


वास्तुकला परिषद्
Council of Architecture

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

Ref No.CA/15/2019/AE

January 24, 2019

✓ 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.

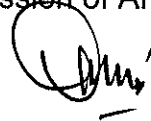
Respected Sir(s),

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



-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.

Ref No.CA/15/2018/AE
October 24, 2018

The Chief Secretary,
Government of Gujarat
Block No.1, 5th Floor,
Sardar Bhawan,
Gujarat Sachivalaya
Gandhinagar-382010
Gujarat.

Subject: Registration of Architects under the new Comprehensive GDCR with local bodies in Gujarat-violation of the Architects Act, 1972 (Central Act)-reg.

Dear Sir,

I am directed to seek your personal intervention regarding the Gujarat Comprehensive General Development Control Rules 2017 issued by Urban Development and Housing Department, Government of Gujarat, insisting Architects to seek registration as an Architect and pay registration fees of Rs.5,000/- for practicing their profession in the State of Gujarat.

The Council has in the past vide its letters dated 22.07.2017, 31.01.2018, 22.05.2018 and 09.08.2018 (copy enclosed for ready refercncc) requested the Government of Gujarat to modify the Gujarat Development Control Regulations 2017 so as to exclude Architects from seeking further registration with the concerned local bodies in the State of Gujarat and payment of fees to practice the profession of Architect under the jurisdiction of the concerned local bodies.

Pertinent to the matter, may I once again request you to kindly consider that the Parliament of India enacted the Architects Act, 1972 for registration of Architects and for matters conducted therewith. The Act is enforced throughout the territory of India with effect from 01st September, 1972. The main purpose of this Act is to regulate the profession of Architecture and to protect the general public from unqualified person working as Architects and to ensure the compliance of the professional conduct etiquette prescribed for Architects.

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 11. 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 provision of Article 254 of the Constitution of India a Central law shall prevail over the State law. Hence, the Government Development Control Rules 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.

In terms of the provisions of the Architects Act, 1972 only persons registered with Council of Architecture under the Architects Act, 1972 can use the title and style of Architect for carrying the profession of Architecture. No other body/Authority in India is competent to either issue license or register Architects to control their profession and professional conduct in any manner.

I would like to invite your kind attention towards Division Bench Judgment dated 22/04.1980 by Hon'ble High Court of Delhi in LPA No. 59 of 1975, MCD V/s. Ram Kumar Bhardwaj & Others which held as under:

"xxxxx The Architects Act 1972, as a special law dealing with qualifications to be possessed by persons for being registered as Architects and restricting the term "Architect" or "Registered Architect" to such persons only. Since, possession of a registration certificate under the Architects Act, 1972 is regarded by Parliament as sufficient qualification for 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 xxxx".

This judgement had also been upheld by the Hon'ble Supreme Court of India vide order dated 22 04 1983 in SPL (Civil) No.6469 and 9396 of 1980.

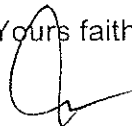
In view of the above, the Council of Architecture once again request the Government of Gujarat to issue appropriate directions for withdrawing the requirement of Registration of Architects and payment of Rs. 5,000/- under the Comprehensive Gujarat Development Control Rules, to carry on profession of Architecture in the State of Gujarat.

The timely action in the matter will not only resolve the above legal crisis but will also help the Architects to pursue their profession smoothly and without any hindrance, since the COA has received several representations from Architects in the matter.

A line in the reply on the action taken will be highly appreciated.

Thanking you,

Yours faithfully,



R.K. Oberoi
Registrar

Encl: As above

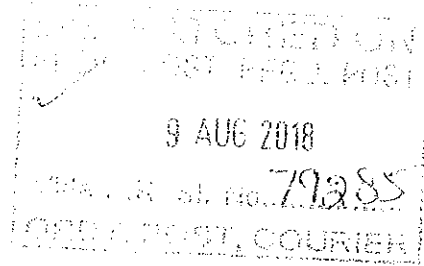
Copy for information to:

Ar. Mauktik Trivedi, Chairman
IIA Saurashtra Centre
90, Silver Avenue, Staya Sai Road,
B/h Atmiya College,
Off Kalawad Road,
Rajkot-360005
Gujarat.

DESPATCHED ON
SPEED POST REGD. POST
75 OCT 2018
Vide D.R. Sl. No. 83167
ORDY. POST. COURIER

Ref No. CA/15/2018/AE
August 9, 2018

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



Subject: Violation of Architects Act, 1972 by local Municipal Bodies/Authorities in the State of Gujarat-Reg.

Dear Sir,

The attention of the Council of Architecture is drawn that the local Bodies/Authorities in the Gujarat are violating the Architects Act by insisting Architects registered with Council of Architecture to seek further registration as an Architect under their jurisdiction

Pertinent to the matter, I would like bring to your kind attention that consequent upon enactment of the Architects Act, 1972, no Body/Authority in India is entitled to issue licence/registration to any person as an Architect or to control their profession or professional conduct in any manner. Further, the duties and functions required to be performed by an Architect cannot be permitted to be carried on by any other person.

The Council in the past has brought this matter to the notice of your goodself, (copies enclosed). However, the Council is still in receipt of representations from practicing Architects that they are being subjected to seek registration/licence by the Municipal/ Local bodies in Gujarat. It is also stated that persons who are not having recognized qualifications as per the Architects Act, 1972, and also not registered as Architects be not allowed to function as to carry on the practice of the Architecture under the jurisdiction of the concerned Municipal/ Local Authorities.

Sir, the Architects Act, is a special Act, enforceable throughout the Territory of India and consequent enactment of the Act, it is only Council of Architecture which is competent to register a person as an Architect and lay down code of conduct and ethics for practicing the profession of Architecture in India.

The Act specifically prohibits use of title and style of Architect or misrepresentation as an Architect by any person who is not registered with the Council of Architecture.

Contd....P/2

A handwritten signature in blue ink, consisting of a stylized cursive script.

In view of the above, the Government of Gujarat is requested to issue appropriate advice to the concerned Municipal/Local Authorities to not to register any person as an Architect under their jurisdiction. Further, they should not allow any person who does not hold a recognized qualification as per the Architects Act, 1972 and also not registered with the Council of Architecture to practice as an Architect under their jurisdiction.

It is requested that the Council of Architecture may be kept informed of the action taken in the matter.

Thanking you

Yours faithfully



R.K. Oberoi
Registrar

Encl. As above




वास्तुकला परिषद्
Council of Architecture

वर्षाभिनव अधिनियम, 1972 के अधीन भारत सरकार का एक स्वायत्त प्राधिकारिक निकाय
An Autonomous Statutory Body of Govt. of India, under the Architects Act, 1972

Ref.No.CA/15/2017/AE
July 22, 2017

The Principal Secretary,
Urban Development and Urban Housing Deptt.,
Government of Gujarat,
14th Block, 9th Floor, New Sachivalaya,
Gandhinagar-382010 (Gujarat)

Subject: Violations of the Architects Act, 1972 (An Act of Parliament) by Office of the Urban Development and Urban Housing Department of the Government of Gujarat – empanement of Architects – reg.

Dear Sir,

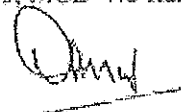
It has been brought to the notice of the Council of Architecture that Urban Development and Urban Housing Department of the Government of Gujarat recently notified Draft Gujarat Comprehensive General Development Control Regulations, 2017 wherein Architects are insisted to pay Registration Fee. Engineers are permitted to Architectural services i.e. preparing drawing/plans for construction of buildings and appointment of committee for third party checks and inspection without providing representation to Architects on the same.

In this regard, may I invite your kind attention to the fact that the Parliament of India enacted the Architects Act, 1972 for the registration of Architects and for matters connected therewith throughout the territory of India. This Act came into force w.e.f. 1st September, 1972. The main purpose of this Act is to regulate the profession of Architecture and to protect the general public from unqualified persons working as Architects and ensure the compliance with professional conduct regulations prescribed for Architects.

As per the provisions of the Act only persons "registered" with the Council of Architecture under Architects Act, 1972 can use title and style of the "Architect" for carrying on the profession of Architecture. The Government/any authority, therefore, cannot recognize any person other than a registered architect or a firm of registered architects practicing as an "Architect" for any purpose whatsoever.

Further, in terms of provisions of the Architects Act, 1972 no other body/authority in India is entitled to either issue license/register Architects or to control their profession and professional conduct in any manner. Any body/authority carrying out any such activity shall be doing so, in violation of the Architects Act. Therefore, as per the provisions of Architect Act, 1972, Municipal Corporation and Local Bodies etc. cannot further register any person to work as an Architect and also insist on payment of registration fee.

In addition, I would also like to invite your kind attention towards Division Bench Judgment dated 02.04.1980 of Hon'ble High Court of Delhi in LPA No.59 of 1975, MCD V/s Ram Kumar Bhardwaj & Ors., which held as under:



contd....2/-



- 2 -

"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 term "architect" or "registered architects" to such persons only. Since the possession of a registration certificate under the Architects Act, 1972 is 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 XXXX"

Hon'ble Supreme Court upheld the above judgement in SLP Nos.6469 and 9396 of 1980 A/N which were filed challenging this.

Further, regarding role and functions of Architect and Engineer the Division Bench of Gujarat High Court in Special Civil Application No.1111 of 1999 vide Order dated 20.06.2000 held as under:

29. XXXXXXX So far as the Civil Engineers are concerned, ordinarily they are engaged in designing and constructing major structures and facilities vis. bridges, dams, tunnels, tall buildings, factories, highways, airports, railroads, and so on. There is a significant contribution by this branch also and has glorified by creation of sanitary system to reduce disease and improve the environment. XXXXXXX

XXXXXX "Considering various aspects it is clear that the function of Architects and Civil Engineer cannot be the same. To some extent, the work might be appearing to be overlapping. The Engineer may carry out the work of erecting a building as per the design prepared by the architect. Architect may require supervision of the work carried out by the Engineer. It may be that in some cases one may require assistance of architect and engineer to complete the work but at the same time it must not be forgotten that the legislature has taken note of the fact that architects are professionals and qualifications are enumerated in the schedule to the Architects Act. So far as the Civil Engineers are concerned, nothing has been placed before us indicating that they are required to be enrolled with the statutory body recognized under the Act, empowering the statutory body to exercise powers over the members or to take action, such as disciplinary action. An engineer cannot be equated with an architect." XXXXXX. A copy of the above order is enclosed herewith.

I also, would like to invite your attention to the judgement dated 14th February, 2017 of the Supreme Court of India wherein the Hon'ble Court held as under:

XXXXXXXX we are of the view that the High Court was in error in rejecting the contention of the appellant that practice under the Architects Act, 1972 is not restricted only to the architects. It is not correct to say that any one can practice as an architect even if he is not registered under the Architects Act, 1972 XXXXX

A copy of the above order is enclosed herewith for your kind attention and perusal.

In view of the above, you are requested not to allow any person other than an Architect to prepare building plans/ layout plans & supervision of constructions of buildings which is under the exclusive domain of practicing Architects and allow Architects having valid registration with Council of Architecture to carry on profession of an Architect in the State of Gujarat.

Contd 3/-



- 3 -

A copy of the Handbook of Professional Document which contains Act, Rules Regulations, Conditions of Engagement & Scale of Charges, Architectural Competition Guidelines, etc. is enclosed herewith for your kind perusal.

It is requested to keep the Council informed with action taken in the matter.

Yours faithfully,

R. K. Oberoi
Registrar

Encl: As stated

Copy forwarded for information to:

- ✓ 1. Ar. Azmi Wadia,
Chairperson,
The Indian Institute of Architects,
Surat Centre,
'Mañorath', 1, French Gardens,
Athwa Petrol Pump Lane,
Athwaliness,
Surat-395001 (Gujarat)
2. Mr. Bimal H. Patel
Member
President, Cept University,
Kasturbhai Lalabhai Campus,
University Road, Vasant Vihar,
Navrangpura,
Ahmedabad-380009 (Gujarat)

GOVERNMENT OF GUJARAT
COUNCIL OF ARCHITECTURE

Ref.No.CA/15/2018/AE
May 22, 2018

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

Subject: Registration with local municipal bodies, violation of the provisions of the Architects Act, 1972 - reg.

Dear Sir,

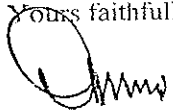
The attention of Council of Architecture is drawn by Architects, that as per the new GDCR (Gujarat Comprehensive development control regulation, 2017), which has been recently published in December, 2017 and implemented from April 01, 2018, it is mandatory for Architects to act as Architects of Record (AOR) shall have to pay Rs. 5,000/- as registration fee for the term of five years. Further, the local body, i.e. Vadodara Municipal corporation has also introduced a new fee structure to be charged from the Architects already registered by Council of Architecture.

In this regard, please refer to our letter no. (1) CA/15/2018/AE, dated 31.01.2018, addressed to the Chief Secretary, Govt. of Gujarat and (2) CA/15/2017/AE, dated 22.07.2017, addressed to the Principal Secretary, Urban Development and Urban Housing Dept., Govt. of Gujarat, wherein we have reiterated that consequent upon the enactment of the Architects Act, 1972 by the Indian Parliament, no local body / authority is competent to register / license any person as an Architect in India of the same we have also quoted some orders of the Hon'ble Supreme Court of India. The copy of the said letter(s) is enclosed herewith for your kind perusal.

In view of the above, Govt. of Gujarat is requested to amend the relevant provisions of GDCR and direct all local bodies / authorities in the state not to licence / register Architects under their Jurisdiction and take appropriate action to make amendments in the GDCR which should align with the provisions of the Architects Act, 1972

Thanking You,

Yours faithfully,



R.K. Oberoi
Registrar

Copy to:

1. Shri Sureshchandra C. Kothari
16, Madhuvan Soc.,
Gotri Road,
Vadodara
Gujarat
2. Shri Pankaj M. Shah,
Nr. Brahman Sabha Hall,
Dandia Bazar,
Vadodara,
Gujarat
3. The Municipal Commissioner,
Vadodara Municipal Corporation,
Khanderao Market,
Vadodara - 390209
Gujarat

DESPATCHED ON
SPEED POST, REGD. POST
24 MAY 2018
Vide D.R. Sl. No. 75096.S
ORDY. POST, COURIER

75096.S

CA/15/2017/AE
Amn. No. 1/2018

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

Subject: Registration of Architect with local municipal bodies in the state of Gujarat, violation of the provisions of the Architects Act, 1972. etc.

Dear Sir,

The attention of Council of Architecture is drawn by Architects that Rajkot Municipal Corporation (RMC) is insisting Architects to obtain registration as an Architect and pay the renewal charges in order to carry on the profession of an Architect under its jurisdiction.

In this regard, the Council had already vide letter no. CA/15/2017/AE, dated 22.07.2017 (copy enclosed), addressed to "The Principal Secretary, Urban Development and Urban Housing Dept., Govt. of Gujarat, informed that consequent upon enactment of Architects Act, 1972 by the Indian Parliament no local body authority is competent to register / license Architects.

Further, Hon'ble Supreme Court of India recently, vide order dated 14.02.2017, in Civil Appeal No's. 3346-3348 of 2005, Council of Architecture Vs. Manohar Krishnaji Ranade & Ors. held as under:

"xxx. It is not correct to say that any one can practice as an architect even if he is not registered under the Architects Act, 1972 xxx". A copy of the said order is also enclosed herewith for your reference.

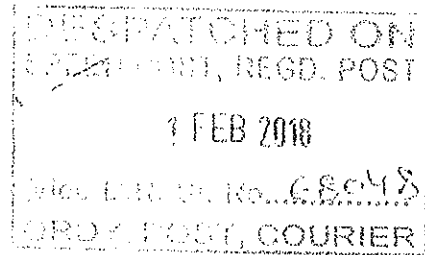
In view of the above, Govt. of Gujarat is requested to direct all local bodies / authorities in the state not to licence / register Architects under their jurisdiction.

The Council may be posted with the action taken in the matter.

Thanking You,

Yours faithfully,

R.K. Oberoi
Registrar



Copy to:

1. The Municipal Commissioner
Rajkot Municipal Corporation
Dhebarbhai Road,
Rajkot - 360003
Gujarat
2. Mr. Bimal H. Patel
President, CEPT University,
Kasturbhai Lalabhai Campus,
University Road, Vasant Vihar,
Navrangpura,
Ahmedabad - 380009
Gujarat
3. Mr. Elyas Panwala,
102, Om Apartments,
23/35, New Jagnath Plot,
Rajkot - 360001

संख्या 1699
19-आ-3-1999

प्रेषक,

श्री अतुल कुमार मुत्ता,
सचिव,
उत्तर प्रदेश शासन।

सेवा में,

उपाध्यक्ष
विकास प्राधिकरण,
मुजफ्फरनगर।

आवास अनुभाग-3

लखनऊ : दिनांक 18 अगस्त, 1999

विषय: आर्किटेक्ट एक्ट-1972 के प्राविधानों को लागू किया जाना।

महोदय,

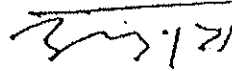
प्रशासनिक अधिकारी, काउन्सिल आफ आर्किटेक्चर द्वारा शासन के संज्ञान में लाया गया है कि मुजफ्फरनगर विकास प्राधिकरण क्षेत्र में कतिपय व्यक्तियों द्वारा अनधिकृत तरीके से आर्किटेक्ट के रूप में कार्य किया जा रहा है जोकि अनुचित है। उन्होने अनुरोध किया है कि जनसाधारण के हितों की सुरक्षा तथा आर्किटेक्चर प्रोफेशन के संरक्षण हेतु इस पर तत्काल प्रतिबन्ध लगाया जाना आवश्यक है।

2- इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि आर्किटेक्ट एक्ट-1972 एक केन्द्रीय कानून है तथा भारत सरकार के गजट नोटिफिकेशन के दिनांक (31 मई, 1972) से सम्पूर्ण भारतवर्ष में प्रभावी है। इस अधिनियम की धारा-3 के अन्तर्गत काउन्सिल आफ आर्किटेक्चर का गठन किया गया है तथा धारा-37 के प्राविधानों के अन्तर्गत काउन्सिल आफ आर्किटेक्चर से रजिस्टर्ड आर्किटेक्ट के अतिरिक्त किसी अन्य व्यक्ति द्वारा आर्किटेक्ट के टाईटिल के साथ कार्य करने पर पूर्ण प्रतिबन्ध है। अधिनियम की धारा-39 के अन्तर्गत ऐसा करना एक दण्डनीय अपराध भी है। इसके अतिरिक्त काउन्सिल आफ आर्किटेक्ट से रजिस्टर्ड आर्किटेक्ट को सम्पूर्ण भारतवर्ष में आर्किटेक्ट के रूप में कार्य करने के लिए किसी अन्य स्तर पर रजिस्ट्रेशन कराने अथवा लाईसेंस लेने की भी आवश्यकता नहीं है।

3- कृपया अपने प्राधिकरण क्षेत्र में आर्किटेक्ट एक्ट-1972 के प्राविधानों को प्रभावी ढंग से लागू कराएँ तथा अनधिकृत रूप से आर्किटेक्ट के रूप में प्रैक्टिस कर

रहे व्यक्तियों के विरुद्ध तत्काल आवश्यक कार्यवाही करने का कष्ट करें। कृत कार्यवाही से शासन को भी अवगत कराए।

भवदीय,



(अतुल कुमार गुप्ता)
सचिव।

संख्या 1699 (1)/9-आ-3-1999 तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- श्री के० गोपाल कृष्ण भट्ट, प्रशासनिक अधिकारी, काउन्सिल आफ आर्किटेक्टचर, इण्डिया हेवीटॉट सेन्टर, 6-ए, प्रथम तल, लोदी रोड, नई दिल्ली को उनके पत्रांक सी.ए./28/99/ए.ई. दिनांक 27.3.99 जो मुख्य सचिव, उ० प्र० शासन को सम्बोधित है, के संदर्भ में।
- 2- स्टाफ आफिसर, मुख्य सचिव, उत्तर प्रदेश शासन।
- 3- आवास आयुक्त, आवास एवं विकास परिषद, उत्तर प्रदेश, लखनऊ।
- 4- उपाध्यक्ष, समस्त विकास प्राधिकरण, उत्तर प्रदेश।
- 5- प्रेसीडेन्ट, यू०पी० चैम्बर, इण्डियन इन्स्टीट्यूट आफ आर्किटेक्ट, 58-हजरतगंज, लखनऊ।

आज्ञा से,


(महेश्वर सिंह चौहान)

विशेष सचिव।

प्रेषक,

श्री जे.एस. मिश्र,
सचिव,
उत्तर प्रदेश शासन।

सेवा में,

1. आवास आयुक्त,
उत्तर प्रदेश आवास एवं विकास परिषद,
उत्तर प्रदेश।
2. उपाध्यक्ष,
समस्त विकास प्राधिकरण,
उत्तर प्रदेश।
3. अध्यक्ष,
समस्त विशेष क्षेत्र विकास प्राधिकरण,
उत्तर प्रदेश।
4. नियन्त्रक प्राधिकारी,
समस्त विनियमित क्षेत्र,
उत्तर प्रदेश।

आवास एवं शहरी नियोजन अनुभाग-3

लखनऊ, दिनांक: 22 अगस्त, 2003

विषय: आवास एवं विकास परिषद, विकास प्राधिकरणों तथा नियन्त्रक प्राधिकारियों द्वारा अनुज्ञापित व्यक्तियों को लाईसेन्स जारी किए जाने हेतु आर्कीटेक्ट एक्ट, 1972 के प्राविधानों को लागू किया जाना।

महोदय,

उपर्युक्त विषय के संदर्भ में मानव संसाधन विकास मंत्रालय, भारत सरकार ने इस तथ्य की ओर ध्यानकर्षण किया है कि आर्कीटेक्ट एक्ट, 1972 एक केन्द्रीय कानून है जो दिनांक 01.9.1972 से लागू है एवं इसका मुख्य प्रयोजन प्रैक्टिसिंग आर्कीटेक्ट्स के प्राफेशनल आचरण को नियन्त्रित करना तथा सामान्य जनता को ऐसे अपात्र व्यक्तियों से संरक्षण दिलाना है जो अनधिकृत रूप से आर्कीटेक्ट के रूप में कार्यरत हैं। उक्त एक्ट के प्राविधानों के अनुसार आर्कीटेक्ट की उपाधि के रूप में केवल वही व्यक्ति प्रैक्टिस कर सकता है जो काउन्सिल ऑफ आर्कीटेक्चर में पंजीकृत है। परन्तु इसके बावजूद मानव संसाधन विकास मंत्रालय के समक्ष ऐसी शिकायतें प्राप्त हो रही हैं कि स्थानीय अभिकरणों द्वारा लाईसेन्स जारी करने में आर्कीटेक्ट एक्ट, 1972 के प्राविधानों का उल्लंघन किया जा रहा है। अतः मानव संसाधन विकास मंत्रालय द्वारा उक्त एक्ट के प्राविधानों को लागू करने हेतु समस्त सम्बन्धित अभिकरणों को आवश्यक निर्देश जारी करने की अपेक्षा की गई है।

2. इस सम्बन्ध में मुझे यह कहने का निर्देश हुआ है कि 'नेशनल बिल्डिंग कोड' में आर्कीटेक्ट, इंजीनियर, स्ट्रक्चरल इंजीनियर, टाउन प्लानर व सुपरवाइजर की अर्हताएं एवं क्षमता सम्बन्धी गाईडलाइन्स दी गई हैं जिनके आधार पर उत्तर प्रदेश नगर योजना और विकास अधिनियम, 1973 की धारा-57(डी) के अधीन आर्कीटेक्ट टाउन प्लानर, इंजीनियर, सर्वेयर, डाक्ट्रिसमैन आदि को भवन मानचित्र, जलापूर्ति, ड्रेनेज एवं सीवरज प्लान बनाने हेतु राज्य सरकार के पूर्वानुमोदन से बनाए गए बाई-लॉज के अनुसार लाईसेन्स जारी करने का अधिकार है। आर्कीटेक्ट एक्ट, 1972 के अनुसार ऐसा तकनीकी व्यक्ति जो अर्ह आर्कीटेक्ट नहीं है एवं काउन्सिल ऑफ आर्कीटेक्चर में पंजीकृत नहीं है, आर्कीटेक्ट की हैसियत से व्यवसाय

3. नहीं कर सकता है। अधिनियम की धारा-39 के अन्तर्गत ऐसा करना एक दण्डनीय अपराध भी है। इसके अतिरिक्त काउन्सिल ऑफ आर्किटेक्टचर से पंजीकृत आर्किटेक्ट को सम्पूर्ण भारतवर्ष में आर्किटेक्ट के रूप में कार्य करने के लिए किसी अन्य स्तर पर पंजीकरण कराने अथवा लाईसेन्स लेने की भी आवश्यकता नहीं है।

4. उपर्युक्त के दृष्टिगत आर्किटेक्चर प्रोफेशन के संरक्षण तथा जनसाधारण के हितों की सुरक्षा हेतु अपने प्राधिकरण क्षेत्र में कृपया आर्किटेक्ट ऐक्ट, 1972 के प्रावधानों को प्रामाण्य ढंग से लागू कराए तथा अनधिकृत रूप से आर्किटेक्ट के रूप में प्रैक्टिस कर रहे व्यक्तियों के विरुद्ध तत्काल आवश्यक कार्यवाही करना सुनिश्चित करें। कृत कार्यवाही से शासन को भी अवगत कराने का कष्ट करें।

भवदीय,

(जे. एस. मिश्र.)
सचिव।

संख्या: 3883(1)/9-आ-3-2003 तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. श्री विनोद कुमार, रजिस्ट्रार, काउन्सिल ऑफ आर्किटेक्ट, इण्डिया हैबिटाट सेन्टर, 6-ए, प्रथम तल, लोदी रोड, नई दिल्ली।
2. संयुक्त सचिव, तकनीकी, मानव संसाधन विकास मंत्रालय, सेकण्डरी एवं हायर एजुकेशन विभाग, भारत सरकार, शास्त्री भवन, नई दिल्ली को उनके पत्र संख्या एफ-17-6/2002-टीएस. एट दिनांक 19.12.2002 के संदर्भ में।
3. स्टाफ आफिसर, मुख्य सचिव, उत्तर प्रदेश के अवलोकनार्थ।
4. अध्यक्ष समस्त विकास प्राधिकरण, उत्तर प्रदेश।
5. मुख्य नगर एवं ग्राम नियोजक, उत्तर प्रदेश।
3. अध्यक्ष यूपी.रेडको, लखनऊ।
4. अध्यक्ष, उत्तर प्रदेश आर्किटेक्ट्स एसोशिएसन, 350, सेक्टर-28 नोएडा, उत्तर प्रदेश।
6. अध्यक्ष, यू.पी. चैप्टर, इण्डियन इंस्टीट्यूट ऑफ आर्किटेक्ट्स, लखनऊ।
7. अपर निदेशक, नियोजन, आवास बन्धु।

आज्ञा से,

(दिवाकर त्रिपाठी)
विशेष सचिव।

संख्या 1113/न.वि./आ./2001-112(आ)/2001

प्रेषक,

पी.सी. शर्मा,
सचिव,
उत्तरांचल।

सेवा में,

1. अध्यक्ष
विशेष क्षेत्र विकास प्राधिकरण,
दूनघाटी/नैनीताल/गंगोत्री।
2. उपाध्यक्ष
विकास प्राधिकरण
मसूरी-देहरादून/हरिद्वार।
3. नियत प्राधिकारी
विनियमित क्षेत्र, रुड़की/बद्रीनाथ/औली/केदारनाथ/गोपेश्वर-चमोली/गीघर/चौपला/पौड़ी/उत्तरकाशी/शीनगर/नया टिहरी/चक्राता
(नवीन)/पिथौरागढ़/कौसानी/हल्द्वानी-काठगोदाम/रूद्रपुर/किष्का/काशीपुर/ रामनगर/बाजपुर

आवास एवं शहरी विकास

देहरादून: दिनांक 14 जून 2001

विषय: आर्किटेक्ट एक्ट-1972 के प्राविधानों को लागू किया जाना।

गहोदय,

प्रशासनिक अधिकारी, काउन्सिल ऑफ आर्किटेक्चर द्वारा शासन के संज्ञान में लाया गया है कि उत्तरांचल राज्य में कतिपय व्यक्तियों द्वारा जो वास्तुकार हेतु आवश्यक अर्हतायें नहीं रखते हैं छद्म रूप से वास्तुकार के रूप में अपने को प्राधिकरणों तथा विनियमित क्षेत्रों में पंजीकृत करवाकर कार्य कर रहे हैं, जो कि आर्किटेक्ट्स एक्ट 1972 की धारा 37 के प्राविधानों के विरुद्ध है। इससे न केवल वास्तुकारों के व्यवसाय बल्कि भवनों के निर्माण संबंधी सुरक्षा तथा डिजाइन पर भी प्रतिकूल प्रभाव पड़ा है। वास्तुकारों के व्यवसाय के संरक्षण एवं जनसाधारण के हितों तथा जानमाल की क्षति की सुरक्षा हेतु, इस पर तत्काल प्रतिबंध लगाये जाने हेतु उनके द्वारा अनुरोध किया गया है।

2. इस संबंध में मुझे यह कहने का निदेश हुआ है कि आर्किटेक्ट्स एक्ट 1972 एक केन्द्रीय कानून है तथा भारत सरकार के गजट नोटिफिकेशन संख्या 229 दिनांक 1 सितम्बर, 1972 से सम्पूर्ण भारतवर्ष में प्रभावी है। इस अधिनियम की धारा 3 के अंतर्गत काउन्सिल ऑफ आर्किटेक्चर का गठन किया गया है तथा धारा 37 के प्राविधानों के अंतर्गत काउन्सिल ऑफ आर्किटेक्चर से रजिस्टर्ड आर्किटेक्ट के अतिरिक्त किसी अन्य व्यक्ति द्वारा आर्किटेक्ट के टाईटिल के साथ कार्य करने पर पूर्ण प्रतिबन्ध है। अधिनियम की धारा 36 के अंतर्गत ऐसा करना एक दण्डनीय अपराध भी है। इसके अतिरिक्त काउन्सिल ऑफ आर्किटेक्चर से पंजीकृत आर्किटेक्ट को सम्पूर्ण भारतवर्ष में आर्किटेक्ट के रूप में कार्य करने के लिये किसी अन्य स्तर पर रजिस्ट्रेशन कराने अथवा लाईसेंस लेने की भी आवश्यकता नहीं है, यदि उनका पंजीकरण नियमित रूप से नवीनीकरण हो रहा हो।
3. कृपया अपने क्षेत्र में आप आर्किटेक्ट्स एक्ट, 1972 के प्राविधानों को प्रभावी ढंग से लागू करायें। यदि आपके अभिकरण में कोई व्यक्ति जो काउन्सिल ऑफ आर्किटेक्चर द्वारा आर्किटेक्ट के रूप में पंजीकृत नहीं है तथा उसे इस प्रयोजन हेतु लाईसेंस दिया गया है तो उसका लाईसेंस तुरन्त निरस्त कर दिया जाये। अनावधिकृत रूप से आर्किटेक्ट के रूप में कार्य कर रहे व्यक्तियों के विरुद्ध तुरन्त आवश्यक कार्यवाही करके कृत कार्यवाही से शासन को भी अवगत करायें।

भवदीय

Sd/-

(पी.सी. शर्मा)

सचिव

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:

1. श्री के गोपाल कृष्ण भट्ट, प्रशासनिक अधिकारी, काउन्सिल ऑफ आर्किटेक्चर, इण्डिया हैवीटाट सेक्टर, 6 ए प्रथम तल, लोधी रोड़, नई दिल्ली को उनके पत्रांक सी०ए०/28/2001/एई दिनांक 04 अप्रैल, 2001 जो मुख्य सचिव उत्तरांचल शासन, देहरादून को संबोधित है, के संदर्भ में।
2. स्टाफ ऑफिसर, मुख्य सचिव, उत्तरांचल शासन।
3. प्रमुख सचिव एवं आयुक्त, अवस्थपना, उत्तरांचल शासन।
4. प्रभारी अधिकारी नगर एवं ग्राम नियोजन विभाग, उत्तरांचल, देहरादून।

आज्ञा से,

Sd/-

(पी.सी. शर्मा)

सचिव

प्रस्तावित प्राधिकारों के अन्तर्गत प्राधिकारों के सम्पूर्ण
प्राधिकारों की सीमाओं में एक में अन्य करने के लिए किसी अन्य प्रावधान पर
विचारित किया जाना है।

केन्द्र में,

- 1- **इच्छा,** केन्द्र में उच्च न्यायालय के प्राधिकारों के अन्तर्गत
किसी भी प्रकार के प्राधिकारों, प्रशासनिक, न्यायिक, या
कानून/नीति/नियमों।
- 2- **नियम,** केन्द्र में उच्च न्यायालय के प्राधिकारों के अन्तर्गत
किसी भी प्रकार के प्राधिकारों, प्रशासनिक, न्यायिक, या
कानून/नीति/नियमों।
- 3- **नियम प्राधिकार,** केन्द्र में उच्च न्यायालय के प्राधिकारों के अन्तर्गत
किसी भी प्रकार के प्राधिकारों, प्रशासनिक, न्यायिक, या
कानून/नीति/नियमों।

शान्ति एवं शांति विकास

देहरादून: विचार: 1) फरवरी/2001.

विषय- आर्बिटेक्ट एक्ट-1972 के प्राधिकारों की शान्ति किया जाना।

महोदय,

प्रशासनिक अधिकारी, काउन्सिल ऑफ आर्बिटेक्टर द्वारा संसदन
के संकलन में लाया गया है कि संसदों का राज्य में कतिपय वर्षों द्वारा जो
वास्तुकार हेतु आवश्यक है सर्वथा नहीं, खासतौर पर प्रशासनिक के रूप
में अपने ही प्राधिकारों, कानून विनियमित क्षेत्रों में प्रयोग करवाए जायें
कर रहे हैं, जो कि आर्बिटेक्ट एक्ट, 1972 की धारा-37 के प्राधिकारों के क्रम
में। इसके न केवल वास्तुकारों के व्यवसाय बल्कि शान्ति के निर्माण संबंधी सुर
सुरक्षा तथा विवाह पर भी प्रतिकूल प्रभाव पड़ा है। वास्तुकारों के व्यव-
साय के संरक्षण एवं कानूनधारण के लिए कानून-वास्तुकार की शक्ति की
सुरक्षा हेतु, इस पर सरकार प्रतिबन्धन समाप्त करने हेतु उनके द्वारा अनुरोध
किया गया है।

2- इस संबंध में मुझे यह कक्ष का निवेदन प्राप्त हुआ है कि आर्बिटेक्ट एक्ट,
1972 एक केन्द्रीय कानून है तथा भारत सरकार के मन्त्र मंत्रालयान संख्या
229/दिनांक 1 अक्टूबर, 1972 से सम्पूर्ण भारत क्षेत्र में प्रभावी है। इस
अधिनियम की धारा-3 के अन्तर्गत काउन्सिल ऑफ आर्बिटेक्टर का गठन
किया गया है तथा धारा-37 के प्राधिकारों के अन्तर्गत काउन्सिल ऑफ
आर्बिटेक्टर से रजिस्टर्ड आर्बिटेक्टर के अतिरिक्त किसी अन्य व्यक्ति द्वारा
आर्बिटेक्टर के टाईटिल के माध्यम से कार्य करने पर पूर्ण प्रतिबन्धन है। अधिनियम
की धारा-36 के अन्तर्गत ऐसा करना एक एनर्जीय अपराध भी है। इसके

विद्यमान कानूनी प्रावधानों के अन्तर्गत ही कार्य करने के लिये किसी अन्य स्तर पर कार्यवाही करने की आवश्यकता नहीं है, यदि प्रत्येक कार्यवाही के लिये ही नवीनीकृत की रहा हो।

उपरोक्त कानून में आप अधिनियम सं. 1972 के प्रावधानों को प्रस्तावित रूप में लागू कराया है। यदि आपके अधिकांश में कोई व्यक्ति जो कानून के अन्तर्गत कार्य करने के लिये ही नवीनीकृत नहीं है तथा जो इस प्रकार कार्य करने के लिये ही नवीनीकृत नुरत निरस्त कर दिया जायेगा। यदि आपने कार्य करने के लिये ही नवीनीकृत नहीं है किंतु आवश्यक कार्यवाही करके ही कार्यवाही से शासन को भी अवगत कराया जायेगा।

आपकी,
 [पी.सी.एम.],
 तारीख ।

प्रतिक प्रतः प्रेषित ।

किसी निम्नलिखित को सूचना एवं आवश्यक कार्यवाही

- 1- अधिकांश प्रमाण पत्र, प्रशासनिक अधिकारी, कानून विभाग, अधिनियम सं. 1972 के अन्तर्गत कार्य करने के लिये ही नवीनीकृत नहीं है, जो उनके पत्रों की संख्या 050/28-2001/सं. 2001 की मुख्य अधिनियम, उत्तराखण्ड शासन, के दूरी से प्रेषित है, के अन्तर्गत है।
- 2- कि अधिनियम, मुख्य अधिनियम, उत्तराखण्ड शासन ।
- 3- जो अधिनियम एवं अधिनियम, अधिनियम, उत्तराखण्ड शासन ।
- 4- तारीख अधिनियम, नगर एवं ग्राम निरीक्षण विभाग, उत्तराखण्ड शासन ।

[पी.सी.एम.],
 तारीख ।

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Implementation of the Architects Act, 1972 (Central Act No. 20 of 1972) in Andhra Pradesh – Instructions to Urban Development Authorities, Municipal Corporations and Municipalities – Orders – Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (M1) DEPARTMENT

G.O. Rt. No. 978 MA.,

Dated 15th November, 2001

Read:

From Sri. A.B. Reddy, President, Practicing Architects Association
letter dated 06.12.1999.

ORDER:

In the letter read above, the President, Practicing Architects Association has represented that the Architects qualified and registered under the Architects Act, 1972 (Central Act No. 20 of 1972) are entitled to practice anywhere in the country without any further permit or registration or empanelment or restriction imposed by any Municipality / Municipal Corporation or Urban Development Authority in view of the settled position of Law explained by the Hon'ble High Court of Delhi in their judgment in C.W.P. 509/75 and 515/75, LPA No. 59/1975 and in view of the dismissal of Special Leave Appeal No. 6469 and 9380 of 1980 by the Supreme Court of India. He also furnished a copy of the letter addressed by the Joint Educational Advisor Government of India, Ministry of Education and Culture, (Department of Education) dated 28th May, 1984 to all the Chief Secretaries of State Governments wherein he has requested to advise all the local bodies i.e., Municipal Corporations , Municipalities, Urban Development Authorities, not to insist fther registration of fees from the Architects who already registered with the Council of Architecture. They have also submitted that inspite of the above position all the Municipalities and Municipal Corporations are insisting for separate registration / licence thereby causing hardship and imposing unnecessary restrictions. They have therefore requested to issue necessary instructions to Municipalities / Municipal Corporations / Urban Development Authorities in state.

2. Government after careful examination of the matter hereby direct all the Municipalities, Municipal Corporations, and Urban Development Authorities in the state not to insist for separate registration of licence from the Architects registered with the Council of Architecture under the Architects Act, 1972 (Central Act. No. 20 of 1972). However the Architects shall submit the attested copy of the registration certificate along with the submitted plans.

3. The Commissioners of Municipalities / Municipal Corporations and Vice Chairman and Special Officers of Urban Development Authorities are therefore requested to take necessary action accordingly.


(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K. GOYAL

PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioners of all Municipalities in the state (through R.D.D.T.Ps)
The Commissioners of all Municipal Corporations
The Vice Chairman and Special Officers of all Urban Development Authorities
The Director of Town & Country planning, Hyderabad.
The Chairman Indian Institute of Architects, A.P. Chapter.
The President Practicing Architects Association, A.P.
To All Regional Deputy Director of Town Planning (through D.T. & C.P., Hyd.)

//FORWARDED BY ORDER//


SECTION OFFICER



Municipal Administration and
Water Supply Department,
Secretariat, Chennai - 9

Letter No 4496/MA/03-4 Dt 23.3.04.

From
Shri L.N. Vijayaraghavari, I.A.S.
Secretary to Government.

To

The Commissioner of Municipal Administration, Chennai-5
The Director of Town Panchayats, Chennai -108.
The Member Secretary, C.M.D.A, Chennai -8
The Commissioner, Corporation of Chennai
/Madurai/Coimbatore/Trichy/ Tirunelveli / Salem.

Sir,

Sub: Enforcement of the Architects Act 1972 - Issue of licenses by local
authorities /agencies - Regarding.

- Ref: 1. From the Joint Secretary (Technical) to Government of India,
Ministry of Human Resource Development, New Delhi Lr. No. F-
17-6/2002/TS IV dt. 19.12.2002.
2. From the Administrative officer, council of Architecture, New Delhi
Ref.No. CA/28/2003/AE dt. 8.12.2003.
3. From the Commissioner of Town & Country Planning, Letter Roc
No. 1163/2004/GR dt. 21.1.2004.

I am directed to say that the Joint Secretary to Government of India, Ministry of Human Resources Development, Department of Secondary and Higher Education, New Delhi has stated that the Government of India enacted the Architects Act, 1972 under the Act of the Parliament for the registration of Architects and for matters connected therewith. This statutory legislation had come into force with effect from 1st September/ 1972. The main purpose of this Act is to regulate the practice of Architects and thus to protect the general public from unqualified persons working as Architects and ensure the professional conduct of the practicing Architects. As per the provisions of the Act only those persons "registered" with the council of Architecture under Architects Act 1972 can use title and style of the "Architect". The Government, therefore, can not recognise any person other than a registered architect or a firm of registered architects practicing as an "Architect" for any purpose whatsoever. In spite of these

provisions and also the instructions issued at the level of Central Government it is found that the complaints are still being received in the Ministry and the Council of Architecture from various quarters regarding the violation of the provisions of the Architects Act 1972 by local authorities / agencies etc.

2. The Administrative Officer, Council of Architecture, New Delhi has stated that the council of Architecture has been receiving various representations from architects (persons registered with the Council of Architecture) that they are being compelled to register themselves with the Development Authorities, Municipal Corporations, Municipalities in the State of Tamilnadu and pay the licensing fee for practicing/pursuing the profession of an Architect under their jurisdiction. In a case where Municipal Corporation of Delhi had insisted on fresh registration with the local body from the Architects registered with the Council of Architecture, the High Court of Delhi had given a judgement against the Municipal Corporation of Delhi. The latter went in for appeal to the Supreme Court, but the appeal had been dismissed by the Supreme Court on 22nd April 1983.

3. I am therefore directed to request you to implement the provisions of the Architects Act 1972 and ensure that persons registered with the council of Architecture under the Architects Act are issued licenses to act as "Architect" only and no further registration or fees are asked from the Architects already registered with the council of Architecture for practising their profession. I am also to bring your notice that any contravention of the provision of the Act will attract punishment under the Act.

4. I am also directed to request you to communicate this letter to the executive authorities of all local bodies / Development authorities under your control, immediately.

Yours faithfully,

M. J. Nandane
for Secretary to Government

Copy to: The Commissioner of Town and Country Planning, Chennai -2
The Joint Secretary (Technical) to Government of India,
Ministry of Human Resource Development, Department of Secondary
and Higher Education Shastri Bhavan, New Delhi.
The Administrative Officer, Council of Architecture, India Habitat
centre, Core 6-A 1st floor, Lodhi road, New Delhi, 110 003.
The Housing & Urban Development (UD II) Department, Chennai -9.
Stock File / Spare copies