

## Architects Act, 1972

### Chapter 02 - CHAPTER 02: COUNCIL OF ARCHITECTURE

SECTION 03: CONSTITUTION OF COUNCIL OF ARCHITECTURE- (1) The Central Government shall by notification in the Official Gazette constitute with effect from such date as may be specified in the notification, a Council to be known as the Council of Architecture<sup>2</sup>, which shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable, and to contract, and may by that name sue or be sued.(2) The Head Office of the Council shall be at Delhi or at such other place as the Central Government may, by notification in the Official Gazette, specify.(3) The Council shall consist of the following members namely:-(a) five architects possessing recognized qualifications elected by the Indian Institute of Architects from among its members;(b) two persons nominated by the All India Council for Technical Education established by the Resolution of the Government of India in the late Ministry of Education No. F. 16-10/44 E-III, dated the 30th November, 1945;(c) five persons elected from among themselves by heads of architectural institutions in India imparting full-time instruction for recognised qualifications;(d) the Chief Architects in the Ministries of the Central Government to which the Government business relating to defence and railways has been allotted and the head of the Architectural Organisation in the Central Public Works Department, ex officio;(e) one person nominated by the Central Government;(f) an architect from each State nominated by the Government of that State;(g) two persons nominated by the Institution of Engineers (India) from among its members; and(h) one person nominated by the Institution of Surveyors of India from among its members.(4) Notwithstanding anything contained in clause (a) of sub-section (3), the Central Government may, pending the preparation of the register, nominate to the first Council, in consultation with the Indian Institute of Architects, persons referred to in the said clause (a) who are qualified for registration under section 25-, and the persons so nominated shall hold office for such period as the Central Government may, by notification in the Official Gazette, specify.(5) Notwithstanding anything contained in clause (f) of sub-section (3), the Central Government may, pending the preparation of the register, nominate to the first Council, in consultation with the State Governments concerned, persons referred to in the said clause (f), who are qualified for registration under section 25-, and the persons so nominated shall hold office for such period as the Central Government may, by notification in the Official Gazette, specify.

SECTION 04: PRESIDENT AND VICE PRESIDENT OF COUNCIL- ( 1 ) The President and the Vice-President of the Council shall be elected by the members of the Council from among themselves: Provided that on the first constitution of the Council and until the President is elected, a member of the Council nominated by the Central Government in this behalf shall discharge the functions of the President.(2) An elected President or Vice-President of the Council shall hold office "for a term of three years or till he ceases to be a member of the Council, whichever is earlier, but subject to his being a member of the Council, he shall be eligible for re-election: Provided that-(a) the President or the Vice-President may, by writing under his hand addressed to the Vice-President or the President, as the case may be resign his office;(b) the President or the Vice-President shall, notwithstanding the expiry of his term of three years, continue to hold office until his successor enters upon office(3) The President and the Vice-President of the Council shall exercise such powers and discharge such duties as may be prescribed by regulations.

SECTION 05: MODE OF ELECTIONS- (1) Elections under this Chapter shall be conducted in such manner as may be prescribed by rules.(2) Where any dispute arises regarding any such election, the matter shall be referred by the Council to a Tribunal appointed by the Central Government by notification in the Official Gazette in this behalf, and the decision of the Tribunal shall be final: Provided that no such reference shall be made except on an application made to the Council by an aggrieved party within thirty days from the date of the declaration of the result of the election.(3) The expenses of the Tribunal shall be borne by the Council.

SECTION 06: TERMS OF OFFICE AND CASUAL VACANCIES(1) Subject to the provisions of this section, an elected or nominated member shall hold office for a term of three years from the date of his election or nomination or until his successor has been duly elected or nominated, which ever is

later.(2) An elected or nominated member may, at any time, resign his membership by writing under his hand addressed to the President, or in his absence, to the Vice-President, and the seat of such member shall thereupon become vacant.(3) A member shall be deemed to have vacated his seat-(i) if he is absent without excuse, sufficient in the opinion of the Council, from three consecutive ordinary meetings of the Council; or(ii) if he ceases to be a member of the body referred to in clause (a), clause (g) or clause (h) of subsection(3)of section 3-by which he was elected or nominated, as the case may be; or(iii) in the case where he has been elected under clause (c) of sub-section (3) of section 3-, if he ceases to hold his appointment as the head of an institution referred to in the said clause.(4) A casual vacancy in the Council shall be filled by fresh election or nomination, as the case may be, and the person so elected or nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was elected or nominated.(5) Members of the Council shall be eligible for re-election or re-nomination, but exceeding three consecutive terms.

**SECTION 07: VALIDITY OF ACT OR PROCEEDING OF COUNCIL, EXECUTIVE COMMITTEE OR OTHER COMMITTEES NOT TO BE INVALIDATED BY REASON OF VACANCY, ETC-** No act or proceeding of the Council or the Executive Committee or any other committee shall be invalid merely by reason of-(a) any vacancy in, or defect in the constitution of, the Council, the Executive Committee or any other committee, -or(b) any defect in the election or nomination of a person acting as a member thereof, or(c) any irregularity in procedure not affecting the-merits of the case.

**SECTION 08: DISABILITIES-** A person shall not be eligible for election or nomination as a member of the Council if he-(a) is an undischarged insolvent; or(b) has been convicted by a Court in India for any offence and sentenced to imprisonment for not less than two years, and shall continue to be ineligible for a further period of five years since his release.

**SECTION 09: MEETINGS OF COUNCIL-** (1) The Council shall meet at least once in every six months at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.(2) Unless otherwise prescribed by regulations nine members of the Council shall form a quorum, and all the acts of the Council shall be decided by a majority of the members present and voting.(3) In the case of an equal division of votes, the President, or in his absence, the Vice-President or, in the absence of both, the member presiding over the meeting, shall have and exercise a second or casting vote.

**SECTION 10: EXECUTIVE COMMITTEE AND OTHER COMMITTEES-** (1) The Council shall constitute from among its members an Executive Committee, and may also constitute other committees \_for such general or special purposes as the Council deems necessary to carry out its functions under this Act.(2) The Executive Committee shall consist of the President and the Vice-President of the Council who shall be members ex officio and five other members who shall be elected by the Council from among its members.(3) The President and the Vice-President of the Council shall be the Chairman and Vice-Chairman respectively of the Executive Committee.(4) A member of the Executive Committee shall hold office as such until the expiry of his term as a member of the Council but subject to his being a member of the Council, he shall be eligible for re-election.(5) In addition to the powers and duties conferred and imposed on it by this Act, the Executive Committee shall exercise such powers and discharge such duties as may be prescribed by regulations.

**SECTION 11: FEES AND ALLOWANCES TO PRESIDENT, VICE PRESIDENT AND MEMBERSThe** President the Vice-President and other members of the Council shall be entitled to such fees and allowances as the Council may, with the previous sanction of the Central Government, fix in this behalf.

**SECTION 12: OFFICERS AND OTHER EMPLOYEES-** (1) The Council shall-(a) appoint a Registrar who shall act as its Secretary and who may also act, if so decided by the Council, as its treasurer;(b) appoint such other officers and employees as the Council deems necessary to enable it to carry out its functions under this Act;(c) with the previous sanction of the Central Government, fix the pay and allowances and other conditions of service of officers and other employees of the Council.(2) Notwithstanding anything contained in clause, (a) of Sub-section (1) for the first three years from the first, constitution of the Council, the Registrar of the Council shall but a person appointed by the Central Government who shall hold office during the pleasure of the Central Government.(3) All the persons appointed under this section shall be the employees of the Council.

**SECTION 13: FINANCES OF COUNCIL**(1) There shall be established a Fund under the management and control of the Council into which shall be paid all moneys received by the Council and oirt of which shall be met all expenses and liabilities properly incurred by the Council.(2) The Council may invest any money for the time being standing to the credit of the Fund in any Government security or in any other security approved by the Central Government.(3) The Council shall keep proper accounts of the Fund distinguishing capital from revenue.(4)

The annual accounts of the Council shall be subject to audit by an auditor to be appointed annually by the Council.(5) As SOOE as may be practicable at the end of each year, but not later than the thirtieth day of September of the year next following, the Council shall cause to be published in the Official Gazette a copy of the audited accounts and the report of the Council for .that year and, copies of the said accounts and report shall be forwarded to the Central Government.(6) The Fund shall consist of-(a) all moneys received from the Central Government by way of grant, gift or deposit;(b) any sums received under this Act whether by way of fee or otherwise.(7) All moneys standing at the credit of Council which cannot immediately be applied- shall be deposited in the State Bank of India or in any other bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

**SECTION 14: RECOGNITION OF QIMLIFICATIONS GRANTED BY AUTHORITIES IN INDIA**(1) The qualifications included in the Schedule or notified under section 15-shall be recognised qualifications for the purposes of this Act.(2) Any authority in India which grants an architectural qualification not in claded in the Schedule may apply to the Central Government to have such qualification recognised, and the Central Government, after consultation with the Council, may, by notification in the Official Gazette, amend the Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the Schedule against such, architectural qualification declaring that it shall be a recognised qualification only when granted after a specified date: Provided that until the first Council is constituted, the Central Government shall, before issuing any notification as aforesaid, consult an expert committee consisting of three members to be appointed by the Central Government by notification in the Official Gazette.

**SECTION 15: RECOGNITION OF ARCHITECTURAL QUALIFICATIONS GRANTED BY AUTHORITIES IN FOREIGN COUNTRIES-** (1) The Central Government may, after consultation with the Council, direct by notification in the Official Gazette, that an architectural qualification granted by any university or other institution in any country outside India in respect of which a scheme of reciprocity for the recognition of architectural qualification is not in force, shall be a recognised qualification for the purposes of this Act or. shall be so only when granted after a specified date or before a specified daic : Provided that until the first Council is constituted the Central Government shall, before issuing any notification as aforesaid, consult the expert committee set up under the proviso to sub-section (2) of section 14-.(2) The Council may enter into negotiations with the authority in any Slate or country outside India, which by the law of such State or country is entrusted with the maintenance of a tegister of architects, for settling of a scheme of reciprocity for the recognition of architectural qualifications, and in pursuance of any such scheme, the Central Government may, by notification in the Official Gazette, direct that such architectural qualification as the Council has decided should be recognised, shall be deemed to be a recognised qualification for the purposes of this Act, and any such notification may also direct that such architectural qualification shall be so recognised only when granted after a specified date or before a specified date.

**SECTION 16: POWER OF CONTROL GOVERNMENT TO AMEND SCHEDULE-** Notwithstanding anything contained in sub-section (2) ofsection 14-, the Central Government, after consultation with the Council, may, by notification in the Official Gazette, amend the Schedule by directing that an entry be made therein in respect of any architectural qualification.

**SECTION 17: EFFECT OF RECOGNITION-** Notwithstanding anything contained in any other law but subject to the provisions of this Act, any recognised qualification shall be a sufficient qualification for enrolment in the register.

**SECTION 18: POWER TO REQUIRE INFORMATION AS TO COURSES OF STUDY AND EXAMINATIONS-** Every authority in India which grants a recognised qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

**SECTION 19: INSPECTION OF EXAMINATIONS-** (1) The Executive Committee shall, subject to regulations, if any, made by the Council, appoint such number of inspectors as it may deem requisite to inspect any college or institution where architectural education is given or to attend any examination held by any college or institution for the purpose of recommending to the Central Government recognition of architectural qualifications granted by that college or Institution..(2) The inspectors shall not interfere with the conduct of any training or examination, but shall report to the Executive Committee on the adequacy of the standards of architectural education including staff equipment accommodation, training and such other facilities as may be prescribed by regulations for giving such education or on the sufficiency of every examination which they attend.(3)

The Executive Committee shall forward a copy of such report to the college or institution and shall also forward copies with remarks, if any, of the college or institution thereon, to the Central Government.

**SECTION 20: WITHDRAWAL OF RECOGNITION-** ( 1 ) When upon report by the Executive Committee it appears to the Council-(a) that the courses of study and examination to be undergone in, or the proficiency required from the candidates at any examination held by, any college or institution, or(b) that the staff, equipment, accommodation, training and other facilities for staff and training provided in such college or institution, do not conform to the standards prescribed by regulations, the Council shall make a representation to that effect to appropriate Government.(2) After considering such representation the appropriate Government shall forward it along with such remarks as it may choose to make to the college or institution concerned with an intimation of the period within which the college or institution as the case may submit its explanation to the appropriate Government..(3) On receipt of the explanation or where no explanation is submitted within the period fixed, then on the expiry of that period, the State Government, in respect of the college or institution referred to in clause(b) of sub-section(5), shall make its recommendations to the Central Government.(4) The Central Government-(a) after making such further enquiry, if any as it may think fit, in respect of the college or institution referred to in sub-section (3), or(b) on receipt of the explanation from a college or institution referred to in clause(a) of sub-section (5), or where no explanation is submitted within the period fixed, then on the expiry of that period, may, by notification in the Official Gazette, direct that an entry shall be made in the Schedule against the architectural qualification awarded by such college or institution, as the case may be, declaring that it shall be a recognised qualification only when granted before a specified date and the Schedule shall be deemed to be amended accordingly.(5) For the purposes of this section, "appropriate government" means-(a) in relation to any college or institution established by an Act of Parliament or managed, controlled or financed by the Central Government, the Central Government, and(b) in any other case) the State Government.

**SECTION 21: MINIMUM STANDARD OF ARCHITECTURAL EDUCATION-** The Council may prescribe the minimum standards of architectural education required for granting recognised qualifications by colleges or institutions in India.

**SECTION 22: PROFESSIONAL CONDUCT**(1) The Council may by regulations prescribe standards of professional conduct and etiquette and a code of ethics for architects.(2) Regulations made by the Council under sub-section (1) may specify which violations thereof shall constitute infarnous conduct in any professional respect, that is to say, professional misconduct, and such provision shall have effect notwithstanding anything contained in any law for the time being in force.