

MINUTES OF THE 79th (EMERGENT) MEETING OF THE COUNCIL OF ARCHITECTURE, SCHEDULED TO BE HELD ON SUNDAY, 12TH MARCH, 2023 FROM 11.00 A.M. ONWARDS ONLINE ON ZOOM APPLICATION.

PRESENT:

Ar. Habeeb Khan : President (In Chair)
Ar. Sapna : Vice-President

MEMBERS :

1.	Ar. Abhijit D. Shirodkar	22.	Ar. Harinder Arora
2.	Ar. Naveen Sharma	23.	Ar. Gajanand Ram
3.	Ar. Punit Sethi	24.	Ar. Vidyadhar S. Wodeyar
4.	Ar. Lalichan Zacharias	25.	Ar. P. S. Rajeev
5.	Ar. Minakshi Jain	26.	Ar. Nadisha V. M.
6.	Ar. Abhay V. Purohit	27.	Ar. Rakesh Singh Kushwah
7.	Ar. Kiran Mahajani	28.	Ar. George Lalzuia
8.	Ar. Millind Kollegal	29.	Ar. Sushant Kumar Patra
9.	Ar. Radhika Nagpal	30.	Ar. P. Vaitianadin
10.	Ar. K. Senthil Kumar	31.	Ar. Ritu Singh
11.	Ar. Mahendra Pratap	32.	Ar. T. Loganathan
12.	Ar. R. Thanigai Arasu	33.	Ar. Ravi Kumar R.
13.	Ar. Naveen Kanithi	34.	Ar. Dr. Vandana Sehgal
14.	Ar. Atonu Baruah	35.	Ar. Sashi Mohan Srivastava
15.	Ar. R. Ramesh Kumar	36.	Ar. Manish Chakraborti
16.	Ar. Anil Kumar	37.	Ar. Marwin C. Gomes
17.	Ar. Kapil Setia	38.	Ar. Sanjeev Kumar
18.	Ar. Sandeep Laxman Bangde	39.	Er. H.K. Mittal
19.	Ar. Vijay Garg	40.	Er. Sandip Kumar Deb
20.	Ar. Vishal Arun Kumar Vyas	41.	Dr. G.S. Inda
21.	Ar. Nand Lal Chandel		

IN ATTENDANCE:

Sh. R. K. Oberoi : Registrar-Secretary
Sh. Deepak Kumar : Administrative Officer
Sh. Deepak Kumar Singh : Asst. Administrative Officer

The following members were granted leave of absence:

1.	Ar. Amitava Roy	2.	Ar. Ashutosh Kumar Aggarwal
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No information was received, about their absence, from following members :

1.	Ar. Bapilu Chai	2.	Ms. Saumya Gupta
3.	Ar. Benjusingh Nongthomban	4.	Ar. V. Neilazo Metha
5.	Ar. Rajesh Pradhan	6.	Ar. Sanjiban Datta
7.	Ar. Aldrina K. Marak		

The President welcomed the members and thanked them for sparing their valuable time for attending the special meeting of the Council. He informed that the meeting was convened to deliberate upon and deciding urgent matters specially the proposal for amendments in the Architects Act, 1972.

ITEM NO.01	TO CONSIDER PROPOSED AMENDMENTS IN THE ARCHITECTS ACT, 1972.
	<p>The President informed the members that the proposal for amendments in the Architects Act, 1972 has been discussed many times by the Council and there is an urgent need for amendments.</p> <p>The President emphasized that world over, be it US, UK, Malaysia, Australia, Singapore, EU, etc. “architectural services” are defined and restricted to be performed only by Architects in public interest so as to ensure that only qualified and competent persons undertake design and supervision of construction of buildings which are not only aesthetic, safe, economic, ecofriendly but also strictly in compliance with relevant laws including local bye-laws.</p> <p>Further, in view of large-scale loss of life and property due to earthquake in Gujarat, India in the year 2001 and recently in Turkey, it is most important to mandate by law to have design and supervision of buildings from qualified professionals to save human life and property.</p> <p>He also informed the members that the interpretation of Section 37 by Hon’ble Supreme Court Judgement in Mukesh Goyal matter has allowed any person to provide architectural services without calling himself/herself as an architect.</p> <p>The object and purpose for enactment of the Architects Act was to protect the reputation and dignity of profession of architecture by prohibiting non-architects from calling themselves architects for providing architectural services on the one hand and on the other to ensure that Architects enjoy the privilege, protection and patronage on the lines of professions like Law, Medicine, Accountancy etc.</p> <p>The President further brought to the notice of the Hon’ble Members that world over Registration as an architect is done after passing of a professional practice examination.</p> <p>The President further informed the members that recently he attended a meeting Chaired by Shri Piyush Goyal Ji, Hon’ble Commerce Minister, Govt.</p>

	<p>of India, regarding export of Professional Services including Architectural services.</p> <p>The Hon'ble Minister desired that the Council's proposal for Amendments in the Architects Act be taken on high priority to match the International/global practices so that Indian Architects can export Architectural services and entry of foreign architects in India can be streamlined and the concerned countries be obligated to enter into reciprocal arrangements with India for exporting or providing services in India.</p> <p>The President informed that the Council has been in active dialogue with many foreign authorities for Mutual Recognition Agreements (MRAs) but due to non-existence of professional practice examination, corporate practice and prohibition on practice of architecture by non-architects, MRAs could not be concluded.</p> <p>He highlighted the need for professional examination inter alia for following reasons :</p> <ol style="list-style-type: none"> 1. The current system of registration is not at par with the registration practices and processes for architects in most of the foreign countries. Most other countries have an exam-based evaluation of competence and abilities of Architects leading to registration for architectural practice. 2. The current framework does not enable people who may have the competence, but lack the formal degree, to be recognised and called as Architects under the Architects Act. 3. While the qualifying degree-based registration has served well so far, it does not adequately ensure that competent and qualified architects are allowed to practice architecture. This is important as the profession of architecture has a large role to play in ensuring protection of environment, conservation of energy & natural resources apart from health and safety of the people. 4. Presently, while the title of "Architect" is protected under the Architects Act, the services are not, leading to many unqualified and possibly incompetent professionals providing such services to gullible members of the public. In the context of India's rapid urbanization and the uncertainties of climate change, this could lead to large problems in the future. 5. Taking advantage of lacuna in the Indian laws, foreign service providers also provide architecture and related services since there is no prohibition under the Law. 6. In the absence of a Professional Practice Examination, the Council is unable to enter into reciprocal arrangements for recognition of Indian Architectural Qualifications by the authorities abroad and open up global opportunities for Indian architects to provide their professional services. <p>The President stated that the present Act requires amendments on urgent basis to deal with following issues :</p>
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	<ul style="list-style-type: none"> i) Introduction of definition of “Architecture Services” so that these services can be reserved for architects; ii) Introduction of Professional Practice Examination to ensure the competencies of architects entering into profession to practice independently; iii) Introduction of LL.P. form of organization for providing architectural services by Architects to save architects from personal and professional liability and to have less cumbersome form of organization with a separate legal entity; iv) Introduction of two schedules for recognized qualification – one for Undergraduate qualifications and another for postgraduate qualifications, so that qualification for registration as an architect and additional qualifications can be differentiated and PG qualifications can be recognised under the Act; v) Introduction of word “India” in the name of Council of Architecture so as to provide a national level identity to Council. vi) To maintain “electronic” copies of Register of Architects for safe and economic preservation of large-scale data and to ensure smooth access to all concerned. vii) Appointment of only an Architect to architectural posts in Government departments to ensure that public buildings are constructed with fullest professional inputs in most aesthetic and functional manner. viii) Introduce prohibition on rendering of architectural services by non-architects. ix) Introduction of prohibitory clause on further registration of architects by local bodies so that architects are not compelled to seek registration in and every local body to practice the profession. x) Enabling provisions for charging fees by Council on complaints filed for professional misconduct against architects. <p>The President also informed the members that the Parliamentary Standing Committee on Ministry of Human Resource Development in the year 2010 in its 229th Report also stressed for comprehensive amendments in the Architects Act, 1972.</p> <p>The members deliberated on the proposal for amendments in the Architects Act, 1972 clause by clause and after detailed deliberations in the matter approved the proposal for amendments in the Architects Act, 1972 except definition of “Architectural Services” for which Members were requested to send their views/suggestions within seven days’ time. The Council authorized the President to finalise the definition of “Architectural Services” appropriately as per views/ suggestions received from the members.</p> <p>The Council also perused the preliminary report of the Sub-Committee on Professional Practice Examination Committee and after deliberations the Council desired that report be forwarded to all the members for their perusal.</p>
ITEM NO.02	TO CONSIDER THE REPORT & RECOMMENDATIONS OF THE COMMITTEE ON RECOGNITION OF FOREIGN QUALIFICATIONS.
	The Council deferred the consideration of this item to the next meeting.

ITEM NO.03	TO CONSIDER THE REPORT OF THE SUB-COMMITTEE ON EQUIVALENCE OF FOREIGN PG QUALIFICATIONS WITH MASTERS DEGREE OF INDIAN UNIVERSITIES.
	<p>The President informed the members that the Office of the Council receives numerous representations and public grievance from architects who have completed their Postgraduate Qualifications in Architecture from abroad about non-recognition/ equivalence of their qualifications with Master's Degree in Architecture in India.</p> <p>The matter was also discussed with the officials of the Ministry and the Ministry desired that a scheme be prepared for grant of equivalence based on some pre-determined parameters including conduct of examination for grant of equivalence to Foreign PG qualifications in India so that the concerned architects can avail the benefits of their higher qualifications.</p> <p>Accordingly, a Sub-committee under the Convenorship of Dr. Vandana Sehgal and Dr. Minakshi Jain, Member, Dr. Kavita D. Rao, Special Invitee, Dr. P.S.N.Rao, Special Invitee and Dr. A. Srivatsan, Special Invitee, was constituted to prepare the scheme and mechanism for grant of equivalence to Foreign PG Qualifications in Architecture with Indian Master's Degree Course in Architecture by the Council.</p> <p>The Committee after taking serious note of the issue has proposed an automated process for facilitating Equivalence of Master's Degree in Architecture which is easily accessible, time bound, single window, fair and objective for making application for equivalence on the COA website.</p> <p>The Council after detailed deliberations in matter approved the Scheme in principle and desired that the same be sent to Central Government for its approval.</p>
ITEM NO.04	ELECTION OF A MEMBER OF THE DISCIPLINARY COMMITTEE BY THE COUNCIL IN TERMS OF RULE 35(1)(b) OF COUNCIL OF ARCHITECTURE RULES, 1973.
	The Council deferred the consideration of this item to the next meeting.
ITEM NO.05	ANY OTHER ITEM WITH THE PERMISSION OF THE CHAIR.
	No other item was discussed.
Meeting ended at 1: 30 p.m. with a vote of thanks to the Chair.	
