

15(A)

Ref No.CA/15(A)/2019/AE
June 28, 2019

The Hon'ble Governor
State of Odisha
Raj Bhavan,
Bhubaneswar-751008
Odisha

DESPATCHED ON
SPEED POST, REGD. POST
29 JUN 2019
Vide D.R. Sl. No...110295
ORDY. POST, COURIER

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Subject: Violation of the Architects Act, 1972 (A Central Law) by various authorities in the State of Odisha-reg.

Respected Sir,

As you are aware the Parliament of India enacted the Architects Act, 1972, to provide for registration of Architects throughout the territory of India and 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.

I am directed to invite your kind attention towards the advertisement No. 13825/BDA, Bhubaneswar, dated 01.06.2019 issued by the Bhubaneswar Development Authority inviting applications for accreditation of Architects under the Odisha Development Authority (Common Application Form) Rules, 2016 and asking for fees of Rs.5,000/-. A copy of the same is enclosed herewith for your kind perusal.

Pertinent to the matter, I would like to state that the Architects Act has been enacted by the Parliament of India in terms of Entry 66 List 1 (Union List) of the Constitution of India and also Entry 26 List 3 (Concurrent List). Therefore, field having been occupied by the Central Law, the State Government is not competent to make any laws to regulate the registration and profession of Architects.

In terms of provisions of the Article 254 of the Constitution of India, the Central law shall prevail over the State law. Hence, the State laws (Rules/Bye-laws) made by State Government laying out the requirements for Accreditation and registration of Architects and payment of fees are directly in conflict with the provisions of Architects Act, 1972 shall be void to that extent.

Further, the Central Government in the Ministry of Human Resource Development 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



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States/UTs in India had asked all the State Governments/Union Territories in India to advice 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.

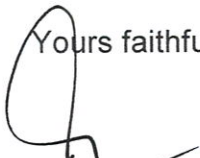
The Council of Architecture in the year 2016 also vide its letter No.CA/28/2016/AE dated 18th July, 2016, addressed to the Chief Secretary, Government of Odisha requested the State Government to amend/modify the draft Odisha Development Authorities (Common Application Form Rule 2016) in consonance with the provisions of the Architects Act, 1972 (Special Act), however, no action has been taken in the matter till date. A copy of the letter dated 18.07.2016 is enclosed herewith for your kind perusal.

In view of the above, the Council requests your honour to kindly intervene in the matter and issue appropriate directions to the concerned Department/officials in the State Government to stop registration/accreditation of Architects by the Local Authorities, Municipal Corporations, etc. in the State of Odisha.

It is requested that the Council of Architecture be kept in updated in the matter.

Thanking you,

Yours faithfully,



R.K. Oberoi
Registrar

Encl: As above

The Chief Secretary
Government of Odisha
General Administration Department
Odisha Secretariat
Bhubaneswar - 751001

The Vice-Chairman
Bhubaneswar Development Authority
Akash Shova Building,
Pandit Jawaharlal Nehru Marg,
Bhubaneswar-751001
Odisha