

- **The Indian Architect Act, 1972,**
- **Council of Architecture**

● **-- Jit Kumar Gupta**

Indian Architect Act- 1972

- The Indian Architects Act, 1972, - central law- enacted by the Parliament in the Twenty-third Year of the Republic of India
- Preamble- An Act to provide for registration of architects and for matters connected therewith. :-
- It extends to the whole of India.
- It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint---- 1st September, 1972.
- The Act provides for:
 - i. registration of Architects,
 - ii prescribing standards of education & recognized qualifications
 - iii prescribing standards of practice to be complied with by the practicing architects.
- **The Architects Act, 1972**
- **Rules - 1973**
- **Regulations - 1982**
- **Minimum Standards of Architectural Education, 1983**
- **Architects (Professional Conduct) Regulations 1989**

Indian Architect Act- 1972- definitions

- "Architect"-- means a person whose name is for the time being entered in the register;
- "Council"-- means the Council of Architecture constituted under Section 3;
- "Indian Institute of Architects"-- means the Indian Institute of Architects registered under the Societies Registration Act, 1860;
- "Recognised qualification"-- means any qualification in architecture for the time being included in the Schedule or notified under section 15;
- "Register"-- means the register of architects maintained under section 23
- "Regulation" means a regulation made under this Act by the Council;
- "Rule" means a rule made under this Act by the Central Government

Indian Architect Act- 1972- COA

- The Central Government shall,
- -- by notification in the Official Gazette, constitute,
- -- a Council - known as **the Council of Architecture**,
- --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**.
- -- The **Head Office of the Council shall be at Delhi** or
- -- at other place notified by the Central Government in the Official Gazette,

- **Council of
Architecture**

Indian Architect Act- 1972- COA

- Council of Architecture (COA) has the responsibility to Regulate the :
 - i Minimum standards of Architectural Education
 - ii Practice of profession throughout India
 - iii Registration-- Maintaining the Register of architects.
- Government of India framed Rules--**Rules - 1973**
- Council of Architecture has framed Regulations to implement the Act--.
- **Minimum Standards of Architectural Education, 1983**
- **Architects (Professional Conduct) Regulations 1989**

- **Constitution of
Council Of
Architecture**

Composition of COA:-18+one architect nominated by each State/UT(37)-28+9

- **Five architects elected by the IIA** from among its members;
- **Two persons nominated by the All India Council for Technical Education (AICTE)**
- **Five persons elected by heads of architectural institutions** in India imparting full-time instruction for recognised qualifications;
- **Three Chief Architects in the Ministries of the Central Government relating to defence, railways, CPWD** nominated by the Central Government;
- **An architect from each State** nominated by the Government of that state;
- **Two persons nominated by Institution of Engineers (India)** from among its members; and
- **One person nominated by the Institution of Surveyors of India** from among its members ,
- elected/ nominated member shall **hold office for three years** from date of his election / nomination or until his successor has been duly elected / nominated whichever is later.
- Members of **Council shall be eligible for re-election / re-nomination-- but not exceeding three consecutive terms**

COA- MEMBERS

- **Elected / nominated member-** shall hold office for three years from date of election/ nomination or
 - -- until his successor elected /nominated --whichever is later
 - .-- member may, at any time
 - -- resign his membership by writing under his hand
 - -- addressed to President/ in absence, to Vice-President, and
 - -- seat of such member shall become vacant.
- **A member deemed to have vacated his seat --**
 - --If absent without sufficient EXCUSE
 - --from three consecutive ordinary meetings of Council; or
 - --If he ceases to be a member of the body by which he was elected or nominated or
- --- if he ceases to be head of an Institution.
- **A Casual vacancy in Council ;**-- filled by fresh election/ nomination -- person so elected /nominated to fill the vacancy
 - -- shall hold office only for remainder of term
 - -- for which member whose place he takes was elected/ nominated.
 - --Members of Council shall be eligible for- re-election/ re-nomination-- not exceeding three consecutive terms

COA- MEMBERS-meetings

- **.A person shall not be eligible for election /nomination as a member if-**
 - -- declared an un-discharged insolvent-.
 - -- convicted by a court in India for any offence and sentenced to imprisonment for not less than two years-- shall be ineligible for a further period of five years
- **The Council shall meet at least once in every six months** -at such appointed time/ place to the transaction of business
 - -- **nine members** shall form a quorum,
 - -- decisions made by majority of members present and voting.
 - --In case of equal votes, President/Vice-President/ member presiding over meeting-- shall have a second or casting vote.

COA-office bearer/President/Vice-President

- **Council to elect--President / Vice-President of Council** --shall be elected by members of Council from among themselves:
- Elected President /Vice-President -shall **hold office for a term of three years or** -till he ceases to be a member of Council, whichever is earlier,
 - but subject to his being a member of Council-- he shall be **eligible for re-election:**
 - **President/ Vice-President--** may resign from office by writing under his hand-- addressed to Vice-President / President, as case may be,;
- **President / Vice-President** – even after expiry of his term of three years-- continue to hold office until his successor enters upon office
- **President/ Vice-President** -- shall exercise such powers and discharge such duties-- as may be prescribed by regulations.

COA- office bearers

- Council to constitute from among its members an:-
- **Executive Committee, and**
- **other committees -- to carry out its functions under the Act.**
- **The Executive Committee shall consist of;**
- **President ,**
- **Vice-President and**
- **five other members--elected by Council from among its members.**
- **The President /Vice-President – to be Chairman /Vice-Chairman of Executive Committee.**
- **Member of Executive Committee --shall hold office until expiry of his term as a member of Council he shall be eligible for re-election.**
- **Executive Committee shall exercise such powers / discharge such duties as may be defined by Act/ regulations**
- **Elections conducted in manner prescribed by rules**
- **in case of dispute --regarding elections- matter referred by Council to a Tribunal appointed by Central Government- if complaint made within 30 days of election result- cost of tribunal paid by council**

EXECUTIVE COMMITTEE

- **A) CONSTITUTION OF THE EXECUTIVE COMMITTEE**

- The Council shall constitute from among its member 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.

- **B) FUNCTIONS OF THE EXECUTIVE COMMITTEE**

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.

- The Executive Committee shall be the executive authority of the Council and shall be responsible for giving effect to the resolution and decision of the Council.
- The Executive Committee shall have powers, such as -
 - To manage the funds of the Council;
 - To invest the funds of the Council in the manner directed by the Council from time to time;
 - To appoint and supervise the work of the members of the staff and prescribe their conditions of service;
 - to consider the annual audit report and place it before the Council with its comments for its consideration;

EXECUTIVE COMMITTEE

B) FUNCTIONS OF THE EXECUTIVE COMMITTEE

To prepare and place before the Council the annual administration report and the statement of accounts;

- To authorise the Registrar to incur expenditure within the prescribed limits provided for in the approved budget;
- To fix travelling and other allowances to the members of the Council and its Committees and
- To the members of the staff;
- To delegate to the Chairman and the Vice-Chairman any of its aforementioned powers; and
- To do all other functions necessary for discharging the aforesaid functions.
- The Executive Committee shall consist of the
 - -- President
 - -- Vice-President --l who shall be members ex-officio and
 - five other members -- elected by the Council from among its members.
- President / Vice-President -- be Chairman / Vice-Chairman of Executive Committee.
- member of Executive Committee -- hold office until the expiry of his term
- -- as member of Council -- shall be eligible for re-election.

DISCIPLINARY COMMITTEE

- All complaints against architects shall be
- -- investigated and
- -- all enquiries relating to misconduct of architects
- -- held by a committee of Council consisting of
- -- three members,
- --of whom one shall be elected by the Council
- --from among its members;
- -- one member from among the members nominated under clause (b) and
- one member among referred to in clause (d) of sub-section 3 of section 3.

Chairman of the Disciplinary Committee -- elected by members of Committee from among themselves.

COA- employees, fund, functions

Council shall appoint-

- i a **Registrar** who shall act as its Secretary /treasurer;
- ii **other officers/ employees**
- to carry out its functions under this Act;
- iii **Establish a Fund under management/ control of the Council**
-into which **all moneys-gift/grant/ fee received/fee shall be paid**
and **out of which all expenses and liabilities shall be met**-maintain
accounts- **capital/revenue– get it audited** -published in Official
Gazette audited accounts / report of Council for year -latest by 30th
September and copies of accounts/ report forwarded to Central
Government
- The Council may prescribe the:
 - i. **minimum standards of architectural education** required for
granting recognised qualifications by colleges or institutions in India
 - ii. **standards of professional conduct / etiquette** and a code of
ethics for architects-- violations thereof shall constitute infamous
conduct/ professional misconduct
 - iii **Prepare and maintain a register of Architects** for India

qualification for registration as architect

- Qualifications included in schedule/notified under section 15 shall be recognised qualifications for registration
- --Any authority in India-- which grants architectural qualification-- not included in schedule- may apply to Central Government- for recognising qualification- Government after consultation with Council-may amend schedule-include such qualification- declaring it to be a recognised qualification .
- -Central Government may-after consultation with Council- may by notification in Official Gazette, amend schedule -by directing that an entry be made in respect of any architectural qualification.
- -- any recognised qualification shall be sufficient qualification for enrolment in the register

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- **Differentiate between Role and Functions of -- Indian Institute of Architects (IIA) and Council of Architecture**

Council of Architecture Vs Indian Institute of Architects

- - Architecture profession in India is governed by:-
- COA (Council of architecture)- which is a statutory body constituted under Indian Architects Act 1972 to perform certain functions defined in the said Act.
- IIA (Indian institute of architects- is the apex professional body of India, registered as a Society under the Indian Society Act , which primarily focuses on promoting the profession of Architecture in the country along with looking after the interest of member architects

Council of Architecture Vs Indian Institute of Architects

COA (Council of Architecture)	IIA (Indian Institute of Architects
1 It's a statutory body created under the Indian Architect Act,1972	1-It's a professional body representing architects of India.
2 It has defined legal powers under the Act.	2-It has no legal power defined.
3 Created by Parliament under a law, it has applicability pan India.	3-It is a society registered by a group of Architects operating across India
4. It was created in 1972 and has history spanning over 48 years	4. It was conceived in 1919 in JJ College of fine Arts, Mumbai and has history of over 100 years
5. It has its headquarter at Delhi	5- Its headquarter is in Mumbai
6. It has no Chapters, centres and sub-centres	6-It operates through Chapters, centres and sub-centres spread across India in various cities.
7 It operates under provision of the Act, Rules and Regulations made under the Act and approved by the Government/Parliament	7 It operates under Articles of Association and bye-laws framed under the societies Act
8 It has office bearers elected indirectly by the members of the Council of Architecture, elected and nominated by the government and professional bodies for a period of 3 years or till they hold office	8 It has office bearers which are directly elected for a period of 2 years by the registered eligible members through an election
9. It has no general body. It has only registered members.	9 It has a general body which is the ultimate authority to take decision on the functioning of the IIA, and has to be called for meeting annually

Council of Architecture Vs Indian Institute of Architects	
10 All amendments to COA operations and functions are to be done by the act of Indian Parliament	10 All amendments to the IIA operations and functions are to be done by the General Body
11. COA has three main functions - Registration of Architects —Regulating Architectural Education -- Regulating the conduct of Architects registered	11. IIA has no such statutory functions- it works for creating awareness about architecture, promoting architectural education, holding seminar, workshops related to architecture, creating a library and providing platform for architects to connect etc
12 COA only registers the architects and there is no other membership. No Honorary membership is granted to any person	12. IIA has distinct types of memberships - Fellow, Hon Fellow, Associates, student members granted based on experience, professional work and contribution made.
13, COA can have office bearers other than architects	13, No person other than Architect can be office bearers of the Institute
14 No person can use the title of Architect unless registered with the COA	14 No such power vests with IIA
15. COA approval is mandatory for setting up new architectural institutions, fixing sanctioned intake and continuation of existing institutions	15. IIA approval is not required for setting up new architectural, fixing students intake and continuation of existing institutions
16. COA has the power to appoint inspectors for inspecting the quality, faculty, infrastructure of architectural institutions	16 IIA has no such power
17. COA has power to issue guidelines for Architectural education which is mandatory for compliance	17. IIA has no such mandatory guidelines framed
18. COA is monitored by MHRD for all its activities and approvals	18. No such mandate exists for IIA
19. COA has prescribed the professional code of conduct to be followed by all the registered members, violations of which leads to action – even use of title of architect	19. IIA also can proceed against its members for violations of professional conduct and can be removed from membership but does not impact his title as architect

Council of Architecture Vs Indian Institute of Architects	
20. COA does not run any course and conduct any exam for promoting career of persons who do not hold degree in Architecture	20. IIA runs an Associate- ship exam for in-service persons desiring to have qualification for registering as an architect with COA.
21. All selection to faculty position in Architectural institutions has to have a nominee of COA on board	23. There is no such mandate for including representatives of IIA in the selection process
22. COA conducts an aptitude test for admission to B Arch Course	22. No such test is conducted by IIA
23 COA has detailed guidelines framed for holding architectural competitions and details of services to be rendered along with the fee to be charged	23. No such guidelines have been recently issued by the IIA.
24 COA has executive Committee and Disciplinary Committees to assist it in performing task mandated under the Act-	24 IIA operates through number of Boards and Committees – which have nominated members and chairperson
25 No National Convention and Young Architect festival are held by COA	25 IIA annually holds a National Convention and Young Architect festival across India
26 COA does not give any award for life time achievement	26 IIA makes two awards annually for life time achievement in the field of education and profession
27 No student is entitled to get registration with the council	27 IIA grants membership to students studying in architectural institutions
28 No honorary membership can be granted by the COA	30 IIA is authorised to give Honorary fellowship to non- architects in recognition to the contribution made to the profession of architecture
29. COA registration is mandatory for persons using the title of Architects	29. IIA membership is optional and it is not mandatory for architects. It does not impact the title in anyway.
30 COA has large membership considering the legal sanctity it has	30. IIA has limited membership considering the professional nature of institution.
31 COA should meet every 6 months with annual report published in the gazette of India	31 No annual report of IIA is to be published in the official gazette, However, IIA has to prepare and present report of activities and financial report for consideration and approval to members.

Council of Architecture Vs Indian Institute of Architects

- **Composition of Council of architecture- term 3 years**
- **Composition of COA:-Total members 55—18 nominated/elected + one architect nominated by each State/UT(37)-28+9**
- **Five architects elected by the IIA from among its members;**
- **Two persons nominated by the All India Council for Technical Education (AICTE)**
- **Five persons elected by heads of architectural institutions in India imparting full-time instruction for recognised qualifications;**
- **Three Chief Architects in the Ministries of the Central Government relating to defence, railways, CPWD nominated by the Central Government;**
- **An architect from each State nominated by the Government of that state;**
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- **-- elected/ nominated member shall hold office for three years from date of his election / nomination or until his successor has been duly elected / nominated whichever is later.**
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Council of Architecture Vs Indian Institute of Architects

- **THREE MAJOR FUNCTIONS OF COA**

- Registration of persons holding recognized qualifications
- Regulating the professional conduct of architects
- Defining minimum standard of architectural education

- **IIA- India Institute of Architects time period 2 years.**

- President
- 2 Vice- Presidents-- 2 Hon Joint secretaries
- Honorary Treasure
- 10 directly elected Council Members
- Chairmen of all state Chapters- Ex- Officio members
- Classes of Membership
- Associate member
- Fellow member
- Honorary Fellow member
- Retired Members
- Student Members
- Student Member--any student from recognised college of architecture
- pay membership fee to become member
- can access resource like library
- attend various programme organised by iia
- no voting right
- --Note- for further details, please refer to Indian Architects Act, 1972, Rules and Regulations made there under and IIA details from their website and Articles of Association and Bye-laws applicable