

MINUTES OF THE 211TH MEETING OF EXECUTIVE COMMITTEE OF THE COUNCIL OF ARCHITECTURE, HELD ON WEDNESDAY, 01.04.2020 AT 5.00 P.M., ONLINE THROUGH "ZOOM" VIDEO CONFERENCING APPLICATION.

PRESENT :

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| 1. Ar. Habeeb Khan | : | Chairman, in Chair |
| 2. Ar. Sapna | : | Vice-Chairperson |
| 3. Ar. N. K. Negi | : | Member |
| 4. Ar. Kapil Setia | : | Member |
| 5. Ar. Ramesh Kumar | : | Member |
| 6. Ar. Bansan Singh Thangkhiew | : | Member |

Ar. Sadiq Ali D.A., Member, could not join the meeting due to non-availability of internet services in his area and was granted leave of absence.

In attendance:

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| 1. Shri R. K. Oberoi | : | Registrar – Secretary |
| 2. Shri Deepak Kumar | : | Administrative Officer |

The Chairman thanked the Vice-Chairperson, Members and Officers of the Council for having this First Online meeting of the Executive Committee in view of nationwide lockdown announced by the Government of India for containment of pandemic Corona Virus. The Members agreed to hold more meetings through online mode. The Members observed one minute silence to pay their homage to victims of Corona Virus.

ITEM NO.01	CONFIRMATION OF MINUTES OF 210TH MEETING OF EXECUTIVE COMMITTEE OF THE COUNCIL HELD ON 21ST AND 22ND FEBRUARY, 2020 AT BENGALURU.
	<p>The Chairman informed the members that Minutes of the 210th Meeting of the Executive Committee held on 21st and 22nd February, 2020 were circulated to the members on 12th March, 2020. No comments have been received from the Hon'ble Members.</p> <p>However, the Committee after deliberations pointed out that the relevant clauses of Architects (Professional Conduct) Regulations, 1989 are not recorded in the minutes of the EC in Item No.9 at Sl.No.1, and a line be inserted as under :</p> <p>"This action of Ar. Vijay Garg has violated Regulation 2 (1) (viii), (ix) and (x) of the Architects (Professional Conduct) Regulations, 1989."</p> <p>With the above modification, the Minutes of the 210th Meeting of the Executive Committee were approved and confirmed.</p>
ITEM NO.02	ACTION TAKEN REPORT ON THE MINUTES OF THE 210TH MEETING OF THE EXECUTIVE COMMITTEE.

The Executive Committee perused the action taken report on the Minutes of 210th Meeting of the Executive Committee and noted the same.

The Committee while perusing Item No.2 of 210th Meeting of EC again requested Ar. N. K. Negi, Member, EC to inform the name of the concerned person who could be made part of the Committee for examining the communication received from MHRD regarding amendments in the Council of Architecture Recruitment and Promotion Regulations.

Further, regarding the Petition filed by Ar. P. Satheesh Kumar regarding his membership of the Council, the Committee was informed that the Council has now received a formal copy of the petition and copy of stay order from the Hon'ble High Court. The Council has also appointed its Advocate in the matter and has requested him to adopt the reply of the Union of India in the matter.

Regarding Item No.3 of the Minutes, the Committee was informed that all the Hon'ble Members of the Council have been forwarded a copy of the legal opinion of the Advocate on the Council's CPF Trust Deed and requested to send their views/ comments within 15 days as per the decision of the EC and as of now views from Ar. J. Manoharan, Member, COA has been received. The EC decided that a reminder be sent to all the Council members to send their views/ comments, if any.

While discussing Item No.6 of the Minutes, the Chairman informed that he has received revised drawings for the renovation work of the Council's office at NBCC Place, Okhla, New Delhi and the same shall be finalised shortly and will be sent to all EC members for their approval.

While discussing Item No.7 of the Minutes, the members suggested that the response submitted by Registrar, COA, be once again circulated to the all the members of EC.

While discussing Item No.14 of Minutes, the Executive Committee decided that the reply of the Council should be filed in the matter and the Council should become a petitioner in this case and request the Hon'ble Court for early hearing of the matter.

While discussing Item No.15 (v) of the Minutes, the EC suggested that terms of reference of the Committee on Women Architects be revised to "identify the issues related to women architects and suggest remedial measures" and matters related to sexual harassment of women be removed from the scope of the Committee since such issues are addressed as per Supreme Court Guidelines in "Vishaka" case as well as under The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013.

While discussing Item No.15 (vi) of the Minutes, the Chairman informed that Ar. Rakesh Kushwah, Member, COA has good infrastructure facilities for undertaking social media activities and has offered to provide support

	<p>for undertaking social media activities of the Council with any financial liability to Council. The Executive Committee authorized the Chairman to have discussions with him to finalise a framework for working together in the interest of profession of architecture.</p> <p>Further, the EC while discussing Item No.15 (xi) of Minutes decided that in the closure policy the condition may be added "<i>Undertaking from the competent authority of the institution that it has complied with the obligations of the institution at the time of opening and closure of the Institution and Undertaking from the competent authority of the institution that no issue of any B.Arch student is pending</i>" and the Committee reiterated that it will not allow Progressive Closure since it is not in the interest of students. Such institutions do not appoint faculty and provide other infrastructure facilities and also lose interest in the architecture course/ college and students are sufferers.</p>
ITEM NO.03	TO CONSIDER THE BUDGET ESTIAMATES OF THE COUNCIL OF ARCHITECTURE FOR THE FINANCIAL YEAR 2020-2021.
	<p>The Executive Committee perused the Budget Estimates of the Council for the financial year 2020-2021 and after some discussions decided to defer the matter to next meeting.</p> <p>The Committee, however, approved for the payment of Salary and Allowances to the Officers and employees of the Council and payment of other necessary Bills till that time.</p>
ITEM NO.04	TO DECIDE FURTHER COURSE OF ACTION ON APPROVAL/ EXTENSION OF APPROVAL OF ARCHITECTURAL INSTITUTIONS FOR THE ACADEMIC SESSION 2020-2021.
	<p>The Chairman informed the members that the proposals for introduction of B.Arch/ M.Arch and for additional intake were placed before the Scrutiny Committee.</p> <p>Further, the proforma for scrutiny as finalized by the Scrutiny Committee is prepared and the data sheet (duly filled in) as required is being prepared by the Office and shall be submitted to the Scrutiny Committee at the earliest possible.</p> <p>The Executive Committee perused the format and requirements to be complied with by the Institutions and after detailed deliberations approved the format and decided that Scrutiny Committee shall give its detailed report on the compliance of the requirements of the Council by the institutions. The teaching load may be divided in three parts first part consisting of required full-time faculty, second part consisting of visiting faculty and third part consisting of allied faculty, as provided under the Council of Architecture 1983 Regulations.</p>

ITEM NO.05	TO TAKE NOTE OF THE PROGRESS MADE ON APPROVAL OF COUNCIL OF ARCHITECTURE (MINIMUM STANDARDS OF ARCHITECTURAL EDUCATION) REGULATIONS, 2020.
	<p>The Chairman informed the members that the Draft Council of Architecture (Minimum Standards of Architectural Education) Regulations, 2020 has been approved by the Hon'ble HRM and the MHRD has referred the regulations to Ministry of Law and Justice for legal vetting before conveying the approval to the Council of Architecture.</p> <p>The Executive Committee thanked the Shri Ramesh Pokhriyal "Nishank", Hon'ble Minister of HRD and Officers of the Ministry specially Shri Madan Mohan, Addl. Director General, Dept. of Higher Education, Ministry of HRD, for approving the Regulations of the Council.</p> <p>The Executive Committee appreciated the efforts made by the Chairman and Officers of the Council in the matter and desired that the formal approval be obtained in the matter from the Ministry as early as possible.</p>
ITEM NO.06	TO TAKE NOTE OF POSTPONEMENT OF THE FIRST NATA 2020 TEST SCHEDULED FOR 14TH APRIL, 2020 ON ACCOUNT OF NATION WIDE LOCKDOWN DUE TO THE PANDEMIC OF CORONA VIRUS.
	<p>The Chairman informed the members that in view of the complete lockdown announced by the Government of India in the Country for containment of pandemic Corona Virus (COVID-19), it was decided to postpone the NATA first examination scheduled to be held on 19.04.2020.</p> <p>The new date for the exam shall be announced after the period of complete lockdown is over.</p> <p>The members desired that the new date be fixed after ensuring that the same is not clashing with the dates of NEET/ JEE and other examinations.</p>
ITEM NO.07	TO RATIFY THE DECISION OF CHAIRMAN, EC, FOR COLLECTION OF DONATIONS BY THE COUNCIL FROM ARCHITECTS, INSTITUTIONS, MANagements, ETC. FOR REMITANCE INTO PM CARE FUND.
	<p>The Chairman informed the members that after having informal discussions with the Members, he vide letter dated 31.03.2020 has made an appeal to All Practising Architects/ Heads/ Directors/ Managements of the Architectural Institutions to come forward and generously donate to the PM Cares Fund through the Council to collectively fight COVID-19 epidemic. The members deliberated in detail in the matter and ratified the action taken by the Chairman, EC.</p> <p>The Chairman also informed that a provision is also being made in the Budget of the Council for the financial year 2020-2021 for making contribution of the Council to the PM Cares Fund.</p>

ITEM NO.08	TO CONSIDER FOR EXTENSION OF SERVICES OF CONTRACTUAL STAFF.
	<p>The Registrar, Council of Architecture, informed that the appointment of the contractual staff namely Ms. Neha Kumari, Ms. Shikha Jain and Ms. Sunita is ending on 08.04.2020. Services of these contractual staff is required to dispose the time bound activities of various departments of the Council and requested for further extension of their services for period of three months on the same terms and conditions.</p> <p>The Executive Committee after detailed deliberations in the matter approved the extension of the services of contractual staff namely Ms. Neha Kumari, Ms. Shikha Jain and Ms. Sunita w.e.f. 09.04.2020, for a further period of three months on the same terms and conditions.</p>
ITEM NO.09	TO TAKE NOTE OF THE CIRCULAR DATED 23.03.2020 & 27.03.2020 REGARDING OFFICE CLOSURE IN VIEW OF COMPLETE LOCKDOWN IN THE COUNTRY ANNOUNCED BY GOVERNMENT OF INDIA FOR CONTAINMENT OF COVID-19 EPIDEMIC,
	<p>The Registrar, Council of Architecture, informed the members that in view of the directions of Government of India for complete lockdown in the Country for containment of COVID-19 Epidemic, the Competent Authority of the Council has decided to comply with the directions of the Government of India and the work of the Council is being handled from home through telephones/emails/whatsapp as well as online.</p> <p>In this regard Circulars dated 23.03.2020 & 27.03.2020 were issued and posted on Council's Website for information of all concerned duly mentioning the email ids and mobile numbers of the officials of the concerned departments of Council, in case of any urgent help required for making online payment, etc.</p> <p>The Council also applied for issuance of Movement Pass from Delhi Police; however, the same has been rejected.</p>
ITEM NO.10	NATIONAL AWARDS FOR EXCELLENCE IN ARCHITECTURE ✓
	<p>The Chairman informed the members that Council has been doing substantial work in the academic field since long including the Thesis Award and the Council should also expand similar awards for practicing professionals. Therefore, it is proposed to institute National Awards for in Excellence in Architecture for the projects related to Residential, Multi-dwelling, Public/ Institutional, Conservation, Contemporary Vernacular, Landscape, Socially Responsible and Allied Fields.</p> <p>The Jury shall consist of National and International Stalwarts from Architecture, Art, Music, Sociology, Journalism, Economics and Common Citizens.</p>

	<p>The award will become very prestigious since they are coming from highest regulatory body in the field.</p> <p>The Committee approved the proposal in principal and requested that a detailed proposal along with financial implications be prepared for approval of the Executive Committee.</p>
ITEM NO.11	INSTITUTION OF DOCUMENTATION AWARDS.
	<p>The Chairman informed the members that the Steering Committee on TRCs came up with this idea of asking schools of architecture to send their documentation work to the Council. Every school does documentation at their own level but it remains with them.</p> <p>Therefore, it is proposed that in order to promote research & innovation in Architectural Education and Profession and for conservation of precious Architectural Heritage, Arts & Crafts and Indigenous Dwellings, a <i>National Awards for Excellence in Documentation of Architectural Heritage, Arts & Crafts and Indigenous Dwellings for students</i> be instituted.</p> <p>By floating this awards programme the colleges would asked to send entries in a particular format, the Council will have a treasure of documentation from across the country which can then be compiled and published it in a book form. Which shall become the wealth of information of the Council will have for its record and publication every year.</p> <p>The Committee approved the proposal in principal and requested that a detailed proposal along with financial implications be prepared for approval of the Executive Committee.</p>
ITEM NO.12	MAGAZINE OF THE COUNCIL OF ARCHITECTURE
	<p>The Executive Committee noted that the Magazine of the Council of Architecture namely 'Architecture Time Space & People' is not being printed for the last few months as the agency assigned with the assignment is not in a position to carry on the printing of the document due to unavailability of advertisements for the same.</p> <p>The Committee after detailed deliberations in the matter authorized the Chairman to come out with a proposal for restarting the publication of the magazine.</p>
ITEM NO.13	TO CONSIDER THE ISSUE OF QUACKS STYLING AS ARCHITECTS
	<p>The members pointed out that persons like Draftsman, Surveyors, Civil Engineers are calling themselves as "Architects" while providing various services in violation of the Architects Act, 1972.</p> <p>The Executive Committee after deliberations in the matter decided that a communication be sent to all State Governments requesting them to</p>

	ensure that non-architects do not misuse the title and style of architect in violation of the Architects Act, 1972.
ITEM NO.14	OUTREACH INITIATIVES
	<p>The Executive Committee noted that in view of nation-wide lockdown by the Government of India the Outreach Initiatives be put on hold for the time being.</p> <p>Further, the EC desired the online platform be developed by the Council for holding such initiatives/ activities online.</p>
ITEM NO.15	ANY OTHER ITEM WITH THE PERMISSION OF THE CHAIR.
I)	TO TAKE NOTE OF THE ORDER DATED 17.03.2020, IN CIVIL APPEAL NO.1819 OF 2020, COUNCIL OF ARCHITECTURE V/S. MR, MUKESH GOYAL & ORS.
	<p>The Registrar informed the members that Council of Architecture and Ar. Mukesh Goyal, Noida have SLPs against the order of Allahabad High Court holding that the Architects Act, 1972 is not applicable in the Services jurisprudence i.e. service matters and the practice of architecture is not restricted under the Architects Act.</p> <p>The Hon'ble Supreme Court of India vide its order dated 17.03.2020 held as under :</p> <p>37. In the present case, we recognise the power of NOIDA to provide and modify the minimum eligibility criteria for promotion of candidates to the posts of Associate Town Planner and Associate Architect. We further recognise that the authority has significant discretion in how it chooses to title the various posts under its supervision. However, to permit NOIDA to continue to title a post that includes individuals who are not registered architects under the Architects Act as Associate Architect would result in a violation of Section 37 of the Architects Act.xxxx</p> <p>38. <i>The U.P. Industrial Area Development Act provides NOIDA with the power to make rules for the management of its internal affairs. In exercise of this power, NOIDA formulated the Service Regulations of 1981. Rule 16 of the Service Regulations sets out the Sources of Recruitment for posts under NOIDA's authority. By clause (iv) of Rule 16 NOIDA has the power to modify the sources of recruitment for posts under its supervision. It is in exercise of this power that NOIDA formulated the Promotion Policy of 2005 which sets out the sources and qualifications for recruitment in its various departments. It is well established that delegated legislation is susceptible to invalidity on the</i></p>

grounds of being ultra vires its parent legislation but also ultra vires other primary legislation. Where the provisions of a primary legislation (the Architects Act) are contradictory to the provisions of a delegated legislation (the Promotion Policy 2005), the provisions of the primary legislation must prevail. XXXXXX

39. For the reasons stated above, in response to the first question we affirm the decision of the High Court of Allahabad and hold that Section 37 of the Architects Act does not prohibit individuals not registered under the Architects Act from undertaking the practice of architecture and its cognate activities. In response to the second question we disapprove of the view of the High Court of Allahabad and hold that NOIDA cannot promote or recruit individuals who do not hold a degree in architecture recognised by the Architects Act to a post that uses the title or style of architect. However, the authority is free to change the nomenclature of the post to any alternative as long as it does not violate the provisions of the Architects Act by using the style and title of Architect in its name.

The Committee was further informed that Shri Naveen R. Nath, Advocate has been requested to examine the Judgement dated 17.03.2020 of the Hon'ble Supreme Court and suggest feasibility of filing a Review Petition with regard to the interpretation of the Hon'ble Supreme Court that Architects Act does not restrict practice of architecture.

The Executive Committee noted the information and suggested that appropriate measures in the matter be taken.

II) UPGRADATION OF WEBSITE OF THE COUNCIL.

The Registrar informed the members that the same is in final stages and after having access from NIC and audit of the contents of the upgrade, same will be hosted.

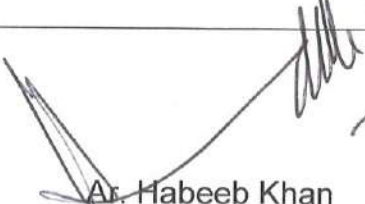
III) IMPLEMENTATION OF E-OFFICE IN THE COUNCIL.

The Registrar informed the members that Council had interactions with the NIC officials and they have informed that for implementation of the E-office, the Council will have to incur an expenditure of about Rs.76/- Lakhs and the same will be valid for a period of five year and after five years the Council shall be required to incur the same amount to further use the programme for another term of five years.

The Registrar further informed that he had discussed the matter with existing vendor of the Council who is providing support services to the Council for its existing ERP i.e. M/s. AKAL Ltd. (NIC approved vendor) who agreed to provide and integrate the e-office with the existing ERP of the

	<p>Council and the total cost for the software and one year support with upgradation/ revisions etc. to the Council would be around 18 to 19 Lakhs.</p> <p>The Committee after deliberations in the matter decided that a Committee be formed inviting the representatives of NIC and Tenders be issued for carrying out this work.</p> <p>The Committee was also informed that the existing ERP of the Council on which its online activities such Registration, Renewal, Restoration, Inspections, Enrolments, etc and other activities are going on also requires upgradation in view of change in requirement of the new technologies/ web applications.</p>
IV)	COUNCIL'S PROPOSAL ON COMPREHENSIVE AMENDMENTS TO THE ARCHITECTS ACT, 1972
	<p>The Executive Committee deliberated in the matter and desired that the Recommendations of the Committee on Amendments to the Architects Act, 1972 be circulated to the members of the Executive Committee for taking further course of action in the matter.</p>
<p>The meeting ended at 8.00 p.m. with a vote of thanks to the Chair.</p>	


 R. K. Oberoi
 Registrar- Secretary


 Ar. Habib Khan
 Chairman

