

Ref No.CA/271/2019/Act Amendment  
March 14, 2019

Shri ER Jhonson George, President  
Graduates' Association of Civil Engineers (Kerala State)  
Grace, Kerala, Palakkad Centre,  
Habitat, Chittur Road, Nr.Manapullikkavu,  
Palakkad-13

**Subject: Proposed Amendments in Architects Act in COA Website- Its dreadful effects on 2 crore Engineers and Building Professionals-reg**

Dear Sir,

This refers to your representation/ letter dated Nil addressed to Hon'ble Prime Minister of India regarding proposed Amendments in the Architects Act, 1972, registered vide PMOPG/D/2018/0436122. In this regard, it is informed that your views/suggestions on the proposal of the Council will be considered by the competent authority appropriately.

We thank you for your valuable suggestions.

Yours faithfully,



R.K. Oberoi  
Registrar



DESPATCHED ON  
SPEED POST, REGD. POST  
✓  
19 MAR 2019  
Vide D.R. Sl. No...101255  
ORDY. POST, COURIER

*Recd. on 22/3/19. 6:15 PM  
uploaded on  
Pub. portal on 22/3/19.*



Details for registration number : PMOPG/D/2018/0436122

Name Shri ER JHONSON GEORGE  
Date of receipt 29/11/2018  
Address GRADUATES ASSOCIATION OF CIVIL ENGINEERS GRACE KERALA  
PALAKKAD CENTRE HABITAT CHITTUR ROAD NR MANAPULLIKKAVU  
District name Palakkad  
State name Kerala  
Mobile no 9847024018  
Email Id Not Provided  
Grievance description  
PV  
Name of organisation(s) where grievance is pending 1. COUNCIL OF ARCHITECTURE  
Type of receipt Takenup

Print

Close

AA/57  
A.O  
e  
8/3/19

Registrar  
98316  
8-3-19



6



**Graduates Association of Civil Engineers (Kerala State)**

Reg. No. 131/97

Grace, Kerala, Palakkad Centre, Habitat, Chittur Road, Nr. Manapullikkavu, Palakkad-13

(A Professional Forum of Consulting Engineers Kerala State)

**President**

Er. Jhonson George  
Ph: 9847024018

**General Secretary**

Er. Anil George  
Ph: 9447126424

**Treasurer**

Er. N. Rajaneesh  
Ph: 9447736714

**State Vice President  
(Central)**

Er. T.S. Jayaprakash  
Ph: 9447045033

**Joint Secretary**

Er. S. Madhu  
Ph: 9447674944

**Executive Committee**

Er. C. Krishnakumar  
Ph: 9447277364

Er. V. Santhosh  
Ph: 9447026459

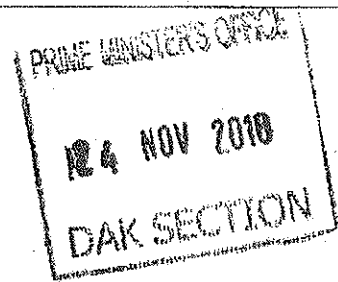
Er. Sujatha Vijayan  
Ph: 9495976782

Er. K.P. Raji  
Ph: 9495937556

Er. D. Ajith  
Ph: 9447037556

To,

The Prime Minister  
Government of India



**Sub : Reg : Proposed Amendments in Architects Act in COA  
Website – Its dreadful affects on 2 crore Engineers and  
Building Professionals – Its Social Set backs**

Graduates Association of Consultant Engineers -GRACE - is the  
biggest association of civil/structure and architectural  
engineering professionals. It is registered under Societies Act,  
in the year 1997 with Reg No.131. GRACE acted as a vital

*Higher Edn*  
*22*



**Graduates' Association of Civil Engineers (Kerala State)**

Reg. No. 131/97

(A Professional Forum of Consulting Engineers Kerala State)

---

force in coordinating matters related to safe, stable and quality construction practices, for prosperity of society which leads to progress of the country for last one and half decade, with various organizations, such as Bureau of Indian Standards (BIS) and state & central governments. Many suggestions put forward by GRACE during study workshops on National building code amendment, were incorporated in NBC 2005 by the BIS and National Disaster Management Act 2005 and NDMA guide lines with respect to construction.

This is to bring your Kind Notice that in website of Council of Architecture (Statutory body of Government of India, Under the Architects Act 1972) Proposed Amendments of Architects act is scrolling / Published, in their news and highlights zone.



Graduates Association of Civil Engineers (Kerala State)

Reg. No. 131/97

(A Professional Forum of Consulting Engineers Kerala State)

In the proposed amendments in Chapter 2(a) as [aa] and Chapter IV 37 (1) (2) prohibits other professionals like Engineers, Building designers and Surveyors,(Such as Graduates, Post Graduate, Diploma holders, Certificate Holders) and building Construction experts from Building planning and designing and Construction.

This amendments are proposed to over come the set backs encountered by Architects to become Supreme authority in Construction industry from various Courts of India which have given clear verdict such as,

“Only Architect title is protected not Architectural Practice.

“Architects and Engineers having equal power and skills in planning and designing [by Jabalpur Bench of Madhya Pradesh High Court.]



**Graduates' Association of Civil Engineers (Kerala State)**

Reg. No. 131/97

(A Professional Forum of Consulting Engineers Kerala State)

---

When the so called Amendment come into force, more than Two crore building professionals Practicing in various states of India (Graduate and Post graduate Engineers, Diploma holders, Certificate Holders, Surveyors) will become unemployed or under employed. It will lead to total destruction of 3 Engineering branches Civil, Mechanical and Electrical both in education and Practice.

Astonishing Fact is that such a Law with proposed amendments is not existing anywhere in the world. The proposed Amendment will have dreadful impact such that:





**Graduates' Association of Civil Engineers (Kerala State)**

Reg. No. 131/97

(A Professional Forum of Consulting Engineers Kerala State)

---

1. It will result in Unhealthy, Unsafe and Un-engineered buildings and habitats
2. Two Crore (2,00,00,000) building Professionals Practicing now will be unemployed or underemployed while construction Industry will be lead by less than fifty thousand (50,000) Architects who are illiterate about the 3S, Strength Safety and Stability of Buildings.
3. A law with proposed Amendment is Unconstitutional and against Verdicts of various Courts.
4. It will affect lively hood of Two crore Building, Engineering and Construction Professionals, and their family and will have Serious Social impacts and set backs.
5. Public Work departments and Local self Government Departments will be controlled and regulated by a few Architects by this amendments

{under the All India Council for Technical Education Act, 1987 (No.52 of 1987)}];

**4.Amendment in Section 4**-In the principal Act, in section 4, sub section (4) shall be inserted after sub-section (3), namely:-

{(4) The process of election of President and Vice-President shall be initiated by the Council two months before the expiry of their term.

**5.Amendment in Section 5**-In sub section (3) of section 5 of the principal Act, the word 'Council', is to be substituted by the words 'Central Government from the Consolidated Fund of India'.

**6.Amendment in Section 8** - In sub-clause (a) of Section 8 of the principal Act after the word "insolvent" words "according to laws prevalent in India in India from time to time; or" shall be inserted.

**7.Amendment in Section 9**-In sub section (2) of section 9 of the principal Act, the word 'nine', is to be substituted by the word 'fifteen'.

**8.Amendment in Section 10**-(i) In section 10 of the principal Act, sub section (6) shall be inserted after sub-section (5), is to be inserted, namely:

{(6) The process of election of Executive Committee members shall be initiated six months before the expiry of their term.

**9. Substitution of Section 11** - The section 11 of the principal Act shall be substituted as under:-

"(1) The President, the Vice-President and other members of the Council shall be entitled to such fees and allowances as may be determined by the regulations."

**10.Amendment in Section 12** - (i) In section 12 of the principal Act, clause (c) of sub-section (1) shall be substituted as under :

"(c) fix the pay and allowances and other conditions of service of officers and other employees of Council by Regulations."

**11. Amendment in Section 14** – (i) In sub-section (1) of section 14 of the principal Act, the word 'schedule', is to be substituted with the words 'first schedule'.

(ii) In sub-section (2) of section 14 of the principal Act, the word 'schedule', is to be substituted with the words 'first schedule'.

**12. Insertion of Section 14A** – After Section 14 of the principal Act, the following Section 14A is to be inserted –

“14A. (1) The qualifications included in the second schedule shall be additional qualifications for the purposes of this Act.

(2) Any authority in India which grants an architectural qualification not included in the second schedule may apply to the Central Government to have such qualification included, and the Central Government, after consultation with the Council, may, by notification in the Official Gazette, amend the second schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the second schedule against such architectural qualification declaring that it shall be a additional qualification only when granted after a specified date.”

**13. Amendment in Section 16** – In section 16 of the principal Act, the word “schedule” is to be substituted with the word “schedules”;

**14. Amendment in Section 17**-In section 17 of the principal Act, the phrase 'any recognised qualification shall be a sufficient qualification for enrolment in the register' shall be substituted by 'any person possessing recognised qualification shall be eligible for appearing in the professional examination conducted by the Council under Section 2(cf) of the Act';

**15. Substitution of Section 18**- The section 18 of the principal Act shall be deleted in its entirety and the following shall be inserted:-

‘18.(1) Every authority or institution in India intending to grant a recognized qualification or additional qualification shall seek prior approval of the Council with a definite intake capacity to commence a recognized qualification or additional qualification and for continuation of the same from time to time.

(2) The Council, may seek information from any such authority or institution regarding the courses of study and examinations to be undergone in order to obtain such certificates; regarding entry age to such courses and examinations required for such certificate(s) and any other information or information as may be required by the Council from time to time.'

**16.Amendment in Section 19-** (i)In the sub-section (1) of section 19 of the principal Act, the following phrase shall be inserted after the phrase 'by the Council,' namely: 'upon receipt of inspection charges from the concerned institution, as may be prescribed by the Council,,';

(ii) In the sub-section (1) of section 19 of the principal Act, the following phrase shall be inserted after the phrase 'where architectural education is given or' namely: 'is proposed to be given or';

(iii) In the sub-section (2) of section 19 of the principal Act, the following phrase shall be inserted after the phrase 'interfere with the conduct' namely: 'of classes and';

(iv) In the sub-section (2) of section 19 of the principal Act, the following phrase shall be inserted after the phrase 'standards of architectural education including' namely: 'admissions to the course';

(v) In the sub-section (2) of section 19 of the principal Act, the following phrase shall be inserted after the phrase 'staff, equipment, accommodation, training' namely: ', eligible qualifications of the concerned faculty';

(vi) In the sub-section (3) of section 19 of the principal Act, the word 'Central' is to be substituted by the word 'Appropriate'.

**17.Amendment in Section 20-**(i)The sub section (1) of the section 20 of the principal Act, the phrase 'the Council shall make a representation to that effect to appropriate Government' shall be substituted with the phrase namely: 'the Council may serve a notice to such institution to rectify any such deficiencies within a maximum period of six months failing which such institution shall be suspended from admitting further students for the next academic year, or more, and shall further make a representation to that effect to the appropriate Government';

(ii) The sub section (2) of the section 20 of the principal Act shall be struck out in its entirety and the following shall be inserted namely:

'(2) After considering such representation, the appropriate Government shall forward the same along with their remarks within 30 days of receipt of such representation to the college or institution concerned, with a direction that the college or institution, as the case may be, shall submit its explanation to the appropriate Government within 30 days of receipt of the aforesaid direction'.

(iii) In the sub section (3) of the section 20 of the principal Act, the following shall be inserted after the phrase 'to the Central Government' namely: 'within 30 days after expiry of period prescribed under sub-section (2)';

(iv) In the clause (a) of sub section (4) of the section 20 of the principal Act, the following shall be inserted after the phrase 'making such further enquiry' namely: 'within 30 days of receipt of recommendations of appropriate Government'.

(v) In sub section (4) of the section 20 of the principal Act, the word 'may' shall be substituted by the word 'shall'.

(vi) In sub section (4) of the section 20 of the principal Act, the words 'or additional qualification,' shall be inserted after the phrase 'it shall be a recognised qualification'.

**18.Substitution of Section 21-** In the section 21 of the principal Act, the section shall be deleted in its entirety and the following shall be inserted:

21.(1) The Council may prescribe the minimum standards of architectural education required for granting recognised qualifications or additional qualifications by colleges or institutions or other authorities in India.

(2) The Council may prescribe standards for ranking or accrediting the institutions imparting recognized qualifications or additional qualifications.

(3) The Council shall constitute a Board to conduct professional examination for registration of architects.'

**19. Amendment in Section 22-**(i) In the sub-section (1) of the section 22 of the principal Act, the following words are to be inserted after the word 'architects' namely: ', architectural firms and limited liability partnerships';

(ii) After the sub-section (1) of the section 22 of the principal Act, the following sub-sections shall be inserted, namely:

'(1A) The Council may by regulations prescribe scale of charges for various architectural services;

(iii) In the sub-section (2) of section 22 of the principal Act, the following words shall be inserted after the phrase, 'professional misconduct', namely: 'of an Architect, architectural firm, limited liability partnership of Architects';

**20. Amendment in Section 25-**(i) In the section 25 of the principal Act, the word 'or' shall be substituted by the word 'and';

(ii) In the clause (a) of the section 25 of the principal Act, the clause (a) of section 25 of the principal Act shall be deleted in its entirety and the following clause shall be inserted, namely:

'(a) has completed 1 year training under a registered architect or firm of architects or limited liability partnership of architects having minimum 5 years of standing, after obtaining the recognised qualification and qualifying the professional examination'

**21. Insertion of Section 25A** -After the section 25 of the principal Act, a non-obstante clause shall be inserted, namely:

'25A. Notwithstanding anything contained in any law, bye-law, regulation of any development authority, municipal authority, local body, etc., only an architect registered under this Act shall be entitled to provide architectural services throughout the country and shall not be subjected to any further registration with any local body, development authority or any institution of local self government.'

**22. Amendment in Section 26-**(i) In the Section 26 of the principal Act, sub-section (1) shall be deleted in its entirety and the following shall be inserted, namely: -

“(1) After passing the professional examination, all applications for registration shall be addressed to the Registrar of the Council and shall be accompanied by such fee as may be prescribed by rules.”

(ii) After the sub-section (4) of section 26 of the principal Act, the following shall be inserted as sub-section (5) of section 26 of the principal Act, namely:

“(5) Every Architect shall notify any change of the place of office, residence or practice, or place of employment in writing within 60 days of such change.”

**23. Substitution of Section 28** - The section 28 of the principal Act shall be deleted in its entirety and the following shall be inserted namely:

“28. An Architect whose name is entered in the register on payment of such fee as maybe prescribed by rules be entitled to have any entry stating such additional qualification made against his name in the register in addition to any entry previously made.”

**24. Substitution of Section 34-** The section 34 of the principal Act shall be deleted in its entirety and the following shall be inserted namely:

“34. As soon as may be, after the 1st day of April every year, the Registrar shall cause to print or make available electronic or online copies of the register as on date and such copies shall be made available to persons applying therefor on payment of charges prescribed by the Council.”

**25. Amendment in Section 35. In the Section 35 of the Principal Act, the following sub-sections be inserted :**

(3) Every Architect appointed in the services of Central/ State Government/ Union territories and other authorities established by law may exercise such powers, duties and control as prescribed by the Council from time to time.

(4) The Council shall by regulations prescribe methods for holding of competitions for architects and also for rendering architectural services by architects, firm of architects and limited liability partnership of architects.

(5) Notwithstanding anything contained in any other law subject to the provisions of this Act, Regulations prescribed by the Council under Section 35 shall have effect over any other law in force.

**26. Amendment in Section 36** - In the section 36 of the principal Act, the words, 'one thousand rupees' shall be substituted with the words, namely: 'five lakh rupees';

**27. Substitution of Section 37**-The section 37 of the principal Act shall be deleted in its entirety and the following shall be inserted namely:

"(1) Except as otherwise provided in this Act, no person other than a registered architect or a firm of architect or limited liability partnership of architects shall practise the profession of architecture or provide architectural services.

(2) Except as otherwise provided in this Act, or any other law for the time being in force, no entity other than registered architect, or a firm of architects, or a limited liability partnership of architects shall use the title and style of architect,

Provided that the provisions of this section shall not apply to-

(a) practice of architecture by a person designated as a "landscape architect" or "naval architect";

(b) a person who, carrying on the practice of architecture in any country outside India, undertakes the function as a consultant or designer in India for a specific project with the prior permission of the Central Government.

Explanation - For the purposes of clause (a), -

(i) "landscape architect" means a person who deals with the design of open spaces relating to plants, trees and landscape;



(ii) "naval architect" means an architect who deals with design and construction of ships.

(3) If any person contravenes the provisions of aforementioned sub-sections, he shall be punishable on first conviction with fine which may extend to five lakh rupees and on any subsequent conviction with imprisonment which may extend to five years or with fine not exceeding ten lakh rupees or with both.

(4) Notwithstanding anything contained in any law for the time being in force, no person, municipality, planning or development authority, or local body or any other statutory authority created under any other law, shall have power to license or to designate a person as an Architect or to enable a person to undertake practice of architecture."

**28. Amendment in Section 38-**(i) In the section 38 of the principal Act, the words 'one hundred rupees' is to be substituted with the words 'ten thousand rupees'.

(ii) In the section 38 of the principal Act, the words "one hundred rupees" is to be substituted with "Ten Thousand Rupees" and 'ten rupees' is to be substituted with the words 'one hundred rupees'.

**29. Amendment in Section 39-** In Section 39 of the principal Act, sub section (3) shall be inserted after sub-section (2), namely:-

"(3) Notwithstanding anything contained in any other law, but subject to the provisions of this Act, only the courts having jurisdiction over the head office of the Council shall take cognizance of any offence punishable under this Act."

**30. Insertion of Section 42A-** In the section 42 of the principal Act, the Section 42A shall be inserted after section 42 namely:-

'42A. Notwithstanding anything contained in the Wealth-tax Act, 1957 (27 of 1957), the Income-tax Act, 1961 (43 of 1961), or any other enactment for the time being in force relating to tax on wealth, income, profits or gains, the Council shall not be liable to pay wealth tax, income tax or any other tax in respect of its wealth, income, profits or gains derived.'

COMPARATIVE CHART (Versions as on 03.11.2018)

Original Provisions	Changes incorporated	Draft Amended Provisions
<p><b>THE ARCHITECTS ACT, 1972*</b></p> <p>*Published in the Gazette of India on 31.05.1972</p> <p>[31<sup>st</sup> May, 1972]</p> <p>An Act to provide for the registration of architects and for matters connected therewith.</p> <p>BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows: -</p> <p style="text-align: center;"><b>CHAPTER I</b></p> <p style="text-align: center;"><b>PRELIMINARY</b></p> <p>1. (1) This Act may be called the Architects Act, 1972.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come in to force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> <p>2. In this Act, unless the context otherwise requires, -</p> <p>(a) "architect" means a person whose name is for the time being entered in the register;</p>	<p>No amendment in Section 1.</p> <p>2</p> <p>(a) insertion of "and duly empowered under the Act to provide Architectural services"</p> <p>Insertion of clauses (aa), (ab) &amp; (ac)</p> <p>(aa) "architectural Services" includes providing any architectural design, plans, preparation of all drawings and documents, tracim, or the like, for</p>	<p><b>THE ARCHITECTS ACT, 1972*</b></p> <p>*Published in the Gazette of India on 31.05.1972</p> <p>[31<sup>st</sup> May, 1972]</p> <p>An Act to provide for the registration of architects and for matters connected therewith.</p> <p>BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows: -</p> <p style="text-align: center;"><b>CHAPTER I</b></p> <p style="text-align: center;"><b>PRELIMINARY</b></p> <p>1. (1) This Act may be called the Architects Act 1972</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come in to force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> <p>2. In this Act, unless the context otherwise requires, -</p> <p>(a) "architect" means a person whose name is for the time being entered in the register and is duly empowered under the Act to provide Architectural services;</p> <p>(aa) "architectural Services" includes providing any architectural design, plans, preparation of all drawings and documents, tracing or the like, for use in sanction</p>

<p>(b) "Council" means the Council of Architecture constituted under Section 3;</p> <p>(c) "Indian Institute of Architects" means the Indian Institute of Architects registered under the Societies Registration Act, 1860;</p>	<p>use in sanction and for construction, extension, addition or alteration of any building and built environment or part thereof including documentation, or, being in responsible control of professional services which require the development of sites, the architectural design, in whole or in part, of buildings or built environment, groups of buildings and also includes scrutinizing the documents regulating the construction and development of buildings and related matters;</p> <p>(ab) "building bye-laws" include all building bye-laws as adopted by various municipalities / municipal Acts notified by Central Government or State Governments or Union Territories in India;</p> <p>(b) insertion of "India"</p> <p>Insertion of (ba) &amp; (bb)</p> <p>(ba) "Examination Board" means a Board constituted to conduct professional examination.</p> <p>(bb) "Firm of Architects" means a Firm as defined in Section 4 of the Indian Partnership Act 1932, such that all partners are Architects as defined in section 2(a) of the principal Act;</p> <p>(c) no amendment</p> <p>Insertion of (ca), (cb), (cc), (cd) &amp; (ce)</p> <p>(ca) "Limited Liability Partnership of Architects" means a Limited Liability Partnership (LLP)</p>	<p>and for construction, extension, addition or alteration of any building and built environment or part thereof including documentation, or, being in responsible control of professional services which require the development of sites, the architectural design, in whole or in part, of buildings or built environment, groups of buildings and also includes scrutinizing the documents, regulating the construction and development of buildings and related matters;</p> <p>(ab) "building bye-laws" include all building bye-laws as adopted by various municipalities / municipal Acts notified by Central Government or State Governments or Union Territories in India;</p> <p>(b) "Council" means the Council of Architecture, India constituted under Section 3;</p> <p>(ba) "Examination Board" means a Board constituted to conduct professional examination.</p> <p>(bb) "Firm of Architects" means a Firm as defined in Section 4 of the Indian Partnership Act 1932, such that all partners are Architects as defined in section 2(a) of the principal Act;</p> <p>(c) "Indian Institute of Architects" means the Indian Institute of Architects registered under the Societies Registration Act, 1860;</p>
---	---	---

<p>36. If any person whose name is not for the time being entered in the register falsely represents that it is so entered, or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable with fine which may extend to one thousand rupees.</p>	<p>Substitution in 36 with "five lakh rupees"</p>	<p>36. If any person whose name is not for the time being entered in the register falsely represents that it is so entered, or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable with fine which may extend to five lakh rupees.</p>
<p>37. (1) After the expiry of one year from the date appointed under sub-section (2) of section 24, no person other than a registered architect, or a firm of architects shall use the title and style of architect.</p>	<p>Substitution of Section 37 with - "(1) Except as otherwise provided in this Act, or any other law for the time being in force, no person other than a registered architect or a firm of architect or limited liability partnership of architects shall practise the profession of architecture or provide architectural services.</p> <p>(2) Except as otherwise provided in this Act, or any other law for the time being in force, no entity other than registered architect, or a Firm of Architect or a limited liability partnership of architects shall use the title and style of architect.</p> <p>Provided that the provisions of this section shall not apply to-</p> <p>(a) practice of the profession of an architect by a person</p>	<p>37. (1) Except as otherwise provided in this Act, or any other law for the time being in force, no person other than a registered architect or a firm of architect or limited liability partnership of architects shall practise the profession of architecture or provide architectural services.</p> <p>(2) Except as otherwise provided in this Act, or any other law for the time being in force, no entity other than registered architect, or a Firm of Architect or a limited liability partnership of architects shall use the title and style of architect.</p> <p>Provided that the provisions of this section shall not apply to-</p> <p>(a) practice of the profession of an architect by a person</p>
<p>37. (1) After the expiry of one year from the date appointed under sub-section (2) of section 24, no person other than a registered architect, or a firm of architects shall use the title and style of architect.</p>	<p>Notwithstanding anything contained in any other law rendering architectural services by architects, firm of architects and limited liability partnerships of architects.</p> <p>Notwithstanding anything contained in any other law but subject to the provisions of this Act, Regulations prescribed by the Council under section 35 shall have effect over any other law in force.</p>	<p>Notwithstanding anything contained in any other law but subject to the provisions of this Act, Regulations prescribed by the Council under section 34(3) shall have effect over any other law in force.</p>
<p>CHAPTER IV MISCELLANEOUS</p>	<p>CHAPTER IV MISCELLANEOUS</p>	<p>CHAPTER IV MISCELLANEOUS</p>