


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/15/2020/AE
October 15, 2020

The Chief Officer
Vengurla Municipal Council
Balasaheb Khardekar Road,
Kudal-vengurla Road,
Vengurla,
Maharashtra-416516

Subject: Licensing of Architects to practice Architecture- violation of the Architects Act, 1972-reg.

Sir,

The Parliament of India enacted the Architects Act, 1972 with the consent of all State Governments, to provide for registration of architects on all over India basis and to regulate the standards of the Architectural Education and Professional Conduct of Architects.

The attention of the Council of Architecture is drawn towards Vengurla Municipal Council Building Rules wherein Architects are required to obtain license and also submit an Affidavit for carrying on the Profession of Architecture.

Pertinent to the matter, it is informed 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 register any person as an Architect in view of fact that the field is already occupied by a Central Law. In case of a conflict between Central Law and State Law the Central Law shall prevail.

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.

Further, your attention is invited towards following judgements of Bombay High Court and Delhi High Court, respectively.

1. 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:

9. 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.



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2. 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 it 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.

Copies of the above orders are enclosed herewith for your kind attention and perusal.

In view of the above, Vengurla Municipal Council is requested not to allow any person other than an Architect registered with Council to practice as an architect for preparing building plans/layout plans, signing & supervision of constructions of buildings.

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

Thanking you,

Yours faithfully,

R.K. Oberoi
Registrar

Encl: As above