



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(A)/2021/AE

March 03, 2021

The Hon'ble Governor
State of Jharkhand
Raj Bhawan, Ranchi,
Jharkhand-834001

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

Respected Sir,

I am directed to invite your kind attention in the matter towards the communications of the Council of Architecture regarding implementation of the provisions of the Architects Act, 1972 in the state of Jharkhand. Copies of the same are enclosed herewith for your kind perusal.

Sir, the attention of the Council is drawn by practicing Architects that Urban Development and Housing Department, Government of Jharkhand is insisting Architects registered with the Council of Architecture to seek further registration and to pay Rs. 1000/- for carrying the profession of architecture under the various local bodies such as Municipal Corporation, Nagar Parishad, Nagar Palika and Municipalities.

In this regard, it is once again informed that in view of the provisions of Architects Act, 1972, (a Central law) the State Governments are not required to further register architects already registered with the Council of Architecture under the Architects Act, 1972.

This legal position has been upheld by various High Courts including Hon'ble Supreme Court of India. It is, therefore, requested that the appropriate direction be issued in the matter to the concerned departments/officers to stop the practice of insisting architects registered with the Council of Architecture to seek further registration with the local bodies in the State of Jharkhand.

I am enclosing herewith the various communication/direction issued by other State Government on this issue for your kind perusal and necessary directions.

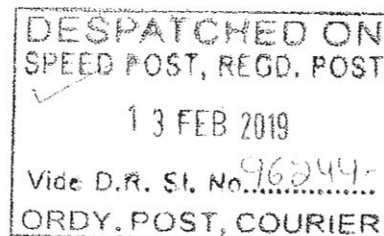
Thanking you,

Yours faithfully,

R.K. Oberoi
Registrar

Encl: As above

Ref No. CA/15/2019/AE
February 11, 2019



The Hon'ble Governor,
State of Jharkhand,
Raj Bhawan, Ranchi,
Jharkhand-834001

The Hon'ble Chief Minister,
Government of Jharkhand,
Chief Minister Office,
1st floor, Project Building,
Jharkhand 834001

Subject: Implementation of the Architects Act, 1972 (Central Government) in the State of Jharkhand-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 Jharkhand that they are being compelled to seek further registration by local bodies in the Jharkhand 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

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 26.12.2018 has requested the Government of Jharkhand 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,

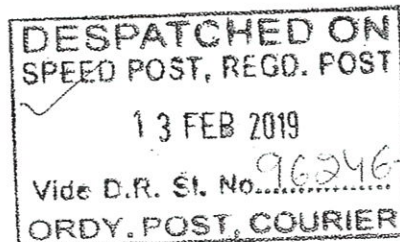

R.K. Oberoi
Registrar

Encl: As above

Copy for information and necessary action to:

The Chief Secretary,
Government of Jharkhand,
1st Floor, Project Building,
Dhurwa,
Ranchi- 834004.

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
December 26, 2018

The Chief Secretary,
Government of Jharkhand,
1st Floor, Project Building,
Dhurwa,
Ranchi- 834004.



Subject: Violation of Architects Act, 1972 by Local Municipal bodies/Authorities in the State of Jharkhand-reg.

Sir,

The attention of the Council of Architecture is drawn that the local bodies/Authorities in the State of Jharkhand 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 to 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. 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 of 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.

Contd....P/2

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a horizontal line and a small flourish.

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.

"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 Architect, the State law, if any, including building-by-laws shall automatically stand repealed.

In view of the above, the Government of Jharkhand 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, not 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, 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

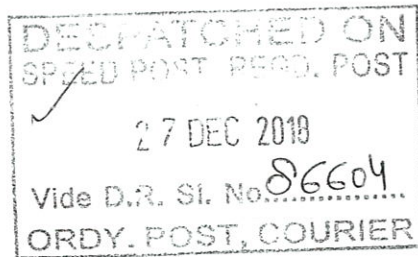
Encl: As above

Contd...P/3

Copy for information to:

The Commissioner
Dhanbad Municipal Corporation
Luby Circular Road
Dhanbad-826001
Jharkhand

Mr. Gajanand Ram, Member, COA
Town Planner, TCPO, UD & HD,
Government of Jharkhand,
4th Floor, Room No.415
Project Bhawan, Dhurwa
Ranchi – 834004, Jharkhand
Email: tpihar@gmail.com,
gajanandram@gmail.com



-86605



Office of the Chief Town Planner (Administration)
Town and Country Planning Department
Dempo Tower, 2nd Floor, Patto Plaza, Panaji - Goa
Ph: 2437352, E-mail: ctp-tcp.goa@nic.in

Ref: 35/20/TCP/2017/TCP/1123

Date: 25/06/2019

To,
The Under Secretary (Revenue-I)
Government of Goa,
Revenue Department,
Secretariat, Porvorim – Goa.

Sub:- Violation of the Architects Act, 1972 (a Central law) –
Goa Land Development and Building Construction
(Amendment) Regulations, 2018.

Ref:- Your office letter No. 11/4/2019-RD/2121 dated 10/06/2019
received under inward No. 1925 on 17-06-2019.

Sir/Madam,

With reference to the above cited subject, this Department has issued clarification vide letter No. 35/20/TCP/2017-19/970 dated 06-06-2019, to the Registrar, Council of Architecture, copy of letter enclosed for ready reference which is self-explanatory.

The Goa land Development and Building Construction (Amendment) Regulations, 2019 have been notified in the Official Gazette, Government of Goa, Extra Ordinary, Series I No. 11 dated 14-06-2019 (available at www.goaprintingpress.gov.in). As per the said notification the Architects are exempted from Registration under Regulation 20 of the Goa Land Development and Building Construction (Amendment) Regulations, 2019.

Yours faithfully,

(James Mathew)
Chief Town Planner
(Administration)

Copy for information to:

✓ The Registrar,
Council of Architecture,
India Habitat Centre,
Core-6A, 1st Floor, Lodhi Road,
New Delhi – 110 003. – with reference to your office letter No. CA/15/2019/AE
dated 11-03-2019.



To

The Council of Architects,
India Habitat Centre, Core-6A, 1st Floor,
Lodhi Road, New Delhi-110003.
New Delhi.

Memo no. DULB/CTP/A3/2019/10902
Dated: 30/04/2019

Subject: Implementation of the Architect Act, 1972 (Central Government) in the state of Haryana

1. Please refer to your office 43r343nd3 no. CA/15/2019/Ar dated 19.2.2018 on the matter cited as subject above.
2. It is informed that earlier in the Haryana Building Bye-Laws, 1982 there was a provision of registration of those persons as Architects who did not have the qualification prescribed in the Architects Act, 1972. Such registrations were done on the basis of the experience prior to coming in force the said bye-laws. However, since, year 2013 all the municipalities in the State of Haryana have been directed not to register/renew any professional who does not have the qualification prescribed in the Architect Act 1972. Further, the Haryana Building Code 2016, only an Architect register with the COA is allowed to practice as an Architect. Furthermore, the said Architect is not required to get himself registered with the municipality.

(Manjeet Singh)

District Town Planner,
for Director General, Urban Local Bodies,
Haryana, Panchkula.

Endst. no. DULB/CTP/A3/2019/

Dated :

A copy of above is forwarded to the following for information and necessary action:

- i. The Secretary to Governor, Haryana with reference to his office memo no. 1504 dated 8.3.2019.
- ii. The Director General, Town & Country Planning Haryana, Chandigarh is requested to consider the letter dated 19.2.2019(copy enclosed) received from the CoA while dealing the matter pertaining to the "Supervisor".
- iii. The Chief Architect, Department of Architecture, Haryana, Chandigarh.

(Manjeet Singh)

District Town Planner,
for Director General, Urban Local Bodies,
Haryana, Panchkula.

Ap.

Tel No. : (079) 23243171-72-73
Fax No. : (079) 23231121
Website: rajbhavan.gujarat.gov.in
E-mail : prisec-rajbhavan@gujarat.gov.in
secpress-gh@gujarat.gov.in



Raj Bhavan Secretariat
Sector-20,
Gandhinagar-382 020.
GUJARAT



XI-MEM-2719 / M-110 / 2019.

Important

7 FEB 2019

To,

The Secretary to the Government of Gujarat,
Legal Department,
Sardar Bhavan,
Sachivalaya,
Gandhinagar-382 010.

Subject: Implementation of the Architects Act, 1972 (Central Government in the State of Gujarat...

Sir,

With reference to the above mentioned subject, it is stated that the Raj Bhavan Secretariat has received letter dated 24th January, 2019 from Shri R.K. Oberoi, Registrar, Council of Architecture, New Delhi (Copy enclosed).

The matters have been perused by **Shri O.P. Kohli, Hon. Governorshri of Gujarat**, and he has directed the undersigned to forward the same to the State Government in the Legal Department for doing the needful.

Accordingly, I am forwarding the same to you for doing the needful in the matter. Regards.

Yours faithfully,
Sd/-

(Arvind Joshi)
Principal Secretary to the
Hon. Governorshri

Encl: As above. }

Copy forwarded with compliments to:

✓ Shri R.K. Oberoi, Registrar, Council of Architecture, India Habitat Centre, Core-6A, 1st Floor, Lodhi Road, New Delhi-110 003.

... for favour of kind information please.

(Arvind Joshi)

Principal Secretary to the
Hon. Governorshri

Regis. A.O. 10/09/2019



Public Works Department
Secretariat,
Chennai-9

Letter No.28082/G2/2018-2, dated. 14.05.2019

From
Thiru.S.K.Prabakar, I.A.S.,
Principal Secretary to Government.

To
The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-9 (w.e)

Sir,

Sub: Implementation of the provisions of the Architects Act, 1972
(A Central Law) - Reg.

- Ref: (1) From the Registrar, Council of Architecture, New Delhi, letter
Ref.No.CA/15/2018/AE, dated 30.10.2018 addressed to the
Chief Secretary to Government, Secretariat, Chennai-9.
(2) From the Chief Architect (A/c), Public Works Department,
Chennai letterNo.A1/0091/2019, dated 07-02-2019.

I am directed to invite your attention to the references cited (copy enclosed) and to state that the Registrar, Council of Architecture, New Delhi in his letter first cited has requested the personal intervention of the Chief Secretary to Government, Secretariat, Chennai-9 regarding the building bye-laws prevalent in the State of Tamil Nadu, insisting Architects to seek registration as an Architect and pay registration fees for practicing their profession in the State of Tamil Nadu.

2. The Registrar, Council of Architecture, has stated that the Parliament of India enacted the Architects Act, 1972 for registration of Architects and for matters connected 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. He has further stated that in terms of the provisions of the Architects Act, 1972 only persons registered with Council of Architect under the Architects Act, 1972 can use the title and style of Architect for carrying the profession of Architecture throughout the territory of India. 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.

AA.

Registrar
107384
Date 28-5-19

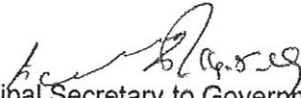
3. The Chief Architect, Public Works Department in his letter second cited has accepted the views of the Registrar, Council of Architecture and requested that necessary further action may be initiated at Government level to withdraw the registration process in respect of Architects wherever prevalent in the State.

4. In this connection, I am directed, to invite your attention to the G.O.(Ms) No.18, Municipal Administration and Water Supply Department, dated.04.02.2019 wherein orders have issued for publication of the Tamil Nadu Combined Development and Building Rules, 2019 under various Acts for Corporations, Municipalities, Town Panchayats and Village Panchayats and Development Rules/Regulations issued under the Tamil Nadu Town & Country Planning Act, 1971 aimed at simplifying the rules and procedure for approval, for development of layouts and buildings with focus on safety, security and sustainability as also to enhance consistency and transparency. In the above said G.O it has been ordered that the appended Notification will be published in an Extra-Ordinary issue of the Tamil Nadu Government Gazette dated 04.02.2019.

5. In the Tamil Nadu Combined Development and Building Rules, 2019 under Part-V Registration of Professionals in Rule, 23(i) the rules have been laid down for registration of Architects (RA), Engineers (RE), Structural Engineers (RSE), Construction Engineers (RCE), Quality Auditors (RQA), Town Planners (RTP) and Developers (RD) by the competent authority or Block Development officer in case of village Panchayat and for payment of registration fees.

6. I am therefore, directed to request you to take appropriate action in the matter.

Yours faithfully,


for Principal Secretary to Government

Copy to:-

✓ The Registrar,
Council of Architecture,
India Habitat Centre, Core-6A,
1st Floor, Lodhi Road,
New Delhi-110003
Stock File/ Spare Copy.

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 अधिनियम, 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।

विश्वामाजिन

7/3/2013

प्रधान सचिव,

नगर विकास एवं आवास विभाग,
बिहार, पटना।