No. 9-IWAI/Vig./16/2014

Dated : - 6th June, 2016

CIRCULAR

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

I am directed to enclose Central Vigilance Commission’s Office Order no. 19/05/06 dated 19.05.2010 on above mentioned subject for information and necessary action.

(UMESH KUMAR SAHAI)
Assistant Secretary (Vig./E)

Encl. : - As above.

To

1. Chief Engineer (P&M) / Hydrographic Chief / Director (P&C) / CAO, IWAI, NOIDA
2. Director, IWAI, Patna/Kolkata/Guwahati/Kochi

Copy for information to :

PS/Sr.P.A./ P.A. to Chairman, Vice-Chairman & Member (Finance), Member (Traffic), Secretary
OFFICE ORDER No.19/05/10

Sub: Transparency in Works/Purchase/Consultancy contracts awarded on Nomination basis.

Commission vide Circular No.15/5/06 dated 09/05/2006 had prescribed certain measures to be followed on works/purchase/consultancy contracts awarded on nomination basis by PSUs. These instructions have since been reviewed in the Commission and the Commission is of the view that the Board of the PSU is not required to scrutinize or post facto vet the actions of the operational managers and their decisions to award work on nomination basis.

2. Therefore, the following amendment is being made in sub-para (i) of Para 2 of Commission's above circular:

"All works awarded on nomination basis should be brought to the notice of the Board of the respective PSUs for scrutiny and vetting post facto"

Read as

"All works awarded on nomination basis should be brought to the notice of the Board of the respective PSUs for information".

All Chief Vigilance Officers of CPSUs.

Copy to:

(i) All Secretaries of Govt. of India
(ii) All CEOs/Heads of Organizations

(Vineet Mallur)
Director
Subject: Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis.

Reference is invited to the Commission's circular No.15/5/06 (issued vide letter No.005/CRD/19 dated 9.5.2006), wherein the need for award of contracts in a transparent and open manner has been emphasized.

2. A perusal of the queries and references pertaining to this circular, received from various organizations, indicates that several of them believe that mere post-facto approval of the Board is sufficient to award contracts on nomination basis rather than the inevitability of the situation, as emphasized in the circular.

3. It is needless to state that tendering process or public auction is a basic requirement for the award of contract by any Government agency as 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.

4. A relevant extract from the recent Supreme Court of India judgement in the case of Nagar Nigam, Meerut Vs A1 Faneem Meat Export Pvt. Ltd. [arising out of SLP(civil) No.10174 of 2006] is reproduced below to reinforce this point.

"The law is well-settled that contracts by the State, its corporations, instrumentalities and agencies must be normally granted through public auction/public tender by inviting tenders from eligible persons and the notifications of the public-auction or inviting tenders should be advertised in well known dailies having wide circulation in the locality with all relevant details such as date, time and place of auction, subject matter of auction, technical specifications, estimated cost, earnest money deposit, etc. The award of Government contracts through public-auction/public tender is to ensure transparency in the public procurement, to maximize economy and efficiency in Government procurement, to promote healthy competition among the tenderers, to provide for fair and equitable treatment of all tenderers, and to eliminate irregularities, interference and corrupt practices by the authorities concerned. This is required by Article 14 of the Constitution. However, in rare and exceptional cases, for instance, during natural
calamities and emergencies declared by the Government; where the procurement is possible from a single source only; where the supplier or contractor has 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., this normal rule may be departed from and such contracts may be awarded through 'private negotiations'."

(Copy of the full judgement is available on the web-site of the Hon'ble Supreme Court of India, i.e., www.supremecourtofindia.nic.in)

5. The Commission advises all CVOs to formally apprise their respective Boards/managements of the above observations as well as the full judgement of the Hon'ble Supreme Court for necessary observance. A confirmation of the action taken in this regard may be reflected in the CVO’s monthly report.

6. Further, all nomination/single tender contracts be posted on the website ex post-facto.

(Rajiv Verma)
Under Secretary

To

All Chief Vigilance Officers
MOST IMMEDIATE
BY FAX/E-MAIL

F. No. LB-18013/25/2017-L
Government of India
Ministry of Shipping
PHRD Division

Transport Bhawan,
1, Parliament Street,
New Delhi - 110001

Dated the 17th July, 2017

To,

The Chairmen, All Major Port Trusts,
Deputy Chairman CDLB,
General Manager, CSL,
Chairman IWAI,
Director, SCI,
Chairman, DCIL

Subject: Time bound implementation of Aadhar based Direct Benefit Transfer (DBT).

Sir,

I am directed to refer to this Ministry’s e-mail dated 11.07.2017 on the above mentioned subject in pursuance of Cabinet Secretary’s D.O. letter No. 511/2/2015-CA.IV/CA.V(Vol.V) dated 07.07.2017 (copy enclosed). You are requested to ensure 100% seeding of Aadhar for salary & pension payments in respect of your organization by 31.08.2017 positively and furnish Action Taken Report in the matter to this Ministry by 01.09.2017 as per the format enclosed.

Yours faithfully,

(R.K. Nigam)
Under Secretary to the Government of India
Tel./Fax No.: 011-23719492

Encl.: A/a

Copy for necessary action to:- US (AKS), AD (RKS) and US (HP).

Dear Secretary,

As you are aware, Aadhaar based Direct Benefit Transfer (DBT) is a major reform initiative of the Government, entailing targeted delivery of benefits and services to common citizens through effective use of technology. This is being reviewed regularly at the highest level.

2. While progress has been made in implementing Aadhaar based DBT in major schemes, the work needs to be completed on a mission mode. Specifically, in all schemes where 50% Aadhaar seeding has already been achieved, 100% Aadhaar seeding of beneficiaries in scheme databases may be targeted for achievement by 31st December, 2017. For all other Schemes this may be done by 31st March 2018.

3. Simultaneously, authentication of Aadhaar and de-duplication of beneficiary database may be undertaken to weed out ghost/bogus beneficiaries. This will enable better targeting of programmes, resulting in saving of public funds. There is also a need to capture and report benefits accruing from DBT initiatives as well as document best practices in implementation of Aadhaar based DBT. These may be reported on the DBT portal.

4. I am also writing to all Chief Secretaries/Administrators for their intervention at the State /UT level. I would request you to work closely with the State/UT Governments to ensure time bound implementation of Aadhaar based DBT.

With regards,

Yours sincerely,

(P K Sinha)

Shri Ravi Kant
Secretary,
Ministry of Shipping
New Delhi