**MINUTES OF THE 248th MEETING OF THE EXECUTIVE COMMITTEE OF COUNCIL OF ARCHITECTURE, HELD ON SUNDAY, 05TH MARCH, 2023, FROM 12:00 NOON, ONWARDS ONLINE AT ZOOM PLATFORM.**

**FIRST DAY MEETING HELD ON SUNDAY, 5TH MARCH, 2023:**

**PRESENT:**

1. Ar. Habeeb Khan, Chairman – In Chair
2. Ar. Sapna, Vice-Chairman
3. Ar. Punit Sethi, Member
4. Ar. Ramesh Kumar, Member
5. Ar. Lalichan Zacharias, Member
6. Ar. P. Vaitianadin, Member
7. Ar. Nand Lal Chandel, Member

**In attendance** :

 Shri R. K. Oberoi : Registrar-Secretary

 Shri Deepak Kumar : Administrative Officer

 Shri Deepak Kumar Singh : Asst. Administrative Officer

The Chairman welcomed the members and officials of the Council and thanked them for attending online meeting of Executive Committee. He informed that meeting is called to discuss some urgent matters requiring decision of the Committee.

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| **ITEM NO. 1** | **CONFIRMATION OF THE MINUTES OF 246TH MEETING OF THE EXECUTIVE COMMITTEE HELD ON 23RD DECEMBER, 2022.** |
|  | The Minutes of Executive Committee were circulated to the members on 09.01.2023 and comments were received from Ar. Lalichan Zacharias about the letter to be sent to the IIA for compliance with the Minimum Standards/requirements sent by Council of Architecture through its earlier communication(s). The Executive Committee after deliberations on the minutes confirmed the same. |
| **ITEM NO. 2** | **TO TAKE NOTE OF ACTION TAKEN REPORT ON THE MINUTES OF THE 246TH MEETING OF EXECUTIVE COMMITTEE HELD ON 23RD DECEMBER 2022.** |
|  | The Executive Committee perused the Action taken Report as annexed with the agenda and desired that the details of the faculty and infrastructure facility of all the CFTIs be compiled and placed in the next meeting of Executive Committee. The Executive Committee also desired that the amendments suggested in perspective plan be sent to the concerned Committee for considering relevant changes in the Perspective plan, if required. |
| **ITEM NO. 3** | **CONFIRMATION OF THE MINUTES OF 247TH (EMERGENT) MEETING OF THE EXECUTIVE COMMITTEE HELD ON 15.02.2023.** |
|  | The Minutes of the 247th meeting of Executive Committee were circulated to the members on 20.02.2023 and no comments were received on the same.The Executive Committee after deliberations on the minutes confirmed the same. |
| **ITEM NO. 4** | **TO TAKE NOTE OF ACTION TAKEN REPORT ON THE MINUTES OF 247TH (EMERGENT) MEETING OF THE EXECUTIVE COMMITTEE HELD ON 15.02.2023.** |
|  | The Executive Committee noted the action taken report as annexed with the agenda. |
| **ITEM NO. 5** | **TO CONSIDER THE EMAIL DATED 06.02.2023 RECEIVED FROM MS. E. SUMATHY, CHAIRPERSON, TN16-McGANS OOTY SCHOOL OF ARCHITECTURE, THE NILGIRIS, TAMIL NADU, REGARDING EXTENSION OF APPROVAL OF B.ARCH. AND M.ARCH. DEGREE COURSES FOR THE ACADEMIC SESSION 2022-2023.**  |
|  | The Registrar-Secretary informed the members that the Council is in receipt of a letter dated 06.02.2023 along with documents related evidence approval of building of the Institution from Ms.E.Sumathy, Chairperson, TN16-Mcgans Ooty School of Architecture, The Nilgiris, Tamil Nadu, regarding Extension of Approval of B.Arch. and M.Arch. Degree Courses for the Academic Session 2022-2023.Earlier, the Council vide letter dated 25th August 2022 while considering the extension of approval of institution sought clarification/ information from the Institution about Land-use Certificate, Occupancy Certificate/Completion Certificate/Building License issued from the competent authority. The institution vide email dated 26th August 2022 along with documents submitted its response. The Executive Committee of Council of Architecture in its 241st meeting considered the land use certificate and building license furnished by the institution and noted that the land use certificate furnished by the institution is issued by the Tahsildar and did not mention or confirm the land use of the institution. Further, the Land use certificate for institutional use and Occupancy Certificate/Completion Certificate/Building License of the institution, are not issued from the Competent Authority i.e. Town & Country Planning, Dept/ Municipal Corporation/ Development Authority.The EC decided to once again ask the Institution to submit the Land use certificate for institutional use and Occupancy Certificate/Completion Certificate/Building License of the Institution, issued from the Component Authority i.e. Town & Country Planning, Dept/Municipal Corporation/ Development Authority so that the Council can take appropriate action in the matter.Accordingly, the Council vide letter dated 7th September 2022 sought seeking clarification/documents from the Institutions about Land use certificate for institutional use and Occupancy Certificate/Completion Certificate/Building License of the Institution, issued from the Component Authority i.e. Town & Country Planning, Dept/ Municipal Corporation/ Development Authority to take appropriate action in the matter.The institution approached the Hon’ble High Court of Judicature at Madras which vide in its interim order dated 16th September 2022 in WP 24833 of 2022 stayed the communication issued by Council and directed the DTE to permit institution for admission counselling.The institution vide its email dated 23.01.2023 requested the Council for extension of approval for B.Arch./M.Arch. courses for the academic session 2022 -23 and submitted the documents for the Legality of the building, in which the institution is functioning from the year 2011. The institution also gave undertaking to take all necessary action to close the said WP. No.24833/2022, upon due receipt of the extension of approval for the academic year 2022 – 23.The Council vide its email dated 06.02.2023 replied that in view of the interim order dated 16.09.2022 passed by the Hon’ble High Court of Judicature at Madras in WP 24833 of 2022, the Council is unable to proceed further in the matter.**The institution vide its email dated 14.02.2023 replied to the Council that when the Writ Petition in W.P. No. 24833 of 2022, came up for hearing before Hon’ble High Court of Madras, the Court was pleased to observe by way of clarification that the interim order of staying the impugned proceedings of CoA, will not be an impediment for Council, to consider the documents submitted by the petitioner college.** Based on the above order, ***the institution has requested Council to consider the documents submitted vide our e-mail dated 23.01.2023 and grant extension of approval for the Academic Year 2022-23 and further request your goodself to enable us, in the meantime, to upload our application for extension of approval for the next A.Y. 2023-24***.The Executive Committee after deliberations in the matter decided that the Institution be given provisional approval for the academic year 2022-23 for B.Arch/ M. Arch course with intake of 80 and 20 respectively, since the Hon’ble Madras High Court has already allowed the Institution to make admission in the B. Arch course. The Executive Committee further decided that the Institution should submitted the following documents so as to considered for continuation of its approval for the Academic Session 2023-2024:1. Adequate Infrastructure and cadre-wise qualified faculty as per COA Norms must be appointed/maintained by the Institution at all times.
2. The Institution is required to submit the Land use certificate for institutional use and Occupancy Certificate/Competition Certificate/Building License of the institution, issued from the Competent Authority i.e. Town & Country planning, Dept/Municipal Corporation/ Development Authority with in a period of 3 months from the date of receipt of this letter.

Accordingly, the Institution be informed the decision of the Council.  |
| **ITEM NO. 6** | **TO CONSIDER THE LEGAL OPINION RECEIVED BY COUNCIL ON VARIOUS ISSUES.**  |
|  **(a)** | **Legal opinion regarding Amendments in Council of Architecture Rules & Regulations for Allowing LLP for Architects.** |
|  | The Executive Committee perused the Legal opinion dated 31.08.2022 and 04.01.2023 of Shri Naveen R. Nath, Senior Advocate regarding benefits of formation of LLPs by architects. The Committee agreed that Architects be allowed to work through LLPs and accordingly, appropriate amendments be proposed in the Council’s proposal for amendment in the Architects Act, 1972. |
|  **(b)** | **Legal Opinion Regarding App/Portal Titled “Utec” By Ultra Tech Cement Company Limited.** |
|  | The Executive Committee perused the Legal opinion regarding the launch of App “Utec” by Ultra Tech Cement Company limited and decided that, as suggested by Shri Naveen R Nath, Senior Advocate, a communication be sent to Ultra Tech Cement Company Limited for making appropriate declaration on their app/portal. |
| **ITEM NO. 7** | **TO CONSIDER PROPOSED AMENDMENTS IN THE ARCHITECTS ACT, 1972.** |
|  | The Chairman informed the members that recently he attended the meeting Chaired by Shri Piyush Goyal, Hon’ble Commerce Minister regarding export of Professional services including Architectural services. 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 prohibition can be imposed on practice of profession of Architecture at par with legal, medical and other professions. The Executive Committee perused the draft proposal for amendment in the Act and also the scheme of Professional practice examination suggested by the Sub-Committee headed by Prof. Abhay Purohit. The Executive Committee observed that the definition of Architecture Services needs to be modified and further the Council should allow Multi-Disciplinary LLPs. The Committee members decided that they would suggest changes in the definition and a second day meeting be held on Monday, 6th March 2023 for further deliberations in the matter. |
| **ITEM NO. 8** | **TO CONSIDER THE REPORT OF SUB-COMMITTEE ON PROPOSED SCHEME OF PROFESSIONAL EXAMINATION BEFORE GRANT OF REGISTRATION AS AN ARCHITECT BY THE COUNCIL OF ARCHITECTURE.** |
|  | The Chairman informed the members that the preliminary report has been submitted by the Committee on Professional Examination. The Executive Committee perused the Scheme of Professional Examination and after detailed deliberations approved the same in principle and desired that the same be placed before full Council for its approval. |
| **ITEM NO. 9** | **TO TAKE NOTE OF MOU ENTERED INTO BETWEEN COUNCIL OF ARCHITECTURE AND DEPARTMENT OF EMPOWERMENT OF PERSONS WITH DISABILITIES, GOVT. OF INDIA, NEW DELHI.**  |
|  | The Executive Committee perused the MOU signed by the Council with Department of Empowerment of Persons with Disabilities, Govt. Of India and appreciated the initiative taken by the Chairman, Executive Committee.  |
| **ITEM NO. 10** | **TO TAKE NOTE OF** **PROGRESS MADE REGARDING APPOINTMENT OF SERVICES PROVIDER FOR NATA 2023 EXAMINATION.** |
|  | The Registrar-Secretary informed the members that the Council issued advertisement in National Newspapers seeking Technical and Financial bids from reputed service providers for conduct of NATA 2023 Examination. In response six tenders were received however none could qualify in the technical criteria. Accordingly, after revising the Tender conditions revised tender was issued in national newspapers seeking Technical and Financial Bids for conduct of NATA 2023 Examination. In response following six companies sent their Technical and Financial Bids :1. Eduquity Career Technologies, Bangalore
2. Diversified Business Solutions Pvt. Ltd, Noida, UP.
3. Ginger Webs Pvt/Ltd., Noida, Uttar Pradesh.
4. Cyberica Net Technologies Private Limited, Noida, U.P.
5. Aptech Limited, Mumbai.
6. ND Info Systems Pvt Ltd, Noida, Uttar Pradesh.

Out of above six companies only two companies namely, Eduquity Career Technologies, Bangalore and Ginger Webs Pvt.Ltd., Noida, could qualify in the Technical Bids and their financial bids were opened. After analyses of financial bids of both the Companies, the financial bid of M/s. Eduquity Career Technologies, Bangalore, was found to be lowest and accordingly work order has been issued to the Company for conduct of NATA 2023 examination as per Council’s requirements. The Executive Committee noted the information and desired that the company be directed to conduct the examination up to the Highest standards and as per expectations of the Council. The Executive Committee further decided that as during previous academic session, the candidates qualifying JEE Paper-2 i.e. Aptitude Test in Architecture, conducted by NTA shall also be eligible for admission into 1st year of 5-year B.Arch. degree course at approved institutions in the country for the academic session 2023-2024.  |
| **ITEM NO. 11** | **TO TAKE OF COMPLETION OF INTERIOR WORK IN COA OFFICE AT NBCC PLACE, OKHLA, NEW DELHI.**  |
|  | The Registrar-Secretary informed the members that the Interior Work of office space of Council at NBCC Place, Okhla, New Delhi has been completed. The office has been occupied and staff of the Council has resumed functioning from the same. The members noted the Information.  |
| **ITEM NO. 12** | **TO CONSIDER THE ORDER IN W.P. NO. 16114 OF 2021 IN HON’BLE COURT OF KARNATAKA TITLED SHRI SHARAN DESAI VS THE STATE OF KARNATAKA & OTHERS.**  |
|  | The Registrar-Secretary informed the members that the Shri Saran Desai, Architect, has filed a writ petition No.16114 of 2021 before Hon’ble Karnataka High Court, challenging the nomination of Ar. Vidyadhar Wodeyar as nominee of State of Karnataka on the Council.The Hon’ble High Court vide its order dated 08.01.2023 has decided the matter and at para16(iii) as ordered as under: -*“The Union of India shall take steps to notify certain criteria for nomination of Members of the Council qua the qualification and experience under the Rules, which would become binding on every State Government as expeditiously as possible.”*The members perused the judgement and orders of Hon’ble High Court and decided that a proposal for amending the Council of Architecture Rules on the lines of the High Court judgement be prepared and after approval of the Council the same be submitted to the Central Government for further action in the matter. |
| **ITEM NO. 13** | **TO CONSIDER THE ORDER DATED 20.09.2022 OF HON’BLE MADHYA PRADESH HIGH COURT IN WRIT PETITION NO. 5103 OF 2013 PALAK DIXIT D/O SHRI SHANTANU DIXIT V/S COUNCIL OF ARCHITECTURE AND ORS.** |
|  | The Registrar-Secretary informed the members that a Writ Petition no. 5103 of 2013 was filed by the Petitioner against the Council of Architecture and Others for refusal of enrollment number by Council as her admission was made beyond the last date of admission as prescribed by Council of Architecture in its guidelines for admissions to B. Arch course.The Division Bench of Hon’ble Madhya Pradesh High court without taking any cognizance of the guidelines prescribed by the Council allowed the Writ Petition and also imposed a cost of Rs. 10,000/- on the Council of Architecture (Respondent no. 1) to be paid to Petitioner. The Council of Architecture also filed a **SLP(Civil) No. 002230 of 2023** to get this order Quashed. However, the Supreme Court vide its order dated 03.02.2023 dismissed the SLP and held that High Court order be not treated as precedent. The members noted the Information.  |
| **ITEM NO. 14** | **TO CONSIDER THE REQUEST FOR REGISTRATION OF FIR UNDER RELEVANT PROVISION OF IPC AGAINST MR. OM MUKUNDRAO NAGARKAR.** |
|  | The Registrar-Secretary informed the members that the Council of Architecture has received an application dated 13.12.2020 from Mr. Om Mukundrao Nagarkar with all the required documents (self-attested) Registration No.CA/2020/126097 was granted to him and system generated intimation through email about grant of registration was also sent to Mr. Om Nagarkar on 22.12.2020.Meanwhile, on 29th December 2020, Registrar, COA, received a complaint from Ar. Arshad Shaikh, Chairman, IIA, Ahmednagar Centre against Mr.Om Mukundrao Nagarkar, stating that he had done two years post metric Diploma in interior from one autonomous institute in Ahmednagar in 2006. Since then, he is practicing as interior designer in Ahmednagar. It was also informed that Mr.Om Mukundrao Nagarkar hasn’t undergone architectural education in any College of Architecture and is not eligible for registration as an architect. In view of the above complaint, the Certificate of Registration was withheld by the Council and Mr.Om Mukundrao Nagarkar was asked to submit the original documents to Council for verification. However, no information is received from him till date.The Council also forwarded the documents submitted by Mr. Om Nagarkar to the Registrar, Shivaji University, Kolhapur, requesting them to verify the candidature and authenticity of documents submitted by him. However, no response is received from the Registrar, Shivaji University, Kolhapur till date in the matter.In addition, the Council forwarded the same documents to the Principal, Shri V.B.Patil Trust’s Appasaheb Birnale College of Architecture, Sangli, Maharashtra, for their verification. Principal, Shri V.B.Patil Trust’s Appasaheb Birnale College of Architecture, Sangli has informed the Council vide letter dated 27.03.2021 that Mr.Om Mukundrao Nagarkar is not a bonafide student of Shivaji University, Kolhapur.The Council vide its letter dated 07.06.2021 again requested Mr. Om Nagarkar to submit the original papers for verification and also stating that in case Mr. Nagarkar fails to submit the original papers for verification, the Council shall assume that the candidate has obtained registration from the Council by fraud, misrepresentation and by suppression of material facts to a statutory authority of Government of India and Council shall initiate appropriate legal action for committing fraud against the Organisation by submission of self-attested copies of fake/sham documents of a professional qualification for getting registered as an Architect.The Council held detailed deliberations in the matter and noted that Mr. Om Mukundrao Nagarkar has been provided sufficient opportunity by the Council to prove genuineness of the documents submitted by him and also to submit his reply in the matter, however, he has repeatedly failed to respond to communications sent by the Council. The Council, therefore, passed the following resolution:**Resolution No.534****Resolved that** :1. Name of Mr.Om Mukundrao Nagarkar, registered vide Registration No.CA/2020/126097, be removed from the Register of Architects in terms of Section 29 (2) (a) of the Architects Act, 1972, on account of misrepresentation and submission of false, sham and fake documents to Registrar, Council of Architecture; and
2. An FIR be lodged in the Lodhi Colony Police Station, Lodhi Road, New Delhi, for committing fraud, cheating and forgery and other illegal acts made by him with the Council of Architecture to seek registration as an architect for unlawful gains.

However, in spite of repeated requests of Council, the SHO Lodhi Colony Police Station has refused to register FIR in the matter. The Council decided to file an application under section 156(3) of Cr. P.C before competent Court for issuing direction for registration of FIR against Mr. Om Mukundrao Nagarkar. The Hon’ble Metropolitan Magistrate Saket Court, New Delhi, vide order dated 06.02.2023 directed the S.H.O. Lodhi Colony, Police Station, to register FIR under the relevant provisions of law within five weeks from the date of order.Accordingly, the Lodhi Colony police Station has lodged an FIR No. 0051 on 23.02.2023 against the accused. The Executive Committee appreciated the action taken by Office of the Council in the matter. |
| **ITEM NO. 15** | **TO TAKE NOTE OF THE REQUEST MADE BY COUNCIL TO SHO, LODHI COLONY POLICE STATION, NEW DELHI, FOR REGISTRATION OF FIR AGAINST SH. HARRISH K. BAJAAJ.** |
|  | The Registrar-Secretary informed the members that the Council of Architecture and Council members receipt of emails and RTI applications using abusing and unparliamentary language from Sh. Harrish K. Bajaaj. He was also issued legal notice by Council’s advocate to desist from making such unparliamentary and defamatory communication. However, still Sh. Harrish K. Bajaaj regularly sends RTIs and email to obstructing public work, defaming and abusing public servants- members and officers of the Council of Architecture and officers of Ministry of Education. The Council has requested the Commissioner of Police and SHO, Lodhi Colony Police Station to register an FIR in the matter against Sh. Harrish K. Bajaaj. The appropriate action from the Delhi Police is still awaited.The Hon’ble members noted the information. |
| **ITEM NO. 16** | **TO CONSIDER THE EMAIL 25.02.2023 RECEIVED FROM PROF. JAYASHREE DESHPANDE, DIRECTOR TRC, PUNE REGARDING REQUEST RECEIVED FROM AUROVILLE FOUNDATION FOR COLLABORATION WITH COUNCIL.** |
|  | The Chairman informed the members that he and Professor, Jayashree Deshpande had a meeting with the representatives of the Auroville foundation has desired to have calibration with Council for academic and research activities in Architecture. The foundation is also working under Ministry of Education, Government of India. The Executive Committee after deliberations desired that a MOU be entered into with Auroville Foundation. |
| **ITEM NO. 17** | **ANY OTHER ITEM WITH THE PERMISSION OF THE CHAIR** |
|  **(i)** | **TO CONSIDER THE REPORT OF THE SUB-COMMITTEE ON EQUIVALENCE OF FOREIGN PG QUALIFICATIONS WITH MASTERS DEGREE OF INDIAN UNIVERSITIES.** |
|  | The Chairman 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 and non-recognition/ equivalence of their qualifications in India. 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. 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.The Executive Committee after detailed deliberations approved the Scheme and decided that the same be placed before full Council and also sent to Central Government for its approval. |
|  **(ii)** | **CONDUCT OF ANNUAL ART AND ARCHITECTURE FESTIVAL BY MINISTRY OF CULTURE, MINISTRY OF CULTURE, GOVERNMENT OF INDIA.** |
|  | Ar. Punit Sethi, member informed the Executive Committee members that the Ministry of Culture is organizing a festival on Art, Culture and Architecture and would like to associate with the Council of Architecture so as to have wider reach and making the festival it more beneficial to society.The Executive Committee after deliberations approved the proposal in principle and desired that the relevant details and communication be placed before Executive Committee in its next meeting. The Committee also authorized the Chairman, Executive Committee to enter a MOU with the Ministry of Culture, Government of India. |

The First day meeting was adjourned at 6.30 p.m. with a vote of thanks to the Chair.

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**SECOND DAY MEETING HELD ON MONDAY, 6TH MARCH, 2023 FROM 7:00 PM. ONWARDS:**

**PRESENT:**

1. Ar. Habeeb Khan, Chairman – In Chair
2. Ar. Sapna, Vice-Chairman
3. Ar. Punit Sethi, Member
4. Ar. Ramesh Kumar, Member
5. Ar. Lalichan Zacharias, Member
6. Ar. P. Vaitianadin
7. Ar. Nand Lal Chandel

**In attendance** :

 Shri R. K. Oberoi : Registrar-Secretary

 Shri Deepak Kumar : Administrative Officer

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| **ITEM NO. 7** | **TO CONSIDER PROPOSED AMENDMENTS IN THE ARCHITECTS ACT, 1972.** |
|  | The members continued the discussion on the proposal of Act Amendment and suggested changes in the definition of Architecture Services and LL.P. The members also perused the presentation on the Act Amendment and justifications for the same. The Committee also perused the provisions in related to definition of Architecture Services. The Executive Committee after having detailed deliberations decided that the proposal be circulated to the Council members as part of Agenda of the Council meeting to be held on Sunday, 12th March, 2023. |

The meeting ended at 8.20 p.m. with a vote of thanks to the Chair.

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