

MINUTES OF THE 247TH (EMERGENT) MEETING OF THE EXECUTIVE COMMITTEE OF THE COUNCIL OF ARCHITECTURE HELD ON 15TH FEBRUARY, 2022 FROM 6.30 P.M. ONWARDS ONLINE ON ZOOM APPLICATION.

PRESENT:

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

IN ATTENDANCE:

- 1) Shri R.K.Oberoi, Registrar - Secretary
- 2) Shri Deepak Kumar, Administrative Officer

The Chairman welcomed the Vice-President, members of EC and officials of the Council and thanked them for attending the meeting at such a short notice. The Chairman, informed that the emergent meeting is called to discuss the urgent issues related to amendments to the Architects Act, 1972.

ITEM NO.1	TO CONSIDER FOR AMENDMENTS IN ARCHITECTS ACT, 1972 FOR INCORPORATING FOLLOWING PROVISIONS:
A)	INTRODUCTION OF DEFINITION OF “ARCHITECTURAL SERVICES”.
B)	AMENDMENT IN SECTION 25 OF THE ARCHITECTS ACT, 1972 FOR INTRODUCTION OF REQUIREMENT OF PASSING OF CONDUCT OF PROFESSIONAL PRACTICE EXAMINATION BY CANDIDATES BEFORE SEEKING REGISTRATION AS AN ARCHITECT UNDER THE ARCHITECTS ACT, 1972.
C)	AMENDMENT IN SECTION 37 OF THE ARCHITECTS ACT (A) TO ALLOW FORMATION OF LIMITED LIABILITY PARTNERSHIP BY ARCHITECTS AS PRESENTLY ONLY INDIVIDUAL ARCHITECTS OR PARTNERSHIP FIRM OF ARCHITECTS ARE ALLOWED TO USE THE TITLE AND STYLE OF ARCHITECT. (B) RESTRICTING UNDERTAKING OF ARCHITECTURAL SERVICES ONLY BY NON-ARCHITECTS.
	The Chairman informed the members that the Council is constantly working the Ministry of Commerce, Government of India, so as facilitate conclusion of Mutual Recognition Agreements (MRAs) with authorities in foreign countries of recognition Indian Architectural Qualification and Registration abroad to facilitate export of architectural services by Indian Architects.

However, due to non-existence of Professional Practice Examination and Experience in Architectural Work before granting Registration as an Architect, the Council is unable to enter into MRAs with foreign countries.

The Professional Practice Examination is being conducted world over to judge the basic professional competence, familiarity with architectural tools, techniques, current practice issues, legal and building legislation, contractual issues in the industry, as well as improving knowledge of the environment and sustainability, and the social and economic side of the construction industry.

In order to introduce professional practice examination amendments would be required in the Architects Act.

The Chairman further stressed that in the absence of a restriction on practice of architecture in India architects and other professionals from foreign countries are freely practicing in India without any professional accountability and regulatory mechanism over them.

Thus, the Architects Act needs amendments to restrict practice of architecture only by architects. He stated that presently the Act does not define the contours of Architectural Services. Therefore, the definition needs to be incorporated in the Act.

The Chairman invited the attention of the members towards recent judgement of the Hon'ble Supreme Court interpreting the Architects Act that anyone can practice the profession of architecture. This has opened the flood gates for any and every one to provide architectural services.

The Chairman further informed the members that presently only an individual architect or a partnership firm is allowed to use the title and style of architect for carrying the profession of architecture. Both the types of practice involve heavy professional and financial liabilities on architects and even their personal assets can be used to recover any liability.

Though the intention of the Parliament at the time of enacting the Act was to ensure that general public is served by qualified architects however due to lacuna in the Act, even after completion of 50 years the basic object of the act is yet to be achieved.

Therefore, in order to limit the liability of architects in their professional practice it would be prudent to have Limited Liability Partnerships for Architects and for the same amendments would be required in the Architects Act, 1972.

The Chairman informed that these proposals though already found place in the previous proposals of the Council but could not finally approved for submission to the Central Government. He further informed that a committee has already been constituted under the Convenorship of Prof. Abhay Purohit to prepare the scheme of professional practice examination.

	<p>The Chairman further informed the members that the Council is in discussion with Quality Council of India for undertaking a survey on the differences in quality of building designed by Architects and non-architects and resultant benefit/ losses to society in terms of improvement of quality of life of occupant of building, loss/ profit to economy, exploitation of natural resources/ environment, energy efficiency, etc.</p> <p>The members held detailed deliberations in the matter and unanimously agreed with the proposals made by the Chairman and accordingly passed the following Resolution :</p> <p>Resolution No.:280</p> <p>Resolved that :</p> <ol style="list-style-type: none"> 1. A proposal be drafted for amendments in the Architects Act for incorporation following amendments : <ol style="list-style-type: none"> a. Introducing a provision for defining “Architectural Services”. b. Introducing a provision for introduction of Professional Practice Examination and One/ two years’ experience in Architectural Work before grant of registration as an Architect. c. Introducing a provision for allowing Architects to form “Limited Liability Partnership” form of organisation to carry on the profession of architecture. d. Restricting Practice of Architecture only to Architects. 2. The Registrar-Secretary was asked by the Committee to place the proposal for the proposed amendments within two days and its was directed to schedule an online emergent meeting of Council so that the proposals can be considered by the Full Council.
ITEM NO.2	ANY OTHER ITEM WITH THE PERMISSION OF THE CHAIR.
	No other item was discussed.
The meeting ended at 8.30 p.m. with a vote of thanks to the Chair.	