

**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 of \_\_\_\_\_ 20\_\_\_\_\_  
at\_\_\_\_\_.

Signature

**PLEASE ALSO SUPPLY THE FOLLOWING :**

1. One page brief (Summary) of either parties (Complaints)

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2. Attach Agreement copy – Kind of service full or part

3. Particulars of work/ site

4. Has this matter been referred to any Court of Law?

5. Has this matter been referred to Arbitration?

Instructions for filing complaint with COA:

1. Under the provisions of the Architects Act, 1972 and Rules and Regulations framed thereunder, the Council can take action against an Architect upon receipt of the complaint in prescribed **Form No.XIV** along with relevant documents/ enclosures.
2. The Complainant should specify as to violation of which clause of Architects (Professional Conduct) Regulations, 1989, as amended in 2003, he/ she is filing his/ her complaint against the Respondent Architect.
3. **The complaint should be indexed, paginated and notarized from a notary public, along with enclosures/ documentary evidence relied upon, in 5 complete sets. The enclosures should be in English or should be submitted along with their authentic English Translated version (in case the same are in any other language).**

EXTRACT FROM,

**1. Architects Act, 1972**

**2. Council of Architecture Rules, 1973**

Section 30 (1) of Architects Act, 1972 – procedure in inquiries relating to mis-conduct.

When on receipt of a complaint made to it, the Council is of opinion that any architect has been guilty of professional mis-conduct 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.

Section 30 (2) of Architects Act, 1972

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.

Rule 35 (1) of the Council of Architecture Rules, 1973

“(1) (a) All complaints against architects shall be investigated and all enquiries relating to mis-conduct of architects shall be held by a Committee to be constituted by the Central Government by notification in the Official Gazette.

(b) The Committee referred to in clause (a) shall consist of three members, of whom one member shall be elected by the Council from among its members; one member from amongst themselves nominated under clause (b) and one member from amongst the members referred to in clause (d) of sub-section (3) of Section 3.

(c) The Chairman of the Committee shall be elected by the members of that Committee from amongst themselves”.

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- (2) Each complaint shall be made to the Council in Form No. XIV.
- (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 mis-conduct.
  - (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 Registrar;
  - (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 defense verified in the same manner as a pleading in a Civil Court.

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- (7) If on perusal of 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 architects, 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 complainant shall be dismissed and the complainant and the architect concerned shall be informed accordingly.

Provided that the Council ay 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.

Rule 36 (1) Procedure in any inquiry before the Disciplinary Committee

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.

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(3) 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(1) Report of the Disciplinary Committee

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.

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