



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(iv)/2020/AE

October 23, 2020

✓ Shri A. K Singh, IAS

Advisor to Administrator

Dadra & Nagar Haveli and Daman & Diu

Ground Floor, Secretariat,

Fort Area, Moti Daman,

Daman (U.T.) - 396220

Subject: - Enforcement of the Architects Act, 1972-Licensing of Architects by Daman Municipal Corporation-reg.

Dear Sir,

The Council of Architecture is statutory authority established under the Architects Act, 1972 to regulate Architectural Education and Profession in the Country.

The attention of the Council has been drawn again and again by the practicing architects that Daman Municipal Corporation is insisting architects to seek registration or license from it to carry on the profession of architecture under its jurisdiction.

The Parliament of India enacted the Architects Act, 1972 with the consent of all States to prescribe standards of the Architectural Education and Professional in the Country and to provide for registration of architects throughout the territory of India.

The Act was enacted by the Parliament with the objective that since independence and more particularly with the implementation of the Five-year Plan, the building construction activity in our country is expanded on a phenomenal scale. A large variety of buildings, many of extreme magnitude like multi stores, factory buildings and residential houses is being constructed each year. With this increase the building activity many unqualified persons calling themselves as Architects are undertaking the construction of building which are uneconomically and quite frequently unsafe, thus bringing into disrepute to the profession of Architects. With the passing of this legislation, it will be illegal for any person to designate themselves as Architect unless he has required qualification is registered under Architects Act, 1972.

Pertinent to the matter, I would like to state that Architects Act, 1972 is special Act dealing with registration of Architects all over India. The relevant provisions of the Act are as under:

- (i) Section 2(a) : "Architect" means a person registered under the Architect Act, 1972.
(ii) Section 35(1) : Any reference in any law for the time being in force to an Architect be deemed to be reference to an Architect registered under the Architects Act, 1972.



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Section 35(2) : A person who is registered in the register shall get preference 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.

The Architects registered with the Council of Architecture are entitled to carry on the profession of architecture throughout the territory of India. After coming into force of the Architects Act 1972, and no local body/authority is competent to register/license any person as an "Architect" to carry on the profession of architecture.

Further, I would like to state that 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 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.

SLP(Civil) Nos. 6469 and 9396 of 1980 filed against the above order were dismissed by the Hon'ble Supreme Court of India vide order dated 22.04.1983. Copies of the above orders are enclosed herewith for your kind perusal.

I am enclosing herewith copies of the communications sent by Central Government to all State Governments informing that it is only Council of Architecture which can grant registration to a qualified person as an Architect.

I am also enclosing herewith copies of the directions issue by other State Governments to their concerned local bodies in the matter for your kind perusal and ready reference.

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