

## COUNCIL OF ARCHITECTURE

### MINIMUM STANDARDS-CUM-POLICY FOR MERGER OF INSTITUTIONS AND TAKING OVER OF AN INSTITUTION BY A NEW SPONSORING BODY

#### 1.0 Background:

In the changing educational scenario, the Council has received a few requests for merger of institutions owned by same promoting body/society/Trust. However, with New Education Policy 2020, the stand-alone institutions may need to seek merger or collaboration with larger institutions to attain critical enrolment of 3000+ students. Existing institutions under same promoting body/Trust may also seek merger in near future for the same reason.

#### 2.0 Objective:

Merger of two Institutions can be allowed in following circumstances:

- The number of admissions in the institution is less than 50% of the sanctioned intake for three consecutive years.
- The Trust/Society/Company running the institution(s) needs to merge the institution into another institution in the interest of students and faculty and for the purpose of better educational administration/management.
- Receipt of notice for closure by institution from the Council.
- Any other reason(s) such as bankruptcy, insolvency, dissolution, etc., of the Trust/Society/Company running the institution(s) and/ or for any other reasons that may be deemed fit for merger by the Council.
- Merger to attain total enrolment as envisaged in the recommendations of NEP 2020 or to comply with any other law time being in force in India.

#### 3.0 Definitions:

- A. "Council" shall mean Council of Architecture established under Section 3 of the Architects Act, 1972.
- B. "Faculty" means a full-time teacher whether working on permanent basis or with contractual appointment with more than one year tenure.
- C. "Institution" means an institution approved by the Council for imparting recognised architectural qualifications.
- D. "Programme" means a B.Arch. or M.Arch. Degree Course with specialisations, if any.
- E. "Recognised Qualification" means any qualification in architecture for the time being included in the Schedule to the Act.
- F. "Student" means a student admitted by an institution as per eligibility prescribed by the Council and as per procedure laid down under the relevant law(s).
- G. "Sponsoring Body" means a Trust/ Society/ Company possessing the necessary competence and authority to run/ operate an institution for imparting recognised architectural qualifications.
- H. "Merger of Institutions" shall mean a contractual statutory process by which two institutions under the same or different sponsoring bodies in same location/premises/city including surrounding regions, after approval from the Council, merge together as one unit by mutual consent or otherwise and one Sponsoring body (Parent Institution) acquires all the assets and liabilities of another sponsoring body (merged Sponsoring body/ Child institution), causing the Child institution to become defunct.
- I. "Parent Institution" means an institution where prospective learning takes place after the Merger or takeover.

- J. "Child Institution" means an institution from which all the Architecture programs approved by the Council are to be shifted to the Parent Institution and shall cease to exist after upon approval of merger or takeover by the Council.
- K. "Taking over an Institution" shall mean a contractual statutory process by which one larger Sponsoring Body possessing sufficient means takes over control and management of all the assets and liabilities of another Sponsoring body of an existing institution, after approval from the Council.

#### **4.0 Scope:**

Merger of Architecture Institutions under the same or other Trust/Society/Company operating in the same Campus or within the City limits or an urban continuum/agglomeration shall be permitted subject to prior approval by the Council. The institutions to be merged shall be categorised as –

Parent Institution - An institution where prospective learning takes place after the Merger or takeover, as the case may be.

Child Institution – An institution from which all the Architecture programs approved by the Council are to be shifted to the Parent Institution and shall cease to exist after approval of merger or takeover by the Council.

Consequent to the merger, the intake in the Architecture programs of the Child Institution shall be merged with the intake in the same programs being imparted at Parent Institution, subject to maximum permissible intake and fulfilment of Minimum Standards of Architectural Education and Norms as prescribed by the Council.

Taking over of the Architecture institution from original sponsoring body by the new/ different sponsoring body in the same city or urban continuum/agglomeration shall be permitted subject to approval by the Council, subject to maximum permissible intake and fulfilment of Minimum Standards of Architectural Education and Norms as prescribed by the Council.

#### **5.0 Requirements and Eligibility –**

##### **A. For Merger of Institutions:**

- a. The institutions which apply for Merger shall be permitted to merge into a single institution with all the facilities at the proposed Parent Institution and/or part/ full facilities of the Child Institution, where necessary and feasible. It shall be mandatory to fulfil all the additional requirements in advance, if any, arising out of the Merger of the institutions.
- b. The application for Merger of the institutions shall be considered by the Council and the Merged Sponsoring body/ Child institution shall be considered for complete closure only when the required facilities are either available exclusively in the Parent Institution or if the Parent Institution is fulfilling the required facilities.
- c. In case of Merger within a City or within an urban continuum or within an urban agglomeration, the convenience of all stakeholders of the Child Institution vis-à-vis the site/ location of the Parent Institution shall be taken into consideration by the Parent Institution. Moreover, intraday movement of students and employees shall not be permitted from Child Institution to Parent Institution or vice versa.

- d. Institutions applying for Merger shall duly notify all the existing stake holders regarding the proposed Merger at least 90 days in advance.
- e. The Built-up area requirement and other physical and infrastructural facilities required for the entire duration of all the Programs shall be fulfilled in all respects by the Parent Institution and it shall also maintain the **Faculty: Student** ratio as specified in the Minimum Standards of Architectural Education Regulations prescribed by the Council from time to time.
- f. The total Land requirement after the Merger shall be the same as the highest Land required for all the Program(s)/ intake of students.
- g. The Child Institution shall apply to the Council, with an order/ resolution of the Competent Authority, in an application on letter head of the competent authority or in prescribed format as may be prescribed by the Council and pay the prescribed fees of Rs.2,00,000/- to the Council along with the application for Extension of Approval as per the norms, with the additional documents listed below:
- No Objection Certificate from Affiliating University/Board in Prescribed Format.
  - Resolution of the Sponsoring Authority of the child institution as well as parent institution duly approving the proposed merger, duly signed by the respective competent authorities/ Chairman/ Secretary, etc.
  - A declaration by both the Parent and Child Institution to that effect that Trusts/ Societies/Companies applying for the merger have the same common objects of education, etc., and none of which has been disqualified or unapproved by the Council/ Court of Law/any Statutory Body in the past.
  - Details of the programs being imparted at the Child Institution along with year-wise information of the students currently studying as per the prescribed format. Indemnity bond on non-judicial stamp paper of Rs.100/-, in prescribed format indemnifying the Council of all legal liabilities that may arise after the merger by Child Institution as well as Parent Institution.
  - Year-wise list of current students (if any) studying the various Architecture programs (program-wise) approved by the Council at the child Institution as well as parent Institution containing including name, father's name, date of birth, enrolment numbers issued by the Council, NATA/ Aptitude Test marks/ rank with Roll no., year/ semester of program, previous ATKT subjects and status of pass/fail etc.
  - List and details of faculty members of Architecture programs (program-wise) at the Child institution as well as Parent Institution containing name, registration number, academic designation, administrative designation, qualifications (UG/PG/ Doctorate), Teaching/ work experience in years, nature & date of appointment, Date of joining
  - Reasons for Merger of institutions.
  - The permission/NOC of the Competent Authorities of the respective State/Central Government, as the case may be.
  - The permission/ NOC from the affiliating body/ bodies of both Parent and child institution.
  - The consent of 75% or more students currently studying at the Child Institution.

- Consent of all teaching and non-teaching staff of the child institution for merger with another institution.
- Approval/NOC of other regulatory body(ies) in case other programmes are running in the institution.
- An undertaking that all fees and other expenses including Hotel/ Accommodation charges, if any, shall be same as charged by Child Institution for all existing students.
- Undertaking/Affidavit from the Chairman/ Secretary of the Trust/Society/Company of Child Institution that no legal matters by them against the COA or any person/concerned authority related to Architecture course are pending.
- Certificate from Head of Institution/Competent Authority of Child Institution that all mark sheets have been issued to the students for their previous examinations.
- Undertaking from Competent Authority of the Child Institution that all the original certificates of the students shall be returned to them after application for Merger is approved by the Council.
- No Dues Certificate of salary and other allowances/dues of faculty, non-teaching staff at the Child Institution.
- Certificate that no court case is filed/pending against the Child Institution related to conduct of any Architecture Programs and no Charge Sheet is filed against the Institution.
- An Affidavit on non-judicial stamp paper of Rs. 100/- to the effect that the Parent and Child Institution shall adhere to the Norms and Regulations of the Council and submit all requisite documents sought/to be sought by the Council and that the Land and Built-up area will continue to be maintained as per the Council norms after the merger of the Institutions and shall not be utilized for any other purposes. Further, the liabilities, if any, arising out of the Merger for the Child Institution, shall solely be of Sponsoring body/Parent Institution ONLY.

*NOTE: Child Institution shall be allowed to submit their application ONLY for Extension of Approval to the Council till the time the application of merger is considered and decided by the Council (No changes will be permitted).*

- h. All programs approved by the Council of Child Institution shall be merged with the Parent Institution and the Child Institution shall be considered as closed.
- i. The Parent Institution shall have all infrastructure and other facilities to run all the Architecture programs for the entire duration of both Parent and Child Institutions.
- j. If merger of the Institutions is approved, the Child Institution that is merged with the Parent Institution shall be considered as 'cease to exist' and the liabilities, if any, arising out of this merger for the Child Institutions, shall solely be of Trust/ Society/ Company/ Parent Institution only.
- k. The entire process shall be completed within 90 days and all stakeholders shall be kept informed of the entire process.
- l. Merger of only one child institution shall be allowed.

- m. In case, merger of institution is rejected at Scrutiny level, fees towards Merger will be refunded, after deducting necessary administrative charges.
- n. In case merger is approved and implemented, no subsequent requests for demerger will be allowed.

**B. For taking over of an Institution by a new Sponsoring Body**

- a. Taking over of the Architecture institution from original sponsoring body by the new/ different sponsoring body shall be permitted within the maximum permissible intake by Council after fulfilment of Minimum Standards of Architectural Education and Norms as prescribed by the Council, exclusively in the new location or if the new sponsoring body continues to operate from the existing location.
- b. In case of shifting to the new location, the convenience of all stakeholders of the Parent Institution vis-à-vis the new site/ location shall be taken into consideration.
- c. Institutions applying for takeover shall duly notify all the existing stake holders regarding the proposed takeover at least 3 months in advance.
- d. The Built-up area requirement and other physical and infrastructural facilities required for the entire duration of all the Programs shall be fulfilled in all respects by the Parent Institution even after takeover and shifting, if any, to the new location and it shall also maintain the **Faculty:Student** ratio as specified in the Minimum Standards of Architectural Education Regulations prescribed by the Council from time to time.
- e. The Sponsoring body taking over an institution shall apply to the Council in an application on letter head of the competent authority or in prescribed format as may be prescribed by the Council and pay the prescribed fees of Rs.2,00,000/- to the Council and an FDR of Rs. 25,00,000/- (Rs. Twenty Five Lakhs) in favour of Council as Security Deposit along with their application for Extension of Approval as per the norms, with the additional documents listed below:
  - No Objection Certificate from Affiliating University/Board in Prescribed Format.
  - Resolution of the Sponsoring bodies (Trust/Society/Company), both original and new, of the institution approving the proposed takeover, duly signed by the respective Chairman/ Secretary.
  - A declaration by the existing institution to that effect that Trusts/ Societies/Companies applying for the takeover have the same common objects of education, etc., and none of which has been disqualified or unapproved by the Council/ Court of Law/any Statutory Body in the past.
  - Indemnity bond on non-judicial stamp paper of Rs.100/-, in prescribed format indemnifying the Council of all legal matters that may arise after the merger.
  - Year-wise list of current students (if any) studying the various Architecture programs (program-wise) approved by the Council at the Institution being taken over including name, father's name, date of birth, enrolment numbers issued by the Council, NATA/ Aptitude Test marks/ rank with Roll

no., year/ semester of program, previous ATKT subjects and status of pass/fail etc.

- List and details of faculty members of Architecture programs (program-wise) at the institution being taken over containing name, registration number, academic designation, administrative designation, qualifications (UG/PG/ Doctorate), Teaching/ work experience in years, nature & date of appointment, Date of joining, etc.
  - Reasons for takeover of institution.
  - The permission/NOC of the Competent Authorities of the respective State/Central Government.
  - The permission/ NOC from the new affiliating body in case of change.
  - The consent of 75% or more students currently studying at the existing Institution.
  - Undertaking/Affidavit from the Chairman/ Secretary of the original Sponsoring body (Trust/Society/Company) of the Institution that no legal matters against the COA or any person/concerned authority related to Architecture course are pending.
  - Certificate from Competent Authority of the Institution that all mark sheets have been issued to the students for their previous examinations.
  - Consent of all teaching and non-teaching staff of the existing institution.
  - Undertaking from Competent Authority of the original Sponsoring body that all the original certificates of the students shall be returned to them after application for takeover is approved by the Council.
  - No Dues Certificate of salary and other allowances/dues of faculty, non-teaching staff at the Institution.
  - Certificate that no court case is filed/pending against the Institution related to conduct of any Architecture Programs and no Charge Sheet is filed against the Institution.
  - An Affidavit on non-judicial stamp paper of Rs. 100/- to the effect that the original and new sponsoring bodies shall adhere to the Norms and Regulations of the Council and submit all requisite documents sought/to be sought by the Council and that the Land and Built-up area will continue to be maintained as per the Council norms after the takeover of the Institution and shall not be utilized for any other purposes. Further, the liabilities, if any, arising out of the takeover for the Institution, shall solely be of new Sponsoring body ONLY.
- f. In case, taking over of an institution is rejected at Scrutiny level, fees towards the same will be refunded after deducting necessary administrative expenses.
- g. In case taking over is approved and implemented no request for change in the status shall be entertained.
- h. The entire process shall be completed within 90 days and all stakeholder shall be kept informed of the entire process.
- (i) Taking over of more than one institution shall not be allowed.

## **6.0 Procedure –**

- a. The application for merger of institution/taking over by a new Sponsoring Body shall be processed by the Council after visit by an Expert Committee appointed by the Council in both the institutions.
- b. The application shall be processed as per the minimum standards prescribed by the Council. If the Parent and Child Institutions are located in the same Campus or within the City limits or an urban continuum/agglomeration and fulfil all the requirements (without any relaxation for land, Built-Up area requirement and Faculty: Student ratio for the entire duration for all the Programmes as specified in the Minimum Standards of Council), then the merger will be approved.
- c. An Affidavit shall be submitted to the effect that the Land and Built-up area will continue to be maintained as per the Council norms after the merger/ takeover of the Institutions and shall not be utilized for any other purposes.
- d. If any one of the Institutions is Women's Institution, then the application shall be processed first for the Conversion of Women's Institution into Co-ed Institution by the Council. If the Council finds everything in order, then only the application shall be processed further for Merger of Institutions as per the laid down procedure.
- e. Minority Institutions shall follow the provisions of relevant laws while seeking merger/ takeover, as the case may be.
- f. The intake shall be fixed as that of the 'Approved Intake' of the program. Approved Intake for the programs of the Institution after the merger shall be the combined intake of Parent and Child Institutions, subject to maximum permissible intake.
- g. If the application for Merger of Institutions is not approved, then Extension of Approval for the individual Institutions shall be considered.
- h. The merger/ takeover shall be permitted only for those Trusts/ Societies/Companies having the same common objects of education, etc., and none of which has been disqualified or unapproved by the Council/ Court of Law/any Statutory Body in the past. A declaration to that effect shall be submitted by both the Parent and Child Institution or the existing institution.
- i. In case of dispute among the members of merged Trusts/ Societies Companies is of such nature that it would affect the standard of education or imparting of education smoothly or affecting interest of students, then the Council shall withhold the approval as long as it may deem fit or may not approve at all.
- j. The Council shall have the right to lien over the FDR till such time dispute among Trustees or members is not settled by an Arbitrator or the Court of competent jurisdiction as contemplated in the Trust/Society/Company document, by virtue of which taking over of the institution took place.
- k. The Sponsoring Body may create a body to hold their assets, and once the transfer of assets is complete, the existing Trust/Society/ Company may be dissolved and the ownership may be transferred to the new Body/ Trust/ Society.

The Council reserves its right to reject the application for Merger of Institutions under the same Trust/ Society/Company operating in the same Campus or within the City limits or an urban continuum/agglomeration, or takeover by new sponsoring body in the same city or urban

continuum/agglomeration, if it finds the reasons given are not justified or Commercial or Business intent/angle is suspected, or contrary to interests of students or if it tends to violate or defeat the provisions of the Architects Act, 1972 and Regulations framed thereunder or any other Law in force.

*NOTE: It shall be the responsibility of the Sponsoring Body(ies) to take approval from the other Regulatory Bodies, (if applicable) in view of merger/ takeover of the Institutions.*



**Documents to be submitted for applying for Merger of Institutions under the same Trust/Society/ Company or for applying for taking over of an Institution by a new Sponsoring Body**

- All the documents as specified in Check list in this policy document.
- No Objection Certificate from affiliating University/Board in the Prescribed Format.
- Resolution of the Trust/ Society/Company approving the Institution for Merger of Institutions under the same Trust/ Society/Company or for approving the taking over of an Institution by a new Sponsoring Body, duly signed by the Chairman/ Secretary in the Prescribed Format.

**FORMAT FOR NOC FROM AFFILIATING UNIVERSITY/ BOARD  
(In case there is no standard format used by the affiliating body)**

The \_\_\_\_ (name of the affiliating body) vide its Meeting held on \_\_\_\_ at \_\_\_\_ Item No. \_\_\_\_ have passed a resolution for –

- Change of Site/ Location of the (Name of the Institution) from at \_\_\_\_ (Old)\_\_\_\_ to at \_\_\_\_ (New)\_\_\_\_ due to merger.
- Merger of Institution at \_\_\_\_\_, under the same Trust/Society/Company \_\_\_\_\_ operating in the same Campus or within the City limits or an urban continuum/agglomeration.
- Taking over of an Institution \_\_\_\_\_ at \_\_\_\_\_, under the new Sponsoring Body \_\_\_\_\_ operating in the same city or urban continuum/agglomeration.
- Change in the Name of the Institution from \_\_\_\_\_ (old child institute) to \_\_\_\_\_ (new parent institute) at \_\_\_\_ due to merger with \_\_\_\_\_ (parent institute) .

This is to confirm that the \_\_\_\_\_ has no objection for the –

- Change of Site/ Location of the (Name of the Institution) from at \_\_\_\_ (Old)\_\_\_\_ to at \_\_\_\_ (New)\_\_\_\_ due to merger.

Program	Year of Establishment	Current Academic Year		Current Academic Year -1		Current Academic Year -2	
		Approved Intake	Actual Admission	Approved Intake	Actual Admission	Approved Intake	Actual Admission

- Total no. of students studying in the Institution as on date \_\_\_\_\_ .
- Merger of Institution \_\_\_\_\_ (name) at \_\_\_\_\_, and \_\_\_\_\_ at \_\_\_\_\_, under the same Trust/ Society/Company operating in the same Campus or within the City limits or an urban continuum/agglomeration.
- Taking over of an Institution \_\_\_\_\_ at \_\_\_\_\_, under the new Sponsoring Body \_\_\_\_\_ operating in the same city or urban continuum/agglomeration.
- Change in the Name of the Trust from \_\_\_\_\_ (old name) \_\_\_\_\_ to \_\_\_\_\_ (new name) at \_\_\_\_\_.

Liabilities if any (legal, financial etc.), on this count shall be the sole responsibility of the Applicant of the Trust/Society/ Company and shall be settled as per the rules and Regulations as applicable.

Registrar/ Director / Chairman

*(Note: Formats given by the Institution(s) reflecting the content of the concerned Format shall be accepted. Strike off whichever is not applicable.)*

### **FORMAT FOR RESOLUTION OF THE TRUST/SOCIETY/COMPANY**

Resolution of the Trust/Society/Company that the (Trust/Society/Company) vide its meeting held on \_\_\_\_\_ at \_\_\_\_\_ vide item no. have resolved, for the –

- i. Merger of (Name of the Institution) and (Name of the Institution) Institution at \_\_\_\_\_ under the same Trust/Society/Company operating in the same Campus or within the City limits or an urban continuum/agglomeration.
- ii. Taking over of an Institution \_\_\_\_\_ at \_\_\_\_\_, under the new Sponsoring Body \_\_\_\_\_ operating in the same city or urban continuum/agglomeration.
- iii. Change in the Name of the Course(s)/Merger of the Courses.
- iv. Change the Name of the Institution from \_\_\_\_\_ (Old) at \_\_\_\_\_ to \_\_\_\_\_ (new).
- v. Change in the Name of the affiliating University/Board from \_\_\_\_\_ to \_\_\_\_\_ the new University/Board. Also, it is resolved that, <Name of the Trust/Society/Company> shall apply for NOC to both the Universities.
- vi. Change in the Name of the Trust/ Society/Company from \_\_\_\_\_ (Old) at \_\_\_\_\_ to \_\_\_\_\_ (new).

The Sponsoring Body shall also allocate required funds for the creation of the requisite facilities such as procurement of \_\_\_\_ Sq. M. of Land, additional carpet and Built-up area, appointment of required Faculty, procurement of equipment, furniture, for creation of suitable hostel/residential accommodation for the students of Foreign Nationals/Overseas Citizen of India (OCI)/Children of Indian Workers in Gulf Countries and other required entities as applicable for the smooth functioning of the same.

Chairman/Secretary

*(Note: Formats given by the Institution(s) reflecting the content of the concerned Format shall be accepted. Strike off whichever is not applicable.)*

### **Check List of Documents**

1. For merger of institutions, please refer to documents listed at 5.0 A (g). For takeover of institutions, please refer to documents listed at 5.0 B (e).
2. No Objection Certificate from affiliating University/Board in the Prescribed Format.
3. Resolution of the Trust/ Society/Company approving the Institution for Merger of Institutions under the same Trust/ Society/Company or for approving the taking over of an Institution by a new Sponsoring Body, duly signed by the Chairman/ Secretary in the Prescribed Format.