



वास्तुकला परिषद्  
Council of Architecture

वास्तुविद् 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/15/2021/AE (offline)  
July 05, 2021

**The Chief Secretary**  
**Public Works Department**  
Government of Madhya Pradesh  
Secretariat  
Bhopal-462011

**Subject:- Violation of the Architects Act, 1972 and judgment of the Hon'ble Supreme Court of India for appointment of a non-Architect to the Post of Chief Architect-reg.**

Sir,

As you may be aware that the Council of Architecture has been established under the Architects Act, 1972, enacted by the Indian Parliament to regulate Architectural Education and profession in the country and to provide for registration of Architects on national basis.

It has come to the notice of Council of Architecture that Government of Madhya Pradesh has appointed an Engineer to the post of Chief Architect in the Public Works Department which is in violation of Section 35, 36 and 37 of the Architects Act, 1972 which is a punishable offence and also in contempt of Orders of Hon'ble Supreme Court of India.

The Hon'ble Supreme Court in Civil Appeal No. 1819 of 2020 at para 36 held as under:

*Xxx" If an individual is appointed to a post titled "Associate Architect", "Architect" or "Senior Architect", they undoubtedly refer to themselves and are referred to by others as "Architects". Holding a post using the term "Architect" has the real-world consequence of being referred to as an architect. This is not a matter of mere nomenclature.*

*As noted above, architecture is a specialised field of study. Crucially, the scheme of the Architects Act provides a direct nexus between the minimum educational qualifications required to be obtained, registration as an architect under the Act and the prohibition against the use of the title of 'Architect' by those not registered under the Act. If a government post is titled "Architect" or "Associate Architect", such a person certainly uses the title and style of "architect" and consequently there is a reasonable assumption that such a person is registered under the Architects Act and holds a degree in architecture recognised by the Act. This assumption finds statutory backing in Section 35 of the Architects Act which provides that any reference to an architect in any other law shall be deemed to mean an architect registered under the Architects Act. To promote an individual who does not possess a degree in architecture recognised by the Act to a post titled 'Architect', "Associate Architect" or of a similar style using the title or*

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style of "architect" would effectively violate the prohibition on the use of title contained in Section 37 of the Architects Act Xxx.

The Hon'ble Court further at para 39 held as under:

Xxx "In response to the second question we disapprove of the view of the High Court of Allahabad and hold that NOIDA cannot promote or recruit individuals who do not hold a degree in architecture recognized by the Architects Act to a post that uses the title and style of "architect" Xxx

In this regard, it is requested that the State Government may appoint a suitable Architect on the post of Chief Architect in order to comply with the provisions of the Architects Act, 1972 and judgments of Hon'ble Supreme Court of India as well as the Madhya Pradesh High Court.

A copy of the judgment of Hon'ble Supreme Court of India, Council of Architecture vs. Mukesh Goyal is enclosed herewith for your kind perusal and for issuing appropriate directions for compliance with the provisions of the Architects Act, 1972 at the earliest.

It is requested to kindly keep the Council posted with directions issued in the matter.

Thanking you,

Yours faithfully,

R.K. Oberoi  
Registrar

Copy for information to:

1. The Secretary  
Public Works Department  
Government of Madhya Pradesh  
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