

Legal Dimensions of Architectural Practices in India : Liability, Ethics, and Regulatory Oversight

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Abstract

The article analyzes the legal aspect of architecture and incorporates the relationship between law, responsibility, and liability. The article explores various legislations such as Architects Act, Copyright Act, Designs Act, and RERA and how they comply with responsibility and liability. The article highlights liability conditions under which architects qualify, such as civil, criminal, tort, consumer protection, and vicarious liability, and how architects' influence and responsibility affect public health and ethics. The article highlights the necessary precautions architects must take, such as entering into a contract, acting on ethics, and acting with transparency to prevent liability. Finally, the article concludes the importance of legal awareness among architects, which enables them to strike a balance between creativity and responsibility to promote sustainable and responsible practice within a complex legal system.

Keywords: Architectural law, professional liability, statutory compliance, intellectual property, ethical practice, public safety, RERA, Architects Act, legal accountability.

1.1 Introduction

The architectural practice is a versatile profession - the professionals of architecture do not only design and construct, but legal responsibilities and obligations run parallel to these tasks. Thus, architects create and visualize physical structures, at the same time working their way through complex legal requirements that define every stage of their work, from the development of an initial concept to project completion and beyond. This legal framework includes statutory regulations, professional standards, and issues related to liability, all of which together ensure the safety, functionality, and ethical soundness of projects.

It is, therefore, of paramount importance to understand the legal dimensions of architectural practice by architects to protect professional interests while maintaining public confidence. Primary laws such as the Architects Act, Copyright Act, Designs Act, and RERA need to be fulfilled with the view to establishing professional credibility and ensuring the protection of rights over intellectual property. They also need to be circumspect about various liabilities, in particular, civil, criminal, tort, consumer protection, and vicarious liability, arising due to negligence, misconduct, and non-conformity with regulatory standards.

The introduction seeks to offer a basic insight into the legal framework within which architects practice their profession, emphasizing the need to ensure legal competency to effectively address creativity alongside accountability. Through an understanding of the legal aspects inherent in their undertakings, architects will be better positioned to address threats, ensure high standards among their actors, and promote responsible development. Ultimately, this knowledge provides architects with the capacity to address challenges associated with their profession, ensuring adherence to the legal framework that sets aspects concerning architectural practice.

1.2 Research Objectives

1. To analyse the applicable legislations (Architects Act, Copyright Act, Designs Act and RERA) that regulate the practice of architecture in India and to assess their implications for professional responsibility and accountability.
2. To assess what sort of liabilities (civil, criminal, tort, consumer protection and vicarious liability) are borne by architects in the execution of their professional responsibilities.
3. To study the way legal knowledge for architects affects their capacity to harmonize inventiveness with following rules, thus supporting lasting and moral building methods.
4. To examine examples involving liability in the field of architecture (such as errors in safety, problems with public area design, financial setbacks, not meeting rules) to grasp the real effects of legal accountability.

1.3 Research question

1. How much does knowing the law by architects improve moral conduct and public security within India?
2. In what manner does the legal accountability of architects in India under RERA contrast with responsibility structures in different areas?
3. Which agreements and protective steps might architects utilize to lessen risks of liability while confirming adherence to established laws?

2. Literature Review

2.1 Regulatory Framework

Architectural practice throughout India is mainly controlled by the Architects Act, 1972, which sets up the Council of Architecture (CoA) to supervise licensing, professional benchmarks, and architectural training programs. The legislation seeks to safeguard general well being by confirming that only competent persons can employ the designation “architect” (Chakravorty, 2021; Council of Architecture, 2023). Beyond professional guidelines, the structures created by architects are covered by the Copyright Act, 1957, recognizing building plans and actual buildings as artistic creations, thus securing architects’ creative and ethical entitlements (Sharma, 2020). The Designs Act, 2000 offers supplementary defense for innovative and visually unique design aspects, especially within business contexts (Rao, 2019). Moreover, the Real Estate (Regulation and Development) Act, 2016 (RERA) has broadened the professional duties of architects by

requiring openness and compliance with approved blueprints in property developments, consequently raising their legal obligation toward buyers (Mehta, 2022). Taken together, these specific laws create a full legal structure managing how architecture is practiced, the ownership of ideas, and professional fault in India.

2.2 Judicial Interpretations

New decisions from the courts have also influenced the legal environment. Specifically, the High Court's ruling in *Council of Architects v. Mukesh Goyal* (2020) made clear that people not enrolled under the Architects Act might still perform architecture, provided they avoid the term "architect" (Supreme Court of India, 2020). This finding has emphasized continuing discussions concerning the needed credentials for practicing architecture, allowing for more investigation.

2.3 Ethical and Professional Considerations

Numerous investigations have concentrated upon the moral duties of designers. Problems concerning professional accountability, carelessness, and interactions with clients represent major elements detailed within both the Legislation and the CoA's official standards (Council of Architecture, n.d.). Nevertheless, a difference persists regarding how design morals are maintained in work including individuals not officially registered (Malcolm, 2020).

2.3 Gaps In Research

Although current writings describe the governing structure and several court understandings, little attention is given to the common effects for working architects, especially unregistered ones. The intricacy of building agreements, responsibility problems, and how building design and city layout affect each other need further study (Bij, 2024).

3. Research Methodology

The research being conducted is mainly based on analysis and established legal principles. The researcher has gone through many texts, periodicals, online materials, digital publications, documents, and so on. The relevant facts are collected from secondary sources.

4. Regulatory Framework

4.1 Legal Framework Governing Architects in India

i) The Architects Act, 1972 is the legal basis for governing the profession of architecture in India, which ensures that only qualified practicing architects function as architects under the name titled 'Architect.' It includes the Council of Architecture (CoA), rules for registration, guidelines for the level of education, and discipline against misconduct of the profession.

The Architects Act, 1972, was established to regulate the profession of architecture and safeguard public interest in ensuring that only competent practitioners design and manage construction projects. The Act is

applicable in the entire Indian territory and came into effect on 31st May 1972. The Act is crucial in determining the role of architects.

1. Registration of Architects -

Section 23: This section provides for the maintenance of the register of architects by the Council of Architecture.

Section 25: The only persons who have their names entered in the register can use the title 'Architect.'

Section 29: This section regulates the use of the professional title "Architects" solely for registered persons.

2. Council of Architecture (CoA)

Section 3: Defines the Council of Architecture as the regulatory authority.

Sec 14-20: Handling recognition of qualification in India and abroad, inspection of institutions and consequent withdrawal of recognition if standards are not maintained.

The CoA is responsible for professional conduct, educational standards, and disciplinary matters.

3. Professional Misconduct

Section 30: Gives power to the Council to prescribe standards of professional conduct.

Misconduct can be described as a breach of conduct that is brought about by factors such as negligence, there would be disciplinary actions such as removal from the register/net working rights.

4. Education Standards

Section 21-22: Imposes the minimum standards of architectural education. Institutions are required to fulfill CoA requirements if they want to award recognized qualifications. Aids in making uniform architecture education in the entire country.

5. Legal Protection and Accountability

The Act protects the general public from the services of unregistered architects since only architects are allowed to design buildings. It also establishes the frameworks for a disciplinary procedure, thus promoting accountability and professionalism.

ii) Copyright Act, 1957

The Copyright Act, 1957 is a foundation of Intellectual Property Law in the Indian legal system, which protects the rights of creators over their original works. For architects, this Act is very important for protecting the artistic and creative elements of their work, which should not be copied or used in any unauthorized manner. There are certain provisions in this Act that gains importance in relation to the profession of architects.

Section 2(b): Work of Architecture

The Act defines a "work of architecture" as any building or structure having an artistic character or design, or any model for such building or structure. This provision recognizes that architecture is not just functional but also aesthetic in nature, and architects will have copyright protection for the creative expression in their designs.

Example: A singular design in façade or an originality in the structural form characterizes a “work of architecture.”

Section 2(c): Artistic Work

Covers “artistic work” widely, including paintings, sculptures, drawings, engravings, photographs, works of architecture, and artistic craftsmanship. Architectural plans, designs, and models would come under the category so as to ensure that all work, no matter how preparatory, was copyrighted. This helps in preventing unauthorized copying of any architectural plan/model.

SECTION 13: When Copyright Subsists

Determines under what conditions copyright protection shall exist. Copyright applies to the architectural design, models, and drawings of buildings; however, the construction and functional part of a building will not be protected. It applies to architects. There is relevance in this, as protection is provided to the creative design, yet the building process is not under the scope of intellectual property.

Example: While artistic layout in a blueprint is protected, an engineering process of laying foundations is not.

Section 22: Duration of Copyright

Makes provisions for the copyrighting of literary, dramatic, musical, and artistic works after the death of the author by sustaining copyright for 60 years from the start of the calendar year following the death of the author.

Rights relating to architects: This entails that the works of architects, as artistic creations, shall be protected even beyond the architect's death.

Example: “An architect's iconic designs are protected for several decades following their death.”

iii) The Designs Act 2000

The Designs Act, 2000 is supportive of the Copyright Act, as it provides for the registration of architectural designs that have industrial, commercial, or practical application. Whereas the Copyright Act safeguards artistic originality, the Designs Act offers the means for registration as well as the enforcement of rights for architectural designs under commercial scenarios.

Example: The designs act would protect a registered design for a modular housing unit.

iv) RERA (Real Estate regulation & development act 2016)

With the rise of RERA, there has been a shift in the roles of professionals such as Chartered Accountants, Architects, and engineers. Architects in the RERA act as stakeholders in ensuring compliance with the sanctioned plans, quality, and certification as required. Important sections such as Section 4, Section 14, and Section 37 affect architects and make them liable for the approvals and quality of work.

How RERA Regulates Architects

Professional Responsibility: Professionals in architecture must conduct their business with integrity, as their certificates create the root of registering and approving projects or schemes.

Legal Accountability: Misrepresentation or negligent certification can invite legal consequences under Sections 59 to 61, fines, or disciplinary actions.

Consumer Protection: The RERA mandate to follow approved plans indirectly regulates architects to safeguard consumers against fraud.

Other Professionals Collaboration: Architects collaborate with Chartered Accountants and engineers to help in providing the compliance certificate, making it a multidisciplinary accountability system.

4.2 Professional Liability in Architecture

Architects are professionals whose work significantly impacts various critical aspects of society and the built environment. Their responsibilities extend beyond mere design to encompass the safety, functionality, and legality of structures and spaces that affect people's lives and communities. The professional liability of architects arises from this broad scope of influence, which includes:

- a) **Life and Safety of People:** Architects design buildings and spaces where people live, work, and gather. Their decisions directly affect structural integrity, fire safety, accessibility, and overall occupant well-being. For example, an architect must ensure that emergency exits are adequately planned and that materials used meet fire resistance standards. Failure to do so can lead to catastrophic consequences, such as injuries or loss of life, and result in legal liability.
- b) **Public Spaces and Environment:** Architects shape public spaces like parks, plazas, and urban infrastructure, influencing community interaction and environmental sustainability. Poor design choices can lead to unsafe public areas or environmental degradation. For instance, inadequate drainage design in a public park might cause flooding, damage property and endangering visitors.
- c) **Investment and Commercial Interests:** Architectural projects often involve significant financial investments by clients, developers, and stakeholders. Architects are liable for ensuring that designs meet contractual specifications, budgets, and timelines. A design flaw causing costly construction delays or requiring expensive modifications can lead to claims for financial damages.

d) **Government Compliance Systems:** Architects must navigate complex regulatory frameworks, including zoning laws, building codes, and environmental regulations. Compliance is mandatory to obtain permits and certifications. For example, an architect certifying a building that violates zoning restrictions or fire safety codes may face legal action and professional sanctions.

Understanding these dimensions of professional liability helps architects appreciate the gravity of their role and the importance of diligent, ethical practice to protect public interest and their professional reputation. Professional liability in architecture refers to the legal responsibility architects bear for their professional actions, decisions, and omissions that may cause harm or loss to clients, third parties, or the public. This liability arises from the architect's duty to exercise reasonable care, skill, and diligence in the design, supervision, and certification of construction projects. Failure to meet these standards can lead to various forms of liability, each with distinct legal implications.

These aspects of professional liability enable architects to comprehend the significance of the scope of their profession and the need for careful and ethical practice for the betterment of the interests of the general public and their profession as well. Professional liability for architects: This term denotes the liability that architects have for the actions and omissions committed while practicing the profession that cause any damage or loss of value to the clients, third-party individuals and the general public as well. This is applicable as architects have the special duty and responsibility of exercising reasonable care and skill while dealing with the supervision and certification of construction projects.

4.3 Legal Liability of an Architect

An architect's legal liability flows from the professional duty of care owed to clients, contractors, and the public, and may extend across numerous dimensions of their work. They could be found liable if their designs are defective or non-compliant with building codes, if their supervision of construction is negligent and allows unsafe practices, if their certifications are misleading or inaccurate, or even if their advice leads to financial loss, injury, or structural failure. This liability may flow from negligence, breach of contract, or statutory breaches, thereby making architects responsible not only about the aesthetic and functional considerations of a project but also for considerations of safety, compliance, and professional integrity. In brief, the profession of an architect carries significant legal responsibility, as the decisions and judgments made by them directly influence the stability of structures, the welfare of occupants, and adherence to regulatory standards. The next sections will cover the types of liabilities incurred by architects.

i. **Improper Use of Title:** As per the Architects Act 1972, only registered architects have the right to use the title “Architect.” Misuse of title leads to legal repercussions.

ii. **Violation of Professional Ethics:** Non-compliance with the ethical norms specified by the Council of Architecture (CoA) will result in disciplinary actions.

iii. Fraudulent Certificates: Misrepresentation through false or deceptive certificates pertaining to site conditions, structural safety, or sanctioned plans may result in criminal or civil prosecution for architects.

iv. Gross Negligence Practical Application: Failure to exercise due care with regard to design, supervision, or certification may incur liability for damages, as well as disciplinary action.

Civil Liability

Civil liability generally occurs where a client suffers financial loss as a result of an architect's professional negligence or breach of duty.

a. Defective Design: Mistakes with structural drawings, and miscalculations of the structure can result in either unsafe or unusable buildings.

b. Project Delays: Poor planning or supervision leading to delays and financial losses.

c. Cost Escalation: The wrong estimation or mismanagement of a project can lead to cost escalations.

d. Wrong Site Assessment: Inability to conduct proper assessment of soil, terrain, or environmental conditions leading to unsuitable construction.

Criminal Liability

When negligence or misconduct leads to loss or damage of life or property, a crime is considered committed. If fatalities or injuries occur due to defects within the structure or unsafe designs, then prosecution can be raised against architects.

Non-Compliance with Safety Codes: Non-compliance with NBC, fire safety, and statutory requirements.

Structural Collapse: Gross negligence resulting in building collapse.

a. BNS Section 106: Negligence causing death.

b. BNS Section 125: Acts endangering life or personal safety

4.4 Judicial Interpretations

1. Mantri Developer v. Snil Pathiyam Veetil & Ors. (2025)¹ - Karnataka High Court: The Karnataka High Court ruled in Mantri Developer v. Snil Pathiyam Veetil & Ors. (2025) that the Civil Procedure Code prohibits the execution of RERA or RERA appellate tribunal rulings as decrees. This highlights RERA's independent enforcement mechanism and has an impact on the enforcement of liability-related directives, such as fines or compensation.

2. Mukesh Goyal v. Council of Architecture (Supreme Court, 2020)² The Supreme Court made it clear that the Architects Act of 1972 only forbids unregistered people from using

¹ [Mantri Developer Pvt Ltd vs Mr Snil Pathiyam Veetil on 31 October, 2025](#)

² [Council of Architecture v. Mukesh Goyal, \(2020\) 10 SCC 197 \(India\)](#).

the title "architect," not from practicing architecture. The statutory protection of the title itself is reinforced by the requirement that only registered architects hold government positions that use the title. Claims for title misuse and professional liability are impacted by this distinction.

5. Findings:

5.1 Legal Awareness, Ethical Practice, and Public Safety

The study finds that legal awareness among architects has a direct and positive influence on ethical professional conduct and public safety in India. Architects who possess a clear understanding of statutory obligations under the Architects Act, 1972, building regulations, environmental laws, and safety codes are more likely to comply with prescribed professional standards. This awareness fosters responsible decision-making, reduces instances of professional negligence, and strengthens accountability. The findings indicate that legal literacy functions as a preventive mechanism, ensuring that architectural practice aligns with public interest and welfare, thereby enhancing safety, transparency, and trust in the profession.

5.2 RERA and the Expansion of Architects' Legal Accountability

The study shows that the Real Estate (Regulation and Development) Act, 2016 (RERA) has greatly broadened the area of architects' legal accountability in India. Professionals are now answerable indirectly for correctness in project statements, keeping to approved blueprints, and following official permissions. Instead of older liability systems that mainly depended on agreements and fault standards, RERA takes a patron focused perspective. When compared with regions like the United Kingdom and the United States, where professional fault is mostly agreement based and backed by assurance coverage, India's structure under RERA enforces a harder rule based adherence system, thus raising expert vulnerability to court review.

5.3 Risk Management and Legal Safeguards in Architectural Practice

The results also suggest that good risk handling plans are necessary to lessen architects' legal responsibility. Well-written service contracts, specified job parameters, protection clauses, and leaving out unnecessary duties appear as vital defenses. Furthermore, checking systems like routine compliance reviews, correct paperwork, and following required permits lower chances for disagreements. The review also highlights the value of professional liability coverage and ongoing legal learning for keeping up with changing rule sets. All these steps together encourage proper work while balancing independent judgment and necessary duty.

6. Conclusion and Recommendations

6.1 Conclusion

The research finishes that the architectural field within India is experiencing a major shift pushed by changing legal and governing rules. Even though designers encounter growing difficulties like greater responsibility, fierce industry rivalry, and moral problems, these issues also highlight the need for better legal knowledge and professional obligation. Laws like the Architects Act, 1972 and the Real Estate (Regulation and Development)

Act, 2016 (RERA) have strengthened buyer defense and overall safety by demanding greater levels of openness and following rules. The results suggest that legal understanding and sticking to established principles are vital for keeping up professional honesty and public belief in how architecture is practiced.

6.2 Recommendations

It is recommended that legal education and regulatory compliance be integrated into architectural training and continuing professional development programs. Clearer contractual frameworks defining the scope of professional responsibility should be adopted to mitigate liability risks. Mandatory professional indemnity insurance and standardized ethical guidelines would further strengthen accountability. Additionally, regulatory authorities should provide clearer role delineation for architects within multidisciplinary projects to reduce ambiguity. These measures will not only address existing challenges but also leverage legal reforms as opportunities for enhancing professionalism, ethical practice, and sustainable development in the architectural profession.

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