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Regd. under the Societies Registration (Uttar Pradesh Amendment) Act, 1975 since 1987.

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UPAA/PS/2024-25/L-251

Date: 17.07.2025

To,
**The Principal Secretary,
Housing and Urban Planning Department,
Government of Uttar Pradesh,
Lucknow.**

Subject: Representation Regarding Interpretation and Proposed Amendment to Clause 2.1.2 of the Building Bye-Laws, Uttar Pradesh

Respected Sir/Madam,

On behalf of the U.P. Architects Association (UPAA), this formal representation seeking clarification and recommending a considered amendment to Clause 2.1.2 of the Building Bye-Laws currently in force in the State of Uttar Pradesh.

The aforesaid clause presently reads as follows:

"The onus to ensure authenticity of self-declaration and compliance with the Self-Certification lies on the Owner, Applicant and Licensed Technical Personnel, who shall all be held personally responsible and accountable in case of false declaration, and the Owner, Applicant and the Licensed Technical Personnel will be liable for action as per law."

While the Association fully supports the overarching objective of ensuring accountability, transparency, and compliance with statutory frameworks, the phrase "**compliance with the Self-Certification**"—in its current form—has given rise to interpretational ambiguities, particularly with regard to the scope and extent of professional responsibility attributed to licensed architects.

For U.P. ARCHITECTS ASSOCIATION

PRESIDENT

It is respectfully submitted that, as per prevailing norms, guidelines of the **Council of Architecture (COA)** under the Architects Act, 1972, and standard professional practice, the responsibility of a licensed architect is primarily confined to ensuring that the submitted building plans conform to the applicable development controls, planning norms, and statutory regulations **at the design and sanction stage**.

Post-sanction construction activities, particularly those undertaken **without a formal agreement for supervision**, fall outside the purview of the architect's professional obligations. It would, therefore, be both **impractical and unjust** to hold architects personally liable for deviations or unauthorized modifications carried out unilaterally by owners, builders, or contractors in their absence or without their knowledge.

In light of the above, the Association further submits the following for kind consideration:

1. Professional Jurisdiction:

The practice of architecture in India is a regulated profession under the **Architects Act, 1972**, with the **Council of Architecture (COA)** being the sole statutory body empowered to prescribe norms for professional conduct. Any attribution of architectural responsibilities to professionals not registered with the COA (such as Civil Engineers) constitutes a contravention of the said Act and undermines the statutory framework enacted by Parliament.

2. Contextual Interpretation of NBC Provisions:

While the **National Building Code (NBC)** has, in exceptional circumstances, permitted non-architect professionals to undertake limited design-related responsibilities in rural or underserved areas, these provisions are clearly context-specific and not intended for universal application, particularly not in urban or semi-urban jurisdictions such as those prevalent in Uttar Pradesh.

3. Need for Statutory Precision:

It is, therefore, earnestly requested that the language in Clause 2.1.2 be reviewed and suitably amended or clarified to reflect the **architect's defined scope of responsibility limited to plan preparation and approval**, unless **contractually engaged** for post-approval supervision. Such an amendment would not only align with national legislation but also prevent misinterpretation and the consequent exposure of licensed architects to **unwarranted legal liabilities**.

In view of the foregoing, we respectfully request that appropriate directions be issued for the review and revision of the aforesaid clause in the interest of legal clarity, administrative fairness, and harmony with the central regulatory framework governing the architectural profession.

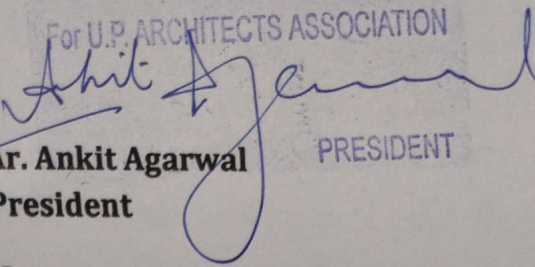
We shall remain grateful for your kind attention to this matter and remain available for any further deliberation or consultation that may be required in this regard.

For U.P. ARCHITECTS ASSOCIATION

PRESIDENT

Thanking you in anticipation.

Yours sincerely

For U.P. ARCHITECTS ASSOCIATION

Ar. Ankit Agarwal
President

Copy to:-

1. Chief Secretary, Government of Uttar Pradesh
2. Chief Town & Country Planner, Government of Uttar Pradesh
3. Director, Awas Bandhu

Attached:-

Clarification Regarding National Building Code 2016. Cabinet Secretariat,
Government of India.

F.No. 5/6/2025-Deregulation
Government of India
(Bharat Sarkar)
Cabinet Secretariat
(Mantrimandal Sachivalaya)

New Delhi, the 25th June, 2025

To
Chief Secretaries of all States

Subject: National Building Code, 2016 - clarification reg.

Sir/Madam,

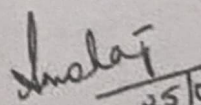
I am directed to refer to Cabinet Secretariat's OM no. 082/2/1/2020-CA.V(Vol.III) dated 24.01.2025 constituting a Task Force to pursue de-regulation and compliance reduction, to promote ease of doing business and ease of living, towards faster development and job creation. In its interactions with the State Governments, several of them have raised an issue regarding the National Building Code, 2016.

2. The matter has been examined in consultation with the Bureau of Indian Standards and accordingly the following clarifications are issued:-

- (i) The National Building Code is not legally binding. It is a voluntary code for reference. It is not a "code" in the legally binding sense.
- (ii) Being a voluntary document, the National Building Code does not fall under Section 29, read with Section 17, of the Bureau of Indian Standards Act, 2016, and hence non-compliance with the National Building Code does not constitute an offence. In other words, the National Building Code is not "criminalized" and hence, there is no question of "decriminalization".
- (iii) The subject of "Land & Buildings" is listed in List II (State List) in the Constitution (entry 18). Fire Services are also in the State domain, vide Entry 5 of the State List read with the Twelfth Schedule (Entry 7) of the Constitution. Hence, buildings and matters like norms for Floor Area Ratio/Floor Space Index, set back, ground coverage, parking, green area, fire regulation etc. as well as other aspects covered in National Building Code are within the exclusive legislative and executive jurisdiction of the States. The Centre does not have legislative competence over such subjects in respect of State Governments.

3. The above clarifications are for information and necessary action.

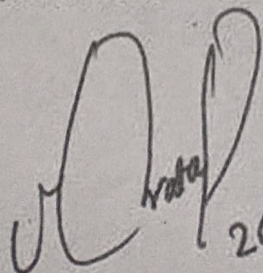
Yours faithfully,


(Sweta Mohanty)
Director

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Please Communicate to Home Department.


26/6/2025