

वास्तुकला परिषद्
Council of Architecture

(वास्तुविद् अधिनियम, 1972 के अंतर्गत भारत सरकार का एक स्वायत्त सांविधिक निकाय)
(Autonomous Statutory Body of Govt. of India, under the Architects Act, 1972)

Ref. No. CA/80/2026/AQA
July 31, 2026

The Executive Engineer
O/o of the Executive Engineer
Public Works Department (R&B) Division
Basohli town, Kathua District,
Jammu and Kashmir, 184201
Email: xendivisionbasohli@yahoo.com

Subject: RFP for Selection of Architectural/Structural consultants for providing Preliminary Project Report for Holistic Tourism Infrastructure development at Basholi under Swadesh Darshan Scheme, UT of J & K-reg.

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.

It has come to the notice of the Council that the Public Works Department (R&B) Division Basohli, Jammu & Kashmir has invited RFP (Technical & financial Bids from Architects/ consultants providing Preliminary Project Report for Holistic Tourism Infrastructure development at Basholi under Swadesh Darshan Scheme, UT of Jammu & Kashmir.

The Public Works Department (R&B) Division Basohli, Jammu & Kashmir has asked architects to deposit 2% of Adv. Cost as EMD and Cost of Tender/Documents of Rs. 600/- Further, Companies and LLPs have been made eligible contrary to the Act.

Pertinent to the matter, I have to inform you that the profession of architects is regulated, controlled and maintained under the procession of the Architects Act, 1972 and Regulations framed thereunder. The Council is empowered under Section 22 of the Act to lay down, by Regulation's standards of professional conduct and code of ethic of Architects. These Regulations have overriding effect over any other law for the time being in force in India.

Accordingly, the Council has framed the Architects (Professional Conduct) Regulations, 1989. The Regulation 2(1) (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 reduce fee (except in a competition conducted in accordance with the Architectural Competition Guidelines approved by the Council). Further, Regulation 2(1) (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 for Architectural Services based on Type of Project and Scope of Work & Services.

Therefore, professional services of Architects in competition against each other can be availed only by conducting Architectural Designs Competition (Two Stage/ Single Stage / Limited – as per the requirement and complexity of the project), in terms of the Architectural Competition Guidelines prescribed by the Council for selection of a qualified and competent Architect in a very fair and transparent manner.

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The consultant should not be appointed by inviting competitive commercial bidding/lowest fees.

Architects are professional like Doctors, Advocates and Chartered Accountants, whose conduct and ethics are regulated and governed under the Act and hence should not be insisted to pay processing fee, earnest money, Performance/ Bank Guarantee, bid security or quote lowest fee, etc. on the lines of contractors.

A copy of the office memorandum dated 12.11.2020 of Ministry of finance in the matter is enclosed herewith.

Under the provisions of the Architects Act, 1972, namely Sections 2 (a), 25,35, 36 and 37 of the Act only an architect registered with the Council of Architecture or a partnership firm can only use the title and style of architect of any word/ derivate of word architect and none else. LLPs and companies cannot use the title and style or Architecture. Violation of this prohibition is a punishable offence under Section 36 and 37.

Any term and conditions prescribed in the bids/tender/ contract/agreement/ offer or any Manual/Guidelines of any Publication Body/ Authority for appointment of Architects shall have to be consistent with the above provisions of the Architects Act, 1972 and Regulations & other professional documents prescribed pursuant thereto. Even the scheme under of ease of doing business such conditions are not insisted.

A Handbook of Professional Documents of the Council containing Act, Rules, Regulations, etc. is enclosed herewith for your kind perusal.

In view of the above, it is requested that Public Works Department (R&B) Division Basohli, Jammu & Kashmir should appoint Architects by conducting Architectural Design Competition and not on basis of Inviting lowest quotation/Bid. Further, EMD. should not be insisted and no company be appointed as Architect.

Thanking you,

Yours faithfully,

R. K. Oberoi
Registrar

Encl: As above