


वास्तुकला परिषद्
Council of Architecture

वास्तुविद 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/15(iv)/2021/AE
December 06, 2021

MOST URGENT

The Chief Secretary
Government of Karnataka
Room No. 320, 3rd floor,
Vidhanasoudha, Bangalore-560001
Karnataka
Email: cs@karnataka.gov.in

Subject: Implementations of the provisions of the Architects Act, 1972 (A Central Law) in the State of Karnataka-Registration of Architects by local bodies/authorities in the State of Karnataka-reg.

Dear Sir,

The Council of Architecture is statutory authority established under the Architects Act, 1972 to regulate Architectural Education and Profession in the Country and to provide registration of Architects throughout the territory of India. The Act extend to the whole of India.

The attention of the Council has been drawn again and again by the practicing architects that local bodies/Municipal Corporations in State of Karnataka are insisting architects to obtain registration or license from them to carry on the profession of architecture under their jurisdiction.

In this regard, I have to state that the Parliament of India enacted the Architects Act, 1972 with the consent of all States to prescribe standards of the Architectural Education and Professional in the Country and to provide for registration of architects throughout the territory of India.

The Act was enacted by the Parliament with the objective that since independence and more particularly with the implementation of the Five-year Plan, the building construction activity in our country is expanded on a phenomenal scale. A large variety of buildings, many of extreme magnitude like multi stores, factory buildings and residential houses is being constructed each year. With this increase the building activity many unqualified persons calling themselves as Architects are undertaking the construction of building which are uneconomically and quite frequently unsafe, thus bringing into disrepute to the profession of Architects. With the passing of this legislation, it will be illegal for any person to designate themselves as Architect unless he has required qualification is registered under Architects Act, 1972.

The relevant provisions of the Act are as under:

- (i) Section 2(a) : "Architect" means a person registered under the Architect Act, 1972.
(ii) Section 35(1) : Any reference in any law for the time being in force to an Architect be deemed to be reference to an Architect registered under the Architects Act, 1972.
- Section 35(2) : A person who is registered in the register shall get preference appointment as an architect under the Central or State Government or in any other local body or institution which is supported or aided from the public or local funds or in any institution recognized by the Central or State Government from the public or local funds or in any institution recognized by the Central or State Government.

Contd...p/2



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The Architects registered with the Council of Architecture are entitled to carry on the profession of architecture throughout the territory of India. After coming into force of the Architects Act 1972, and no local body/authority is competent to register/license any person as an "Architect" to carry on the profession of architecture.

Further, I would like to state that the Hon'ble High Court of Delhi in L.P.A. No.59 of 1975, The Municipal Corporation of Delhi & Ors. Vs. Shri ram Kumar Bhardwaj & Ors. vide order dated 02nd April, 1980 held that:

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 terms "architect" or "registered architect" to such persons only. Since the possession of a registration certificate under the Architects Act, 1972 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 become unnecessary for the Corporation to do thereafter. In view of section 502 of the Act, the provisions referred to above which could be construed as authorizing to regulated the licensing of architects and draughtsman could not be so construed after coming into force of the Architects Act, 1972.

SLP(Civil) Nos. 6469 and 9396 of 1980 filed against the above order were dismissed by the Hon'ble Supreme Court of India vide order dated 22.04.1983. Copies of the above orders are enclosed herewith for your kind perusal.

I am also enclosing herewith copies of the communications sent by Central Government to all State Governments Informing that it is only Council of Architecture which can grant registration to a qualified person as an Architect.

I am also enclosing herewith copies of the directions issued by other State Governments to their concerned local bodies in the matter for your kind perusal and ready reference.

The Council has in past also vide letters dated 25.08. 2020, 16.04.2020, 30.04.2019, 13.02.2019, 11.09.2019, 02.07.2019 requested the Government of Karnataka in the matter. Copies of the same are enclosed herewith.

In view of the above, Government of Karnataka is requested to issue appropriate directions in the matter to all Municipal Corporations, development Authorities, Municipal Council's and local bodies under its jurisdiction to not to insist Architects registered with the Council of Architecture to obtain any registration/license/online registration for carrying the profession of architect under their jurisdiction and also not to grant any registration/license as an "Architect" to any person.

Thanking You,

Yours faithfully,


R.K. Oberoi
Registrar

Encl: As above

In the High Court of Delhi

IN THE HIGH COURT OF DELHI AT NEW DELHI
L.P.A. No.59 of 1975

1. The Municipal Corporation of Delhi, through the Commissioner, Town Hall, Delhi.
2. The Commissioner the Municipal Corporation of Delhi, Town Hall, Delhi.
3. The Executive Engineer (Bld), Building Department (HQ), Town Hall, Delhi.PETITIONERS

VERSUS

1. Shri Ram Kumar Bhardwaj, S/o. Shri Ram Chandra Sharma, 25/149 Shaktinagar, Delhi-7
2. Shri Kasturi Lal, S/o. Shri Panju Ram, 76-A, East Azad Nagar, Shahdara Delhi.
3. Shri Miri Lal Sanoriya, S/o. Shri Nanak Chand Sanoriya, 2/44 Roop Nagar, Delhi-7
4. Shri R.G. Sanoria, S/o Shri Niader Mal Sanoria, 243, Ajmeri Gate, Delhi-6
5. Shri C.L. Ghai, S/o. Jiwand Lal, 1/32 B, Poorvi Marg, New Delhi-6.
6. Shri Radhe Lal Saxena, S/o. Shri Brij Basi Lal Saxena, C-1/44, S.J.D.A., New Delhi.7
7. Shri Chanan Ram Sharma, S/o. Sh. Manak Chand Sharma. 4/60, Roop Nagar, Delhi-7.
8. Shri P.S. Jain, S/o. Sh. Bansari Das Jain, 2153, Gali Hanuman Pershad, Masjid Khajoor, Delhi-6.RESPONDENTS

LETTERS PATENT UNDER X OF THE LETTERS PATENT AGAINST THE JUDGEMENT DATED 23.5.1975 BY HON'BLE MR. JUSTICE S. RANGARAJAN IN C.W.P. NO. 509/75 and 515/75.

This the 2nd day of April, 1980.

CORAM:
HON'BLE THE CHIEF JUSTICE MR. JUSTICE V.S. DESHPANDE
HON'BLE MR. JUSTICE B.N. KIRPAL.

FOR THE PETITIONER:
SHRI MAHARAJ KISHAN WITTI SHRI P.R. MONGA, ADVOCATE.

FOR THE RESPONDENT:
SHRI D.D CHAWLA, SR. ADVOCATE WITH SHRI C.L CHAUDHERY, ADVOCATE

ORDER

V.S. DESHPANDE C.J. (ORAL):

The respondents are registered as architects under the Architects Act, 1972 and practice as such in the Union Territory of Delhi. They filed two writ petitions challenging the power of the Delhi Municipal Corporation to impose restrictions on their right to practise as architects. The restrictions and the basis on which the restriction was imposed may be described as below :-

Section 2 (25) of the Delhi Municipal Corporation Act, 1957 (the Act) is as below:

"Licensed architect" "licensed draughtsman" "licensed engineer, "licensed plumber, "licensed surveyor" and "licensed town planner" mean respectively a person licensed under the provisions of this Act as an architect, draughtsman, engineer, plumber, surveyor and town planner."

Since the definition of section 2(25) contemplates that a licensed architect or a licensed draughtsman, it is necessary to know the provisions which empower the Corporation to license an architect or a draughtsman under the Act. Section 430 (1) of the Act states that whenever it is provided in this Act or any bye-law made there under that a license or a "written permission may be

granted for any purpose, such license or a written permission shall be signed by the Commissioner or by the officer empowered to grant the same under this Act or the bye laws made thereunder". There is no specific provision in the Act itself empowering the Corporation to issue license to an architect or a draughtsman. Section 481 (1) of the Act empowers the Corporation to make bye-laws for various matters. Part F thereof empowers the making of bye-laws relating to buildings. Part L thereof empowers the making of bye-laws relating to miscellaneous matters. Clause (7) of Part L is as follows :-

"(7) Any other matter which is to be or may be prescribed by bye-laws made under this Act or in respect of which this Act makes no provisions or makes insufficient provision and provision is, in the opinion of the Corporation, necessary for the efficient municipal government of Delhi."

This is a residuary power to make bye-laws given to the Corporation, if the making of such bye-laws is necessary "for the efficient municipal government of Delhi".

Whatever may have been the position before the coming into force of the Architects Act, 1972, what we have to consider is whether after the coming into force of the said Act the Delhi Municipal Corporation has any power to regulate the practice of architects by the insistence that they must possess a license issued by the Corporation. The Architects Act, 1972 sets out the qualification to be possessed by the persons to be registered as architects under the said Act. It also prohibits persons who do not have such registration from describing themselves as architects and also deals with disciplinary action for misconduct of architects. It is, therefore, a complete enactment the effect of which is that a person cannot call himself an architect unless he is registered under the said Act. Of course, unlike the Advocates Act, which restricts there under, the Architects Act does not restrict the practice by architects to persons registered under the said Act. Therefore, some persons who cannot call themselves architects may still be free to do the work which is ordinarily done by architects and they are not dealt with by the Architects Act; whether the Corporation can deal with such persons is not a question which arises before us. Our considerations is limited to the question whether the corporation can regulate the profession and practice of architects registered under the Architects Act, 1972 by insisting that the architects practicing in Delhi and submitting plans for construction of buildings for the approval of the corporation must possess licenses issued by the Corporation.

The provisions in the Act on which such authority could be claimed by the corporation have been discussed above and it has been found that there is no specific provision in the Delhi Municipal Corporation Act itself authorising the corporation to issue licenses to architects. We have, therefore, to seek for such provisions in the bye-laws, 69 bye-laws 6, 9 and 10(2) of the Building Bye-laws, 1959 refer to the licensed architects as being persons who can submit building plans. In view of the definition of "licensed architects" in section 2(25) the licensed architects referred to in the bye-laws have to be persons who are licensed under the provisions of the Act. The result is that on a consideration of these bye-laws the Commissioner, Delhi Municipal Corporation, issued the letter, dated 7th May, 1974 which is Annexure A to writ petition. In this letter it was proposed that the corporation may frame bye-laws for licensing and registration, inter alia, of draughtsman and architects as required by virtue of powers under 2(25) read with sections 430 and 481 of the Act, and Bye-laws 6 and 9 of the Building bye-laws, 1959. In the bye-laws proposed in this letter, provision is sought to be made to proscribe qualifications to be held by architects and draughtsman before licenses could be issued to them, for payment of license fees, deposit of security amounts by them and certain penalties to be imposed on them for contravention of these bye-laws. The whole scheme of such regulation was challenged by the respondents.

The writ petitions of the respondents are allowed by the learned Single Judge, who granted relief prayed for, namely to declare that this regulatory scheme was contrary to the Architects Act, 1972 and superseded by the said Act and, therefore, the purported action of the Corporation was ultra vires the Delhi Municipal Corporation Act, 1957. The resolution No 724, dated 3.9.1974, and the orders dated 2.4.1975 and 15.4.1975 were also apparently quashed by, allowing the writ petitions as a whole. These appeals have been preferred by the Corporation against the said decisions of learned Single Judge.

Two considerations are relevant to determine the authority of the Corporation to regulate the practice of the architects in submitting building plans to the Corporation for approval. Firstly, whether the Act and bye-laws framed validly thereunder authorise the Corporation to do so, and secondly, what is the effect on the authority of the Corporation, if any, of the passing of the Architects Act, 1972.

CONSIDERATION NO. 1

Presumably, section 2(25) of the Act contemplated issue of licenses for architects and draughtsman because at the time the Act was framed and enacted there was no Act providing for the registration of architects and issuing of registration certificates to them and thus regulating the profession and practice of Architects. Further, there may be other persons who cannot be registered as architects under the Architects Act, 1972 and in respect of such persons it is arguable that the Corporation had to make some provision because the building plans submitted to the Corporation have to be by persons who are qualified to the satisfaction of the Corporation. It is necessary for the Corporation to ensure that building plans are made by qualified persons and since the Corporation authorities cannot be expected to scrutinise the building plans with a view to redrafting them in each and every case, some preliminary safeguard that the plans have been prepared by qualified persons could be insisted up in by corporation. The

authority for making bye-laws for this purpose is somewhat tenuous, but it may be spelt out from the provision of section 481 part F and Part L, particularly sub section (i) of part L containing the words necessary for the efficient municipal Government of Delhi. In so far as the building plans submitted to the Corporation made by persons who are not architects under the Architect's Act, 1972 are concerned, we need not say anything as to the power of the Corporation to insist on such to the persons possessing licenses to be issued by the Corporation under the bye-laws framed by the Corporation. In our view, therefore, the authority of the Corporation, if any, is restricted to the licensing and making other related provisions to govern the qualifications and conduct of persons other than the registered architects while submitting building plans to the Corporation. But as will be shown under the second consideration below, the Corporation does not possess any such power after the coming into force of the Architects Act, 1972 in relation to persons who are registered as architects there under.

CONSIDERATION NO. 2

Section 502 of the Act is as follows :

"Save as provided in this Act, nothing contained in this Act shall be construed as authorising the disregard by the corporation or any municipal authority or any municipal officer or other municipal employees of any law for the time being enforce."

This salutory provision recognises that the Delhi Municipal Corporation Act being a general measure relating to the functioning of the Corporation is not expected to provide for the details of the various related questions with which the Corporation may have to deal for the time being only or in the absence of special law dealing with such matters. 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 terms "architect" or "registered architect" to such persons only. Since the possession of a registration certificate under the Architects Act, 1972 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. In view of section 502 of the Act, the provisions referred to above which could be construed as authorising the corporation to regulate the licensing of architects and draughtsman could not be so construed after coming into force of the Architects Act, 1972.

We accordingly declare that the judgements under appeal by the learned single Judge are not to be understood to mean that the impugned actions of the Corporation including the bye-laws and the resolutions or orders referred to in relief(a) asked for in the writ petitions are quashed for all purposes. It is sufficient for us to declare that none of these provisions will affect in any way the status and practice of persons including the possession of license and payment of license fee or amounts of security etc. and the respondents shall be free to act as architects and submit building plans to the Municipal Corporation of Delhi without having to comply with any of these provisions.

Subject to these observations, the appeals are dismissed without any order as to costs.

Sd/-
B.N. Kirpal
Judge

Sd/-
V.S. Desande
Chief Justice

Seal High Court of Delhi

Special Leave Petition in Supreme Court of India

Item No.10 Court No.7 041281 Section XIV

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL)

Nos. 6469 and 9396 of 1980 A/N

(From the judgement and order dated 2-4-80 of the High Court of Delhi at New Delhi)

In L:P:A. No. 59/75

Municipal Corpn. of DelhiPETITIONER(S)

VERSUS

Ram Kumar Bhardwaj & Ors. etc. (with appln for stay)RESPONDENT(S)

Date : 22-4-83. This petition was called on for hearing today.

CORAM:

Hon'ble Mr. Justice A. P. Sen

Hon'ble Mr. Justice E. S. Venkatramiah

FOR THE PETITIONER(S):

Mr. L. N. Sinha, A. G. Mr. Subhash Bhatt &

Mr. B. P. Maheshwari, Advs.

FOR THE RESPONDENT(S):

Mr. S. L. Bhatia, Sr. Adv. Mr. B. R. Aggarwal and

Mr. K. S. Rohtagi, Advs.

Upon hearing counsel the Court made the following

ORDER

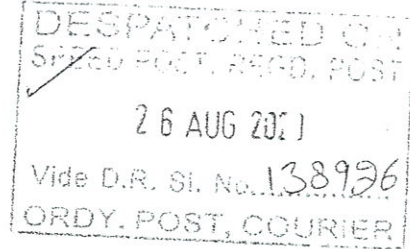
Special Leave Petitions are dismissed

Sd/-
Court Master

Ref. No. CA/15(iii)/2020/AE

August 25, 2020

The Chief Secretary
Government of Karnataka
Room No. 320, 3rd floor,
Vidhanasoudha,
Bangalore-560001
Email. cs@karnataka.gov.in



Subject: Violation of the Architects Act, 1972 in Online Approval System-NIRMAN 2 by local bodies/authorities in Karnataka-reg.

Sir,

I am directed to state that the attention of the Council of Architecture is drawn towards the Online Building Plan Approval System called Nirman 2 introduced in the State of Karnataka for approval of building plans by the Local Authorities. The Software/ERP registers each and every technical person as "Architect" whether he is architect or not while there is a separate column for Structural Engineers. The portal allows all technical persons to submit building plans and designates them as "Architects". This practice violates Section 36 and 37 of the Act.

In this regard, it is informed that only a person registered as an "Architect" with the Council of Architecture under the Architects Act, 1972 is entitled to use the title and style of an "Architect" for carrying on the Profession of Architecture throughout the territory of India. Therefore, any person who is not registered as an Architect under the Architects Act, 1972 cannot be allowed to call himself as an Architect or termed as an Architect for any purpose whatsoever. Violation of the Architects Act, 1972 is a punishable offence.

Further, the Hon'ble Supreme Court of India in Civil Appeal No. 3348-3348 of 2005, Council of Architecture Vs. M.K. Ranade held that Architects registered with Council of Architecture cannot be subjected to further registration by local bodies and any person who is not registered under the Architects Act, 1972 cannot practice as an Architect. A copy of the judgement is enclosed herewith.

In view of the above, Government of Karnataka is requested to issue appropriate instructions to ensure that persons like Civil Engineer, Diploma holder, Draftsman and Surveyors etc. are not termed/ called as an Architect in the Online Approval Process Nirman 2. Further, only Architects registered with the Council of Architecture is allowed to practice as an Architect.

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

Thanking you,

Yours faithfully

A handwritten signature in black ink, appearing to be "R.K. Oberoi".

R.K. Oberoi
Registrar

Encl: As above

A small handwritten checkmark in black ink.


वास्तुकला परिषद्
Council of Architecture

वास्तुविद 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/15/2020/AE
April 16, 2020

Shri T. M. Vijay Bhaskar, IAS
Chief Secretary
Government of Karnataka
Bengaluru-560001
Email:- officeofcs@gmail.com

Subject: - Enforcement of the provisions of the Architects Act, 1972(A Central Law) – reg.

Sir,

The Indian Parliament has enacted the Architects Act, 1972 to regulate the standards of Architectural Education and Profession in the country and to provide for Registration of qualified persons as Architects throughout the territory of India.

In spite of several communications/ advisories issued by the Central Government in the Ministry of Human Resource Development, Govt. of India, the attention of the Council is time and again drawn that persons who are not registered as Architects under the Architects Act, 1972 are still misrepresenting themselves as Architects and misusing the title and style of Architect while submitting drawings/ plans for approval of local/ municipal bodies.

The Sections 35, 36 and 37 of the Architects Act prohibit use of title and style of Architect by any person who is not registered as Architect with the Council of Architecture. The violation of the prohibition is imposed under Sections 36 and 37 of the Architects Act, 1972.

In this regard, the Council requests all the State Governments to issue appropriate directions to the concerned local bodies and authorities to ensure that no person other than Architect registered with the Council of Architecture is allowed to practice as an 'Architect' and in case any person is misrepresenting / misusing the title and style of Architect, appropriate legal action be taken such as quacks/ unqualified persons bringing disrepute to the profession of architecture and affecting the interest of general public.

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

Thanking you,

Yours faithfully,



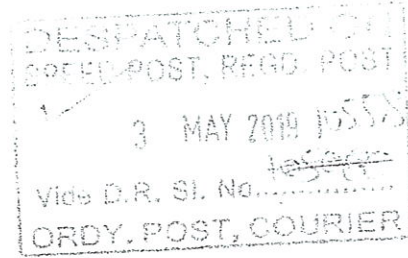
R. K. Oberoi
Registrar-Secretary

15(iii')

Ref No.CA/15(iii)/2019

April 30, 2019

Shri Ibrahim Maiguru,
Commissioner
Belagavi City Corporation
C T S No. 4821/27 A, R S No.1005
Subhas Nagar
Karnataka- 590016



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

Sir,

The attention of the Council of Architecture is drawn by Belgaum Centre of Indian Institute of Architects that they are being insisted to seek Architects Licence payment of Rs.20,000/- to practice an Architect under their jurisdiction.

In this regard, I would like 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.

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.

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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 letter dated 13.02.2019 has requested the Hon'ble Governor Government of Karnataka to issue directions in the matter to concerned Authorities/ Local Bodies in the State of Karnataka 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 you to kindly allow Architects registered with the Council of Architecture to carry on the profession of an Architect without any restrictions under the jurisdiction of your corporation.

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

Thanking you,

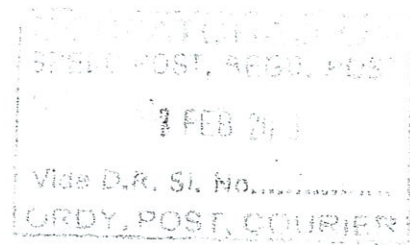
Yours faithfully,



Deepak Kumar
Administrative Officer

Encl: As above

Ref No.CA/15/2019/AE
February 13, 2019



The Hon'ble Governor,
State of Karnataka,
Raj Bhavan,
Bengaluru, Karnataka 560001

The Hon'ble Chief Minister,
Government of Karnataka,
No.323, 3rd Floor,
Vidhana Soudha,
Bangalore-560001

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

Respected Sir(s),

I am directed to state that Council is in receipt of a Public Grievance No. PMOPG/D/2018/0430628 dated 26.11.2018, forwarded by the office of Hon'ble Prime Minister of India and Ministry of HRD, Govt. of India, regarding insistence by Local Bodies to the Architects registered with Council of Architecture to seek further registration with them.

Pertinent to the matter, may I inform you 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 Secretaries 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.

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.

Further, the Council vide its letters dated 13.11.2018, 11.09.2018 and 18.01.2018 has requested the Government of Karnataka to issue directions in the matter to concerned Authorities/ Local Bodies to not to insist Architects to seek registration with the Local Bodies.

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The President, Council of Architecture also had a meeting with Hon'ble PWD Minister, Karnataka in matter recently. 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

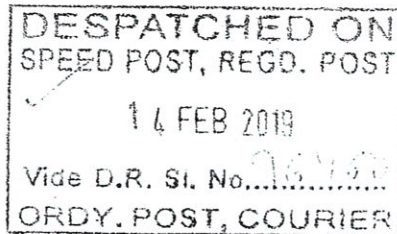
Encl: As above

Copy for information and necessary action to:

(1) The Chief Secretary,
Government of Karnataka,
Room No.320,
3rd Floor, Vidhana Soudha,
Bengaluru-560001,
Karnataka

(3) Shri Ravindra R. Jammanakatti,
Sankalp 389X S R Colony, North
Jalnagar, Vijayapura,
Karnataka

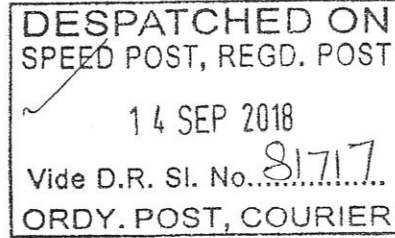
(2) The Secretary,
Dept. of Higher Education
Ministry of H.R.D., Govt. of India
Shastri Bhawan,
New Delhi - 110115



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677

F.No.CA/15/2018/AE
September 11, 2018

Smt. K. Ratna Prabha, IAS,
Chief Secretary,
Government of Karnataka,
Room No. 320,
3rd Floor Vidhana Soudha,
Bengaluru - 560 001
Karnataka.



Subject: Violation of the Architects Act, 1972 by Bruhat Bengaluru Mahanagara Palike-
insisting license fees from Architects registered with Council of Architecture-
reg.

Sir,

It has been brought to the notice of the Council of Architecture by practicing Architects in the State of Karnataka that they are being compelled to obtain licence by Bruhat Bengaluru Mahanagara Palike to provide their professional services under the jurisdiction of the said Municipal Corporation.

Pertinent to the matter, I would like to bring to your kind attention that the Parliament of India enacted the Architects Act, 1972, for registration of Architects and for matters conducted therewith. The said Act is in force throughout the territory of India with effect from 1st September, 1972. The main objective of the Act is to regulate the profession of Architects and to protect the general public from unqualified persons working as Architects and ensure compliance with professional conduct Regulations, prescribed by the Council for Architecture.

In terms of provisions of Architects Act, 1972 only persons registered with the Council of Architecture as Architect can use the title and style of Architect for carrying the profession of Architecture in India. The Government/ Any Authority cannot recognize any person other than a registered Architect or a firm of Architects practicing as an Architect for any purpose whatsoever.

No other Body/Authority in India is entitled to either issue licence or register Architects or to control their profession and professional conduct in any manner.

Further, the Municipal Corporation/Local Bodies cannot register any person to work as an Architect and/or insist Architects registered with Council of Architecture to obtain licence to practice the profession of Architect under their jurisdiction.

I would like to invite your kind attention towards the Division Bench Judgment dated 02-04-1980 of Hon'ble Delhi High Court, in LPA No. 59 of 1975, MCD V/s Ramkumar Bhardwaj & Ors. wherein the Hon'ble Court held as under.



Contd. P/2

"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 Architects or Registered Architects to such persons only. Since possession of Registration Certificate under the Architects Act, 1972 is regarded by Parliament as sufficient qualification for the practice of Architects and since all related questions being dealt with in respect of Architects under the said Act. It became unnecessary for the Corporation to so do thereafter".

Hon'ble Supreme Court of India had upheld the above judgment of Division Bench of Delhi High Court in SLP Nos. 6469 and 9396 of 1980.

I may also like to point out that in terms of provisions of Article 254 of the Constitution of India a Central Law shall prevail over the State Law. As the Architects Act, 1972 is a Central Law and has occupied the field of registration of Architects, the State law, if any, including building-by-laws shall automatically stand repealed.

In view of the above, the Government of Karnataka is requested to issue appropriate directions to all the local bodies/Development Authorities/ Municipal Corporations under its control to not compel any Architect registered with Council to obtain licence or to work as an Architect under the jurisdiction of the local bodies. Further, no person other than a registered Architect be allowed to work as Architect under the jurisdiction of concerned local bodies.

Accordingly, the State Government may issue appropriate advice to the concerned Authorities in the matter duly keeping the Council posted with the action taken in the matter.

A Handbook of Professional Documents, 2015 containing the Architects Act, Rules Regulations and other professional documents is enclosed herewith for your kind perusal.

Thanking you,

Yours faithfully,

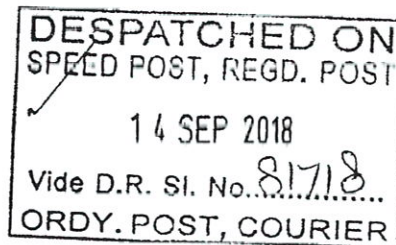


R.K. Oberoi
Registrar

Encl: As above

Copy to:

Shri Kushagra Keshav,
Co-Founder & Principal Architect,
Architecture & Design,
1/G/3/A,
Capt. Lobo's River Hideaway,
Betim, Bardez,
Goa-403101.



Ref No.CA/15(iv)/2019/AE
July 02, 2019

TO CHIEF SECRETARIES OF ALL THE STATE GOVERNMENTS.

Subject: Registration as an Architect by the Council of Architecture-verification-reg.

Dear Sir,

The Council of Architecture is established under the Architects Act, 1972, by the Indian Parliament to regulate architectural education and profession in the country and also to provide registration to qualified persons as Architects all over India. Ministry of Human Resource Development, Government of India, is the Nodal Ministry of the Council.

The Council is receiving the complaints time and again about non-Architects practicing as an Architect and also regarding use of fake certificates of Architects by non-Architects to practice as an Architect under the jurisdiction of the concerned Municipal Corporation/Local Body.

In this regard, it is informed that the Council of Architecture is issuing a Certificate of registration to each and every registered Architect. A specimen copy of the same is enclosed herewith for your kind perusal. All Local Bodies/Municipal Authorities be directed to verify validity of Registration of the Architect before accepting any drawings/plans submitted by them for approval of the concerned local authority.

Further the registration of Architects and its validity can be verified from the website of Council of Architecture www.coa.gov.in on the tab "Verify your Architect" or through mail on the email id-rnocwal_coa@gov.in.

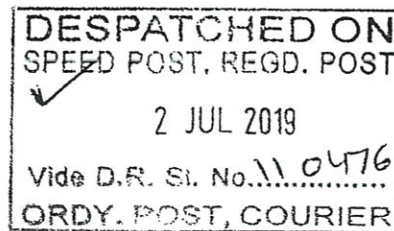
The Council requests you to kindly issue appropriate instructions to the concerned Departments/ Local Authorities in the state to ensure that only a person registered as an Architect with Council of Architecture and holds a valid certificate of registration is allowed to practice as an Architect under their jurisdiction.

The Council looks forward to your kind cooperation in the interest of general public and ensure construction of safe and economic buildings.

Thanking you,

Yours faithfully,


R.K. Oberoi
Registrar-Secretary



110513

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 th erefore 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.

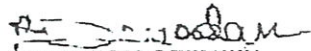
3. The Commissioners of Municipalities / Municipal Corporations and Vice Chairman and Special Officers of Urban Development Authorities are therefore requested to take necessary action accordingly.

(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. Vijayaraghavan, 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 Rec
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 practicing 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. S. Nanda
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

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। उन्होंने 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 क़ानून 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 टाइटिल 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 लाइसेंस 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 प्रवृत्त कर

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

भवदीय,



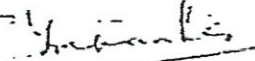
(अतुल कुमार गुप्ता)
सचिव।

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 आर्किटेक्ट्स, इण्डिया हैवीटॉट 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,



(यशवीर 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।
3. अध्यक्ष,
समस्त विशेष क्षेत्र विकास प्राधिकरण,
उत्तर प्रदेश।

2. उपाध्यक्ष,
समस्त 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 ध्यान आकर्षण 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 पंजीयन, 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 विभाग 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 अर्हताएँ 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, डाफ्ट्समैन आदि को भवन मानचित्र, जलापूर्ति, ड्रेनेज एवं सीवरेज 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 आर्किटेक्ट्स 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 आर्किटेक्टर प्रोफेशन के संरक्षण तथा जनसाधारण के हितों की सुरक्षा हेतु अपने अधिनियम क्षेत्र में कृपया आर्किटेक्ट एक्ट, 1972 के अधिनियम को प्रभावी रखने 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,

(ज. 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, सेक्रेण्डरी एवं हायर एजुकेशन विभाग, भारत सरकार, शास्त्री भवन, नई दिल्ली को उनके पत्र संख्या एफ-17-6/2002-टीएस. पट 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 एसोसिएशन, 350, सेक्टर-28 नोएडा, उत्तर प्रदेश।
6. अध्यक्ष, यू.पी. चैप्टर, इण्डियन इंस्टीट्यूट ऑफ आर्किटेक्ट्स, लखनऊ।
7. अपर निदेशक, नियोजन, आवास बंधु।

आज्ञा से
(दिवाकर त्रिपाठी)
विशेष सचिव।

प्रेषक,

पी.सी. शर्मा,
सचिव,
उत्तरांचल।

सेवा में,

1. अध्यक्ष
विशेष क्षेत्र विकास प्राधिकरण,
दूनघाटी/देवीताल/गंगोत्री।
2. उपाध्यक्ष
विकास प्राधिकरण
मन्सूरी-देहरादून/हरिद्वार।
3. नियत प्राधिकारी
विनियमित क्षेत्र, रुड़की/बदीनाथ/औली/केदारनाथ/गोपेश्वर-चनोली/गौचर/चौपला/पोड़ी/उत्तरकाशी/श्रीनगर/नया टिहरी/चक्राता
(नवीन)/पिथौरागढ़/कांसानी/हल्द्वानी-काठगोदान/रूद्रपुर/किच्छा/कासीपुर/समनगर/बाजपुर

देहरादून: दिनांक 14 जून 2001

आवास एवं शहरी विकास

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

महोदय,

प्रशासनिक अधिकारी, काउन्सिल ऑफ आर्किटेक्ट्स द्वारा शासन के संज्ञान में लाया गया है कि उत्तरांचल राज्य में कतिपय व्यक्तियों द्वारा जो वास्तुकार हेतु आवश्यक अर्हताये नहीं रखते हैं छद्म रूप से वास्तुकार के रूप में अपने को प्राधिकरणों तथा विनियमित क्षेत्रों में पंजीकृत एग्रीवाकर काम कर रहे हैं, जो कि आर्किटेक्ट्स एक्ट 1972 की धारा 37 के प्रावधानों 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 जाननाल 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 निर्देश 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 आर्किटेक्ट्स का गठन किया गया है तथा धारा 37 के प्रावधानों के अंतर्गत काउन्सिल ऑफ आर्किटेक्ट्स से रजिस्टर्ड आर्किटेक्ट के अतिरिक्त किसी अन्य व्यक्ति द्वारा आर्किटेक्ट को पंजीकृत करने का कार्य करने पर पूर्ण प्रतिबन्ध है। अधिनियम की धारा 55 के अंतर्गत गैर-नियमित क्षेत्रों में पंजीकृत वास्तुकारों को सन्तुष्ट करने के लिये किसी अन्य स्तर पर शक्ति प्राप्त एग्रीवाकरों को प्रावधानों को लागू करने की भी शक्त प्रदान नहीं है। यदि उनका पंजीकरण नियमित रूप से नवीनीकरण हो रहा हो।

3. कृपया अपने क्षेत्र में आप आर्किटेक्ट्स एक्ट, 1972 के प्रावधानों को प्रभावी ढंग से लागू कराये। यदि आपको अभिकरण में कोई व्यक्ति जो काउन्सिल ऑफ आर्किटेक्ट्स द्वारा आर्किटेक्ट के रूप में पंजीकृत नहीं है तथा उसे इस प्रयोजन हेतु लाइसेंस दिया गया है तो उसका लाइसेंस पुराना गिरात जाय बिना जाये। अनाधिकृत रूप से आर्किटेक्ट के रूप में कार्य कर रहे व्यक्तियों के विरुद्ध तुरन्त आवश्यक कार्यवाही करके कृत कार्यवाही से शासन को भी अवगत कराये।

भवदीय
Sd/-
(पी.सी. शर्मा)
सचिव

प्रतिलिपि निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:

1. श्री के गोपाल कृष्ण भट्ट, प्रशासनिक अधिकारी, काउन्सिल ऑफ आर्किटेक्ट्स, इण्डिया हैबीटाट सेक्टर, 6 ए प्रथम तल, लोधी रोड, नई दिल्ली को उनके पत्रांक सी0ए0/28/2001/ईई 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।

ज्ञाता से,
Sd/-
(पी.सी. शर्मा)
सचिव

पत्रांक-11/न०वि०मा०-03/2014 346... न०वि० एवं आ०वि०

बिहार सरकार

नगर विकास एवं आवास विभाग

प्रेषक:-

प्रधान सचिव,
नगर विकास एवं आवास विभाग
बिहार, पटना।

सेवा में,

नगर आयुक्त,
सभी नगर निगम।
नगर कार्यपालक पदाधिकारी,
सभी नगर परिषद्/सभी नगर पंचायत।
मुख्य कार्यपालक पदाधिकारी,
पटना महानगर क्षेत्र प्राधिकार/बिहारशरीफ आयोजना क्षेत्र प्राधिकार/राजगीर
क्षेत्रीय आयोजना क्षेत्र प्राधिकार/गया आयोजना क्षेत्र प्राधिकार/बोधगया
आयोजना क्षेत्र प्राधिकार/आरा आयोजना क्षेत्र प्राधिकार/मुजफ्फरपुर आयोजना
क्षेत्र प्राधिकार/सहरसा आयोजना क्षेत्र प्राधिकार।

पटना, दिनांक- 07.03.2019

विषय :- वास्तुकला परिषद्, नई दिल्ली से निबंधित वास्तुविदों के संबंध में वास्तुकार
आधेनियम, 1972 के प्रावधानों को नगरपालिकाओं एवं आयोजना प्राधिकारों में
प्रभावी करने के संबंध में।

प्रसंग :- वास्तुकला परिषद्, नई दिल्ली का पत्रांक-CA/28/2016/AE, दिनांक-03.02.2016
एवं दिनांक-30.03.2017 को प्रकाशित Public Notice।

महाशय,

उपर्युक्त विषयक वास्तुकला परिषद् के प्रासंगिक पत्र एवं Public Notice की
छायाप्रति संलग्न करते हुए कहना है कि

(1). वास्तुकला परिषद्, नई दिल्ली से प्राप्त प्रासंगिक पत्र में राज्य सरकारों से
अधीनस्थ नगरपालिकाओं/विकास प्राधिकारों आदि से वास्तुविदों के निबंधन से छूट के संबंध
में दिशानिदेश निर्गत करने का अनुरोध किया गया है, जो निम्न है :-

i) Not to Register any person as an Architect for practising the profession of an architect
under their jurisdiction ; and

ii) Allow architects having valid registration as an Architect from the Council of Architecture
to carry on the profession of architecture under their jurisdiction without any registration।

(2). वास्तुकला परिषद् द्वारा प्रकाशित Public Notice में माननीय सर्वोच्च न्यायालय
द्वारा दिनांक-14.02.2017 को Civil Appeal Nos. 3346-3348 of 2005 में पारित आदेश के
संदर्भ में संबंधित प्राधिकारों से किए गए अनुरोध निम्न हैं :-

i) Only an architect (or firm of registered architects) registered under the Architects Act,
1972 with the Council can practice as an architect in the country. Any person not registered as
an architect with the Council be not allowed by the development authorities/local
bodies/municipal authorities etc. to practice as an architect under their jurisdiction.

ii) No development authority/Local body/Municipal authority i.e; Municipal Corporation, Municipal Council, etc. should insist architects registered with the Council to obtain further registration/license to practice as an Architect under their jurisdiction.

iii) Development Authorities/Local bodies/Municipal Bodies, etc. should not register/license any person as an architect under their jurisdiction.

iv) The relevant existing building bye-laws/regulations requiring registration/licensing any architects be amended to comply with the provisions of the Architects Act, 1972 and the above Order of the Hon'ble Supreme Court of India.

(3). (i). बिहार नगरपालिका अधिनियम, 2007 की धारा-312(4) में वास्तुकार अधिनियम, 2007 के अधीन रजिस्ट्रीकृत वास्तुकार द्वारा योजना तैयार करने का प्रावधान किया गया है, जो निम्न प्रकार है - "Plan" means a plan prepared by a surveyor, or a draughtsman, or an engineer holding a degree fo Bachelor of Engineering, or an Architect registered under the Architects Act, 1972 |

(ii). बिहार भवन उपविधि, 2014 के उपविधि-2(107) में Registered Architect को परिभाषित किया गया है, जो निम्न प्रकार है - "Registered Architect" means an Architect registered with the Council of Architecture and who has not been debarred by the Authority |

(iii). बिहार भवन उपविधि, 2014 में संशोधन के क्रम में विभाग के स्तर पर वास्तुविदों एवं अन्य तकनीकी व्यक्तियों तथा भवन निर्माताओं के Online Empanelment से संबंधित प्रावधान किए गए हैं, जो स्वीकृति के क्रम में प्रक्रियाधीन है।

उपरोक्त के आलोक में माननीय सर्वोच्च न्यायालय द्वारा पारित आदेश का अनुपालन करने, वास्तुकला परिषद्, नई दिल्ली से पंजीकृत वास्तुविदों द्वारा समर्पित नक्शा भवन उपविधि के तहत स्वीकृति हेतु मान्य किए जाने तथा इस कार्य हेतु इनका अलग से नगरपालिका एवं आयोजना प्राधिकार के स्तर पर निबंधन नहीं किए जाने का तत्काल निदेश दिया जाता है। नक्शा स्वीकृति से संबंधित आवेदन एवं नक्शे पर संबंधित वास्तुविद्, वास्तुकला परिषद् से आवंटित निबंधन संख्या का उल्लेख करेंगे।

अनुलग्नक - यथोक्त।

विश्वसिभाजन

7/3/2019

प्रधान सचिव,

नगर विकास एवं आवास विभाग,
बिहार, पटना।