

THE ARCHITECTS (AMENDMENT) BILL, 2018

A BILL further to amend the Architects Act, 1972(No. 20 of 1972)

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:-

1. Short Title & Commencement- (1) This Act may be called the Architects (Amendment) Bill, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment in Section 2-In the Architects Act, 1972 (hereinafter referred to as the 'principal Act'), in section 2,—

(i) in sub-section (a), after the words “entered the register”, the words “and duly empowered under the Act to provide Architectural services” shall be inserted;

(ii) after sub-section (a), the following sub-sections will be inserted, namely:-

‘(aa) “Architectural Services” includes providing any architectural design, plans, preparation of all drawings and documents, tracing or the like, for use in sanction and for construction, extension, addition or alteration of any building and built environment or part thereof including documentation, OR, being in responsible control of professional services which require the development of sites, the architectural design, in whole or in part, of buildings or built environment, groups of buildings and also include scrutinising, the documents, regulating the construction and development of buildings and related matters;

(ab) “building bye-laws” include all municipal building byelaws as defined in various municipalities / municipal Acts notified by Central Government or Union Territories or State Governments in India;’;

(iii) in sub-section (b), after the words “Council of Architecture”, the words “, India” shall be inserted;

(iv) after sub-section (b), the following sub-sections will be inserted, namely:-

(ba) “Examination Board” means a Board constituted to conduct professional examination.

(bb) “Firm of Architects” means a Firm as defined in the Indian Partnership Act 1932; such that all partners are Architects as defined in section 2(a) of the principal Act;’;

(v) after sub-section (c),the following sub-sections will be inserted, namely:-

(ca)“Limited Liability Partnership of Architects” means a Limited Liability Partnership(LLP) formed and registered under the provisos of the Limited Liability Partnership Act of 2008 (No 6 of 2009) in which all such partners are Architects as defined in section 2(a) of the principal Act;

(cb)“Municipality(s)” has the same meaning as defined in article 243(P) of the Constitution of India, as amended from time to time;

(cc) “Planning/Development Authority(s)” includes urban development authorities all over India as may be established under respective laws;

(cd) “Practice of Architecture” within the meaning and intent of this Act, includes offering, providing, rendering or supplying architectural services as defined in this bill;

(ce) “professional examination” means an examination conducted by the Council for granting registration as an Architect;’;

(vi) in sub-section (d), after the words “included in the”, the word “first” shall be inserted;

3.Amendment in Section 3-In the principal Act, in section 3,

(i)after the words ‘Council of Architecture’, the words ‘, India’ shall be inserted;

(ii)In clause (b) of sub section (3) of section 3 of the principal Act, the word ‘persons’, is to be substituted by the word ‘architects’ and the phrase ‘by the Resolution of the Government of India in the late Ministry of Education No.F.16-10/44-E.III, dated the 30th November, 1945’ is to be substituted by

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31.Insertion of Section 43A and Section 43B - In the section 43 of the principal Act, the following sections shall be inserted after section 43 namely:

‘43A. In the discharge of its functions under this Act, the Council shall be guided by such directions on questions of policy relating to national purposes as may be given to it by the Central Government.

Provided that the Council shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

43B. (1) Whenever it appears to the Central Government that the Council is not complying with any of the provisions of this Act, Rules and Regulations framed thereunder, or the directions issued by the Central Government under Section 43A, the Central Government may, if it think so after having afforded an opportunity to the Council to make its views, appoint a Commission of Enquiry consisting of three persons, two of whom shall be appointed by the Central Government one being the Judge of a High Court, and one by the Council; and refer to it the matters on which the enquiry is to be made.

(2) The Commission shall proceed to enquire in such manner as it may deem fit and report to the Central Government on the matters referred to it together with such remedies, if any, as the Commission may like to recommend.

(3) After the report is finally accepted, the Central Government may forward the same to the Council to adopt the remedies so recommended within such time as may be specified in the direction.’

32.Amendment in Section 44- (i)In the clause (c) of sub-section (2) of the section 44 of the principal Act, the clause (c) of sub-section (2) of the section 44 is to be substituted with the following, namely:

‘(c) the particulars to be included in the register of architects, firm of architects, limited liability partnerships of Architects under sub-section (3) of section 23 and 23A’;

(ii) In the clause (e) of sub-section (2) of the section 44 of the principal Act, the words '23A' is to be inserted after the word 'sections'.

(iii) In the sub-section (2) of the section 44 of the principal Act, the following clause shall be inserted after clause (i) of sub-section (2) of section 44, namely:

'(ia) fees for filing complaints for professional misconduct against Architects.'

33.Amendment in Section 45-(i) In the sub-section (2) of the section 45 of the principal Act, the following clause shall be inserted after clause (b) of sub-section (2) of section 45, namely:

'(ba) the remuneration, fees and allowances for the President, Vice-President and other members of the Council;

(bb) the terms and conditions of service of the officers and employees of the Council;'

(ii) In the clause (e) of sub-section (2) of the section 45 of the principal Act, the clause (e) of sub-section (2) of the section 45 is to be deleted in its entirety and the following clause is to be inserted, namely:

'(e) establishment of an institution, syllabus, courses and periods of study and of practical training, eligibility for admission to architecture course, if any, to be undertaken, the subjects of examinations and standards of proficiency therein to be obtained in any college or institution for grant of recognised qualifications or additional qualifications, and penalty for non-adherence to minimum standards or malpractices of any nature by any institution.'

(iii) In the clause (g) of sub-section (2) of the section 45 of the principal Act, the clause (g) of sub-section (2) of the section 45 is to be deleted in its entirety and the following clause is to be inserted, namely:

'(g) the minimum qualification and experience for faculty members, the standards of staff, equipment, accommodation, training and other facilities for architectural education including grant of intake, period of approval etc.'

(iv) In the clause (h) of sub-section (2) of the section 45 of the principal Act, the clause (h) of sub-section (2) of the section 45 is to be deleted in its entirety and the following clause is to be inserted, namely:

‘(h) the conduct of aptitude test, professional examination, qualifications of examiners, manner and mode and place of examination and the conditions of admission to such examinations’

(v) In the clause (i) of sub-section (2) of the section 45 of the principal Act, after the word ‘architects’, the following phrase is to be inserted, namely: ‘architectural firms’ and “limited liability partnerships of architects”;

(vi) After the clause (i) of sub-section (2) of the section 45 of the principal Act, the following clauses are to be inserted, namely:-

(ia) the minimum standards for postgraduate and other higher-level courses in architecture;

(ib) ranking or accreditation of architectural courses offered by institutions;

(ic) power, duties and control to be exercised by architects in government services.

(id) duties and functions of architects in practice and their liabilities.

(ie) procedure for appointment of practicing architects by government agencies.

(if) promotion of research and innovative techniques in architecture.’
