


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/80/2023/AOA
September 05, 2023

The Executive Engineer
Himachal Pradesh Public Works Department
Nirman Bhawan, Nigam Vihar
Shimla-171002 (H. P)
Phone No. 0177-2621401, 1972-222510
Email ID: ee-ham-hp@nic.in

Subject: Construction of tourism development corporation hotel, construction of modern barrack for 120 Jawan, Construction of Women Police Station and construction of building for the office of Superintendent of Police -reg.

Dear Sir,

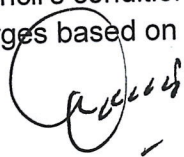
The Council of Architecture is a statutory body established by the Architects Act, 1972 (A Special Central Act), for regulating architectural education and profession throughout the territory of India.

The attention of the Council has been drawn towards your advertisement in the newspaper on the above subject. It is noticed that the tender notice issued by HPPWD for Construction of tourism development corporation hotel at Nadaun, Hamirpur, Construction of modern barrack for 120 Jawan at Police line Hamirpur, Construction of Women Police Station Hamirpur and Construction of building for the office of superintendent of police at Police Line, Hamirpur and asked Architects to pay tender form fees Rs. 5,000/- and Earnest Money of Rs.68,500/-, 31,400/-, 15,200/- and 29,000 to provide their professional services.

Pertinent to the matter, I have to inform you that the Parliament of India has enacted the Architects Act, 1972 and set up Council of Architecture to prescribe standards of Architectural Profession and education in the country.

The Council is empowered under Section 22, 30 and 45 of the Act, to laydown standards of professional conduct and etiquette and code of ethics for Architects. **These Regulations shall have overriding effect over any other law for the time being in force in India.**

In pursuance of above provisions, the Council has prescribed the Architects (Professional Conduct) Regulations, 1989. The Regulation (2)(i)(xiv) of the said Regulations provides that an Architect shall not prepare designs in competition with other Architects for a client without payment or for a reduced fee. Further, Regulation 2(i)(xii) provides that an Architect shall observe and uphold the Council's conditions of engagement and scale of charges. The Council has prescribed scale of charges based on the type of project/services and scope of work.



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Architects are professionals like Doctors, Advocates and Chartered Accountants whose conduct and ethics are regulated and governed under the Architects Act, 1972 and Regulations framed thereunder. The Architects are not insisted to deposit earnest money/ performance guarantee/ bid security money or quote lowest fees on the lines of contractors in order to be eligible to provide their professional services.

A copy of Office Memorandum, issued by Ministry of Finances, Government of India which states that no provision be kept in Tender for Bid Security, is enclosed herewith for your kind perusal.

Further, it is pointed out that in terms of Section 35, 36 & 37 of the Architects Act, 1972 only an Architect registered with Council of Architecture or a firm of Architects are allowed to use the title and style of Architect for carrying the profession of an Architect in India. LLP and Companies are prohibited from using the title and style of an Architect.

The Council has prescribed a Manual for Architectural Services which lays down various method for appointment of Architects and scale of fees and deliverables. A complimentary copy of the same is enclosed herewith.

In the view of the above, HPPWD is requested to appoint Architects/Consultant as per Architectural Competition guidance by the Council and make payment of fees accordingly.

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

Thanking you,

Yours faithfully,

R. K. Oberoi
Registrar

Encl: As above