

Ref No.CA/15(iii)/2019

May 15, 2019

The Hon'ble Governor
State of Andhra Pradesh
Raj Bhawan, Raj Bhawan Road
Hyderabad, 500040

Shri Nara Chandrababu Naidu,
Hon'ble Chief Minister
Government of Andhra Pradesh
Building #1, 1st Floor,
A.P.Secretariat,
Velagapudi, Guntur
Andhra Pradesh

Subject: Violation of Architects Act, 1972 (a Central Law)- Municipal Administration and Urban Development Department-reg.

Respected Sir(s),

The Council of Architecture is a statutory authority in the Ministry of Human Resource Development, Government of India, to regulate standards of Architectural education and profession in the country, and to provide for Registration of Architects throughout the territory of India.

The attention of the Council of Architecture is drawn by the practicing Architects towards the Andhra Pradesh Building Rules, 2017, wherein Architects registered with the Council of Architecture are required to seek further registration as License Technical Personnel to practice the profession of an Architect under the concerned local body/authority as well as in Panchayats in the State. Further, qualification of Architect as mentioned in Annexure-1 of Rules need modification in line with provision of the Architects Act.

Further, it is also noticed that non-architects like Engineer, Structural Engineers, Diploma Holders, etc. have been allowed to carry on the similar functions that are to be perform by an Architect after acquiring his 5-years Education and Training in Architecture and getting himself registered under the Architects Act, 1972, subjecting himself/herself to regulatory controls provided under the Act. The competence of Architects has been curtailed.

In this regard, I would like to state as under:

- 1) 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.
- 2) Hon'ble Supreme Court of India vide order dated 14.02.2017 in Civil Appeal Nos. 3346-3348 of 2005, held as under:



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

- 3) The Hon'ble Bombay High Court, Calcutta High Court, Delhi High Court also 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.
- 4) 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.
- 5) The 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 licensing of Architects is directly in conflict with the provisions of the Architects Act, 1972, and shall be void to that extent.
- 6) The National Building Code is only a guideline not a statutory document. The competence of Architects cannot be prescribed on the basis of NBC. A copy of the order of Delhi High Court observing the same is a guideline is enclosed herewith.

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/Authorities/ Panchayats in the State of Andhra Pradesh to practice the profession of Architecture.

It is requested that the Council may be kept posted with the action taken in the matter.

Thanking you,

Yours faithfully,



R.K. Oberoi
Registrar

Encl: As above



Copy for information and necessary action to:

The Chief Secretary
State of Andhra Pradesh
Building #1, 1st Floor,
Andhra Pradesh Secretariat
Velagapudi, Guntur
Andhra Pradesh