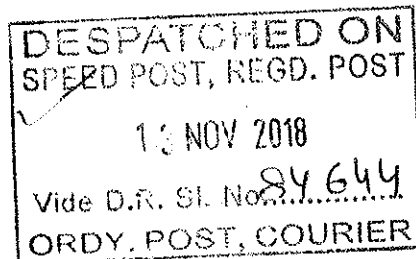


Ref No. CA/15/2018/AE
November 13, 2018

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



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

Sir,

I am directed to seek your personal intervention regarding the building bye-laws prevalent in the State of Karnataka, insisting Architects to seek registration as an Architect and pay registration fees for practicing their profession in the State.

The Council has in the past vide its letters dated 18.01.2018 & 11.09.2018 (Copy enclosed for ready reference) requested the Government of Karnataka to advise all local bodies (Municipal Corporation Development Authorities) to not to insist Architects, registered under the Architects Act, 1972 to obtain further registration as an Architect and pay a fee in order to carry on the profession of an Architect.

Pertinent to the matter, may I request you to kindly consider 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.

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.

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.

In terms of the provisions of the Architects Act, 1972 only persons registered with Council of Architects 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

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

competent to either issue license or register Architects to control their profession and professional conduct in any manner.

I would like to invite your kind attention towards Division Bench Judgment dated 22.04.1980 by Hon'ble High Court of Delhi in LPA No. 59 of 1975, MCD V/s. Ram Kumar Bhardwaj & Others which held as under.

"xxxxxx The Architects Act 1972, as a special law dealing with qualifications to be possessed by persons for being registered as Architects and restricting the term "Architect" or "Registered Architect" to such persons only. Since, possession of a registration certificate under the Architects Act, 1972 is regarded by Parliament as sufficient qualification for 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 xxxxx".

The Judgment had also been upheld by the Hon'ble Supreme Court of India vide order dated 22.04.1983 in SPL (Civil) No. 6469 and 9396 of 1980.

Further, your attention is also invited towards the judgment dated 14.02.2017 of the Hon'ble Supreme Court of India wherein the Hon'ble Court held as under:

"xxxxx We are of the view that the High Court was in error in rejecting the contention of the appellant that practice under the Architects Act, 1972 is not restricted only to the Architects. It is not correct to say that anyone can practice as an Architect even if he is not registered under the Architects Act, 1972 xxxxx".

Copies of the above orders and a copy of the handbook are attached herewith for your kind perusal.


In view of the above, the Council of Architecture requests the Government of Karnataka to issue appropriate direction for withdrawing the requirement of Registration of Architects and payment of registration fees as per building bye laws prevalent in the State, to carry on profession of Architect in the State of Karnataka.

The timely action in the matter will help the Architects to pursue their profession smoothly and without any hindrance but will also set the legal position right regarding registration of Architects by local body/authority.

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

Thanking you,

Yours faithfully,



R.K.Oberoi
Registrar

Encl: As above

