

**AR. HABEEB KHAN
PRESIDENT**

March 19, 2020

PRESIDENT'S MESSAGE

The recent judgment dated 17.03.2020 of the Hon'ble Supreme Court in Civil Appeal No.1819 of 2020 (Arising out of SLP (C) No.18752 of 2014) has raised several apprehensions in the fraternity of Architects regarding the status of Architects in India. To put to rest this disquiet, the Council wishes to clarify the position.

The matter arose in the context of a dispute as to whether a person other than an Architect could be appointed to a post in a statutory body or Government post which carries the nomenclature of 'Architect' with or without an associated word. While deciding this issue, an ancillary question came to be framed as to whether the practice of Architecture is the exclusive domain of Architects in the context of the Architects Act, 1972.

The Hon'ble Supreme Court decided that the practice of Architecture is not the exclusive domain of Architects relying upon the Statement of Objects and Reasons (SOR) of the Architects Act, 1972 itself. The SOR categorically states that the practice of Architecture is not the exclusive domain of Architects and the Court found nothing in the provisions of the Act which proscribed the practice of Architecture by non-architects. The Hon'ble Supreme Court also referred to several judgments of the High Courts to come to this conclusion.

However, the Hon'ble Supreme Court very significantly found that the use of the word 'Architect' connotes a particular professional standard directly relatable to the proficiency of the education, training and skills possessed by the person and as such this title needs to be protected. The Court observed that the word Architect can therefore be used only by a person who is registered with the Council of Architecture after obtaining a recognized degree in the field. The Court also concluded that no Government or Authority can appoint to any post carrying the title of 'Architect' with or without any associated description unless the person is registered Architect. The Judgment therefore merely reiterates what the Act stated from the inception (the Architects Act 1972) and nothing new.

The Council is, however, aware that with increasing complexity and evolution of technology, tools and concepts, there is a need to revisit the approach to Architecture as a subject and the general perception relating to services rendered by Architects. This calls for legislative changes for which we will strive hard.

You may be aware that in many States these changes are manifest with Developmental laws prescribing more onerous responsibilities and roles for Architects as compared to other trades and professionals. In some States there are challenges to such legislations by non architects which the Council is vigorously defending.

The Council urges you to study the judgment carefully and welcomes any suggestion in this regard. Having said this, the Council is also exploring its further legal options.



HABEEB KHAN