

Ref No.CA/15/2019/AE
January 24. 2019

DESPATCHED ON
SPEED POST, REGD. POST
28 JAN 2019
Vide D.R. Sl. No. 94628-94631
ORDY. POST, COURIER

The Hon'ble Governor,
State of Gujarat, Raj Bhawan,
NH 8C, Sector 20,
Gandhinagar,
Gujarat-382021.

The Hon'ble Chief Minister,
Government of Gujarat,
3rd Floor, Swarnim Sankul-1,
New Sachivalaya,
Sector-10, Gandhinagar, Gujarat

Subject: Implementation of the Architects Act, 1972 (Central Government) in the State of Gujarat-reg.

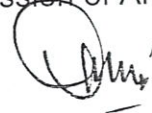
Respected Sir(s),

I am directed to state that the Indian Parliament has enacted the Architects Act, 1972, to regulate Architectural education and profession in the country. The Ministry of Human Resource Development, Government of India, is the Nodal Ministry of the Council of Architecture.

Pertinent to the matter, I would like to state that the Council is receiving repeated representations from registered Architects in Gujarat that they are being compelled to seek further registration by local bodies in the Gujarat in order to carry on the profession of Architect under their jurisdiction.

In this regard, it is informed that the Central Government in the Ministry of HRD, vide its letter No.17-9/81-T.3 dated 19.02.82, letter no. 17-01/83 T.13 dated 13.06.84 and letter no F-17-6/2002-TS.IV dated 19.12.2002 addressed to Chief Secretary of all States/UTs in India had asked all the State Governments/ Union Territories in India to advise the local bodies, namely, Municipal Corporation, Municipalities etc, under their control not to insist Architects registered with the Council of Architecture to seek further registration with the local Bodies. Further, the Hon'ble Bombay High Court, Calcutta High Court, Delhi High Court, and Supreme Court of India have upheld that Architects registered with the Council of Architecture are not required to obtain any license/registration from any local authority in India to carry on their profession.

The Architects Act has been enacted by the Parliament in terms of Entry 66 of List 1 (Union List) of the Constitution of India and also Entry 26 List 3 (Concurrent List). Therefore, the field having been occupied by a Central Law, the State Government is not competent to make any laws to regulate the profession of Architects.



Contd...P/2

Further, in view of the provisions of Article 254 of the Constitution of India a Central Law shall prevail over the State law. Hence, the State Laws (Rules/Bye-laws) made by the State Government laying down the requirement for registration of Architects and payment of fees is directly in conflict with the provisions of the Architects Act, 1972, and shall be void to that extent.

The Council vide its letters dated 24.10.2018, 09.08.2018, 22.05.2018, 22.07.2018, 31.01.2018 & 22.07.2017 has requested the Government of Gujarat to issue directions in the matter to concerned Authorities/ Local Bodies to not to insist Architects to seek registration with the Local Bodies. However, the Council is yet to receive any information on the action taken in the matter.

The Council, therefore, requests your honour to kindly issue appropriate directions to the concerned Departments/Authorities in the state to abide by the provisions of the Architects Act, 1972, and that Architects registered with Council of Architecture are not compelled to seek further registration with the local bodies in the State to practice the profession of Architecture.

I am attaching herewith the copies of communications issued by other State Government to their Departments in compliance of the provisions of the Architects Act.

Thanking you,

Yours faithfully,



R.K. Oberoi
Registrar

Encl: As above

Copy for information and necessary action to:

The Chief Secretary,
Government of Gujarat,
1st Block, 5th Floor, Sachivalaya,
Gandhinagar, Gujarat

The Secretary,
Dept. of Higher Education
Ministry of H.R.D., Govt. of India
Shastri Bhawan,
New Delhi – 110115.

