

Architects Act, 1972

Chapter 04 - CHAPTER 04: MISCELLANEOUS

SECTION 35: EFFECT OF REGISTRATION- (1) Any reference in any law for the time being in force to an architect shall be deemed to be a reference to an architect registered under this Act.(2) After the expiry of two years from the date appointed under sub-section (2) of section 24, 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 recognised by the Central or State Government.

SECTION 36: PENALTY FOR FALSELY CLAIMING TO BE REGISTERED- If any person whose name is not for the time being entered in the register falsely represents that it is so entered, or used in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall be punishable with fine which may extend to one thousand rupees.

SECTION 37: PROHIBITION AGAINST USE OF TITLE- (1) After the expiry of one year from the date appointed under sub-section (2) of section 24-, no person other than a registered architect, or a firm of architects shall use the title and style of architect : Provided that the provisions of this section shall not apply to-(a) practice of the profession of an architect by a person designated as a "landscape architect" or "naval architect";(b) a person who, carrying on the profession of an architect in any country outside India, undertakes the function as a consultant or designer in India for a specific project with the prior permission of the Central Government,(2) If any person contravenes the provisions of sub-section (1), he shall be punishable on first conviction with fine which may extend to five hundred rupees and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding one thousand rupees or with both.

SECTION 38: FAILURE TO SURRENDER CERTIFICATE OF REGISTRATION- If any person whose name has been removed from the register fails without sufficient cause forthwith to surrender his certificate of registration, he shall be punishable with fine which may extend to one hundred rupees, and in the case of a continuing failure, with an additional fine which may extend to ten rupees for each day after the first during which he has persisted in the failure.

SECTION 39: COGNIZANCE OF OFFENCES- (1) No Court shall take cognizance of any offence punishable under this Act, except upon complaint made by order of the Council or a person authorised in this behalf by the Council.(2) No Magistrate other than a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

SECTION 40: INFORMATION TO BE FURNISHED BY COUNCIL AND PUBLICATION THEREOF- (1) The Council shall furnish such reports, copies of its minutes, and other information to the Central Government as that Government may require.(2) The Central Government may publish, in such manner as it may think fit, any report, copy or other information furnished to it under this section.

SECTION 41: PROTECTION OF ACTION TAKEN IN GOOD FAITH- No suit, prosecution or other legal proceeding shall lie against the Central Government, the Council or any member of the Council, the Executive Committee or any other committee or officers and other employees of the Council for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

SECTION 42: MEMBERS OF COUNCIL AND OFFICERS AND EMPLOYEES TO BE PUBLIC SERVANTS- The members of the Council and officers and other employees of the Council shall be deemed to be public servants within the meaning of sec. 21 of the Indian. Penal Code.

SECTION 43: POWER TO REMOVE DIFFICULTIES(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, -as appear to it to be necessary or expedient for removing the difficulty:Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament and the provisions of sub-section (3) of section 44-shall apply in respect of such order as it applies in respect of a rule made under this Act.

SECTION 44: POWER OF CENTRAL GOVERNMENT TO MAKE RULES(1) The Central Government may, by notification in the

Official Gazette, make rules³to carry out the purposes of this Act.(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a) the manner in which elections under Chapter II shall be conducted, the terms and conditions of service of the member of the Tribunal appointed under sub-section (2) of section 5-and the procedure to be followed by the Tribunal;(b) the procedure to be followed by the expert committee constituted under the proviso to sub-section (2) of section 14-in the transaction of its business and the powers and duties of the expert-committee and the travelling and daily allowances payable to the members thereof;(c) the particulars to be included in the register of architects under sub-section (3) of section 23-;(d)the form in which a certificate of registration is to be issued under sub-section (7) of section 24-, subsection (4) of section 26-and section 33-;(e) the fee to be paid under sections 24-, 25-,, 26-, 27-, 28-, 32-and 33-;(f) the conditions on which name may be restored to the register under the proviso to sub-section (2) of section 27-;(g) the manner of endorsement under sub-section (3) of section 27-;(h) the manner in which the Council shall hold an enquiry under section 30-;(i) the fee for supplying printed copies of the register under sec. 34-;(j) any other matter which is to be or may be provided by rules under this Act.(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification to the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SECTION 45: POWER OF COUNCIL TO MAKE REGULATIONS- (1) The Council may with the approval of the Central Government,⁴[by notification in the Official Gazette] make regulate not inconsistent with the provisions of this Act, or the rules made thereunder, to carry out the purposes of this Act.(2) In particular and without prejudice to the generality of the foregoing power; such regulations may provide for-(a) the management of the property of the Council;(b) the powers and duties of the President and the Vice-President of the Council;(c) the summoning and holding of meetings of the Council and the Executive Committee or any other committee constituted under section 10-, the times and places at which such meetings shall be held, the conduct of business thereat and the number of persons necessary to constitute a quorum;(d) the functions of the Executive Committee or of any other committee constituted under section 10-;(e) the courses and periods of study and of practical training, if any, to be undertaken, the subjects of examinations and standards of proficiency therein to be obtained in any college or institution for grant of recognised qualifications;(f) the appointment, powers and .duties of inspector;(i) the standards of staff, equipment, accommodation, training and other facilities for architectural education;(h) the conduct of professional examinations, qualifications of examiners and the conditions of admission to such examinations;(i) the standards of professional conduct and etiquette and code of ethics to be observed by architects;(j) any other matter which is to be or may be provided by regulations under this Act in respect of which no rules have been made.(3) Every regulation made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that. any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.]