



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/5/2013/Lateral Admission
June 07, 2013

Dr. M. M. Pallam Raju
Hon'ble Cabinet Minister
Ministry of Human Resource Development
Government of India
Shastri Bhawan, New Delhi – 110 115

Sub : Public Notice published by CBSE for conduct of JEE – 2013 examination on June 7, 2013 inter alia for admission to Architecture Course in violation of the Architects Act, 1972 & Regulations framed thereunder.

Respected Sir,

I am directed to invite your kind attention to the Public Notice dated 7th June, 2013, published by Joint Secretary (JEE), CBSE for conduct of JEE – 2013 examination for admission to various degree courses including Architecture for the academic session 2013-2014. A copy of the Public Notice dated 07.06.2013 is enclosed herewith as Appendix-A.

The said Public Notice is in violation of the provisions of the Architects Act, 1972 and Regulations framed thereunder since i) the eligibility criteria prescribed by CBSE for admission, among others, into 5-year B.Arch. degree course is in direct contrast to the one prescribed under the Act; and ii) the JEE allows lateral admission of Diploma holders into 2nd year of 5-year B.Arch. degree course at architectural institutions.

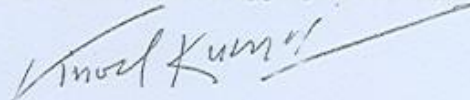
The Council of Architecture established under the Architects Act, 1972 (A Central Act) regulates the Architectural Education and Architectural Profession throughout the country under the respective Regulations prescribed thereof under the provisions of the Act.

The Council under Section 21 and 45 of the Architects Act, 1972, prescribed Minimum Standards of Architectural Education Regulations, 1983, with the approval of the Central Government and the same were published in the Gazette of India in Part III, Section 4 on 26th March, 1983 and 27th August, 1983.

As per these Regulations, the eligibility criteria for admission to B.Arch. is as under :

"No candidate, with less than 50% marks in aggregate, shall be admitted to the architecture course unless he/she has passed an examination at the end of the new 10+2 scheme of Senior School Certificate Examination or equivalent with Mathematics as subjects of examination at the 10+2 level."

In pursuance of the same, the Council of Architecture had already extended relief to 3-year Diploma Holders by making them eligible for admission to 1st year of 5-year B.Arch. degree course provided they pass their Diploma Examination with at least 50% marks in aggregate as required under the Regulations.



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However, in the Minimum Standards of Architectural Education Regulations, 1983 there is no provision for lateral admission to B.Arch. programme at any stage of the five-year degree course. Therefore, no lateral admission can be allowed at the second year or at any stage of the 5-B.Arch. degree course based on any qualification.

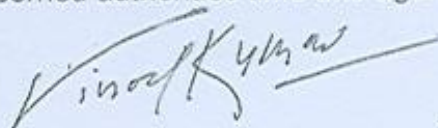
This issue had already been dealt by several High Courts in the Country which held the lateral admissions in the B.Arch. Course as illegal:

- i) Hon'ble Bombay High Court in W.P.No.3798/2000, in Manoj Balkrishna Lad v/s. State of Maharashtra & Ors., held that a person cannot be admitted in the 2nd year of the 5 years Degree Course in violation of the rules and regulations of Council of Architecture and even if the students got admission to the 2nd year of B.Arch.Degree course, they are not entitled to be registered as an architect under the Architects Act, 1972. A copy of this Judgement is enclosed herewith at Appendix-B.
- ii) Hon'ble High Court of Andhra Pradesh vide Judgement dated 12.07.2005, in W.P. No. 11774 of 2003 & W.P. No. 14245 of 2004 [Council of Architecture v/s J.N.Technological University, Hyderabad, AICTE & State of Andhra Pradesh and Sunkara Appa Rao Memorial Educational Society, Hyderabad Vs. AICTE, Govt. of Andhra Pradesh, COA] quashed the lateral entry scheme of AICTE and held that the standards of architectural education shall be governed by the Architects Act, 1972 alone and not by AICTE Act, 1987. *The Court has further, upheld that the AICTE cannot without the concurrence of Council of Architecture introduce any new course, scheme or programme.* A copy of this Judgement is enclosed herewith at Appendix-C.
- iii) The Hon'ble High Court of Delhi vide judgement dated 12th July, 2005 in W.P. (C) No. 2669 of 2005, in Ms. Sharmishtha S. Das, v/s. Union of India, C.B.S.E., AICTE & Council of Architecture, ruled that the final authority for fixing the norms and standards for admission to the architects course and the course content would be the Council of Architecture and that it is the Minimum Standards of Architectural Education Regulations, 1983 of Council of Architecture which shall govern admission to architecture courses.

The Hon'ble Court quashed the eligibility prescribed by CBSE in AIEEE based on AICTE and upheld the eligibility prescribed under the Architects Act, 1972 and Regulations framed thereunder.

A copy of this Judgement is enclosed herewith at Appendix-D.

Thus, if a person has not undergone the prescribed full 5 year of course, he/she shall not be eligible for registration as an Architect with the Council of Architecture and consequently, cannot practice the profession of an architect in the country since registration with Council of Architecture is mandatory for practicing the profession of an architect in India; seeking employment with Central/State Government and taking up teaching assignments. This legal position has been repeatedly informed by the Council to the concerned authorities time and again.



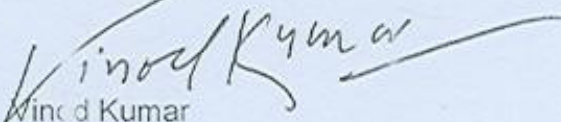


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In view of the above, the Council request your goodself to kindly intervene in the matter in public interest and direct the concerned authorities to comply with the provisions of the Architects Act, 1972 and Regulations framed thereunder and for issuing a corrigendum to the Public Notice dated 07.03.2013 to ensure that no lateral admission of Diploma Holders are made directly into the 2nd year or at any other stage of B.Arch. degree course.

Thanking you,

Yours faithfully,


Vinod Kumar
Registrar

Enc. as above.

1/1/13

Copy to :

The Secretary
Department of Higher Education
Ministry of Human Resource Development
Government of India
Shastri Bhawan
New Delhi-110 115

The Member Secretary
All India Council for Technical Education
7th Floor, Chanderlok Building
New Delhi - 110001

The Joint Secretary (JEE)
Central Board of Secondary Education
Plot No.482, FIE Industrial Area
Patparganj
Delhi - 110 092

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