


वास्तुकला परिषद्
Council of Architecture

वास्तुविद अधिनियम, 1972 के अंतर्गत भारत सरकार का एक स्वायत्त सांविधिक निकाय
(An Autonomous Statutory Body of Govt. of India, under the Architects Act, 1972)

Ref. No. CA/15/2020/AE
July 01, 2021

✓ **The Chief Executive Officer**
Bhadohi Industrial Development Authority
Rajpura, Bhadohi Nagar Palika,
Uttar Pradesh-221401

Subject: Violations of the Architects Act, 1972 in Bhadohi Industrial Development Authority (BIDA)-reg.

Sir,

The attention of Council of Architecture is drawn that the architects registered with the Council of Architecture are insisted to seek registration as an Architect on payment of Rs. 25,000/- as registration fees.

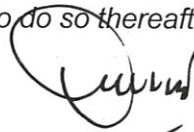
Pertinent to the matter, it is informed that as per provision of the Architects Act, 1972 only a person registered with the Council of Architecture can use the title and style of an architect for carrying on the profession of the architecture in India.

Further, it is pointed 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 jurisdiction is contrary to the provisions of Architects Act, 1972. Engineers cannot be empaneled as "Architects". Mis-representation and misuse title and style of Architects is punishable offence.

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 Delhi High Court in L.P.A No. 59 of 1975, Municipal Corporation of Delhi & Ors. Vs. Shri Ram Kumar Bhardwaj & Ors. vide order dated 02.01.1980 held that:

Xxxx 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 with in respect of architects by the said Act, It became unnecessary for the Corporation to do so thereafter. In view of section 502



Contd...p/2



-2-

of the Act, the provisions referred to above which could be constructed authorising the corporation to regulate the licensing of architects and draughtsman could not be so constructed after coming into force of the Architects Act, 1972 Xxxx

An SLP filed against this judgement was dismissed by the Hon'ble Supreme Court of India.

Further, 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 xxxx.

The same was upheld by the Hon'ble Supreme Court of India vide its judgement dated 14 February, 2017 in SLP (C) No. 3346-3348 of 205, Council of Architecture V/s. M.K. Ranade & Ors.

The Government of Uttar Pradesh vide letter no. 1699/9-AA-3-1999 dated 18.08.1999 had already issued directions that the architects registered with the Council of Architecture should not be insisted to seek further registration by the local bodies to carry on the profession of an architect. A copy of the Government order is also enclosed herewith.

Further, please find enclosed herewith copies of communication sent by the Council to the Government of Uttar Pradesh in the matter for your kind perusal and necessary action.

In view of the above, it is requested to not to insist empanelment/registration etc. of persons already registered as Architects with the Council of Architecture.

A Line in reply of the action taken in the matter will be highly appreciated.

Thanking you

Yours faithfully

R.K. Oberoi
Registrar

Encl: As above

Copy for information to:

The Private Secretary to
Hon'ble Chief Minister of UP
Lok Bhawan, Lucknow
Uttar Pradesh-226001

