

Ref. No. UPAA/04/80/8-14

Dated. 09th Aug. 2014

To
Ar. J. R. Bhalla
Chairman
Committee for the amendments in Architects Act 1972
D-29, Defense Colony
New Delhi – 110003

Sub.: Amendments in Architects Act 1972.

Sir,

U.P. Architects Association is a 26 years old forum of practicing and serving Architects of U.P. We have studied the draft proposal of amendments and suggests following amendments:

Sl Sl.	Clause No	Proposed Amendment	Suggested Amendment	Remarks (if any)
1.	2(aa)	architectural services” include providing any architectural plan, drawings, tracing or the like for use in the construction, extension, addition or alteration of any building or part thereof, OR, being in responsible Control of professional services which require the planning of sites or the design, in whole or in part, of buildings or groups of buildings.	architectural services” include providing any architectural plan, drawings, tracing or the like for use in the construction, extension, addition or alteration of any building or part thereof, OR providing Consultancy, OR being in responsible control of professional services which require the planning of sites or the design, in whole or in part, of buildings or groups of buildings.	Some architectural services may only require consultancy in the form of just ‘report writing’ or providing a ‘prescription’ for a particular problem and may not include drawings, tracings etc.
2.	2(ab)	“building byelaws” include all municipal building byelaws as defined in various municipalities / municipal Acts notified by Central Government or Union Territories or State Governments in India.	“building byelaws” include all building byelaws as defined in various Municipalities/Development Authorities/municipal or other Acts notified by Central Government or Union Territories or State Governments in India including National Building Code of India..	In many states the plan sanctioning works are being looked after by Development Authorities or even by the Housing Boards (as in Uttar Pradesh). Practically NBC is referred for byelaws in almost every state.
3.	2(cc)	“Planning/Development Authority(s)” includes urban development Authorities all over India as may be created under various state and central urban development laws.	“Planning/Development Authority(s)” includes Urban/ Rural development authorities all over India as may be created under various state and central laws.	As per 73rdCAA -1992, development works in the rural areas are to be undertaken by the rural local bodies like Gram Panchayats etc. Therefore, rural

				development agencies should be included in the purview of this clause.
4.	3(3)(f)	An Architect heading Architecture Department, from each State Government / Union Territory in India, ex-officio;	An Architect heading Architecture Department, from each State Government / Union Territory in India, OR as nominated by the Government of that state/ UT; ex-officio;	Many State Governments do not have a separate department of architecture. Therefore, the nomination clause should also remain.
5.	3(3)(i)	New clause	one person nominated by the Institution of Valuers of India from among its members.	'Valuation' is an integral part of architectural services, therefore representation from the 'Institution of Valuers' may be considered
6.	14(1)		The qualifications- both UG and PG included in the schedule or notified under section 15 shall be recognised qualifications for the purposes of this Act.	<p>1. (i) The 'Schedule' (of qualifications) may need updation.</p> <p>1. There appears a need for inclusion of post graduate degrees also in the purview of the Act, specially keeping in mind the provisions of clause 26 A(2)b, which allows a person with a recognised PG degree in architecture to become eligible to Practice the profession of architecture</p>
7.	19	The Executive Committee shall, subject to regulations, if any, made by the Council, upon receipt of inspection charges from the concerned institution, as may prescribe by the Council, appoint such number of inspectors as it may deem requisite to inspect any college or institution where architectural education is given or is proposed to be given or to attend any examination held by any college or	The Executive Committee shall, subject to regulations, if any, made by the Council, upon receipt of inspection charges from the concerned institution, as may prescribe by the Council, appoint such number of 'Quality Assessors' / 'Evaluators' as it may deem requisite to assess/ evaluate any college or institution where architectural education is given or is proposed to be given or to attend any examination held by any college or institution for the purpose of recommending to	The term 'INSPECTOR' appears too harsh and relates to British Raj. May be replaced with "Quality Assessor" or "Evaluator"

		institution for the purpose of recommending to the Central Government recognition of architectural qualifications granted by that college or institution.	the Central Government recognition of architectural qualifications granted by that college or institution.	
8.	24First Register.....	Whole clause may be deleted	As the work of first register is all over many-many years back, there appears no need for this clause
9.	26A(2)a	New Clause	<p>The Council shall issue a Certificate of Practice to an Architect only after the Architect has-</p> <ol style="list-style-type: none"> 1. Been employed for a minimum of 36 months, by any other architect(s) who hold(s) a valid Certificate of Practice issued by the Council, provided that the employer architect(s) has held a valid Certificate of Practice for a minimum of 5 years 	As of now, this clause can only be enforced partially, because of the fact that the employment certificate issuance by a person having a valid Certificate of Practice for a minimum of 5 years will be possible only after the employer himself obtains and holds it for at least 5 years from now. Thus, this portion of the clause should remain suspended for at least 5 years or an ad hoc provision may be made for five years on the basis of past experience of certain duration.
10.	26A(3)	New Clause	Certificate of Practice shall be valid for 5 years and the holder of a Certificate of Practice shall apply for a Renewal within 3 months of its expiry.	Validity period of just 1 year is too less. It is advisable to increase it to at least 5 years.
11.	35 (3)	Every architect appointed in the services of Central/ State Government/ Union Territories and other authorities established by law may exercise such duties and functions as prescribed by the Council from time to time.	Every architect appointed in the services of Central/ State Government/ Union Territories and other authorities established by law may exercise such duties and functions as prescribed by the Council from time to time. No such person can be appointed as Architect who does not possess the qualification as per schedule of qualifications and is not registered with the council.	Particularly in state Governments Diploma in Architectural Assistantship holders are also promoted to the post of Architect. Hence a specific provision is needed to prevent the same.

We hope you will find above suggestions worthy to be considered.

5/8/23, 6:08 PM

Amendments in Architects Act 1972.

Thanking You.
Yours Sincerely

(Rajiv Kumar Dwivedi)
President