

Vigilance Compendium 2022



रामागुण्डम फर्टिलाइजर्स एण्ड केमिकल्स लिमिटेड

Ramagundam Fertilizers and Chemicals Limited

Vigilance Department

Ramagundam Fertilizers and Chemicals Limited

Vigilance Department



Compendium of CVC Guidelines on Transparency in Works/Purchase/Consultancy contracts, Integrity-Pact, Updated Manual on Procurement of Goods, Services, Works, and Consultancy, Departmental Inquiry Proceedings, Post retirement contractual employment, Annual Immovable Property returns



**IF CORUPPTION IS A DISEASE,
TRANSPARENCY IS ESSENTIAL PART
OF ITS TREATMENT.**

Kofi Annan

**THE TRUTH WILL ALWAYS BE OUR
SHIELD AGAINST CORRUPTION.**

Oprah Winfrey

F O R E W O R D

The theme for Vigilance Awareness Week, 2022 is “Corruption free India for a Developed Nation”. This compendium is an attempt to put together the relevant guidelines of CVC on Transparency in Works/Purchase/Consultancy contracts, Integrity-Pact, Updated Manual on Procurement of Goods, Services, Works, and Consultancy, Departmental Inquiry Proceedings, Post retirement contractual employment, Annual Immovable Property returns

These guidelines have been issued by the commission from time to time and are available for download from CVC’s website, viz., <https://cvc.gov.in/archieve/whats-new>

This compendium may be used as a ready reckoner on these issues.

**TEAM VIGILANCE
RAMAGUNDAM FERTILIZERS AND CHEMICALS LIMITED**

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Telegraphic Address :
"SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24600200

फैक्स/Fax : 24651186



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

सं./No.....005/CRD/19/480241

दिनांक / Dated.....06.04.2021.....

Circular No. 04/04/21

Subject: Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis.

Reference:

- | | | |
|-------|---------------------------------------|------------------|
| (i) | Commission's Circular No.15/05/06 | dated 09.05.2006 |
| (ii) | Commission's Office Order No.23/07/07 | dated 05.07.2007 |
| (iii) | Commission's Office Order No.19/05/10 | dated 19.05.2010 |
| (iv) | Commission's Circular No.18/12/12 | dated 11.12.2012 |
| (v) | Commission's Circular No.06/07/18 | dated 11.07.2018 |

Central Vigilance Commission, as part of its drive to ensure transparency, to promote healthy competition and to provide fair and equitable treatment to all interested parties in matters of public procurement, has issued guidelines from time to time emphasizing on the need to adopt tendering process as a basic requirement, before award of contract to any party.

2. Tendering process or public auction is a basic requirement for award of contract by any Government agency. Any other method, especially award of contract on nomination basis would amount to a breach of Article 14 of the Constitution guaranteeing right to equality which implies right to equality to all interested parties. The award of contracts/projects/procurements on nomination basis without adequate justification amounts to restrictive practice eliminating competition, fairness and equity. Hence, award of contracts through open competitive bids should remain the most preferred mode of tendering.

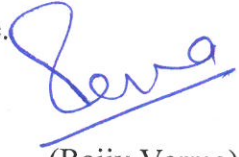
3. However, in some exceptional and inevitable circumstances, the contracts may be awarded on nomination basis; for instance, during natural calamities and emergencies declared by the Government; where procurement is possible from a single source only; where the supplier or contractor has the exclusive rights in respect of the goods or services and no reasonable alternative or substitute exists; where the auction was held on several dates but there were no bidders or the bids offered were too low etc.[Ref: SPL(Civil)No. 10174 of 2006 in case of Nagar Nigam, Meerut Vs A1 Faheem Meat Export Pvt Ltd.].

4. But, it has been observed that in some cases, the guidelines issued by the Commission are not being adhered to by the organizations. Therefore, the Commission would reiterate its earlier guidelines and direct that:

- (i) All works/purchase/consultancy contracts awarded on nomination basis should be brought to the notice of following authorities for information:
 - a) the Secretary, in case of the ministries/departments;
 - b) the Board of Directors or equivalent managing body, in case of Public Sector Undertakings, Public Sector Banks, Insurance Companies, etc.;
 - c) the Chief Executive of the organization where such a managing body is not in existence.
- (ii) The report relating to such awards on nomination basis shall be submitted to the Secretary/Board/Chief Executive/equivalent managing body, every quarter.
- (iii) The audit committee or similar unit in the organization may be required to check at least 10% of such cases.

5. Details of all tenders awarded on nomination basis shall be posted on website of the organization concerned, in public domain, along with brief reasons for doing so.

6. The above guidelines may be noted for strict compliance.


(Rajiv Varma)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector banks/ Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No..... 015/VGL/091

दिनांक / Dated..... 25.01.2022

Circular No. 05/01/22

Subject:- Adoption and implementation of Integrity Pact-Revised Standard Operating Procedure:- regarding.

The Commission has reviewed the Standard Operating Procedure (SOP) for adoption of Integrity Pact (IP) by all Government Organizations, Public Sector Enterprises, Public Sector Banks, Insurance Companies, other Financial Institutions and Autonomous bodies etc. A copy of the revised SOP is enclosed, which would be applicable for adoption and implementation of the IP by the organizations concerned.

2. The present SOP would replace the earlier SOP issued vide Circular No. 06/05/21 dated 03.06.2021.

(Rajiv Varma)
Director

Encl.: As above.

To

- (i) All Secretaries of Ministries/Departments. **(The revised SOP may also be shared with the existing IEMs in the organizations concerned)**
- (ii) All CMDs/Head of CPSUs/Public Sector Banks/Organizations. **(The revised SOP may also be shared with the existing IEMs in the organizations concerned)**
- (iii) All CVOs of Ministries/Departments/CPSUs/Public Sector Banks/Organizations. **(The revised SOP may be brought to the notice of the Chief Executive of the organization concerned)**
- (iv) All Independent External Monitors.

STANDARD OPERATING PROCEDURE FOR ADOPTION OF INTEGRITY PACT

1.0 BACKGROUND

- 1.1 In order to ensure transparency, equity and competitiveness in public procurement, the Commission recommends adoption and implementation of the concept of Integrity Pact (IP) by Government organizations, Public Sector Enterprises, Public Sector Banks, Insurance Companies, other Financial Institutions and Autonomous Bodies etc.
- 1.2 Vide Circular No. 06/05/21 dated 03.06.2021, the Commission issued a Comprehensive Standard Operating Procedure (SOP) for adoption and implementation of Integrity Pact.
- 1.3 Deptt. of Expenditure vide OM dt. 19.7.2011, issued guidelines to all Ministries / Departments / Organizations including their attached/subordinate offices and autonomous bodies for implementation of IP. Also, vide OM dated 20.7.2011 Deptt. of Expenditure requested Department of Public Enterprises for directions to Central Public Sector Enterprises for use of IP.
- 1.4 Further, in view of the increasing procurement activities of Public Sector Banks (PSBs), Insurance Companies (ICs) and Financial Institutions (FIs), the Commission vide Circular No. 02/02/2015 dated 25.02.2015 advised that all PSBs, PSICs and FIs shall also adopt and implement the Integrity Pact.

2.0 INTEGRITY PACT

2.1 The Pact essentially envisages an agreement between the prospective vendors/bidders and the buyer, committing the persons/officials of both sides, not to resort to any corrupt practices in any aspect/stage of the contract. Only those vendors/bidders, who commit themselves to such a Pact with the buyer, would be considered competent to participate in the bidding process. In other words, entering into this Pact would be a preliminary qualification. The essential ingredients of the Pact include:

- Promise on the part of the principal not to seek or accept any benefit, which is not legally available;
- Principal to treat all bidders with equity and reason;
- Promise on the part of bidders not to offer any benefit to the employees of the Principal not available legally;
- Bidders not to enter into any undisclosed agreement or understanding with other bidders with respect to prices, specifications, certifications, subsidiary contracts, etc.
- Bidders not to pass any information provided by Principal as part of business relationship to others and not to commit any offence under PC/IPC Act;
- Foreign bidders to disclose the name and address of agents and representatives in India and Indian Bidders to disclose their foreign principals or associates;
- Bidders to disclose the payments to be made by them to agents / brokers or any other intermediary;
- Bidders to disclose any transgressions with any other company that may impinge on the anti corruption principle.

Any violation of Integrity Pact would entail disqualification of the bidders and exclusion from future business dealings, as per the existing provisions of GFR, 2017, PC Act, 1988 and other Financial Rules/Guidelines etc. as may be applicable to the organization concerned.

- 2.2 Integrity Pact, in respect of a particular contract, shall be operative from the date IP is signed by both the parties till the completion of contract. After award of work, the IEMs shall look into any issue relating to execution of contract, if specifically raised before them. As an illustrative example, if a contractor who has been awarded the contract, during the execution of contract, raises issue of delayed payment etc. before the IEMs, the same shall be examined by the panel of IEMs.

However, the IEMs may suggest systemic improvements to the management of the organization concerned, if considered necessary, to bring about transparency, equity and fairness in the system of procurement.

3.0 IMPLEMENTATION PROCEDURE

- 3.1 As stated in Department of Expenditure's O.M. dated 20.7.2011, Ministries/Departments may, in consultation with the respective Financial Adviser and with the approval of the Minister-in-charge, decide on and lay down the nature of procurements/contracts and the threshold value above which the Integrity Pact would be used in respect of procurement transactions/contracts concluded by them or their attached/sub-ordinate offices.

In case, any individual organization desires to lower the threshold value, they may do so with the approval of the competent authority of the organization.

Procurements/contracts would cover procurement of works, goods and services by the organization concerned.

- 3.2 The above provision is also applied for procurements/contracts made by autonomous bodies for which the Administrative Ministry/Department concerned should decide the type of procurement activities and the threshold value above which the Integrity Pact would be applicable.

The procurements/contracts would cover both purchases and works/services contracts being entered into by the organization concerned.

- 3.3 The provision for the Integrity Pact is to be included in all Requests for Proposal/Tender documents issued in future in respect of the procurements/contracts that meet the criteria decided in terms of para 3.1 and 3.2 above.
- 3.4 In all tenders covered under the Integrity Pact, particulars of all IEMs, including their email IDs, should be mentioned, instead of mentioning details of a single IEM.
- 3.5 The Purchase / procurement wing of the organization would be the focal point for the implementation of IP.
- 3.6 It has to be ensured, through an appropriate provision in the contract, that IP is deemed as part of the contract so that the parties concerned are bound by its provisions.
- 3.7 IP would be implemented through a panel of Independent External Monitors (IEMs), appointed by the organization. The IEM would review independently and objectively, whether and to what extent parties have complied with their obligations under the Pact.
- 3.8 A clause should be included in the IP that a person signing IP shall not approach the Courts while representing the matters to IEMs and he / she will await their decision in the matter.
- 3.9 In case of a joint venture, all the partners of the joint venture should sign the Integrity Pact. In case of sub-contracting, the Principal contractor shall take the responsibility of the adoption of IP by the sub-contractor. It is to be ensured that all sub-contractors also sign the IP.
- 3.10 A summary of procurement/contract awarded, which are covered under the IP shall be compulsorily shared with the IEMs on quarterly basis, during the meeting. Based on the specific requirement of the organisations and the no. of tenders floated, the meetings may be held on monthly or bi-monthly basis, instead of quarterly periodicity.

- 3.11 The final responsibility for implementation of IP vests with the CMD/CEO of the organization.

4.0 ROLE AND DUTIES OF IEMs

- 4.1 The IEMs would be provided access to all documents/records pertaining to the contract for which a complaint or issue is raised before them, as and when warranted. However, the documents/records/information having National Security implications and those documents which have been classified as Secret/Top Secret are not to be disclosed.
- 4.2 It would be desirable to have structured meetings of the IEMs with the Chief Executive of the Organisation on a half yearly basis to discuss / review the information on tenders awarded during the preceding six months' period. Additional sittings, however, can be held as per requirement.
- 4.3 The IEMs would examine all complaints received by them and give their recommendations/views to the Chief Executive of the organization, at the earliest. They may also send their report directly to the CVO in case of suspicion of serious irregularities requiring legal/administrative action. Only in case of very serious issue having a specific, verifiable Vigilance angle, the matter should be reported directly to the Commission. IEMs are expected to tender their advice on the complaints, within 30 days.
- 4.4 For ensuring the desired transparency and objectivity in dealing with the complaints arising out of any tendering process or during execution of contract, the matter should be examined by the full panel of IEMs jointly, who would look into the records, conduct an investigation, and submit their joint recommendations to the Management.
- 4.5 IEM should examine the process integrity, they are not expected to concern themselves with fixing of responsibility of officers. Complaints alleging malafide on the part of any officer of the organization should be looked into by the CVO of the concerned Organization.

- 4.6 The advisory role of IEMs is envisaged as that of a friend, philosopher and guide. The advice of IEM would not be legally binding and it is restricted to resolving issues raised by a bidder regarding any aspect of the tender which allegedly restricts competition or bias towards some bidders. At the same time, it must be understood that IEMs are not consultants to the Management. Their role is independent in nature and the advice once tendered would not be subject to review at the request of the organization.
- 4.7 Issues like warranty/guarantee etc. should be outside the purview of IEMs.
- 4.8 All IEMs should sign non-disclosure agreements with the organization in which they are appointed. They would also be required to sign a declaration of absence of conflict of interest.
- 4.9 A person acting as an IEM shall not be debarred from taking up other assignments such as consultancy with other organizations or agencies subject to his declaring that his / her additional assignment does not involve any conflict of interest with existing assignment. In case of any conflict of interest arising at a later date from an entity wherein he is or has been a consultant, the IEM should inform the CEO and recuse himself/herself from that case.
- 4.10 All organizations may provide secretarial assistance to IEMs for rendering his/her job as IEM.
- 4.11 In case of any misconduct by an IEM, the CMD/CEO should bring it to the notice of the Commission detailing the specific misconduct for appropriate action at the Commission's end.
- 4.12 The role of the CVO of the organization shall remain unaffected by the presence of IEMs. A matter being examined by the IEMs can be separately investigated by the CVO in terms of the provisions of the CVC Act or Vigilance Manual, if a complaint is received by him/her or directed to him/her by the Commission.

- 4.13 All the deliberations during the IEMs' meetings should be minuted and in the next meeting, the IEMs should confirm the recorded minutes of the previous meeting.

5.0 APPOINTMENT OF IEMs

- 5.1 The IEMs appointed should be eminent personalities of high integrity and reputation. A periodical notice inviting applications from eligible persons will be published on the Commission's website. After due scrutiny and verification of the applications and accompanying documents, as may be deemed appropriate by the Commission, the name(s) would be included in the panel for consideration for nomination as IEM.

All applications received after due date of notice issued by the Commission, shall be considered alongwith applications received in response to the subsequent notice.

- 5.2 The zone of consideration of eminent persons for empanelment as IEMs would consists of:-
- (i) Officer who have held the post of Additional Secretary to Govt. of India or were in equivalent or higher pay scale, at the time of retirement (whether serving with Govt. of India or any State Govt.).
 - (ii) Persons who have held the post of CMD of Schedule 'A' Public Sector Enterprise and were equivalent to Additional Secretary to Govt. of India, at the time of retirement.
 - (iii) Persons who have held the post of CMD/MD and CEO of Public Sector Banks, Insurance Companies and other Financial Institutions, at the time of retirement.
 - (iv) Chief Executive Officer of an organisation (other than listed above and were equivalent or higher to Additional Secretary to Govt. of India, at the time of retirement).
 - (v) Officers of Armed Forces, who were in the pay scale of equivalent or higher to Additional Secretaries to Govt. of India, at the time of retirement.

- 5.3 The Commission would not include a retired person in the panel being maintained by it for consideration for nomination as IEM, if that retired person had accepted a full time assignment, post retirement, either in government sector or private sector or elsewhere. All those empanelled persons have accepted full time employment elsewhere, would cease to remain on the panel, from the date on which they have accepted the said assignment.
- 5.4 The Commission would nominate IEMs for an organization, from the panel of IEMs maintained by it. The proposal for nomination of IEMs in the respective organizations should be sent by the concerned department responsible for ensuring implementation of Integrity Pact in the organization, after taking approval of the competent authority. The proposal for nomination of IEMs should preferably be sent 3 months prior to the completion of tenure of the existing IEMs, failing which the Commission would nominate IEM(s) on its own from the panel, maintained by it.
- 5.5 The Commission would not consider the name of a retired officer/ executive for nomination as IEM in a particular organisation, in case that person has retired from the same organization or has conflict of interest in any form.

However, in case the person being appointed as IEM in a particular organization has a conflict of interest, which may have gone unnoticed, despite best efforts, he/she should inform the Appointing Authority about the same at the time of offer of appointment being given to him/her and should not accept the offer for appointment as IEM in that particular organization.

- 5.6 Three IEMs shall be nominated for appointment in Maharatna and Navratna PSUs and two IEMs shall be nominated in all other organizations.
- 5.7 A person may be appointed as an IEM in a maximum of three organizations at a time.

- 5.8 An empanelled person cannot be appointed in one organization for a period of more than three years.
- 5.9 Age should not be more than 70 years at the time of appointment.
- 5.10 In any organization, the IEMs shall be paid per sitting a fees of Rs. 25,000/- or fees as payable to Independent Board Members, whichever is less. However, in case, in any organization, the fee payable to Independent Board Members is less than Rs. 25,000/-, the organization concerned may, after due deliberation increase the fees payable to IEM, subject to the ceiling of Rs. 25,000/- per sitting.

However, the maximum amount payable to IEMs in a calendar year shall not exceed Rs. 3,00,000/- with respect to sitting fees.

Expenses on travel and stay arrangement of IEMs shall be equal to that of Independent Board Member of that organization.

- 5.11 The terms and conditions of appointment, including the remuneration payable to the IEMs, should not be included in the Integrity Pact or the NIT. This may be communicated individually to the IEMs concerned.
- 5.12 At the time of appointment of an IEM, a copy of SOP should be made available to the person being appointed by the organizations concerned. A copy of Commission's guidelines on "Illustrative check points for various stages of public procurement", available on Commission's website, i.e., www.cvc.gov.in, under CTE's corner may also be provided to the IEMs at the time of their appointment, for guidance purpose.
- 5.13 In the event of any dispute between the management and the contractor relating to those contracts where Integrity Pact is applicable, in case, both the parties are agreeable, they may try to settle dispute through mediation before the panel of IEMs in a time bound manner. If required, the organizations may adopt any mediation rules for this purpose.

In case, the dispute remains unresolved even after mediation by the panel of IEMs, the organization may take further action as per the terms & conditions of the contract.

The fees for such meetings shall be same as fee payable to IEMs otherwise and in addition to the fees for the regular meeting of IEMs, to be held otherwise and over and above the ceiling of Rs. 3,00,000/- annually, to be calculated as per calendar year. The travel and stay arrangement for such meetings shall be equal to that of Independent Board Member of the organization concerned. However, not more than five meetings shall be held for a particular dispute resolution. The fees/expenses on dispute resolution shall be equally shared by both the parties.

- 5.14 The names of all the IEMs of the organization should be available on the website of the organization concerned.

6.0 REVIEW SYSTEM

- 6.1 All organizations implementing IP would undertake a periodical review and assessment of implementation of IP and submit progress reports to the Commission. CVOs of all organizations would keep the Commission posted with the implementation status through their annual reports and special reports, wherever necessary.
- 6.2 All organizations are called upon to make sincere and sustained efforts to imbibe the spirit and principles of the Integrity Pact and carry it to its effective implementation.



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सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No..... 015/VGL/091...

दिनांक / Dated..... 25.01.2022...

Circular No. 06/01/22

Subject:- Adoption and implementation of Integrity Pact – revision of eligibility criteria and process of nomination of Independent External Monitors-regarding.

- Reference:- (i) Commission's Circular No. 06/05/21 dated 03.06.2021
(ii) Commission's Circular No. 17/09/21 dated 14.09.2021
(iii) Commission's Circular No. 23/12/21 dated 20.12.2021
(iv) Commission's Circular No. 05/01/22 dated 25.01.2022

The Commission, vide Para 5.2 of SOP dated 03.06.2021 (for adoption and implementation of Integrity Pact) had specified the eligibility criteria for empanelment of eminent persons for nomination as Independent External Monitors (IEMs). Subsequently, the Commission has received feedback and suggestions from Chief Vigilance Officers and other individuals, regarding the eligibility criteria. On consideration and analysis of the same, the Commission has decided to modify the eligibility criteria. The zone of consideration of eminent persons for empanelment as IEMs to oversee implementation of Integrity Pact would now consist of –

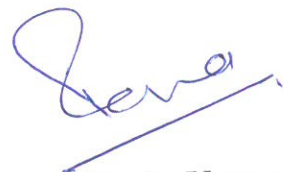
- (i) Officer who have held the post of Additional Secretary to Govt. of India or were in equivalent or higher pay scale, at the time of retirement (whether serving with Govt. of India or any State Govt.).
- (ii) Persons who have held the post of CMD of Schedule 'A' Public Sector Enterprise and were equivalent or higher to Additional Secretary to Govt. of India, at the time of retirement.

Contd...2...

- (iii) Persons who have held the post of CMD/MD and CEO of Public Sector Banks, Insurance Companies and other Financial Institutions, at the time of retirement.
- (iv) Chief Executive Officer of an organisation (other than listed above), who were equivalent or higher to Additional Secretary to Govt. of India, at the time of retirement.
- (v) Officers of Armed Forces, who were in the pay scale of equivalent or higher to Additional Secretary to Govt. of India, at the time of retirement.

2. Further the Commission has decided that the proposal for nomination of IEMs in the respective organizations should be sent by the concerned department responsible for ensuring implementation of Integrity Pact in the organization after taking approval from the competent authority. The proposal for nomination of IEMs should preferably be sent 3 months prior to the completion of tenure of the existing IEMs, failing which the Commission would nominate IEM(s) on its own, from the panel, being maintained by it.

3. A revised SOP for implementation of Integrity Pact has been issued vide Circular No. 05/01/22 dated 25.01.2022.



(Rajiv Varma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI / CPSUs / Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



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ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No.....022/VGL/032

दिनांक / Dated.....11.07.2022

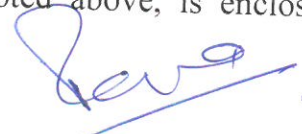
Circular No. 14/07/22

Subject: Updation of Manual on Procurement of Goods, Services, Works and Consultancy, etc.

Central Vigilance Commission and D/o Expenditure have issued guidelines on public procurement from time to time.

2. After due deliberations, it was decided that for the sake of uniformity and to avoid multiplicity of authorities for issuance of guidelines on procurement related issues, updated Manuals may be issued by D/o Expenditure only, after taking into consideration the guidelines issued by the Commission. Accordingly, D/o Expenditure have updated and released i) *Manual on Procurement of Goods*; ii) *Manual on Procurement of Works*; and iii) *Manual on Procurement of Consultancy & Other Services*, wherein the guidelines issued by the Commission on public procurement has also been assimilated. The same are available on Commission's website i.e. www.cvc.gov.in under the head "Guidelines" and sub-head "Tender Guidelines".

3. The Commission has desired that all the Chief Vigilance Officers may take note of the updated Manuals and bring the same to the notice of Chief Executive/Management of their organisation, along with other authorities concerned, for strict compliance henceforth. An introductory note relating to updated Manuals, as quoted above, is enclosed for guidance and reference purpose.


(Rajiv Verma)
Director

Encl: As above



To,

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/ Public Sector Financial Institutes/ Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Public Sector Financial Institutes/Autonomous Bodies etc.
- (iv) Website of CVC


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Central Vigilance Commission

Central Vigilance Commission (CVC) has been issuing various guidelines on Public Procurement from time to time. So far, in all 72 number of circulars containing issue specific guidelines were issued and were also hosted on Commission's website.

2. Apart from the guidelines issued by CVC, Department of Expenditure (DoE), Government of India has also been issuing guidelines on public procurement including manuals on procurement of goods, works and consultancy & other services.
3. On other occasions, various other Organisations like NITI Aayog, D/o Promotion of Industry & Internal Trade have also issued guidelines on public procurement. CVC after deliberations with DoE and within the Organisations has come to logical conclusion that it would only be appropriate if public procurement guidelines are issued from D/o Expenditure. Due to multiple organizations issuing guidelines, procurement executives were facing problems in having a single authoritative source of reference.
4. DoE in collaboration with CVC has now updated (i) Manual on Procurement of Goods, (ii) Manual on Procurement of Works (iii) Manual on Procurement of Consultancy & Other Services, wherein all the CVC guidelines on public procurement have been merged.
5. These updated Manuals have been released by Cabinet Secretary in the office of Central Vigilance Commission on 1st July, 2022 in presence of CVC and Finance Secretary. Secretaries of various Ministries/Departments, Heads of PSUs/PSBs, officials of CVC, officials of DoE etc. were also present.
6. These updated Manuals of D/o Expenditure have been uploaded on the website of CVC and all the earlier guidelines of CVC on public procurement have been withdrawn. All the Organisations are required to update/align their procurement guidelines/manuals in line with the above Manuals of D/o Expenditure and upload them on their website at the earliest for easy access of their officials and other stakeholders.



S. No	Manual	URL/Link
1.	Manual for Procurement of Consultancy & Other Services	https://doe.gov.in/sites/default/files/Manual%20for%20Procurement%20of%20Consultancy%20%26%20Other%20Services_0.pdf
2.	Manual for Procurement of Goods	https://doe.gov.in/sites/default/files/Manual%20for%20Procurement%20of%20Goods_1.pdf
3.	Manual for Procurement of Works	https://doe.gov.in/sites/default/files/Manual%20for%20Procurement%20of%20Works_0.pdf



सत्यमेव जयते



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

Telegraphic Address :
"SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
011-24600200

फैक्स / Fax :
011-24651186

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

सं./No.....No. 000-VGL-18-469044

दिनांक / Dated. 14.12.2020

Circular No.18/12/20

Subject: Timely finalization of Departmental Inquiry Proceedings-improving vigilance administration.

Ref: (i) Commission's Circular No. 8(1)(g)/99(2)	dated 19.02.1999
(ii) Commission's Circular No. 8(1)(g)/99(3)	dated 03.03.1999
(iii) Commission's Circular No. 3(v)/99(7)	dated 06.09.1999
(iv) Commission's Circular No. 000/VGL/18	dated 23.05.2000
(v) Commission's Office Order No. 51/08/2004	dated 10.08.2004
(vi) Commission's Circular No. 02/01/2016	dated 18.01.2016

The Central Vigilance Commission as part of its functions of exercising superintendence over the vigilance administration of the organizations covered under its advisory jurisdiction and for bringing about improvement and efficiency in the same, has been emphasizing on timely initiation and completion of the disciplinary proceedings, wherever required. The Commission is of the view that any delay in initiation or finalization of the disciplinary action is neither in the interest of the organization, nor that of the official concerned.

2. Guidelines have been issued by the Commission in this regard, defining the time limits for various stages of disciplinary proceedings, in order to ensure that there is no undue delay on the part of the concerned authorities/officials. However, it is observed that despite clear guidelines issued by the Commission and Department of Personnel & Training (DoP&T), the authorities/officials concerned are not adhering to the prescribed time-limit and the disciplinary proceedings in some cases take much longer time, which leads to unwarranted delay in finalization of disciplinary case. Any unexplained, undue delay may also be a cause of unnecessary litigation and provide undue advantage/harassment to the charged officer. Such delays on one hand help in evading penalty on guilty officials, while prolonging the agony of the officials who may have been charge-sheeted wrongly in few cases and are finally exonerated.

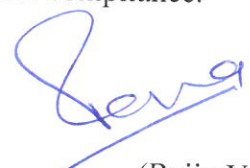
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3. The delay in completion of departmental proceedings on the part of the organization concerned has also attracted adverse comments from the Hon'ble Supreme Court of India in Civil Appeal No. 958 of 2010 Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr in its judgment dated 16.12.2015.

4. In continuation of CVC's guidelines dated 23.05.2000 and DoPT OM dated 14.10.2013, the Commission therefore, to ensure prompt/timely action in disciplinary matters where major penalty proceedings have been initiated/are to be initiated, the following time limit may be adhered to: -

Sl. No.	Stage of disciplinary action	Time Limit
1.	Issue of Charge Sheet to the stage of appointment of IO and PO	All the required actions may be completed within a period of 02 months from the date of issue of First Stage Advice of the Commission.
2.	Conducting departmental inquiry and submission of report by the Inquiry officer (I.O.)	The inquiry report should be submitted within 6 months from the date of appointment of inquiry officers
3.	Overall additional time for all/any of the above stages of disciplinary proceedings, due to some unavoidable/unforeseen circumstances	In addition to the above time limit, a period of 1 more month may be taken, if required.

5. The Commission desires that the above time limit should be adhered to strictly by the authorities in the organisations concerned. Since initiation and conduct of disciplinary proceedings is within the domain of the disciplinary authority concerned, the CVOs may bring the above guidelines of the Commission to the notice of the competent authorities for compliance.


(Rajiv Varma)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC

Copy to:

Department of Personnel & Training [Shri Lok Ranjan, Additional Secretary, DoP&T], North Block, New Delhi-110 001 for information and necessary action.

Telegraphic Address :
"SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24600200

फैक्स/Fax : 24651186



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

सं./No.....21-VGL-024.

दिनांक / Dated.....03.06.2021

Circular No. 07/05/21

Subject:- Procedure for offering/accepting post retirement contractual employments/assignment or consultancy etc.- reg.

It has been observed that sometimes, government organisations, in order to meet their functional requirement, use the expertise of retired government officials by hiring them on contractual basis, in the capacity of advisor/consultant etc. There is no defined procedure for seeking vigilance inputs before engaging retired government officials from the organisations where such retired officials were employed on full time basis, prior to their retirement.

2. Central Vigilance Commission has observed that the absence of a uniform defined procedure for obtaining vigilance clearance, before engaging retired officials by government organisations, sometimes lead to a situation where officials with tainted past or having cases pending against them are engaged by the government organisations. Such a situation not only leads to unnecessary complaints/allegations of favouritism, but is also against the tenets of fairness and probity which is the basic principle governing the functioning of government organisations.

3. The Commission has therefore decided to formulate a defined procedure before engaging a retired government official on contractual/consultancy basis by government organisations. The procedure to be adopted would include the following steps:-

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- (i) In respect of retired officers belonging to All India Services, Group 'A' officers of Central Govt. or their equivalent in other organizations owned or controlled by Central Govt., before offering employment to them on contractual/consultancy basis, vigilance clearance from the employer organisation, from which the Govt. Officer had retired, should be necessarily obtained.
- (ii) In case a retired officer had served in more than one organisation, vigilance clearance should be obtained from all organisations where the retired officer had served during a period of 10 years prior to his retirement.
- (iii) A communication seeking vigilance clearance may also be sent to Central Vigilance Commission, simultaneously.
- (iv) In case, no reply is received from the erstwhile employer(s) within 15 days of sending communication by Speed Post to them, a reminder may be sent to them for expediting vigilance clearance. However, in case no reply is received from the erstwhile employer within 21 days of sending initial communication to them, it may be considered as 'deemed vigilance clearance' for the person concerned. Later on, if it is found that the ex-employee was involved in any vigilance related matter or was not clear from vigilance point of view, the erstwhile employer organization would be responsible for all consequential actions.
- (v) The retired Govt. officer is to be considered for post retirement engagement only on receipt of vigilance clearance/vigilance inputs, subject to the conditions as given in sub para (i) to (iv) above.
- (vi) All communications regarding vigilance clearance should be sent by Registered Post/Speed Post, followed by emails on official mail ID of the organisation concerned.
- (vii) The procedure for engaging retired government officers should be transparent with equal opportunity to all those, who are willing to offer their services. The post to be filled up on contractual/consultancy basis should at least be advertised on the website of the organisation concerned at appropriate place and should be available in public domain.

4. Further, it has been observed that on some occasions, immediately after their retirement from government organisations, retired officials are taking up full time job/contractual assignments in private sector organisations. Quite often, cooling off period, as prescribed under the rules of organisations concerned, is not observed before taking up such offers. Post retirement acceptance of offer by retired government officials without observing cooling off period, constitutes a serious misconduct on their part.

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5. All government organisations may, therefore, formulate appropriate rules/guidelines for its employees to ensure that post retirement, cooling off period is mandatorily observed by them before accepting any offer from private sector entities. The rules/guidelines should incorporate procedure for seeking/obtaining permission before accepting offer from private sector entities during cooling off period if not in existence. The applicable service/conduct rules should also be revised/modified to ensure that, if required, appropriate action can also be initiated in case of violation of such rules by retired employees.

6. The above instructions may be noted for strict compliance.



(Rajiv Verma)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No.....000/VGL/018

दिनांक / Dated.....08.12.2021

Circular No. 22/12/21

Subject:- Timely finalization of Departmental Inquiry Proceedings -improving vigilance administration.

Reference: - (i) Commission's Circular No. 8(1)(g)/99(2)	dated 19.02.1999
(ii) Commission's Circular No. 8(1)(g)/99(3)	dated 03.03.1999
(iii) Commission's Circular No. 3(v)/99(7)	dated 06.09.1999
(iv) Commission's Circular No. 000/VGL/18	dated 23.05.2000
(v) Commission's Office Order No. 51/08/2004	dated 10.08.2004
(vi) Commission's Circular No. 02/01/2016	dated 18.01.2016
(vii) Commission's Circular No. 18/12/20	dated 14.12.2020
(viii) Commission's Circular No. 19/09/21	dated 06.10.2021
(ix) Commission's Circular No. 21/12/21	dated 03.12.2021

Attention is invited to Commission's Circular No. 21/12/21 dated 03.12.2021, vide which it was directed that Inquiry Officers, appointed by the organizations to conduct departmental inquiries, are required to submit a monthly report indicating present status/progress of the inquiries being conducted by them.

2. The Commission has desired that for the sake of uniformity and clarity, the information regarding the status of inquiry proceedings may be obtained from the Inquiry Officers, in the format as enclosed as **Annexure-I**, to this circular. The monthly report may be submitted by the Inquiry Officers, latest by 10th day of the succeeding month.

3. It may be noted that information should be obtained from the Inquiry Officers in respect of ongoing inquiries and also in respect of departmental inquiries, that may be instituted in future.

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4. The CVOs may bring the enclosed format to the notice of all the Disciplinary Authorities and Inquiry Officers for compliance of Commission's guidelines, issued vide Circular No. 21/12/21 dated 03.12.2021.



(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC

Name of Organization _____

Annexure-I

Name of Inquiry Officer _____ Report for the month of _____

S. No.	Name and Designation of CO	Date of appointment of IO	Date of Preliminary Hearing	Whether Brief Hearing required. If Yes, date of Brief Hearing	No. of Regular Hearings held till the end of the month	Dates of Regular Hearing	Date of submission of PO's Brief	Date of submission of Defence Brief	Date of submission of IO's report	Time taken since appointment as IO (upto the stage inquiry has progressed so far)	Whether time limit given in Commission's Circular No. 21/12/21 dated 03.12.2021 is being adhered to. If not, reasons thereof
1	2	3	4	5	6	7	8	9	10	11	12

Signature of Inquiry Officer

To,
Disciplinary Authority

Copy to:- Chief Vigilance Officer

Note:- Report to be submitted by IO by 10th day of every month to DA with copy to CVO.

Telegraphic Address :
"SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
24600200

फैक्स / Fax : 24651186



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

सं./No..... No. 021-AIS-6(7)

दिनांक / Dated..16.03.2022.....

OFFICE MEMORANDUM

Subject:- Confirmation on timely submission of Annual Immovable Property Return (AIPR) in the proposals seeking input of the Commission on vigilance status of officers for empanelment- reg.

Department of Personnel & Training's OM No. 11012/11/2007-Estt.A dated 27.09.2011 (copy enclosed) conveys the decision of the Govt of India that members of Central Civil Services/Posts who fail to submit Annual Immovable Property Returns of the relevant year within the prescribed time limit, would be denied vigilance clearance and they will not be considered for empanelment for senior level posts in Government of India. It has inserted sub-para 2(f) which reads as under, in the Department of Personnel & Trainings earlier OM No. 11012/11/2007-Estt.A dated 14.12.2007:

"(f) Vigilance clearance shall be denied to an officer if he fails to submit his annual immovable property return of the previous year by 31st January of the following year, as required under Government of India decision under Rule 18 of the Central Civil Services (Conduct) Rule, 1964."

2. Similarly, as per Rule 16(2) of AIS (Conduct) Rules, 1968, officers are required to submit property return latest by 31st January of each year, and Department of Personnel & Trainings has clarified that those who fail to submit the return on time will be denied vigilance clearance.

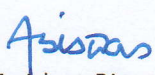
3. It is thus, evident that filing of AIPR on time is a mandatory pre-condition for grant of vigilance clearance. So far, the Commission has not been collecting information on AIPR filing while considering proposals for vigilance clearance, and screening to this effect is left to the concerned Ministry/Department/Organization. However, some proposals received by the Commission do contain information on AIPR filing by the concerned officers, and the same is taken in account while finalising input on their vigilance status.

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4. As timely filing of AIPR is a mandatory pre-condition for vigilance clearance, all Ministries/Departments/Organizations are requested to ensure that all officers, for whom vigilance input is solicited from the Commission, have filed AIPR within the stipulated time limit. In future, confirmation on timely filing of property return by concerned officer(s), or deviation in this regard, may also be recorded on the covering letter of proposals seeking vigilance clearance from the Commission, to avoid delay in processing of the cases.

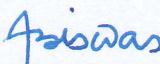
5. The above guidelines may be noted for strict compliance.


(Anirban Biswas)
Under Secretary

To,

- (i) The Secretaries of all Ministries/Departments of Gol.
- (ii) All CVOs as per Portal (through NIC).

Copy forwarded to Sr. TD, NIC, CVC-with a request to upload it on the Commission's website and notifying CVOs through the portal.


(Anirban Biswas)
Under Secretary

