



U.P. ARCHITECTS ASSOCIATION®

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UPAA/CS/2026/L-302

Date-27.1.2026

To,
Chief Secretary,
Government of Uttar Pradesh,
LokBhawan,
Lucknow – 226001 (U.P.)

Subject: Amendment in Chapter 14 – Qualifications and Competence of Licensed Technical Persons in view of Article 19(6) of the Constitution of India in the Model Building Construction and Development Byelaws and Model Zoning Regulations for Development Authorities of Uttar Pradesh, 2025

Respected Sir,

The Government of Uttar Pradesh has prepared, the Draft Model Building Construction and Development Byelaws and Model Zoning Regulations for Development Authorities of Uttar Pradesh, 2025 under Section 57 of the Uttar Pradesh Urban Planning and Development Act, 1973 and invited suggestions and objections from the public, individuals and associations.

उत्तर प्रदेश सरकार ने उत्तर प्रदेश नगर नियोजन एवं विकास अधिनियम, 1973 की धारा 57 के अंतर्गत मॉडल बिल्डिंग कंस्ट्रक्शन एंड डेवलपमेंट उपविधियाँ तथा मॉडल ज़ोनिंग विनियम, 2025 का मसौदा तैयार किया तथा जनसामान्य, व्यक्तियों एवं संस्थाओं से सुझाव एवं आपत्तियाँ आमंत्रित कीं।

As per the above-referred byelaws, for granting licences to professionals such as Architect, Engineer, Structural Engineer, Town Planner, Supervisor, Landscape Architect, Urban Designer and Utility and Services Engineer, it is evident that every professional possesses distinct expertise based on their respective technical qualifications; otherwise, there would have been no necessity for so many different professional nomenclatures.

For U.P. ARCHITECTS ASSOCIATION

PRESIDENT

Engineers are meant for construction and supervision, structural design of buildings and design of services within their domain; however, BIS has suggested additional roles such as architectural design, which falls exclusively within the domain of Architects, and layout planning, which is the domain of Town Planners. Such a suggestion from BIS is absurd and illegal, attempting to make one profession a jack of all trades.

उपरोक्त उपविधियों के अनुसार वास्तुविद् (Architect), इंजीनियर, स्ट्रक्चरल इंजीनियर, टाउन प्लानर, सुपरवाइज़र, लैंडस्केप आर्किटेक्ट, अर्बन डिज़ाइनर तथा यूटिलिटी एवं सर्विसेज इंजीनियर जैसे विभिन्न पेशेवरों को लाइसेंस प्रदान किए जाते हैं, जिससे यह स्पष्ट है कि प्रत्येक पेशेवर की विशेषज्ञता उसकी तकनीकी योग्यता पर आधारित है; अन्यथा इतने अलग-अलग पेशेवर पदनामों की आवश्यकता ही नहीं होती। इंजीनियरों की भूमिका निर्माण एवं सुपरविजन, भवनों के स्ट्रक्चरल डिज़ाइन तथा सेवाओं के डिज़ाइन तक सीमित है; तथापि BIS द्वारा आर्किटेक्चरल डिज़ाइन (जो पूर्णतः वास्तुविदों का क्षेत्र है) तथा लेआउट प्लानिंग (जो टाउन प्लानर्स का क्षेत्र है) जैसे अतिरिक्त कार्य सुझाए गए हैं। BIS का यह सुझाव न केवल अव्यवहारिक बल्कि अवैधानिक भी है, जिससे एक ही पेशे को सर्वगुणसंपन्न बनाने का प्रयास किया गया है।

1. The primary objective of granting a licence to a technical person is to prevent unqualified persons from undertaking the design, construction and supervision of buildings which may be uneconomical or unsafe. This provision is essentially in the interest of the general public and is intended to protect the public from unqualified practitioners.

किसी तकनीकी व्यक्ति को लाइसेंस प्रदान करने का मुख्य उद्देश्य अयोग्य व्यक्तियों को भवनों के डिज़ाइन, निर्माण एवं सुपरविजन जैसे कार्य करने से रोकना है, जो अन्यथा अव्यवहारिक या असुरक्षित हो सकते हैं। यह प्रावधान मूलतः जनहित में है तथा जनता को अयोग्य व्यक्तियों से संरक्षण प्रदान करने हेतु बनाया गया है।

2. It is the constitutional duty of the State Government, as Article 19(6) of the Constitution of India empowers the State to make laws relating to the professional or technical qualifications necessary for practising any profession. The same principle applies to the architectural profession. Such constitutional provisions exist to ensure that unqualified individuals do not practise any profession, in the larger interest of public safety.

भारत के संविधान के अनुच्छेद 19(6) के अनुसार राज्य सरकार का यह संवैधानिक दायित्व है कि वह किसी भी पेशे के अभ्यास हेतु आवश्यक व्यावसायिक अथवा तकनीकी योग्यताओं से संबंधित कानून बनाए। यही सिद्धांत वास्तुकला पेशे पर भी समान रूप से लागू होता है। इस प्रकार के संवैधानिक प्रावधानों का उद्देश्य व्यापक जनहित एवं सार्वजनिक सुरक्षा की दृष्टि से अयोग्य व्यक्तियों को पेशे के अभ्यास से रोकना है।

3. However, the State Government erred in not adhering to this constitutional obligation and merely copied and pasted, without due application of mind, the suggestive guidelines of the National Building Code. While framing these suggestive guidelines, the Committee constituted by the Bureau of Indian Standards (BIS) consisted of approximately 20 Engineers and only 5 Architects and Town Planners. Consequently, the guidelines were framed in a manner favouring Engineers to practise architecture in addition to their own

For U.P. ARCHITECTS ASSOCIATION
PRESIDENT

engineering practice, without correlating technical qualifications with professional competency.

किन्तु राज्य सरकार ने इस संवैधानिक दायित्व का पालन न करते हुए बिना समुचित विचार किए नेशनल बिल्डिंग कोड की सुझावात्मक गाइडलाइनों को यथावत अपनाया। इन गाइडलाइनों को तैयार करने वाली BIS (भारतीय मानक ब्यूरो) की समिति में लगभग 20 इंजीनियर तथा मात्र 5 वास्तुविद् एवं टाउन प्लानर शामिल थे। परिणामस्वरूप, गाइडलाइनों को इस प्रकार बनाया गया कि इंजीनियरों को उनके मूल इंजीनियरिंग कार्य के अतिरिक्त वास्तुकला practice की भी अनुमति मिल सके, जबकि तकनीकी योग्यताओं और पेशेवर क्षमता के बीच कोई समुचित संबंध स्थापित नहीं किया गया।

4. Vide Letter No. F. No. 5/6/2025–Deregulation dated 25th June, 2025, issued by the Director, Cabinet Secretariat, Government of India, after consultation with BIS and addressed to the Chief Secretaries of all States, it was clearly clarified that: (Annexure-1)
- (a) the National Building Code is not legally binding and is only a voluntary code for reference; and
- (b) land and buildings are State subjects, and therefore matters such as building norms and other related aspects, even if referred to in the NBC, fall within the exclusive legislative and executive jurisdiction of the States.

कैबिनेट सचिवालय, भारत सरकार के निदेशक द्वारा BIS से परामर्श के उपरांत दिनांक 25 जून 2025 को जारी पत्र संख्या F. No. 5/6/2025–Deregulation, जो सभी राज्यों के मुख्य सचिवों को संबोधित था, में स्पष्ट रूप से यह कहा गया है कि: (अनुलग्नक-1)

- (a) नेशनल बिल्डिंग कोड विधिक रूप से बाध्यकारी नहीं है तथा केवल संदर्भ हेतु एक स्वैच्छिक कोड है; तथा
- (b) भूमि एवं भवन राज्य विषय हैं, अतः भवन मानकों सहित NBC में उल्लिखित अन्य संबंधित सभी पहलू राज्यों के विशेष विधायी एवं कार्यकारी अधिकार क्षेत्र में आते हैं।

5. Despite this clear position, the BIS Committee finalised guidelines in NBC–2016 similar to those contained in NBC–2005, wherein the competency of Engineers has been kept at par with that of Architects. Further, NBC–2016 also recommended that Engineers are competent to undertake the work of Town Planners, albeit to a limited extent. The Committee has thus disregarded not only the aforesaid letter of the Cabinet Secretariat but also the constitutional provisions relating to professional or technical qualifications necessary for practising any profession.

इस स्पष्ट स्थिति के बावजूद BIS समिति ने NBC–2016 में भी NBC–2005 के समान गाइडलाइनों को अंतिम रूप दिया, जिनमें इंजीनियरों की क्षमता को वास्तुविदों के समकक्ष रखा गया। इसके अतिरिक्त NBC–2016 में इंजीनियरों को सीमित सीमा तक टाउन प्लानर का कार्य करने में भी सक्षम बताया गया। इस प्रकार समिति ने न केवल कैबिनेट सचिवालय के उपर्युक्त पत्र की अवहेलना की, बल्कि किसी भी पेशे के अभ्यास हेतु आवश्यक व्यावसायिक अथवा तकनीकी योग्यताओं से संबंधित संवैधानिक प्रावधानों की भी खुली अनदेखी की।

For U.P. ARCHITECTS ASSOCIATION

PRESIDENT

6. A comparative study of the Architecture and Civil Engineering curricula of IIT Kharagpur reveals that not even a single exercise related to planning and architectural design of buildings is included in the Civil Engineering course. Further, more than 50% of the core subjects of Architecture are not part of the Civil Engineering curriculum. In such circumstances, granting licences to Engineers at par with Architects is wholly unjustified. (Annexure-2)

IIT खड़गपुर के आर्किटेक्चर एवं सिविल इंजीनियरिंग पाठ्यक्रमों के तुलनात्मक अध्ययन से यह स्पष्ट होता है कि सिविल इंजीनियरिंग पाठ्यक्रम में भवनों की योजना एवं आर्किटेक्चरल डिज़ाइन से संबंधित एक भी अभ्यास शामिल नहीं है। इसके अतिरिक्त वास्तुकला के 50% से अधिक मुख्य विषय सिविल इंजीनियरिंग पाठ्यक्रम का हिस्सा ही नहीं हैं। ऐसी स्थिति में इंजीनियरों को वास्तुविदों के समकक्ष लाइसेंस प्रदान किया जाना पूर्णतः अनुचित है। (अनुलग्नक-2)

7. **Most Important Aspect:** In view of the technical qualifications discussed above, the design of a building comprises two distinct aspects. The first is architectural design involving functionality and aesthetics of buildings, which is the exclusive prerogative of Architects, and the second is structural design of buildings or structures, which falls within the domain of Engineers. These two aspects are not interchangeable. Therefore, an Engineer cannot undertake architectural design nor submit building plans for approval or sanction by the Competent Authority under the Act.

सबसे महत्वपूर्ण पहलू: उपर्युक्त तकनीकी योग्यताओं के आलोक में यह स्पष्ट है कि किसी भी भवन के डिज़ाइन के दो भिन्न पहलू होते हैं। पहला, भवन की कार्यक्षमता एवं सौंदर्य से संबंधित आर्किटेक्चरल डिज़ाइन, जो पूर्णतः वास्तुविदों का विशेषाधिकार है; तथा दूसरा, भवन अथवा संरचना का स्ट्रक्चरल डिज़ाइन, जो इंजीनियरों के क्षेत्र में आता है। ये दोनों पहलू एक-दूसरे के स्थानापन्न नहीं हैं। अतः कोई भी इंजीनियर न तो आर्किटेक्चरल डिज़ाइन कर सकता है और न ही अधिनियम के अंतर्गत सक्षम प्राधिकारी के समक्ष भवन मानचित्र स्वीकृति अथवा अनुमोदन हेतु प्रस्तुत कर सकता है।

PRAYER

Since the Government of Uttar Pradesh has framed the Building Byelaws under Section 57 of the Uttar Pradesh Urban Planning and Development Act, 1973 for granting licences to different professionals, such licences must necessarily be commensurate with their respective technical qualifications and training, as mandated by Article 19(6) of the Constitution of India.

Therefore, in view of the detailed factual analysis demonstrating that the suggestive guidelines of the National Building Code are biased and unrelated to technical qualifications, as also made amply clear by the letter issued by the Director, Cabinet Secretariat, Government of India, it is humbly requested that the Building Byelaws be suitably amended in the larger public interest and safety, so that licences are granted strictly in accordance with Article 19(6) of the Constitution of India.

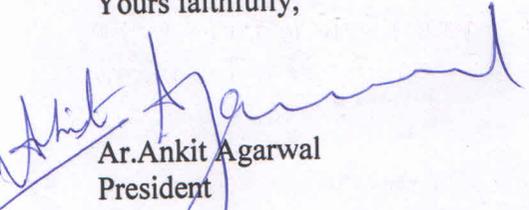
For U.P. ARCHITECTS ASSOCIATION

PRESIDENT

चूँकि उत्तर प्रदेश सरकार ने उत्तर प्रदेश नगर नियोजन एवं विकास अधिनियम, 1973 की धारा 57 के अंतर्गत विभिन्न पेशेवरों को लाइसेंस प्रदान करने हेतु बिल्डिंग उपविधियाँ बनाई हैं, अतः यह अनिवार्य है कि ऐसे लाइसेंस संबंधित पेशेवरों की तकनीकी योग्यताओं एवं प्रशिक्षण के अनुरूप ही हों, जैसा कि भारत के संविधान के अनुच्छेद 19(6) में अपेक्षित है।

अतः उपर्युक्त विस्तृत तथ्यात्मक विश्लेषण, जिससे यह स्पष्ट होता है कि नेशनल बिल्डिंग कोड की सुझावात्मक गाइडलाइंस पक्षपातपूर्ण हैं तथा तकनीकी योग्यताओं से असंबद्ध हैं, एवं कैबिनेट सचिवालय, भारत सरकार के निदेशक द्वारा जारी पत्र में व्यक्त स्पष्ट स्थिति को दृष्टिगत रखते हुए, यह विनम्र निवेदन है कि व्यापक जनहित एवं सार्वजनिक सुरक्षा की दृष्टि से बिल्डिंग उपविधियों में उपयुक्त संशोधन किया जाए, ताकि लाइसेंस केवल भारत के संविधान के अनुच्छेद 19(6) के अनुरूप ही प्रदान किए जाएँ।

Yours faithfully,


Ar. Ankit Agarwal
President

Annexures:

Annexure-1: Copy of Letter No. F. No. 5/6/2025-Deregulation dated 25.06.2025 issued by Cabinet Secretariat, Government of India

Annexure-2: Comparative study of Architecture and Civil Engineering curriculum (IIT Kharagpur)

All annexures are enclosed herewith.

For U.P. ARCHITECTS ASSOCIATION


PRESIDENT

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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For U.P. ARCHITECTS ASSOCIATION

PRESIDENT

**COMPARATIVE STATEMENT OF SUBJECTS & CONTACT HOURS OF
B.Arch. & B.E. (Civil) ON THE SUBJECT OF ARCHITECTURE COURSES**

.....by Prof. R. Ramaraju.

..... as per INDIAN INSTITUTE OF TECHNOLOGY, IIT KHARAGPUR Programmes – March 2019

S. No.	Subjects / Courses	Architecture Programme No. of Hours			Civil Engineering Programme No. of Hours			Remarks / Comments	
		Theory	Practical / Studio	Total Hours	Theory	Practical / Studio	Total Hours	Architecture	Civil Engineering
1.	Basic Design & Visual Arts	15	45	60	-	-	-	A special Subject of Creativity & Design	
								Study on Design Principles & Training on Visual Perceptions.	Not a Subject at all.
2.	Workshop & Model Making	-	90	90	-	-	-	A special Subject of Creativity & Design	
								Exercises to stimulate Expression of Thoughts & Creative Visualisation to develop the Design and Craftsmanship better by handling / using variety of materials.	Not a Subject at all.
3.	History of Architecture, Art & Culture	-	135	135	-	-	-	An exclusive Subject of Architecture	
								From Pre-historical, Vedic period to current level on People's Life-style, evaluation of culture and their needs including Materials, Technological Principles & Systems on Buildings, Villages & Towns and about Famous Architects, their Philosophies and Styles evolved throughout the World from ancient times.	Not a Subject at all.

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4.	Theory & Principles of Architecture	Covered under Electives - 45			-	-	-	An exclusive Subject of Architecture	
								Composition & Connectivity of various Spaces and Spatial Relationships & effects, while organizing Built-Forms, Elements and Opens.	Not a Subject at all.
5.	Building Materials & Sciences	60	45	105	45	45	90	A basic Subject of Technology	
								Thorough coverage of all Building Materials and their applications in Buildings & also Testing them.	Characteristics of Materials including testing their strength / Quality
6.	Environmental Studies	45	-	45	30	-	30	A general Subject of Social Science	
								Apart from awareness, considered as highly sensitive and basic issues taken to account while dealing with developments.	Apart from awareness, focused as Problems of Pollutions as against development.
7.	Climatology and Built-forms	45	-	45	-	-	-	A special Subject of Climate & Built-Environment	
								Study on effects of General & Micro Climates with surrounding conditions and Orientation of Buildings & their openings with shading devices.	Not a Subject at all.
8.	Site Surveying	-	45	45	45	45	90	A basic Subject of Site Study	
								All types of Surveys and Instruments to measure lengths & levels to prepare a Plan of a particular Site or Location.	All types of Surveys including Total Station, GPS & Satellite configurations, etc. to locate points & places.
9.	Site Analysis & Planning	15	-	15	-	-	-	A special Subject of Site Study	
								Apart from Eng. Survey, study & collection of data on all Sensitive Factors of Site / Location along with prevailing potentials & problems with reference to specific purpose.	Not a Subject at all.

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10.	Architectural Graphics & Drawings	15	45	60	15	45	60	A common Subject of Drawing Techniques	
								Same Syllabus. Fundamentals of Drawings. Architectural / Technical Representations.	
11.	Computer Aided Visualzation	15	45	60	-	45	45	A common Subject of Drafting by Computer	
								Comprehensively dealt with Drafting & Visual effects including Walk-through.	Basic drafting of Building Drawings
12.	Architectural Design Assnments	105	675	780	-	-	-	Purely an exclusive Subject of Architecture	
								Nearly about 14 to 24 Assignments on Land & Building Development Projects - Design Solutions done after detailed study of various Human activities, functions & behaviours with space requirements for <u>both Physical & Mental Comforts for each and every activity</u> and after completion of thorough Case-studies on existing similar performing Projects. Design Assignments are mostly done individually.	Not a Subject at all.
13.	Building Construction Technology	60	225	285	-	180	180	An important Subject of Building Construction	
								Extensively covered all construction details including Civil Syllabus.	Limited coverage.
14.	Structural Mechanics, Designs & Systems	225	90	315	330	-	330	A common and important Subject of Structural Engineering	
								Same content of Civil Syllabus. Except Soil Mechanics, all basic Structural Elements of Buildings are covered and the Principles of Special structures such as Domes, Arches, Vaults, Folded Slabs, etc. as well as the Implementations of Systems like Pre-tensile / stressed, Large Span & Tensile Structures are also studied at the time of incorporation in Design.	All basic Materials & Members of Structures, but not Special and Large Structures.

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15.	Building Services & Equipment	180	-	180	60	60	120	A Common Subject of Buildings	
								Fully covered.	Not addressed comprehensively as in Architecture.
16.	Specification, Estimation & Valuation	90	-	90	-	45	45	A Common Subject of Buildings	
								Almost same but more important on Specifications.	Almost same but squeezed to include the matters of Contracts, Tenders, etc.
17.	Landscape Design	30	-	30	-	-	-	A general Subject of Architecture	
								Outdoor Designing of Spaces functionally and aesthetically.	Not a Subject at all.
18.	Human Settlements Planning	45	-	45	-	-	-	An exclusive Subject of Architecture	
								Morphology of Settlements and their generating forces and characteristics.	Not a Subject at all.
19.	Urban Design & Planning Theories	45	-	45	-	-	-	An exclusive Subject of Architecture	
								Study of Urban forms & components and their theories, complex issues and solutions.	Not a Subject at all.
20.	Urban Housing & Humanities	90	15	105	-	-	-	An exclusive Subject of Architecture	
								Study on Housing Standards, Socio-economic aspects, Slums, Housing Concepts, Typologies and Policies.	Not a Subject at all.
21.	Professional Practice & Ethics and Building Bye-laws	90	-	90	-	-	-	An exclusive Subject of Architecture	
								Study on Practice of Architecture, Role of Architects & their Code of Ethics along with Professional Laws & Building Rules, Construction Management & Contracts with current Trends.	Not a Subject at all.
22.	Elective Subjects	240	-	240	240	-	240	Subjects intending towards their respective specialisation areas	

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								Options are wider for pure Architecture as well as Technological subjects.	Listed only Engineering Subjects.
23.	Architectural Thesis – Complete Study & Design Solutions on a Project.	-	270	270	-	300	300	Subject towards Core Matters	
								Thorough study & research on the Project, individually to come out with a Design Solution as being done by Professionals.	A specific item or matter fully or partly with or without a Solution may be taken by an individual or a group of Students.
24.	Practical Training / Internship	-	One Full Semester	90 Days	4 weeks	-	20 / 24 Days	Training towards Core Areas	
								Systemized Training exactly at the place of Professional Field as a part of Curriculum.	Internship during summer holidays.
25.	Total No. of Years / No. of Hours	<ul style="list-style-type: none"> • 5 Yrs –10 Semesters. • 3915 Contact Hours • One full Semester - Min. 90 days Mandatory Training under a 'Practicing Architect' Registered with CoA holding Minimum 5 years' experience. 		<ul style="list-style-type: none"> • 4 Yrs – 8 Semesters. • 3240 Contact Hours • 30 - 36 days Training Exposure during Summer Holidays. 		B. Arch. – Architecture is all about the matters of Land and Buildings in & around with reference to Human activities & their needs from Micro-Villages to Macro-Cities.			
						B.E. – Civil Engineering is about the matters of Materials & Members in Structures used in the constructions of Buildings, Bridges, Railways, Highways, Dams and other Irrigation-Structures, etc. with reference to their strength & quality.			

Basic Questions:

- When not even a single exercise of 'Planning and Designing of any Building' is done, is it not foolish to designate the Civil Engineers as competent Building Professionals?
- When more than 50% of Architecture Core Subjects not being known and learnt, on what ground can the Civil Engineers become capable to replace Architects?
- When not even a single word 'Planning' in any of its Subject in the Curriculum, how does the Civil Engineers become eligible to get appointed as Planners / Planning Engineers at the Government Offices of Town and Country Planning & Municipality Administrations?
- The Factor 'Making of Structure' alone is not constituting the entire Building and Architecture. There are many other important factors. While so, how could be the Civil Engineers termed as 'Master-Professionals of development of Land & Buildings in the place of Architects?

.....by Prof. R. Ramaraju.

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