

Ref. No. CA/15(A)/2021/AE

December 02, 2021

The Chief Secretary
Government of Assam
Block- C, 3rd Floor,
Assam Sachivalaya,
Dispur, Guwahati-781006

Subject: Implementation of the Architects Act, 1972 (Central Law) in the State of Assam-reg.

Respected Sir(s),

The Council of Architecture is a statutory authority of Government of India set up under Architects Act, 1972 enacted by Indian Parliament is applicable through out the Country to regulate the Architectural Education and Profession in the Country apart from Registering Architect on national basis. The attention of the Council is drawn to the fact that the local bodies/authorities of Assam are insisting Architects to seek further registration under their jurisdiction to carry on the profession of Architecture.

Pertinent to the matter, it is informed that as per provision of the Architects Act, 1972 only a person registered with the Council of Architecture can use the title and style of an architect for carrying on the profession of the architecture in India.

Pertinent to the matter, may I point out that the architects registered with the Council of Architecture are entitled to carry on the profession of architecture throughout the territory of India and no local body/authority is competent to seek further registration /license to carry on the profession of architecture under their judication is contrary to the provisions of Architects Act, 1972. Engineers cannot be empaneled/registered as "Architects".

As per Section 35(1) of the Act, any reference in any law for the time being in force to an Architect shall be deemed to be reference to an Architect registered under the Architects Act, 1972. Section 35(2), provides that a person who is registered in the register shall get preference for appointment as an architect under the Central or State Government or in any other local body or institution which is supported or aided from the public or local funds or in any institution recognized by the Central or State Government from the public or local funds or in any institution recognized by the Central or State government from the public or local funds or in any institution recognized.

The Hon'ble Bombay High Court in Writ Petition No. 1830/1988, M.K. Ranade V/s Pune Municipal Corporations and Another vide order dated 24.11.2019 held that:

Xxxx In the result, petitions are partly allowed and it is declared that the architects registered under the Architects Act, 1972 would not be required to obtain license under the MPMC Act byelaws made thereunder and the respondent corporations are restrained from insisting upon the architects for obtaining such licenses. Petitions are disposed of accordingly with no order as to costs xxx.



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The Hon'ble High Court of Delhi in L.P.A. No.59 of 1975, The Municipal Corporation of Delhi & Ors. Vs. Shri ram Kumar Bhardwaj & Ors. vide order dated 02nd April, 1980 held that

The Architects Act, 1972 is a special law dealing with the qualifications to be possessed by persons for being registered as architects and restricting the terms "architect" or "registered architect" to such persons only. Since the possession of a registration certificate under the Architects Act, 1972 regarded by Parliament as sufficient qualification for the practice of architects and since all related questions have been dealt it with in respect of architects by the said Act, it become unnecessary for the Corporation to do thereafter. In view of section 502 of the Act, the provisions referred to above which could be construed as authorizing to regulated the licensing of architects and draughtsman could not be so construed after coming into force of the Architects Act, 1972.

Further, your attention, is also invited to the judgement dated 14 February, 2017 of the Supreme Court of India in SLP (C) No. 3346-3348 of 205, Council of Architecture V/s. M.K. Ranade wherein the Hon'ble Court held as under:

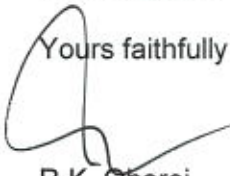
Xxxxxxx we are of the view that the High Court was in error in rejecting the contention of the appellants that practice under the Architects Act, 1972 is not restricted only to the architects. It is not correct to say that anyone can practice as an architect even if he is not registered under the Architects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

A copy of the above order is enclosed herewith for your kind attention and perusal.

In view of the above the Government of Assam is requested to issue appropriate directions to all the local bodies/authorities/Municipal Corporations to not to insist architects already registered with the Council of Architecture to obtain registration with local bodies.

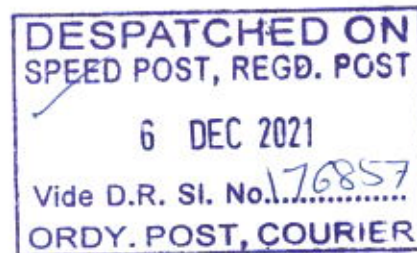
Thanking you

Yours faithfully



R.K. Oberoi
Registrar

Encl: As above



Copy for information to:

1. The Director
Office of the Director,
Town & Country Planning, Assam, Dispur,
Guwahati-06,
Email ID: directortcpassam@gmail.com

2. The Chief Executive Officer
Guwahati Metropolitan Development
Authority
Staffed Building, GMCH Road,
Bhangagarh, Guwahati-781005
Email: ceo.gmda-as@nic.in

3. The Commissioner
Guwahati Municipal Corporation
Panbazar, Guwahati – 781001
Phone: 9127198474
Email: guwahaticom@gmail.com

4. The Deputy Commissioner
Administration,
Deputy Commissioner Office
P.O. - Dhubri
Pin – 783301, Assam.

5. The Deputy Director,
Town & Country Planning,
District Office, Dhubri
N.S Road, Ward No; 2,
Dhubri town 783301
Email: deputydirectortcpdhubri@gmail.com

