



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)

**Prof. (Ar.) Uday Gadkari**  
**President**

Ref. No.CA/28/2015/PMO  
December 18, 2015

**Shri Narendra Modi Ji**  
**Hon'ble Prime Minister**  
Government of India  
7 Race Course Road  
New Delhi – 110001  
Fax No.:011- 23016587/ 23017931

**Subject : Violations of the Architects Act, 1972 by CPWD by directing its officers not to follow the conditions of engagement and scale of charges prescribed by the Council.**

Respected Sir,

We would like to beseech your goodself to kindly intervene and save the profession of architecture from being ruined at the hands of officers of CPWD, Govt. of India.

The CPWD has recently issued Office Memorandum/ Circular NO.DG/P&WA/79 dated 16/12/2015 advising Officers of CPWD not to use conditions of engagement and scale of charges prescribed by the Council of Architecture under its Regulations for granting work to consultant architects for providing Architectural Services. A copy of the circular is enclosed herewith.

Sir, as you are aware that Architects Act, 1972, was enacted by the Parliament of India keeping in view the fact that since Independence and more particularly with the implementation of five-year plans, the building construction activity in our country had expanded almost on a phenomenal scale. A large variety of buildings, many of extreme complexity and magnitude, like multi-storeyed office buildings, factory buildings, residential houses were being constructed each year. With this increase in building activity, many unqualified persons calling themselves as architects were undertaking the construction of buildings which were uneconomical and quite frequently were unsafe. In order to protect the general public from unqualified persons working as Architects, the Parliament decided to pass the legislation making it unlawful for any person to designate himself as "architect" unless he has the requisite qualifications and experience and is registered under the Act.

The Council as empowered under Sections 22, 30 and 45 of the Act laid down Architects (Professional Conduct) Regulations, 1989 and also laid down Conditions of Engagement and Scale of Charges for Architects and Architectural Competition Guidelines for Appointment of Architects.

Sir, after having followed the Council's norms for more than 40 years the CPWD has now issued an unreasonable, illegal, arbitrary and unconstitutional Circular that the Conditions of Engagement and Scale of Charges prescribed by the Council be not followed and thus putting all architects in breach of Professional Conduct Regulations prescribed under the Act.

Contd...p/2



-2-

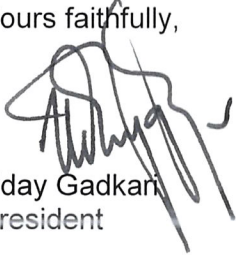
While on one hand CPWD itself is charging 3 to 5% fees (as per CPWD Works Manual) for providing Architectural Consultancy Services to Govt. Departments for construction of their Buildings on the other hand it is sub-contracting the works to practising architects by seeking lowest quotations from them. This is clearly an unfair, unhealthy and monopolistic practice by a government department and discrimination with practising Architects.

We humbly request your goodself to direct CPWD to withdraw this circular immediately to restore the faith of the citizens, especially architects in the law of the land i.e. Architects Act, 1972 and our professional brothers who are at helms of affairs in CPWD do not put Architects to exploitation and unhealthy professional environment and unreasonable and unfair competition.

Looking forward to an urgent positive action in the matter in public interest.

Thanking you,

Yours faithfully,



Uday Gadkari  
President

Encl : As above

Copy for information and necessary action to :

**Shri M. Venkaiah Naidu Ji**  
Hon'ble Minister of  
Urban Development, Govt. of India  
Nirman Bhawan, New Delhi – 11  
e-mail : minister-mud@nic.in

**Smt. Smriti Irani Ji**  
Hon'ble Minister, Ministry of  
HRD, Govt. of India,  
Shastri Bhawan  
New Delhi – 110 001  
e-mail : pstohrm@gov.in

The President  
Indian Institute of Architects  
5<sup>th</sup> Floor, Prospect Chambers Annexe  
Dr. D.N. Road, Fort  
Mumbai – 400 032

✓ All the Members of the Council of Architecture

F. No. 2/4/2015-W-II (DG)/ 1268  
Directorate General (Works Unit)  
Central Public Works Department.  
Nirman Bhawan, New Delhi.

Dated 16/12/2015

Circular No.DG/P&WA/79

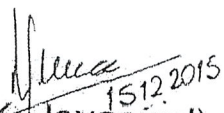
Office Memorandum

Sub: "Conditions of engagement and scale of charges" prescribed by the Council of Architecture.

1. The Council of Architecture has published a document called "conditions of engagement and scale of charges" for providing various types of architectural services by its members.
2. The conditions of engagement and scale of charges prescribed by the Council of Architecture are neither approved by the Parliament under the Architects Act, 1972 nor by the Central Government.
3. All CPWD officers are advised that the conditions of engagement and scale of charges prescribed by the Council of Architecture shall neither be used for granting work to any consultant architect for his services nor shall be used as a justification for the quote received from any architect. The same is against the interest of Government.

This supersedes circular no DG/P&WA/76 dated 04.12.2015.

This issue with the approval of Director General, CPWD.

  
(V.K. Jayaswal)  
15/12/2015  
DDG (Works)

To,

1. All SDGs/ADGs, CPWD, Engineer-in-chief, PWD (Govt. of Delhi)
2. All other officers through CPWD Website.

F. No. 2/4/2015-W-II (DG)/(217)  
Directorate General (Works Unit)  
Central Public Works Department.  
Nirman Bhawan, New Delhi.

Dated 4/12/2015


Circular No.DG/P&WA/16

Office Memorandum

Sub: "Conditions of engagement and Scale of charges" prescribed by  
The Council of Architecture.

1. The Council of Architecture has published a document called "conditions of engagement and scale of charges" for providing various types of architectural services by its members/architects.
2. The scale of charges prescribed by the Council of Architecture is neither approved by the Parliament under the Architects Act 1972 nor by the Central Government separately.
3. All CPWD officers are advised that the scale of charges prescribed by the Council of Architecture shall neither be used for granting work to any consultant architect for his services nor shall be used as a justification for the quote received from any architect. The same is against the interest of Government.

This issue with the approval of Director General, CPWD.

  
0A122015  
(V.K. Jayaswal)  
DDG (Works)

To,

1. All SDGs/ADGs, CPWD.
2. All other officers through CPWD Website.

F. No 2/4/2015-WII (DG)/Vol.-I/Pt /571  
DIRECTORATE GENERAL  
CENTRAL PUBLIC WORKS DEPARTMENT  
NIRMAN BHAWAN, NEW DELHI

Down [Signature]

Dated 24/06/2015

Circular No. DG/P&WA/55  
OFFICE MEMORANDUM

Sub:- Inviting bids for comprehensive architectural and engineering services.

It has been observed that field units sometime invite offers from architects for comprehensive architectural and engineering consultancy jobs for various projects. Registration of the architects with the Council of Architect is sometimes kept as a prequalifying condition in some of the expression of interest (EOI)/ request for proposals (RFP)/ bid documents (NIT) for such consultancy jobs whereas pure engineering jobs have little or no role of Architects in such consultancy assignments. Appropriate Engineering experience is absolutely necessary to render such consultancy services.

EOI/RFP/NIT for comprehensive Architectural and Engineering consultancy jobs shall clearly lay down eligibility criteria compatible with components of the consultancy assignments. Any firm/ consultant (whether titled as an Architectural firm or an Engineering firm) or a joint venture thereof, which fulfils the laid down eligibility criteria in the EOI/RFP/NIT, shall be permitted to take part in the bidding process. Engineering firms shall be permitted to engage Architects registered with Council of Architect and with requisite experience to fulfil eligibility criteria and to take part in the bidding process. Likewise Architectural firms shall be permitted to engage Engineers of appropriate qualification and experience to fulfil eligibility criteria and to take part in the bidding process.

H

This issue with the approval of the DG, CPWD.

CPWD  
NIRMAN BHAWAN

[Signature]  
(Nirmal Goel)  
Director (P&WA)

- To:
1. All SDGs and ADGs, CPWD.
  2. All other CPWD officers through website.