



Complaints and enquiries relating to professional misconduct of an architect –under Indian Architect Act, 1972

Jit Kumar Gupta

Complaints/enquiries relating to professional misconduct of an Architect -

- Indian Architect Act makes adequate provision for going through all acts of omissions/commissions to be investigated for taking them to the logical conclusion
- These matters must be arising from the professional misconduct while rendering service or violating the code of conduct
- Even the client or an architect has the right to file a complaint against any architect guilty of professional misconduct
- Complainant has to submit complaint in writing duly supported by the relevant documentary evidence
- Complaint has to be made on the prescribed form
- Entire procedure is based on giving adequate opportunity to complainant to prove his charges and to person complained against to prove his innocence.
- Incomplete complaints are not entertained

Complaints/enquiries relating to professional misconduct of an Architect -

- For conducting a detailed enquiry- three member statutory Disciplinary Committee has been constituted under the Act and Rules.
- Enquiry is conducted at two level – preliminary enquiry and detailed enquiry.
- Preliminary enquiry is carried out at the level of Council
- Detailed enquiry is conducted by the Disciplinary committee
- Complaint can be dismissed at the preliminary level
- Only when there is prima- facia case made out- the case is referred to disciplinary committee
- Provision has been made for allowing advocates/architects to assist the complainant / defendant
- All submissions are to made in writing
- All notices are to be served by registered AD post
- Committee holds detailed enquiry and submits its report
- Findings of Committee is placed
 - -- before the Council for taking decision
 - -Council is the final authority in such cases.

Complaints/enquiries relating to professional misconduct of an Architect-Indian Architect Act 1972

- When on receipt of a complaint made
- -- Council Of Architecture is of opinion that
- -- architect is guilty of professional misconduct
- -- which, if proved,
- --will render him unfit to practise as an architect,
- --Council may hold an inquiry as prescribed under Rules-
- -- After holding inquiry and
- -- after hearing the architect,
- -- Council may 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.

Complaints/enquiries relating to professional misconduct of an architect

- **Under the rules made for the Indian Architect Act- provision has been made for the constitution of a disciplinary committee to go into all cases of professional misconduct when referred to by the COA- ads detailed below**
- **DISCIPLINARY COMMITTEE**
- **-All complaints against architects shall be investigated and**
- **-- all enquiries relating to misconduct of architects**
- **-- shall be held by**
- **-- a Committee of the Council called**
- **--Disciplinary Committee**
- **-- consisting of three members,**
- **Chairman of Disciplinary Committee**
- **-- shall be elected**
- **-- by members of Committee from themselves.**
- **- Findings of committee**
- **-- placed before COA**
- **-- for taking a decision**

Complaints / enquiries relating to professional misconduct of an architect -

- Procedure laid down by the Rules--
- 1. All complaints against architects shall be investigated /all enquiries relating to misconduct of architects shall be held by a committee of Council.
- 2 Complaint shall be made to the Council in Form No. XIV.
- 3. Each complaint to contain following particulars, namely:-
 - -- acts and omissions
 - -- which, if approved,
 - -- would render the architect complained against
 - -- guilty of any professional or other misconduct;
 - .-- the oral or documentary evidence
 - -- relied upon in support of the
 - -- allegations made in the complaint
 - .

Complaints / enquiries relating to professional misconduct of an architect -

- Complaint shall be returned if-
 - - not in the proper form or
 - -- which does not contain the aforesaid particulars for representation
- --. Within sixty days of receipt of complaint,
- -- Secretary shall send a notice to –
- --. if complaint is-- against an individual architect,-- send a copy of complaint - to such architect-- at his address as entered in Administrative Register;
- -- if complaint is-- against a firm,-- send a copy of complaint to the firm concerned-- at address of head office of firm== - with a notice calling upon firm
- -- to disclose name of architect concerned and
- ---to send a copy of the complaint to such architect.

Complaints/ enquiries relating to professional misconduct of an architect -

- An architect against whom a complaint is made;
- -- may, within fourteen days of receipt of a copy of complaint,
- -- or within such extended time as Secretary may allot,
- --forward a written statement in his defence
- --verified in manner
- -- as a pleading in Civil Court.
- --. If on perusal of the complaint, and
- -- written statement if any, of architect concerned and
- -- other relevant documents / papers,
- -- Council is of opinion
- -- there is a prima facie case against such architect,
- -- Council shall cause an enquiry made by the Disciplinary Committee.
- -- If Council is of opinion that
- -- there is no prima facie case-- against such architect
- -- complaint shall be dismissed and
- -- complainant and architect concerned informed accordingly..

Complaints/ enquiries relating to professional misconduct of an architect -

- Provided Council may before dismissing complaint,
 - -- call for additional particulars/ documents,
 - -- either from complainant or
 - -- from respondent, or from both- when necessary
 - -- Every notice issued by Secretary
 - -- or Disciplinary Committee
 - -- shall be sent to architect/ firm
 - -- by registered post with acknowledgement due
 - -- if notice returned indicating that addresses cannot be found at address given,
 - -- Secretary shall ask complainant to supply
 - -- correct address of architect / firm concerned
 - -- and send a fresh notice to architect/ firm at the address so supplied.

Complaints /enquiries relating to professional misconduct of an architect – Procedure for enquiry

- 1. Secretary shall place before Disciplinary Committee
 - -- all facts brought to his knowledge
 - -- relevant for purpose of an inquiry by Disciplinary Committee.
- 2. Architect against whom a complaint is made
 - -- shall have a right to defend himself
 - -- before Disciplinary Committee
 - -- either in person or
 - -- through a legal practitioner or
 - -- any other architect of the Institute.
- 4. if during progress of an inquiry
 - -- Disciplinary Committee undergoes a change of personnel
 - -- for any reason whatsoever,
 - -- respondent shall have option
 - -- to have his case heard de novo
 - and enquiry shall be conducted accordingly.

Complaints /enquiries relating to professional misconduct of an architect - Procedure for enquiry

- 5. Disciplinary Committee shall
 - -- submit its report to the Council.
 - -- Council shall consider report
 - -- of 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 Disciplinary Committee,
 - -- Council shall proceed accordingly.