date.

Civil Application No. 1927 of 2000 does not survive and hence rejected.

32. In the result, the petition is allowed.

Sd/-
(D.M. DHARMADHIKARI, C.J.)
Sd/-
(B.C. PATEL, J)
BY ORDER OF THE COURT
Sd/-
Deputy Registrar
6-7-2000

ITEM NO. 30

COURT NO. 4

SECTION IX
A/N MATTER

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No. 18082/2000

(From the judgement and order dated 20/06/2000 in SCA 1111/99 of the Hight Court of Gujarat at Ahmedabad)

Chairman, Gujarat Housing BoardPETITIONER(S)

VERSUS

Girish Mistry & Ors.RESPONDENT(S)

(with prayer for interim relief)

Date : 17.09.2001 This Petition was called on for hearing today.

CORAM : Hon'ble Mr. Justice G.B. Patnaik
Hon'ble Mrs. Justice Ruma Pal

For Petitioner(s) : Mr. S.C. Patel, Adv.

For Respondent(s): Mr. V.N. Raghupathy, Adv.
Ms. B. Vijaya Lakshmi Menon, Adv.
Mr. H.A. Raichura, Adv.

UPON hearing counsel the Court made the following

ORDER

The counsel for the petitioner seeks permission to withdraw this petition. The prayer for withdrawal is allowed. But, the respondents having entered appearance are entitled to cost, which is fixed at Rs.5,000/-.

This amount will be equally divided amongst and paid to Respondent Nos. 1, 3, 5, 6 and 7 by the petitioner, within four weeks from today.

The Special Leave Petition stands dismissed as withdrawn.

Sd/-
(J.S. Rawat)
Court Master

Sd/-
(Suneet Bala Sharma)
Court Master

SEAL

Supreme Court of India

19-9-2001

**IN THE COURT OF VI-TH JOINT CIVIL JUDGE JUNIOR DIVISION
PUNE AT PUNE**

(BEFORE SHRI D. K. MULLASAHEB)

REGULAR CIVIL SUIT NO.1432/99

EXH. NO. 38

M/s. Kirloskar Consultants Ltd.
A Company registered under
the Companies Act having its

Registered Office at
917/19, A, Shivajinagar,
Pune-411004

through its Managing Director,
Mr. Dattatraya Vishwanath Tikekar

..... Plaintiff

Vs.

1. Council of Architecture,
India Habitate Centre,
Core 6-A, 1st Floor, Lodhi Road,
New Delhi
Pin-110003

Through it's Admn. Officer
K. Gopalkrishna Bhat

2 .Mr. Sudhir Diwan,
Age - Adult, occ - Architect,
R/o - 4, Masion Beleverdre
107, Queens Rd. (NEXT to IT office)
New Marine Lines
Bombay-400020

..... Defendants

(Summons to be served by Reg. A.D. Post)

Shri S.M. Kelkar advocate for plaintiff

Shri B.R. Phatak advocate for defendant no.1

Suit proceeded without W.S. against defendant no.2

SUIT FOR DECLARATION & MANDATORY INJUNCTION

JUDGEMENT

(Delivered on 20.10.2000)

1. This is a suit for declaration and mandatory injunction against defendant no.1.
2. The averments of the plaintiff in his Plaint are as under:-

The plaintiff is a public Limited Company having it's registered office at Pune. Plaintiff company is dealing in business of consultation, and the company by name "FOSECO INDIA LTD" has intrusted the plaintiff company with the work of structural engineering, services inclusive of process engineering, detail engineering, project engineering services, work of road, area drainage and sewage, structural engineering services for plant building and other allied works including land development. Plaintiff further alleged that, the work of conceptual design of the said project has been given to one M/s. Sudhir Diwan from Bombay. The said conceptual design was to be submitted to Foseco India Ltd. and Foseco India Ltd. to prepare a detailed drawing as per their choice and Foseco India Ltd. is at liberty to make any such changes as they desire.

3. It is further alleged by plaintiff that, plaintiff company has got team of experts architects, who are members of defendant no.1 and who work as an associate in the company. There are skilled architects on the panel of the company, who are also the members of the defendant. On 13th April, 1999, plaintiff company received the letter dt. 7.4.1999 from Administrative Officer of defendant company. The defendant no.1 thereby informed plaintiff company about the misuse of the title and style of the Architect by plaintiff company and of underbidding of fees than quoted by Architect. Plaintiff company further alleged that, due to the letter issued by defendant no.1, plaintiff company was at a loss to receive such letter because the said work has been awarded to the company on 4.12.1997 to the knowledge of defendant no.2. Plaintiff company further contended that, the defendant no.1 is not proper and correct forum to make the complaints mentioned in the letter of defendant no.1. It is further alleged that, again on 24.6.1999, defendant no.1 sent a show cause notice to the plaintiff company and suo moto hold the inquiry of the plaintiff company. The plaintiff further alleged that, defendant no.1 suo moto appointed itself as enquiry committee on the basis of correspondence between defendant no.1 and defendant no.2. Defendant no.1 at any time did not disclose any correspondence or complaint of defendant no.2 to the plaintiff company on the basis of which dedendant no.1 has initiated inquiry.

4. Plaintiff company has further alleged that, defendant no.1 was under legal obligation to follow the principles of natural justice. The show cause notice is in respect of dispute, which is time-barred and not within the perview of the jurisdiction of defendant no.1. The dispute raised by defendant no.1 in show cause notice comes under the exclusive jurisdiction of Civil Courts or High Courts. Plaintiff has given reply to that notice on 7.4.1999 and asked defendant no.1 to furnish the copy of the complaint made by defendant no.2 alongwith all such other documents. Plaintiff further alleged that, the notice dt. 7.4.1999 and show cause notice dt. 24.6.1999 are bad in law and they are required to be squashed. Plaintiff further alleged that, it is also necessary that, all correspondence between defendants that has resulted into issuing of the show cause notice should be furnished by defendant no.1 to the plaintiff company. Hence, plaintiff company has filed this suit for Mandatory Injunction and declaration that, defendant should produce the correspondence between them with all necessary documents and also prayed that, notice dt. 7.4.1999 and show cause notice dt. 24.6.1999 sent by defendant no.2 be declared as null and void.

5. Defendant no.1 has resisted the plaintiff's claim by submitting its W.S. at Exh. 16. Defendant no.1 has denied all the contents and allegations of the plaintiff against defendant no.1. Defendant no.1 contended that, present suit is not in a proper form and therefore, is not maintainable. It is further contended that, plaintiff's suit is affecting by the principles of non joinder of necessary parties and therefore, it required to be dismissed. It is further contended that, plaintiff has not added Foseco India Ltd., as necessary party to his suit. Defendant company shows its ignorance about the project entrusted by company Foseco India Ltd. Defendant no.1 contended that, in letter dt. 7.4.1999 itself, this defendant has disclosed the source of the information on the basis of which, the letter dt. 7.4.1999 was issued to the plaintiff. Defendant no.1 further contended that, the letter dt. 7.4.1999 issued by this defendant as alleged by plaintiff. The letter dt. 13.5.1999 bearing no. PED/CAS issued by plaintiff in reply to the letter dt. 7.4.1999 issued by this defendant contains several investment and business allegations. The said letter dt. 13.5.1999 issued by plaintiff does not answer the allegations and charges levelled against plaintiff. Defendant no.1 shows ignorance about the transaction with defendant no.2.

6. The defendant no.1 further contended that, defendant has followed the principles of natural justice and fairness of the procedure while issuing letters and notices to the plaintiff. Defendant contended that, defendant no.1 has jurisdiction to hold inquiry and to issue show cause notices under the provisions of Architect's Act, 1972. Defendant no.1 further contended that, the letter dt. 2.12.1998 received from defendant no.2 disclosed that, plaintiff company was appointed as an engineering consultation for detailed work mainly of civil and structural parts of the project and for preparing tendered document and other things. Defendant no.1 took notice of the fact that, plaintiff company has actually violated the provisions of Section 36 and 37 of Architect's Act, 1972 by entering into the contract with Foseco India Ltd. to provide them with architectural design and drawing alongwith other engineering designs and drawings. Defendant has therefore, started process in inquiry, the plaintiff company has violated the provisions of Section 36 & 37 of Architect's Act by issuing notice Under Section 39 of the said Act. The defendant no.1 further contended that defendant has right to initiate further action against plaintiff. Defendant no.1 has further mentioned the statement of object & reasons of Architect's Act and some of the provisions of the said Act. Defendant no.1 further contended that, the impugned letter dt. 7.4.1999 and notice dt. 24.6.1999 issued by this defendant in discharge of its statutory function and authority, the relief claimed by plaintiff in the suit cannot be granted. The defendant further contended that, plaintiff's suit is required to be dismissed with Compensatory Costs.

Defendant no.2 has not filed his W.S. Suit proceeds against him without his W.S.

7. In view of the above averments of the plaintiff and defendant no.1, following issues have framed at Exh.17. I have given my findings against each of them for the reasons given thereunder:-

<u>ISSUES</u>	<u>FINDINGS</u>
1. Does plaintiff prove that, plaintiff company has given work of conceptual design of structural engineering services project by FOSECO Co. ?	..... Yes
2. Does plaintiff company prove that, conceptual design was to submit to Foseco India Ltd, for approval ?	..... Yes
3. Does plaintiff prove that, plaintiff company has team of expert architects who are member of defendant no.1 ?	..... Yes
4. Does plaintiff company prove that, work has been allotted to plaintiff company on 4.12.1997 to the knowledge of defendant no.2 ?	..... Yes
5. Does plaintiff company proved that, notice dt. 7.4.1999 & 24.6.1999 are illegal ?	..... No
6. Does defendant no.1 prove that, defendant no.1 has right to inquire whether plaintiff company violated the provisions of Sec. 36 & 37 of Architect's Act, 1972 by issuing show cause notice dt. 24.6.1999 ?	..... Yes
7. Does plaintiff company entitled for declaration as prayed ?	..... No

8. Does plaintiff company entitled correspondence between defendants as prayed ? Yes
9. What order & decree ? As per final order

REASONS

8. AS TO ISSUES NO.1 TO 4

The learned advocate appearing on behalf of plaintiff has submitted that, Foseco India Ltd. company has intrusted plaintiff company the work of it's project. The Foseco India Ltd. Company has allotted the work of structural engineering services and other work, of it's project. He further submitted that, however, the Foseco India Ltd. company has allotted the work of conceptual design to the defendant no.2. Defendant no.2 has to submit his conceptual design to Foseco India Ltd. and afterwards Foseco India Ltd. has to prepare detail drawings as per their choice. The learned advocate appearing on behalf of plaintiff further submitted that, the plaintiff company has team of experts architects, who are members of defendant no.1. He further pointed out that, defendant no.2 has knowledge that, Foseco India Ltd. company has allotted work of it's project on 4.12.1997. In support of his contentions, he relied upon the deposition given by plaintiff's witness no.1 Sharad Prabhakar Karandikar at Exh. 21. He pointed out that, plaintiff's witness no.1 has deposed on oath in support of these issues. Defendant no.1 has not challenged the evidence lead by plaintiff's witness in respect of the allotment of the work by Foseco India Ltd. Company to the plaintiff's company. He further submitted that, these issues have not contested by defendant no.1. He submitted that, there is no rebuttal evidence lead by defendant no.1 to disprove these issues no.1 to 4.

9. Plaintiff has examined Sharad Prabhakar Karandikar at Exh.21. He deposed that, he knows that, plaintiff company has done the work of Foseco India Ltd. Company. He further deposed that, Foseco India Ltd. Company has given the work of over all project of consultancy to the plaintiff company. The work which is done by plaintiff company in project of Foseco India Ltd. includes structural designs, electrical works, mechanical works and other works. He has also deposed that, plaintiff company has architectural work of Foseco India Ltd. company. He further deposed that, defendant no.2 has to submit his conceptual design to Foseco India Ltd. Company. He has also deposed that, the Foseco India Ltd. Company is not under obligation to construct as per the conceptual design given by defendant no.2.

10. In his cross-examination, defendant no.1 has put suggestion that, plaintiff company is having business in engineering consultancy. It appears that, defendant has not denied that, the Foseco India Ltd. company has given conceptual design of the structural engineering services project to the plaintiff company. Defendant no.1 has also not denied that, defendant no.2 has to submit conceptual design to the Foseco India Ltd. Company for it's approval. The evidence lead plaintiff clearly shows that, company has a team of architects, who are members of defendant no.1. Defendant no.1 has cross-examined plaintiff's witness on this point. Plaintiff's witness has given some of the names who are working as architect in the team of plaintiff's company. Defendant no.1 has not cross-examined plaintiff's witness and denied that, defendant no.2 has no knowledge about the work intrusted by Foseco India Ltd. Company to the plaintiff.

11. So, the evidence on record clear that, plaintiff company has done the work of Foseco India Ltd. Company. The evidence on record also shows that, the Foseco India Ltd. Company has accepted conceptual design and constructed it's work as per his choice. Plaintiff's witness deposed on oath that, some architects are working with plaintiff company. All these facts are not denied by defendants. Defendant no.1 or 2 have not denied that, defendant no.2 has no knowledge that, Foseco India Ltd. Company has intrusted project work to the plaintiff company. In absence of the contrary evidence on record, I am of the opinion that, plaintiff has proved all these four issues. Hence, I answer these issues no.1 to 4 in affirmative.

12. ISSUES NO.5 & 6

These two issues are related with each other. The main controversy between the parties are in respect of the legality of the notices issued by defendant no.1 to the plaintiff. Plaintiff has come with the specific case that, notices issued by defendant no.1 on 7.4.1999 and 24.6.1999 are illegal. On the other hand, defendant no.1 has contended that, it has right to inquire whether plaintiff company violate the provisions of Section 36 and 37 of Architect's Act, 1972 by using the name and style and discharging duties as architect firm. So, it is just and reasonable to consider these both issues at one and same time.

13. The learned advocate appearing on behalf has no right to issue notice to the plaintiff and ask plaintiff to desist from using the title and style of architect. He further submitted that, the second notice issued by defendant no.1 on 24.6.1999 is in continuation of the notice issued by defendant no.1 on 7.4.1999. He pointed out that, defendant no.1 directed the plaintiff company to share the remuneration of defendant no.2. He pointed out that, the question of remuneration of defendant no.2 and also the question in respect of charging fees are not covered by the provisions of section 36 and 37 of Architect's Act, 1972. He further submitted that, plaintiff has a team of expert architects. They are employees of the company. The architects who are employees of the plaintiff company are members of defendant no.1. So, there can not be mis-use of title and style of the architect even in view of the provisions contained in Section 36 and 37 of the Architects Act 1972. He further submitted that, these notices are at Exh. 24 & 26. Plaintiff has given reply by issuing notice, which are at Exh. 25 and 27. He submitted that, plaintiff has made all the facts clear in his notice at Exh. 25 and 27 still defendant no.1 has issued show cause notice to the plaintiff. Plaintiff company is a reputed company, which caused loss to the plaintiff company. So, it is apparently clear that, the notice issued by defendant no.1 at Exh. 24 and 26 are illegal and not as per the provisions of Section 36 and 37 of Architect's Act, 1972.

14. On the other hand, the learned advocate appearing on behalf of defendant no.1 submitted that, defendant no.1 is a Body Corporate looking after the implementation of Architect's Act 1972. He further submitted that, defendant no.1 has issued notices to plaintiff which are at Exh. 24 and 26 in discharge of its legal duties. He pointed out that, defendant no.1 has received letter from defendant no.2 as the plaintiff is involved in Architectural consultancy. He further pointed out that, plaintiff company has admitted in clear terms in notice reply at Exh. 25 that, plaintiff company has a team of Architects as full time employees of its organisation where every architect is a member of defendant no.1 council. Plaintiff has also admitted that, it has all rights to perform the duties of architect to prepare architectural design, drawings and specifications of plaintiff firm. The learned advocate appearing on behalf of defendant no.1 submitted that, these admission given by plaintiff itself creates doubt in the mind of defendant no.1 whether plaintiff is violating the provisions Under Section 36 and 37 of Architect's Act, 1972. He further pointed out that, plaintiff's witness no.1 admitted in his cross-examination that, he can not state whether all the directors of the plaintiff company from 1996 to 1999 are the professional Architects or not ? He submitted that, as per the provisions of Section 37 of Architect's Act, 1972, "No person other than registered architect or a firm of architect shall use the title and style of architect". He submitted that, plaintiff has not made clear whether all the directors of the plaintiff company are professional architects or not ? The evidence, notice reply given by plaintiff disclosed that, plaintiff company is not architect firm. So, as per the provisions of law, defendant no.1 has issued first notice on 7.4.1999 and after that, defendant no.1 has issued show cause notice as per the provisions of law on 24.6.1999. Both these notices are legal and as per the law. It is admitted fact that, plaintiff company is providing structural engineering services, detailed engineering project, engineering services, structural engineering services. Plaintiff's witness Sharad Prabhakar Karandikar has admitted that, plaintiff company is providing architectural services by appointing architects as employee or associates. Plaintiff company has also admitted in its notice at Exh.25 that, plaintiff company is a team of architects as a full time employee who are members of defendant no.1 - council. It further admitted that, plaintiff company has all rights to perform the duties of architect to prepare architectural designs. So, it is clear from the evidence that, plaintiff company is engaged in providing architectural services. From the admissions given by plaintiff, it appears that, plaintiff has a team of full time employees of architects. But, it is not the firm of architects. So, naturally, there is doubt as to whether the plaintiff company has violated the provisions of Section 36 and 37 of Architects Act because as per the provisions of Architect's Act, no person except registered architect or a firm of Architects use the title and style of Architect. In above circumstances, it appears that, defendant no.1 has issued show cause notice on 24.6.1999, is legal and valid. Notice issued by defendant no.1 on 7.4.1999 is also as per the provisions of Law. It appears that, defendant no.1 stated in notice dt. 7.4.1999 to help defendant no.2 in getting his share of remuneration. It is clear from the notice that, defendant no.1 has not directed plaintiff company to pay or share the remuneration of defendant no.2. So, I am not agree with the submissions of learned advocate for plaintiff that, defendant no.1 has issued illegal notice on 7.4.1999 and 24.06.1999 beyond the scope of provisions of Section 36 and 37 of Architect's Act, 1972.

15. Admittedly, plaintiff has come with the case that, plaintiff company has a team of experts architects. These architects are the employees of the plaintiff company. It is not the case of the plaintiff that, the plaintiff company is a firm of architects, which provides architectural consultancy. So in order to verify whether the plaintiff company is a firm of architects as per the provisions of Section 36 of Architectural Act, 1972. Defendant no.1 has issued show cause notice to the plaintiff on 24.6.1999. It appears that, defendant no.1 has issued these notices in discharge of its legal duties. Defendant no.1 has right to inquire whether plaintiff company violated the provisions of Section 36 and 37 of Architect's Act, 1972 ?

16. In view of the evidence on record, I finds no force in the submissions of learned advocate for plaintiff that, defendant no.1 has illegally issued notices on 7.4.1999 and 24.6.1999. Hence, I am of the opinion that, plaintiff has failed to prove issue no.5. On the other hand, defendant no.1 has succeeded in proving issue no.6. So, I answer issue no.5 in negative and issue no.6 in affirmative.

17. ISSUE NO.7

Plaintiff is claiming declaration that, notices dt. 7.4.1999 and 24.6.1999 are declared to be null and void, because these notices are illegal. I have already given finding on issue no.5 in negative. It is apparently clear that, plaintiff is providing architectural consultancy services. However, plaintiff company is not the firm of architects. Plaintiff company itself admitted that, company has a team of architect employees. In above circumstances, to verify whether plaintiff company is a architect firm as per the provisions of Section 36 of Architect's Act or not ? defendant no.1 has issued show cause notice to the plaintiff on 24.6.1999.

18. There is no breach of obligation between plaintiff company and defendant no.1. It appears that, defendant no.1 has directed plaintiff company to show that, plaintiff company is discharging duties as per the provisions of Architect's Act or not ? as defendant no.1 has started legal enquiry by issuing show cause notice. There is no illegal breach on the part of defendant no.1 in respect of the plaintiff company. Hence, plaintiff is not entitled to declaration that, the notice dt. 7.4.1999 and 24.6.1999 is null and void. Hence, I answer this issue no.7 in negative.

19. ISSUE NO.3

It is fact on record that, defendant no.1 has received a letter from defendant no.2. Defendant no.2 has made complaint against plaintiff that, plaintiff is not the firm of architect even though it engaged in providing architectural consultancy services. There is no dispute that, defendant no.2 has made complaint with defendant no.1 against plaintiff. Defendant no.1 has given some contents of letter written by defendant no.2. In this W.S. in para no.16. The W.S. of defendant no.1 is at Exh.16. It is the also fact on record that, defendant no.1 in its notice at Exh. 24 mentioned that, it has been brought to their notice that, plaintiff firm is a engineering consultancy firm. So, defendant no.1 admitting that, defendant no.2 has made complaint against plaintiff company that, plaintiff company is mis-using the title and style of the architects. In above circumstances, plaintiff company has right to ask the correspondence occurred between plaintiff and defendant no.2 in respect of its complaint. It is also just and reasonable on the part of defendant no.1 to disclose exact what complaint received by defendant no.1 against plaintiff company. Unless and until defendant has provided the documents on the basis of which defendant no.1 has issued show cause notice to the plaintiff company, plaintiff company will not be in a position to meet out its case. Plaintiff company can not give proper reply to the show cause notice issued by defendant no.1 unless plaintiff company gets all the documents and correspondence on the basis of which defendant no.1 has issued show cause notice.

20. In this regard, I am not agree with the submissions of learned advocate appearing on behalf of defendant no.1 that, defendant no.1 is not under obligation to submit the documents on the basis of which defendant no.1 has issued show cause notice. So, I am of the opinion that, plaintiff is entitled for the copy of letter written by defendant no.2 to defendant no.1 and other documents if any referred and relied upon by defendant no.1 at the time of issuing show cause notice to the plaintiff. Hence, I answer this issue in affirmative.

21. In the result, I pass the following order.

ORDER

1. Plaintiff's suit is partly decreed.
2. Defendant no.1 is directed to supply the copy of letter written by defendant no.2 to defendant no.1 making complaint against plaintiff company and other documents if any referred and relied upon by defendant no.1 at the time of issuing show cause notice to the plaintiff on 24.6.1999.
3. Plaintiff's suit for declaration is hereby stands dismissed.
4. Defendant no.1 is directed to pay proportionate costs to the plaintiff company.
5. Decree be drawn up accordingly.

Pune
Date : 20.10.2000

Sd/-
(D.K. MULLA)
6th Jt. Civil Judge, J.D. Pune

SEAL OF THE COURT

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.331 OF 2000

1. The Executive Students Council,
an elected body of representatives
of the students of the College of Architecture, Campal, Goa, through its
Chairman, Shri Jerry Cherian,
resident of Vasco da Gama.

2. Shri Rohit Nadkarni,
General Secretary,
r/o Bicholim.
3. Shri Anthony Menezes,
Cultural Secretary,
r/o Vasco da Gama.
4. Shri Suraj Gaonkar,
Magazine Secretary,
r/o Panaji.
5. Shri Swapnil Sawant,
University Representative,
r/o Sanquelim.
6. Shri Rehman Neroo,
Sports Secretary,
r/o Panjim.
7. Shri Pallavi Ghatе,
NASA Secretary,
r/o Ponda.
and the Class Representatives, namely
8. Shri Keegan Fernandes,
r/o St. Cruz, Ilhas Goa,
9. Shri Reagan George,
r/o Margao
10. Shri Swapnil Sawant,
r/o Sanquelim.
11. Shri Sumedh Naik,
r/o Pernem
12. Shri Rajnish Vatsa,
r/o Taleigao. Petitioners

Versus

1. Government of Goa through
its Chief Secretary,
Secretariat, Panaji
2. Directorate of Technical
Education through its
Director, Porvorim
3. The Prinicpal,
Goa College of Architecture,
Campal, Panaji
4. The Council of Architecture
through its President,
India Habitat Centre,
Core 6A, 1st Floor, Lodhi Road,
New Delhi
5. All India Council for
Technical Education through
its Chairman, New Delhi
6. The Goa University through
its Vice Chancellor,
Bambolim, Goa Respondents

Mr. Valmiki Menezes, Advocate for the Petitioners.

Mr. A.N.S. Nadkarni, Advocate General with Mr. P.A. Kamat, Addl. Govt. Advocate for the Respondents 1 to 3.

Mr. V.P. Thali, Senior Central Govt. Standing Counsel for the Respondents 4 and 5.

Mrs. A.A. Agni, Advocate for the Respondent No.6.

Coram : T.K. Chandrashekhara Das &
P.V. Kakade, JJ.

Date : 4th October, 2000

ORAL ORDER (PER CHANDRASHEKHARA DAS, J.)

Heard counsel for the petitioners and learned Advocate General.

2. The main grievance highlighted in the Writ Petition by the Executive Students Council of the College of Architecture is that by the Notification dated 15th September 2000, Exhibit 'A' to the petition, issued by the Government of Goa, Director of Technical Education, the minimum marks required to be obtained by a student for getting admission in the College of Architecture in the aggregate of Physics, Chemistry and Mathematics taken together was reduced to 50% from 60%. The apprehension of the petitioners is that by lowering the minimum marks for admission, the standard of education will be impaired and consequently there is every likelihood that the Council of Architecture may derecognize the degree that is being conferred by University of Goa. Several other grounds have been taken in the Writ Petition. We are not concerned about those grounds. The letter written by the Council of Architecture dated 27th September 2000, which is taken on record, shows that the minimum marks for admission in the aforesaid subjects is 50%. In view of this, the apprehension of the petitioners has no foundation. In the circumstances, no order is required to be passed in the Writ Petition. The Writ Petition is, therefore, dismissed.

Certified Copy
Sd/-
Assistant Registrar,
High Court of Bombay,
at Goa, Panaji (Goa)
Pin 403001

SEAL
OF THE COURT

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3916 OF 2001

All India Council for Technical Education

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Shri C.J. Sawant, Counsel with Shri Vijay Patil for the petitioner.

Shri G.E. Vahanavati, A.G. with Shri S.B. Shetye, A.G.P. for Respondent Nos.1 and 2.

S/Shri Y.S. Jahagirdar, V.M. Kanade, Appasaheb Desai and T.S. Ingale for the Interveners.

CORAM : B.P. SINGH. C.J. AND
DR. D.Y. CHANDRACHUD, J.
17th September, 2001

P.C. :

We have heard Counsel for the parties. We have also heard Counsel for the Interveners.

In this Writ Petition All India Council for Technical Education is aggrieved by the fact that the State of Maharashtra through Respondent No.2, Directorate of Technical Education, has published information brochure indicating collegewise intake which is at variance with the actual intake approved by the AICTE. Mr. Sawant submits that the AICTE has authority to grant approval to the number of seats for admission available in the professional college and no professional college is permitted to change the intake capacity except with the approval granted by the Council. The authority of AICTE is not challenged by the Advocate General on behalf of the State of Maharashtra. He submits that the intake capacity of the College has to be determined by the AICTE. There have been conflicting orders of AICTE whereby in the first instance the intake is determined, which is subsequently reduced or increased, and again reduced or increased resulting in the State of Maharashtra not being in a position to understand the exact intake capacity of the colleges. Learned Advocate General further submits that the State Government will abide by any decision taken by the AICTE with regard to intake capacity of the Colleges but the decision should be taken in such a manner that there is no ambiguity. The State Government should be informed of the intake capacity well in time so that information may be given to the prospective candidates accordingly. Mr. Sawant appearing on behalf of the AICTE has also welcomed this suggestion made by the Advocate General. He submits that with effect from the Academic Year 2002-2003, the AICTE shall communicate to the State Government before 30th June each year the intake capacity of different colleges concerned in the State of Maharashtra, and the intake capacity so determined shall not be changed thereafter. The State of Maharashtra will inform the prospective candidates accordingly and no change after 30th June of that year shall be made.

If in any subsequent year AICTE fails to communicate to the State Government the intake capacity of colleges for that year, the State Government shall proceed on the basis of the intake capacity as determined for the previous year.

So far as the current Academic Year is concerned, viz., 2001-2002, we direct the Petitioner-Council to communicate to the State of Maharashtra, within three days from the date of receipt of this order, the intake capacity of different colleges as determined by it. The Advocate General states that the State Government will act in accordance with such determination, in so far as the admissions for the Academic Year 2001-2002 are concerned.

After the AICTE communicates to the State Government, the statement as regards the intake capacity of various colleges, the State of Maharashtra will commence the admission process.

Parties to act on a copy of this order duly authenticated by the Sheristedar of this Court.

Sd/-
CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.

TRUE COPY

Sd/-
17.9.2001
(G.R. Salvi)

COURT SHERISTEDAR &
SECTION OFFICER
HIGH COURT, APPELLATE SIDE
MUMBAI-400032