


वास्तुकला परिषद्
Council of Architecture

वास्तुविद् अधिनियम, 1972 के अंतर्गत भारत सरकार का एक स्वायत्त सांविधिक निकाय
(An Autonomous Statutory Body of Govt. of India, under the Architects Act, 1972)

Ref. No. CA/15(A)/2021/AE

July 02, 2021

The Chief Secretary
Government of Kerala
Secretariat,
Thiruvananthapuram-695001

Subject: Amendments made by the Government of Kerala in the Kerala Panchayat Building Rule -2019 and Kerala Municipality Rules-2019-reg.

Dear Sir,

The attention of the Council is invited towards the recent amendments published in the Kerala Gazette dated 29th June 2021 vide GO(MS) No. 120/2021/LSGD dated 28.06.2021 further amending the Kerala Panchayat Building Rules 2019 and also the GO (MS) No. 121/2021/LSGD, further amending the Kerala Municipality Building Rules-2019. The amendment no.15 which amends the Rule 99 of Kerala Building Rules, 2019 and amendment 16 in Rule 99 of Kerala Panchayat Building Rules 2019 provides inter alia for empanelment of architects for providing self-certified building permit.

Further, non-architects like Engineers, Building Designer, Town Planner, Supervisor, who are not regulated under any legislation like Architects Act has also been allowed to function like Architects.

In this regard, it is informed that the architects registered with Council of Architecture are not required to get themselves empaneled or registered with any local authority to carry out the profession of architecture. The registration of architects is controlled and maintained under the provision of Architects Act, 1972 and no other body of the authority is competent to register/license as an architect.

The Hon'ble Delhi High Court in L.P.A No. 59 of 1975, Municipal Corporation of Delhi & Ors. Vs. Shri Ram Kumar Bhardwaj & Ors. vide order dated 02.04.1980 held that:

Xxxx The Architects Act, 1972 is a special law dealing with the qualifications to be possessed by persons for being registered as architects and restricting the terms "architect" or "registered architect" to such persons only. Since the possession of a registration certificate under the Architects Act, 1972 regarded by Parliament as sufficient qualification for the practice of architects and since all related questions have been dealt with in respect of architects by the said Act, it became unnecessary for the Corporation to do so thereafter. In view of section 502 of the Act, the provisions referred to above which could be constructed authorizing the corporation to regulate the licensing of architects and draughtsman could not be so constructed after coming into force of the Architects Act, 1972 Xxxx

An SLP filed against this judgement was dismissed by the Hon'ble Supreme Court of India.

Further, the Hon'ble Bombay High Court in Writ Petition No. 1830/1988, M.K. Ranade V/s Pune Municipal Corporations and Another vide order dated 24.11.2019 held that:



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Xxxx In the result, petitions are partly allowed and it is declared that the architects registered under the Architects Act, 1972 would not be required to obtain license under the MPMC Act byelaws made thereunder and the respondent Corporations are restrained from insisting upon the architects for obtaining such licenses. Petitions are disposed of accordingly with no order as to costs xxxx.

The same was upheld by the Hon'ble Supreme Court of India vide its judgement dated 14 February, 2017 in SLP (C) No. 3346-3348 of 205, Council of Architecture V/s. M.K. Ranade & Ors., and Hon'ble Supreme Court further held that:

"...It is not correct to say that anyone can practice as an Architect even if he is not registered under the Architects Act, 1972."

Further, a copy of the letter no. F.7-1/83. T.13 dated 28th May, 1984 from Ministry of Education, Government of India to all the Chief Secretaries of State Government's asking them not to ask any fees from Architects Registered with COA is enclosed herewith for your kind perusal.

In view of the above the Government of Kerala is requested to issue appropriate direction to the concerned authorities for exempting architects registered with Council of Architecture to submit any empanelment fees or obtain any license from the Government of Kerala to provide their professional services. (Further, Non-architects like Building Designers, Engineers, Town Planner and Supervisor cannot be equated with the architects and allowed to carry on the duties and function of an architect).

A Line in reply of the action taken in the matter will be highly appreciated.

Thanking you

Yours faithfully

R.K. Oberoi
Registrar

Encl: A3 above

Copy for information to:

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