A satellite image of Geo-Fencing of an Area under Talcher Coalfields in Odisha.

- Auto-refund of EMDs to unsuccessful bidders
- In-motion road weigh bridges with RFID and its connectivity to COALNET
- Online bill payment system
- Installation of GPS-based vehicle tracking system
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I am glad to know that the Central Vigilance Commission is observing Vigilance Awareness Week on the theme "Combating Corruption – Technology as an enabler" from 27th October to 1st November 2014.

Corruption is a complex problem that needs multi-faceted action. One of them is the use of technology that can help promote, openness and transparency. Use of modern technologies can play an important role in eliminating human interface in service delivery systems. It is the collective responsibility of citizens as well as government departments to adopt technology initiatives in combating corruption to maximize benefits.

I extend my greetings to everyone and wish a very successful Vigilance Awareness Week 2014. Let us all strive to create a society free of corruption.

(Pramod Mahajan)

New Delhi
October 17, 2014
MESSAGE

I am happy to learn that ‘Vigilance Awareness Week’ is being observed by the Central Vigilance Commission (CVC) from October 27 to November 1, 2014, with ‘Combating Corruption – Technology as an enabler’ as the theme for this year.

Identification of corruption from our society is not only a legal obligation but also a moral duty of every Indian. Towards attainment of this goal, observance of ‘Vigilance Awareness Week’ plays an important role in promoting integrity through greater efficiency, transparency and accountability in Government.

On this important occasion, let us take a firm pledge to build a corruption-free India.

(Signature)

(M. HAMID ANSARI)

New Delhi

October 8, 2014
In its endeavour to fight corruption, the Central Vigilance Commission mandates observance of Vigilance Awareness Week every year. While reiterating our commitment to eradicate corruption, we need to enlist the support and participation of all stakeholders and seek their active co-operation in fighting the menace of corruption. The Commission hopes that such initiatives would be an effective anti-corruption measure.

The theme chosen for this year’s Vigilance Awareness Week is “Combating Corruption – Technology as an enabler”. A combination of e-governance, web-enabled technologies and transparent policy initiatives by Government Departments/Organisations can provide an efficient and effective service delivery system to the citizens. Innovative technologies of social media promote citizens’ participation and enable reporting instances of corruption.

The Commission believes that transparency and objectivity in governance hold the key to combating corruption. Effecting systemic changes with simplified procedures, minimum discretion and optimum use of technology is the way forward. The Commission expects all organizations to undertake technological initiatives relevant to their fields to facilitate fairness and equity in governance.

(Rajiv)
Central Vigilance Commissioner
Date: 13.10.2014

Message

As you are aware that like previous years, this year the Vigilance Awareness Week would be observed from 27th October to 2nd November, 2014 throughout the Country falling within the advisory jurisdiction of the Commission, with an innovative theme of “Combating Corruption: Technology as an enabler”.

Our aim on the occasion of the Vigilance Awareness Week is to sensitize each and every employee on promoting transparency and fairness in the organizational work culture in order to achieve our goals and objectives in an ethical manner.

Vigilance has been an integral part of our Management and I am happy to note that it has been a constant endeavour of our vigilance set up to implement system driven technologies in our field operations and official transactions.

I am pleased to note that on this occasion, Vigilance Department is bringing out the 10th edition of the Vigilance Bulletin to sensitize the officials and public at large on various systemic issues for creating widespread awareness on the pitfalls noticed during the case audits as well as CVC circulars/guidelines on anti-corruption matters.

I am confident that adequate control mechanism and systemic improvement undertaken by us shall improve the quality of Corporate Governance in our Company.

(Ain. Sahay)
Chairman-cum-Managing Director
Message

The Vigilance Awareness Week is being observed this year from 27th October, 2014 to 1st November, 2014 under the supervision and guidance of the Central Vigilance Commission, New Delhi. The theme for this year is “Combating Corruption – Technology as an enabler”.

The basic objective of the observance of the Vigilance Awareness Week is to create awareness among the Government employees and public at large to check corruption at every level. Recognizing that corruption is one of the most damaging consequences for governance systems, the MCL has implemented various leveraging technology as a preventive vigilance measure so that transparency and accountability can be maintained in the governance.

On the said occasion we are bringing out a Vigilance bulletin for sensitizing the employees and public on various systemic pitfalls noticed in past along with the circular instructions/guidelines of the CVC for better vigilance administration.

I hope that we all shall stand up against corrupt practices and ensure zero tolerance towards corruption in the society.

(Deepak Srivastava, IFS)
Chief Vigilance Officer
Once Birbal told Akbar, "Sir, even the donkeys do not chew tobacco." The purpose of this was to point out that tobacco chewing is a very bad habit. To stress upon the fact that corruption is a curse for the society I would say "Even donkeys do not adopt corrupt practices in their life."

On the basis of my experience I would like to put forward a fact which needs to be analyzed by every citizen of India. Around 40 to 45 years back the villagers used to give respect to those with high moral values irrespective of the fact whether they were rich or poor. Their social status was judged on the basis of the moral values that they held. The scenario has completely changed in the last few decades and the moral values now a days has been shadowed by wealth no matter how it is accumulated. The main reason for this phenomenon seems to be the diminishing of the hatred towards corruption which was prevalent in those days. Today corruption is treated by a major chunk of the society as an acceptable means to earn wealth.

A seed germinates only when it gets favorable conditions like air, water and sunlight. Likewise, corruption which is the most detrimental for human race as it brings a basketful of evils and wrong deeds with it, creeps in silently if there is will, lack of transparency and certain other favorable conditions. A social evil, corruption is sufficient enough to jeopardize the development of the society in all respects. With corruption prevailing in our society we can never boast of ‘Ram Rajya’. If an individual is sure enough that he is not being watched or his wrong deeds are not monitored, his tendency to indulge in corrupt practices becomes stronger as he becomes fearless.

Whenever any new disease spreads, several measures are parallelly taken to fight it. These include activities like finding medicine for the disease, tracing its root cause, taking precautions to stop the spread and most importantly implementing measures to eradicate it. The existing corruption in the society is also like a disease and it has acquired the dimensions of an epidemic. Although its presence is not new, what is more alarming is its present mammoth form which is slowly changing the overall thought process of the society. We have not been able to put any effective check to stop it from spreading its tentacles. The need of the hour is to send a strong message to the society that corruption in any form is a crime as the person indulging in such practices not only tarnishes his own image but unknowingly others too including his own family and particularly his children, who get affected adversely.

Information Technology is a tool which brings transparency in our actions and this is why to a great extent, it has done the job of combating corruption effectively. The ‘e’ letter of the word ‘electronic’ which coincides with the word ‘enabler’ has truly created magic by getting associated with most of our activities and giving a new name to them like e-auction, e-
payment, e-receipt, e-dispatch, e-filling, e-ticketing, e-trade, e-complaint etc. Gradually more and more activities are being brought under the banner of Information Technology.

In MCL, under the able guidance of our top management, we have taken many IT initiatives. By adopting centralized Road Sale billing we have been able to process timely refunds to our valued consumers. The month wise refund statement is also getting reflected on our website: www.mcl.gov.in. We are working on sending such information to the consumers/customers in real time through SMS/e-mail to keep them updated and thus minimizing their dependency on manual interaction.

To bring transparency in the payment of bills of the vendors/contractors a system has been developed in CoalNet Module through which the bills received from the vendors/contractors are immediately captured in central server and the acknowledgements are handed over to them. At every stage the status of the physical bills are updated in the server by the concerned user department till its final destination i.e. the payment of the bill. The status of the bills can be viewed by the vendors/contractors through our website as the status of the bills is updated there too. This again has established itself as a very effective tool for minimizing the direct interaction of the vendors/contractors with the concerned departments for getting information regarding the payment of their bills.

To keep a vigil over the activities related to movement of trucks/tippers engaged in production and internal transportation of coal in the mining area, GPS based Vehicle Tracking System are being installed on them on a large scale. The online status of the position of these vehicles gets updated in our central server on regular pre-defined short intervals. This system will enable us to monitor the real time movement of the vehicles on which they are installed. The system software has provisions for various online queries along with the facility to generate useful reports for MIS purpose. Any short of predefined deviation will be communicated through automated SMS alerts to concerned users. To monitor the entire activity at the railway sidings where railway wagons are being loaded, video surveillance cameras are being installed with storage facility and control unit at the concerned Area Offices. Cameras are also being installed at the weighbridges to capture the snapshot of trucks coming for weighment and the same will be stored in the central server along with other details. All of these trucks/tippers are fitted with RFID tags to enable their weighment through our in-motion road weigh bridges without any manual intervention.

Operator Independent Truck Dispatch System is a real time mine management system. This also works on GPS technology with the only difference that here the flow of data from the onboard equipments fitted on the vehicles to the control unit is through dedicated wireless links set for this purpose. It has the ability to continuously monitor the location and status of mining equipment and allocate the right truck at the right time to the right place. The system is presently operational at three of our open cast mines namely Lingraj, Bharatpur and Balram.

As on date all our road weighbridges from where road sale is taking place are using the software of Integrated Mine Mineral Management System (I3MS) of Odisha Govt. for the purpose of issuing online transit pass which was earlier written manually. The online
issuance of Transit Pass with all relevant authenticated details, without any manual intervention has eliminated the irregularities involved in the earlier system.

We have heard of many type of “Detectors” e.g. Metal Detector, Lie Detector, Crack Detector etc. The Information Technology is growing at a very fast rate. We are working on artificial intelligence. I am hopeful enough that a day will come when each office will be equipped with an electronic gadget named as CORRUPTION DETECTOR/HONESTY DETECTOR. This will not allow even a single dishonest person to live with peace. Till that time let us properly use our existing ‘e’ enabled services and bring transparency to more and more activities with the help of Information technology.

***************
ROLE OF e-PROCURMENT IN CONTROLLING
THE UNETHICAL BUSINESS PRACTICES
AND CORRUPTION IN TENDERS

S.K.Bhanja, Dy. General Manager (e-Procurement)
O.P.Mishra, Chief Manager (e-Procurement)
B.Pattnaik, Sr. Manager (e-Procurement)

The corrupt practices and unethical Business practices can be controlled in a better manner by bring about systemic changes with the help of better Technology. Tender Management is one of the most sensitive and important function is any organisation which very much prone to corruption and malpractices. However all these undesirable elements can be greatly controlled with the adoption of modern technologies. This is the reason why e-Procurement has been one of the key agenda of the Mission mode projects of Govt of India. It has always been the endeavour of Mahanadi Coalfields Limited to implement a system which is highly transparent, efficient and effective in controlling the undesirable elements including the corruption. How the e-Procurement system of MCL has helped to control the unhealthy business practices and corruption is briefly enumerated below:

1. **Bid any time any where** : Prior to implementation of e-Procurement system, there used to be Tender Boxes where the bidders put their bids in sealed cover. Bidders’ representatives have to come to physically to the Tender Box to drop their bids or alternatively the bids can be submitted by post/courier. In both modes the identity of the bidders are disclosed. It has been observed at every place that the influential bidders used all sort of tactics to ensure that their competitors should not succeed in submitting their bids. Moreover number of bids submitted becomes known to many, including the potential bidders. This helps the bidders to quote a favourable bid and engage in other unethical business practices like influencing the competitors to withdraw their bid etc. After the implementation of e-Procurement, any bidder can submit bid from any place within the stipulated time frame. Moreover there is absolute secrecy in the tender process leaving no room for the bidders to resort to unhealthy and undesirable business practices including cartel formation. Further Bidders can modify their bids any number of time without any difficulty.

2. **Bid document manipulations** : Earlier in case of manual tendering there was possibilities of manipulations in the bid by bidders in connivance with the Tender Inviting Dept. After implementation of e-Procurement system such possibilities are totally ruled out. Public Key Infrastructure ensures that the bid document is encrypted before it leaves the computer of the sender. There enough protection to ensure that the Documents are not affected by hacking and illegal access and the integrity of the file is maintained.
3. **Transparency in Tender process**: Present e-Procurement process entails a very high level of transparency hence all the tender related data and information including bid information and tender evaluation process is transparently available on the portal which can be access by any body. Since everything is transparently available on public domain it is subject to verification by any body. This is the reason that people used to put only authentic information on portal and refrain from malpractices.

4. **Publicity of Tenders**: In case of old days the manual tenders were not getting enough publicity. The publication in newspapers is a costly and time taking affair. Moreover the reach of newspaper is low as compared to the website, which can be easily searched and accessed any time any where. In case of MCL the e-Tenders are not only published on the MCL e-Procurement portal but also mirrored automatically in the Central Public Procurement Portal. This portal is frequently visited by all potential bidders since all Govt Tenders are expected to be published on this portal. The prospective bidders enrolled on the e-Procurement portal receive system generated e-mail and SMS once a tender is published depending on their enrolled preference for such category of tenders.

5. **System generated automatic communications**: Earlier the all the communications to the Bidders were through manual modes like Letters sent by Regd Post, Speed Post or by Courier. These modes of communications not only consume more time but also prone to failure due to some reason or other. Since this was a manual activity, it was subject to mistakes, errors, omissions and commissions. However after implementation of eProcurement, the communication has been automated through system generated e-mail and SMS.

6. **Clandestine Tender process**: During the time of manual tendering, all the Notes, Bids and Evaluation process was confound to physical files. The person in possession of the file had full information and all others were in dark. If the file is misplaced then it was extremely difficult to rebuild the record if a duplicate record is not maintained. Tenders finalisation process were lacking adequate transparency. Now with the advent of e-Procurement system, all tender related information are available in a transparent and systematic manner on the portal.

7. **Tender data analysis**: It was earlier very difficult to compile, analyse and manage the huge number of manual tenders published by various officials. However the e-Tenders published on e-Procurement portal are now available for monitoring, control and analysis for timely finalisation and to bring about regular improvements. Tender Inviting Authorities are now able to verify the rates quoted by different bidders for similar tenders.

8. **e-Payments**: All the payments made to the bidders were earlier in conventional modes like Cheque and Demand Draft. These modes are very inconvenient, slow, inefficient and prone to inefficiencies due to human factor in the process. However MCL has switched to electronic modes of payment which are fast efficient and economic.
9. **Auto-refund of EMD**: The refund of EMD to unsuccessful bidders was earlier a time taking process involving lot of human efforts. Huge EMDs used to be pending with MCL which was telling upon the goodwill of the company. About a year back MCL implemented an excellent system for automatic refund and resettlement of EMD. With the implementation of this system the EMD is refunded back to the bidder automatically within 24 hours of rejection of bid.

10. **Error free computation**: MCL has implemented an e-Procurement system which has very high level of automation. Thus the manual efforts, errors, mistakes and subjective judgements in tender process have been drastically reduced.

11. **Faster decision making**: There is common saying that Delay breeds corruption. Earlier in the manual system the tender finalisation used to take more than 120 days on average. After implementation of e-Procurement process this time has been drastically reduced and tenders are now finalised quickly. This indirectly helps to control undesirable elements.

12. **Bid Data in Structured Objective format**: System forces the Bid information to given in certain pre-defined structured objective format thereby reducing the ambiguity and confusion.

13. **Clarifications**: Bidders are now able to seek clarifications of the any of the tenders within the stipulated time without disclosing their identity.

14. **Standard Operating Procedure**: Well defined procedures, manuals and standard NITs has helped MCL to implement standard procedures and consistent tender process

In MCL e-Procurement has helped in reducing the procedural inefficiencies and brought a discipline in the process of procurement which has helped in curbing the apprehended corrupt practices in procurement. It can be presented as a role model for all other PSUs and Govt Departments

***********
No. MCL/SBP/Vig./[Circular]/2014/350 Date : 04.03.2014

During the random scrutiny of procedure adopted by different Projects/Units for tendering/procurement of material for rupees amounting to less than 2 lakhs, the following lapses were noticed:

1. All running Tender/Quotation call notices were not properly displayed.
2. Notice Boards, in some case, were found to be unlocked.
3. Even if the Notice Board had been found in locked condition, the key was found to be in the custody of the concerned department whereas the key should have been under the custody of the Security Guard.
4. Register to be kept inside the Notice Board for noting the starting date of display and subsequent removal of each notice was found to be missing in most Projects/Units.
5. In Local Purchase proposals, Last Purchase Rate (LPR) was not being taken from respective Stores. Instead, proposals were moved on the basis of Last Local Purchase Rate kept by the respective departments.
6. In repairing jobs, N/A from Workshops and N/A from Store for the material to be provided by the contractor for repairing, were not being taken.
7. In few case, it was found that against a particular job, the Tender Opening Register had not been signed by all the Committee Members even after the issue of Work Order for the said job.

The above lacunae have been viewed very seriously by the CVO, MCL. In this regard, I have been directed to communicate that immediate corrective measures is required to be taken to prevent such irregularities in future, or else appropriate disciplinary action shall be initiated if the above lacunae are found during subsequent field inspections.

Sd/-
Dy.GM(Vig.)

The system improvement in this section has been done in the Company as a result of reference from Vigilance Department, MCL.
During field inspection by Vigilance Functionaries, it was found out that several road sale trucks were going for re-loading without proper authorization after finding out that there was further scope of loading to reach the level of 'permissible limit'. In absence of any authorization, it was observed that any truck after getting the “Transit Pass” may also go for re-loading. Again there are instances which came to our notice where few trucks were found illegally loading coal manually from stock after getting the Transit Pass.

In order to prevent such occurrence/incidences, it is advised that in case of re-loading, the WB clerk should send a written communication to the Loading Supervisor in this regard for allowing re-loading and also to ensure that after getting the Transit Pass, truck should not be allowed to park near any stock and the route to the exit should be such that it does not allow any truck to approach any stock in between.

This issues with the approval of the competent authority for incorporating necessary changes in the ‘Code Practice of Road Sale Vehicle’.

Sd/-
Dy.GM(Vig.)

The system improvement in this section has been done in the Company as a result of reference from Vigilance Department, MCL.
A complaint was received in this office which alleged that the Tis Cogs supplied by one supplier under different supply orders to one of Underground Areas of the company did not conform to the DGMS Technical Circular No. 2 dated 03.06.2010.

The matter was investigated by this office and it was observed that the Test Certificate supplied by the Supplier does not fully cover the requirement. Further, the 'Marking' as per the above DGMS Circular on the body of the supplied Tis Cogs was missing. It was the duty and responsibility of the 'Inspection Authority' to point out the above deficiencies before accepting the material. But in this case, the 'Inspection Authority' failed to discharge his duty properly and accepted the materials.

In view of the above, two Inspecting Authorities were imposed with Minor Penalty of 'Censure'.

CVO, MCL made the following observation on the aforementioned irregularities:

"It is worthwhile to mention here that during investigation of the instant case, it has come to light that the awareness and proper education amongst persons actually working in field and dealing with these matters is very poor. DGMS, instead of issuing approval certificate, is now only prescribing the standard of the material and thus the onus of ensuring the proper standard falls directly on the user industry. Further, the language in DGMS circulars in certain cases are a bit complex and may sometime leads to confusion/ different conclusion. In this connection, it is felt that the Internal Safety Organization of MCL has not done anything in this regard."

Based on the above observation, CMD, MCL directed the following:

1. “ISO to conduct special training programmes in consultation with DGMS officials to create better awareness among all mining engineers and other statutory officials regarding safety aspects.

2. ISO should also conduct its own enquiries by becoming more proactive through more visits to the units. Lacunae if any should be immediately pointed out to both the Technical Directors.”

* The case study in this section arises out of the work done by Vigilance Department, MCL.
A complaint was received in the official mail of CVO, MCL regarding the restrictive eligibility criteria of E-Tender MCL/SBP/GM(TC)/NIT-690/2014/1094 dated 14.02.2014 compared to the eligibility criteria of CCL vide GM(CMC)/Piparwar/ 2014/108.

1. Though the complaint is related to a tender of composite work of extraction of coal by surface miner, loading and transportation, the complaint is basically against the restrictive nature of clause for loading and transportation work.

2. CIL Board in its 223rd meeting held on 29.09.2005 approved a few modifications of Contract Management Manual and Civil Engineering Manual. The relevant portion of modified provision relating to qualification criteria is reproduced below:

**Quote**

Transport Contract
Qualification of Tenderers – Clause – 3.3 of ITB (Instruction to Bidders)

To qualify for award of the contract –

a) The intending tenderer must have in its name as a prime contractor experience of having successfully executed works of similar nature (Such as transportation / Removal of coal / Overburden / shale / extraneous materials / sand etc.) valuing 65% of the annualized value of the work put to tender in any year during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited.

**Unquote**

The same has repeated in page no. 30 of the Contract Management Manual-chapter-III: Transport Contract Module uploaded in the CIL website.

3. Against the above backdrop, the present eligibility criteria of loading & transportation work of different subsidiaries of CIL are as follows:

<table>
<thead>
<tr>
<th>Subsidiary</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Coalfields Limited</td>
<td>The bidder must have in its name experience of having successfully executed works of similar nature (such as Transportation / Removal of Coal / Overburden / Shale / Extraneous materials / Sand / Rejects etc.).</td>
</tr>
<tr>
<td>South Eastern Coalfields</td>
<td>Similar nature work: In case of Loading &amp; / Transportation of coal contracts: Similar nature work means &quot;work of mechanical loading and unloading &amp; / transportation of coal /soil/ash/ any excavated material.</td>
</tr>
<tr>
<td>Central Coalfields Limited</td>
<td>The intending tenderer must have in its name of having successfully executed works of similar nature (Such as transportation / removal of coal / Overburden / shale / extraneous materials / sand etc.).</td>
</tr>
</tbody>
</table>
The intending tenderer must have in its name of having successfully executed works of similar nature (Such as transportation / removal of coal / Overburden / shale / extraneous materials / sand etc.).

Western Coalfields Limited

The intending tenderer must have in its name of having successfully executed works of similar nature (Such as transportation / removal of coal / Overburden / shale / extraneous materials / sand etc.).

Mahanadi Coalfields Limited

The definition of similar work shall be as follows: Loading of coal or any other minerals into railway wagons/tippers/trucks by mechanical means and transportation of excavated/stacked/crushed coal or any other minerals will be considered to be similar work.

4. The above table demonstrates that NCL, CCL, ECL & WCL adopted the above eligibility criteria of CIL Contract Manual but the criterion is different in case of SECL and MCL.

5. However, the CIL CMM eligibility criterion, if adopted in Toto has a few lacunae. For example, experience of "Removal of Coal" of a predetermined value is sufficient to be eligible for getting any transport contract. Thus, a bidder having removed coal by continuous miner from an underground mine might get eligible but that will violate the definition of similar work which is defined as the work executed where the scope is either the same or similar under similar circumstances.

Again considering the experience of OB removal for a purely transport contract is also debatable because the contract of OB removal is given under a single rate (say Rs.80/ Cum) which includes work like extraction of OB, its transport/ dumping, dozing, spreading, drilling, water spraying etc and thus the experience of transport part can not be segregated. Thus, in this case also, the definition of similar work is violated unless the bidder could provide the experience of segregated transport part.

6. Another explanation of CIL CMM provision is that it is illustrative in nature and one has to pick the correct option as per requirement. Whatever may be the cause, the MCL management in 2005 after the CIL board approval, constituted a committee consisting of the then CGM (Production), GM(F/Tax) & GM(TC). The committee formulated a draft model NIT which was approved by the then CMD, MCL on 13.11.2005. The relevant portion of the above model NIT is reproduced below:

**Quote**

**MEANING OF SIMILAR WORK:**

Similar work under Clause – 3.3 means similar work is defined as the work executed where the scope is either the same or similar under similar circumstances. For example, a tender for transportation of coal the experience of transportation of excavated/stacked/crushed/ coal or any other mineral only will be considered to be of similar nature. Transportation of consumer goods etc will not be considered. In case of composite contracts of say loading and transportation or extraction and loading, a break
up of experience for the two or more different operations will have to be submitted. A composite experience of both the operation without a break up will not be considered for evaluation. Similarly for 'transportation of sand', experience of transporting 'sand' only will be considered. Similarly for a tender for loading of coal into Railway Wagons/ Tippers/ Trucks, the experience of loading coal or any other mineral into Railway Wagons/ Tippers/ Trucks by mechanical means will only be considered.

FOR OB REMOVAL:

In this case, experience of excavation/ earth work including drilling, in all kinds of strata and dumping, dozing, spreading the same at specified places, will be treated as experience of similar nature.

FOR SURFACE MINER:

For extraction of coal by 'Surface Miner' or any other non-blasting means, experience of extraction of coal or any other mineral from a mine by Surface Miner or any other mineral from a mine by Surface Miner or other non-blasting means will only be considered.

However, the above eligibility criteria pertaining to Surface Miner work was modified in the 81st Boar meeting of MCL Board held on 26.06.2006 and the changed criteria was as follows:

(a) Evidence of possessing adequate working capital (at least 20% of the annualized value of the Surface Miner work) inclusive of access of line of credit and availability of other financial resources to meet the requirement.
(b) Ownership of a fleet of minimum 1/3rd of the tipping trucks/ trucks and equipment required for the annualized work.

Again, for composite tenders, the definition of similar works were modified as follows as per the note initiated by GM(TC) on 23.08.2010 and approved by D(T/P&P) on 24.08.2010:

1) In a composite tender of 'Extraction of coal/ coal measure strata by Surface Miner, Loading and transportation', the definition of similar work is:

   Loading of coal or any other minerals into railway wagons/ tippers/ trucks by mechanical means and transportation of excavated/ stacked/ crushed coal or any other minerals will be considered to be of similar work. However, if any bidder submits the value of experience of extraction coal/ coal measure strata by deploying Surface Miners, the same will also be considered for evaluation. Transportation of consumer goods etc will not be considered.

2) In a composite tender of Crushing of coal in Semi-mobile Crusher, Loading and transportation', the definition of similar work is:

   Loading of coal or any other minerals into railway wagons/ tippers/ trucks by mechanical means and transportation of excavated/ stacked/ crushed coal or any other minerals will be considered to be of similar work. However, if any
bidder submits the value of experience of crushing of coal in Semi-mobile crusher, the same will also be considered for evaluation. Transportation of consumer goods etc will not be considered.

3) In a composite tender of 'Mechanically gathering and transportation of sand', the definition of similar work is:

Transportation of excavated/ stacked/ crushed coal or any other minerals will be considered to be of similar work. However, if any bidder submits the value of experience of Mechanically gathering and loading of coal/ sand/ mineral, the same will also be considered for evaluation. Transportation of consumer goods etc will not be considered.

7. Further, GM (TC) intimated that the present definition of loading and transportation was finalized and approved on 13.11.2005 and thus it is in vogue for more than 8 years. Further, he intimated that 185 nos. tenders of worth more than Rs.3724.00 Crore has been finalized by MCL during this period on the basis of the above definition.

8. Also, the NIT-1094 against which the complaint has been lodged is composite work of Surface Miner and the definition of such work including the non-mandatory provision of experience of extraction by Surface Miner is in vogue from 23.08.2010 and till now MCL has finalized five (5) such composite work tenders worth Rs.590.58 Crores.

9. The complainant also informed that based on their appeal against restrictive eligibility criteria, ECL had cancelled their tender namely ECL/HQ/CMC/NIT/ transport/675 dated 03.01.2014. In support of their contention, they enclosed a copy of the appeal written by them to the CMD, ECL and GM (CMC), ECL. From the complaint, it has been observed that the party complained about the experience of crushing of coal as mandatory provision kept in said NIT. The tender was related to 'Crushing, Loading and Transportation of coal from Rajmahal coal stock yard to wharf wall railway siding near silo including loading of coal into railway wagons with allied works' and the eligibility criteria was as follows:

The intending tenderer must have in its name experience of having successfully executed works of similar nature (Such as transportation / removal of coal / Overburden / shale / extraneous materials / sand etc.) and crushing of coal by mobile crusher valuing............

The complainant raised objection regarding the provision of 'crushing of coal' part and ECL authority, after considering the matter, cancelled the tender and replaced the provision with 'crushing of coal or any other material'.

So, the complaint against ECL was against a different provision than that of MCL.

Based on the above analysis, the following was recommended:

1. The present PQ criterion was formulated in the year 2005 and since then it has not been re-visited and has become obsolete in the present context of global competition. Therefore, it should be re-visited at the earliest.
2. As far as eligibility criteria of loading & transportation work is concerned, SECL's criteria appears to be better as it is exhaustive, fair and facilitates fair competition.

3. While finalizing the PQ criteria one should keep in mind the circular instruction of CVC, New Delhi dated 17th December 2002 and 7th May 2004 wherein it has been clearly stated that PQ criteria should not be either very stringent or very lax to restrict/ facilitate the entry of bidders, as it gives considerable scope for malpractices, favouritism and corruption.

Based on the above observations, the definition of similar works for cutting, loading, transportation works has been re-visited by a Committee and based on the recommendation of the Committee, the following new definition was approved by the Competent authority and communicated to all concerned [see page No……].

* The case study in this section arises out of the work done by Vigilance Department, MCL.
Ref. No. MCL/SBP/GM (TC)/2014/ 21
Dt. 07.04.2014

To
The Chief General Manager
Lakhanpur Area

The General Manager
Jag. Area/Bharatpur Area/Hingula Area/Lingaraj Area
Kaniha Area/Talcher Area/IB Valley Area/Orient Area/B-G Area

Sub: Revised definitions of “similar works” for the works of coal loading/transportation, coal extraction, OB removal etc. for use as eligibility criteria for tenders at MCL.

Dear Sir,

It is to communicate that the revised definitions of “similar works” for the works of coal loading/transportation, coal extraction, OB removal etc. for use as eligibility criteria for tenders at MCL has been approved by CMD, MCL.

It is requested to ensure that the approved revised definitions of “similar works” are only used for all tenders for the related works that are published at Area level.

The details of the existing definition vis-a-vis approved revised definition for different nature of works are enclosed at Annexure-I.

This is for your kind information ncedul.

Enclosure: Annexure-I

Yours faithfully,

General Manager (TC), MCL

Copy for kind information to CMD/D(T/F&P)/D(T/OP), MCL

Copy to:
1. Dy. GM/HOD (Vig.), MCL
<table>
<thead>
<tr>
<th>Sl No</th>
<th>Nature of Work</th>
<th>Existing definition of “Similar Work”</th>
<th>Approved revised definition of “Similar Work”</th>
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<tbody>
<tr>
<td>1.</td>
<td>Coal Transportation by Tippers</td>
<td>Transportation of excavated/stacked/crushed coal/any mineral only will be considered to be of similar work. Transportation of consumer goods etc. will not be considered.</td>
<td>Transportation of excavated/stacked/crushed coal/any mineral/soil/ash/stone/rejects by Tippers/Trucks will be considered to be of similar work. Transportation of consumer goods etc. will not be considered.</td>
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<tr>
<td>2.</td>
<td>Coal Loading into Tippers and Transportation by Tippers</td>
<td>Loading of coal or any other minerals into railway wagons/tippers/trucks by mechanical means and transportation of excavated/stacked/crushed coal or any other minerals only will be considered to be of similar work. Transportation of consumer goods etc. will not be considered.</td>
<td>Loading of coal/any mineral/soil/ash/stone/rejects by Pay Loaders/Excavators into railway wagons/tippers/trucks.</td>
</tr>
<tr>
<td>4.</td>
<td>Extraction of Coal by Surface Miner</td>
<td>Work Experience for eligibility criteria is not required</td>
<td>Work Experience for eligibility criteria is not required</td>
</tr>
<tr>
<td>5.</td>
<td>Extraction of Coal by Surface Miner with Loading by Pay Loader and Coal/Reject Transportation</td>
<td>Loading of coal or any other minerals into railway wagons/tippers/trucks by mechanical means and transportation of excavated/stacked/crushed coal or any other minerals will be considered to be of similar work. In addition to the above, if any bidder submits the value of experience of Extraction of coal/coal measure strata by deploying Surface Miners the same will also be considered for evaluation. Transportation</td>
<td>Loading of coal/any mineral/soil/ash/stone/rejects by Pay Loaders/Excavators into railway wagons/tippers/trucks.</td>
</tr>
</tbody>
</table>

ANNEXURE-I
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
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<tr>
<td>6. OB Removal</td>
<td>Similar work is defined as the work executed where the scope is either the same or similar under similar circumstances. For example, for a tender for OB Removal, the experience of excavation/earth work including drilling, in all kinds of strata and dumping, dozing, spreading the same at specified places, will be treated as experience of similar nature.</td>
</tr>
<tr>
<td>7. Crushing by Semi-Mobile Crusher with Coal Loading into Tippers and Transportation by Tippers</td>
<td>Loading of coal or any other minerals into railway wagons/tippers/trucks by mechanical means and transportation of excavated/stacked/crushed coal or any other minerals will be considered to be of similar work. However, if any bidder submits the value of experience of crushing of coal in Semi-Mobile Crusher the same will also be considered for evaluation. Transportation of consumer goods etc. will not be considered.</td>
</tr>
<tr>
<td>8. Drilling</td>
<td>Similar work is defined as the work executed where the scope is either the same or similar under similar circumstances. For example, for a tender for drilling works, the experience of Drilling of holes in Coal/Overburden or Other similar strata only will be considered to be similar work.</td>
</tr>
</tbody>
</table>

of consumer goods etc. will not be considered. deploying Surface Miners the same will also be considered for evaluation. Transportation of consumer goods etc. will not be considered.

Similar work is defined as the work executed where the scope is either the same or similar under similar circumstances. For example, for a tender for OB Removal, the experience of excavation/earth work with or without drilling, in all kinds of strata and dumping, dozing, spreading the same at specified places, will be treated as experience of similar nature.
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Circular No. 18/12/12 dated 11.12.2012

Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis – reg.

The Commission has been emphasising on the need for observing integrity, transparency, fairness and equity in all aspects of decision making including in tendering and award of contracts. However, the Commission is still receiving complaints regarding adoption of non-transparent methods in tendering and award of contracts. A number of such complaints pertain to award of nomination (single source procurement) basis instead of following a process of open competitive bidding. The Commission in their earlier office order No. 23/7/07 dated 05.07.2007 (copy enclosed) had laid down the exceptional circumstances where ‘single source procurement’ can be resorted to. These guidelines were consequent to the Supreme Court’s judgement in case of Nagar Nigam, Meerut v/s A1 Faheem Meat Export Pvt. Ltd. [SLP (Civil) No. 1074 of 2006].

2. In view of the complaints being received regarding award of contracts on ‘nomination basis’ without adequate justification, the Commission has decided to reiterate their earlier instructions for strict implementation. The Commission has also observed that there have been instances where government organizations/PSUs obtain contract from other government organizations/PSUs and further award the same to private entities on ‘back to back tie up’ basis without competitive tendering mechanism and without any significant value addition by the procuring government organization/PSU. This practice subverts the Commission’s emphasis on integrity, transparency, fairness and equity in decision making. It is therefore, necessary to curb this practice. Further, the Commission directs that details of all tenders awarded on nomination basis shall be posted on website in public domain as per Commission's office order of 5th July 2007 along with brief reasons for doing so.

3. Kindly acknowledge the receipt and circulate to all concerned in your organization.

Sd/-
(J. Vinod Kumar)
Officer on Special Duty

CVC – Circular No. 06/07/12 dated 23.07.2012

Adoption of Integrity Pact-Standard Operating Procedure-reg.

In continuation of Commission’s circular No. 10/5/09 dated 18.5.09 laying down “Standard Operating Procedure” for adoption of integrity Pact in major Govt. Department/organizations, the Commission has decided to lay down age criteria for appointment of IEMs. Commission has therefore resolved that at the time of appointment as IEM, the person concerned should be less than 70 years of age. On completion of tenure of initial three years if age of 70 years has been crossed, further extension of two years will not be admissible.

2. Accordingly, new sub-para i.e. 5.10 under Para 5 of the Commission’s circular No. 10/5/09 dated 18.05.09 is added which may be read as under:
5.10 At the time of appointment as IEM the person should be less than 70 years of age. On completion of tenure of initial three years if age of 70 years has been crossed, further extension of two years will not be admissible.

Other provisions contained in Commission’s circular No. 10/5/09 dated 18.5.09 would remain unchanged.

Sd/-
(Madhu Sham)
Deputy Secretary

CVC – Circular No. 15/07/12 dated 30/07/2012

Revised threshold values for submission of Quarterly Progress Report – QPR

In supersession to the Commission’s earlier OMs on the subject, the threshold limits for reporting of the contracts in the QPR to the Commission, are revised as under:

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<th>Works/Contracts</th>
<th>Revised Value</th>
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<td></td>
<td>b) Turnkey Works Contracts</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) Stores &amp; Purchase</td>
<td>Rs.5 Crores &amp; above</td>
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<td></td>
<td>d) PPP- Public Private Partnership [Cost/Revenue values]</td>
<td></td>
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<tr>
<td></td>
<td>e) Sale of Goods/Scrap/Land</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>f) Electrical/Mechanical works/Maintenance/ Service contracts including Electronics/ Instrumentation/Telecommunication/ Manpower Supply, etc.</td>
<td>Rs.1 Crores &amp; above</td>
</tr>
<tr>
<td></td>
<td>g) Medical Equipment</td>
<td>Rs.50 lakh &amp; above</td>
</tr>
<tr>
<td></td>
<td>h) Consultancy contracts</td>
<td>Rs.1 Crores &amp; above</td>
</tr>
<tr>
<td>III</td>
<td>i) Horticulture Works</td>
<td>Rs.10 lakh &amp; above</td>
</tr>
<tr>
<td></td>
<td>j) Supply of Medicines</td>
<td>4 Largest Value Contracts</td>
</tr>
</tbody>
</table>

1. QPRs should be submitted both in softcopy (in MS Excel format) through e-mail at qpr_te.general@nic.in as well as hardcopy separately for each sub-category mentioned above. For contracts below the threshold value, CVO may conduct CTE type of inspections and intimate the outcome to the Commission through their regular monthly/quarterly reports.
2. The revised limits would come into effect from July-September 2012 Quarter onwards.
3. The Commission is in the process of ‘On-line’ submission of QPR. The detailed instructions on this would follow. Meanwhile, organizations are requested to make
necessary arrangement for on-line submission of QPRs and also documents (if called for). These facilities may be developed in next two months and confirmed to the Commission.

4. The following explanatory notes are for guidance regarding the QPRs.
   i) Civil works also include marine, mining, excavation and transportation works.
   ii) Electrical/Mechanical works also include air conditioning, fire fighting, fire alarm and all other allied works.
   iii) In case there are no works awarded more than the threshold value mentioned under each sub-category, 2 contracts with highest value in each of such sub-category should be reported. In case no contracts are awarded, “Nil” QPRs may be sent.
   iv) In case the orders are placed in foreign currency, the threshold limit would be determined based on conversion of foreign currency with Indian Rupee at the exchange rate defined in the tender documents. However the currency of payments may also be indicated as per the contract.
   v) Contracts awarded on Assignment/Nomination/Single Tender/OEM/OES/PAC (*) basis falling in the above categories shall also be reported.

   (*) OEM: Original Equipment Manufacturer
   OES: Original Equipment Supplier
   PAC: Proprietary Article Certificate
   vi) For furnishing the QPR related to Sale Contracts [sub-category-1 (e)], the QPR may also to indicate the value as per reserve price besides the sale price.
   vii) The organizations shall report all types of contracts irrespective of their role as Client/Owner or Engineer-in-Charge of the Contract or Project Management/Supervision Consultant.
   viii) All works whether in India or outside India in progress, contracts awarded and the works completed during the quarter shall be included in the QPR. In respect of works completed during the relevant quarter, the actual date of completion shall be indicated.
   ix) CVO to certify on the QPR that all the Works/Purchases/Consultancies and other contracts required to be reported as per circular have been included in the QPR.

5. In case of any doubt regarding threshold value or the type of contract, the CTE Organization of the Commission may be consulted.

6. The contents of the circular may be brought to the notice of all concerned.

Sd/-
( Ramesh Chandra )
Chief Technical Examiner

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Probit leads to Prosperity, Powersity leads to Adversity.
Adyasa Panda, Class-VIII-A, DAV Public School, MCL Bandhabahal.
CVC – Circular No. 12/06/12 dated 12/06/2012

Reporting of fraud cases to police/State CID/State police by Public Sector Banks.

In partial modification of Commission’s circular No. 30/08/10 dated 17.08.2010, it has been decided to enhance the threshold limit for reporting of Bank fraud cases by Local Police/State Police and CBI. Henceforth following monetary limits would be followed to refer financial fraud investigations to the BS&FC unit of the CBI and the Local/State police:

Cases to be referred to CBI

a) Cases of `3 crore and upto `15 crore:
   - Where staff involvement is prima-facie CBI (Anti-Corruption Branch) evident
   - Where staff involvement is prima-facie CBI (EOW Branch) not evident
b) All cases of `15 crore and above to BS&FC Unit of CBI

Cases to be referred to the Local/State Police

Cases below `3 crore - Local police/State police.

2. Other provision contained in Commissions circular referred above would remain unchanged.

3. Relevant provisions of para 6.3 of the Special Chapter on Vigilance Management in Public Sector Banks stands amended to the extent.

Sd/-
( Madhu Sham )
Deputy Secretary

CVC- Circular No. 03/01/12 dated 13/01/2012

Consideration of Indian Agents

Ref: Commission’s Circular Nos. 12-02-6-CTE/SPI(I)-2 dated 7.01.2003 and 21.04.2004

The Commission has been stressing on the need for observing transparency and determination of prices in a fair market competition while dealing with the tenders relating to procurement. The above OMs were issued to reduce the possibility of collusion and cartelization among the bidders so that competitive fair market price of the items of procurement can be determined.

2. A number of references have been received in the Commission citing certain specific situations and difficulties being faced in dealing with tenders. Therefore, the matter has been again examined by the Commission.

3. In supersession to the earlier OMs dated 7.01.2003 and 21.04.2004, Commission has decided that in all cases of procurement, the following guidelines may be followed:
Vigilance Bulletin

a) In a tender, either the Indian agent on behalf of the Principal/OEM itself can bid but both cannot bid simultaneously for the same item/product in the same tender.

b) If an agent submits bid on behalf of the Principal/OEM, the same agent shall not submit a bid on behalf of another Principal/OEM in the same tender for the same item/product.

4. The tender conditions may be carefully prepared keeping in view the above guidelines.

5. The receipt of these guidelines may please be acknowledged and circulated amongst the concerned officials for their information and guidance.

Sd/-
(J. Vinod Kumar)
Officer on Special Duty

CVC- Circular No.01/01/2012 dated 12/01/2012

Guidelines for compliance to Quality Requirements of e-Procurement Systems

Ref.: Commission’s Circular No. 23/06/010 dated 23/06/2010

Commission has been advocating leveraging of technology for activities prone to corruption since 2006 and one of the prominent initiatives was adoption of e-procurement for goods, works and services by all Ministries/Departments/Organizations. Commission advised all Organizations to ensure security of the e-procurement systems and to get their system certified by Department of Information Technology (DIT).

2. DIT in turn requested its attached office STQC (Standardisation, Testing and Quality Certificate) Directorate to establish necessary processes and systems to enable certification of e-Procurement systems. Accordingly, the guidelines prepared by STQC in this regard approved and notified by the DIT is available on egovstandards website [www.egovstandards.gov.in]. The guidelines are also available on Commission’s website www.cvc.nic.in (link-circular/instructions). All the Ministries/Departments/Organisations are advised to use these guidelines for compliance to Quality Requirements for certifying the e-Procurement systems.

Sd/-
(J. Vinod Kumar)
Officer on Special Duty

Transparency is an Attitude, Honesty needs Fortitude.
Swayam Prava Mishra,, Class-VII-A, DAV Public School, MCL Bandhabahal
CVC- Circular No.12/10/11 dated 28/10/2011

Applicability of CVC’s guidelines on post tender negotiations with regard to projects funded by World Bank and other international funding agencies like IMF, ADB etc.

Reference have been received seeking clarification whether the Commission’s guidelines contained in Circular No. 3(V)/99/9 dated 1st October 1999 are binding even for the projects which are funded by international funding agencies like World Bank, ADB etc.

2. Para 2 of the Commission’s Circular dated 1st October 1999 is reproduced as under:

“It has been decided after due consideration, that in so far as the World Bank Projects and other international funding agencies such as IMF, ADB etc. are concerned, the department/organizations have no other alternative but to go by the criteria prescribed by the World Bank/concerned agencies and the Commission’s instructions would not be applicable specifically to those projects. However, the instructions of the CVC will be binding on purchase/sales made by the departments within the country. The CVC’s instructions of 18/11/98 will apply even if they are made with source outside the country and if they are within the budget provisions and normal operations of the Department/Organization”.

3. It is clarified that the Commission’s guidelines would not be applicable in projects funded by the World Bank, ADB etc., if found to be in conflict with the applicable procurement rules of the funding agencies.

4. This may be brought to the notice of all concerned.

Sd/-
( J.Vinod Kumar )
Officer on Special Duty

CVC- Circular No.11/09/11 dated 12/09/2011

Recoveries arising out of intensive examination conducted by Chief Technical Examiner Organisation (CTEO) of the commission

Instances have come to notice that some organizations while notifying/effecting recoveries from the contractors bills indicate that the recoveries are consequent to the observations made by the CTEO.

In this connection, it may be noted that the contracts are primarily between the executing agency and the contractor. Any endorsements that the recoveries are being made at the instance of a third party could weaken the department’s case during arbitration or court proceedings. Further, the observations/advice of the Commission are required to be considered by the executing agencies in terms of the contract and recoveries are to be enforced as
admissible as per the conditions of the contract. The organizations are advised that justification / reasons for recoveries in line with contract clauses should be recorded while notifying / effecting recoveries from the contractors.

It is requested that these instructions may be notified to all concerned.

Sd/-
( Anil Singhal )
Chief Technical Examiner
Selection and employment of Consultants

The issue of role and professional liability of consultants in government contracts has been under consideration in the Commission for quite some time. The Commission has decided that following guidelines, be kept in view while finalising the contracts for engaging consultants.

1. **Conflict of Interest.** The consultant shall not receive any remuneration in connection with the assignment except as provided in the contract. The consultant and its affiliates shall not engage in consulting or other activities that conflict with the interest of the employer under the contract.

   The contract shall include provisions limiting future engagement of the consultant for other services resulting from or directly related to the firm’s consulting services in accordance with following requirements:

   (a) The consultants shall provide professional, objective, and impartial advice and at all times bold the employer’s interests paramount, without any consideration for future work, and that in providing advice they avoid conflicts with other assignments and their own interest. Consultants shall not be hired for any assignment that would be in conflict with their prior or current obligations to other employers, or that may place them in a position of being unable to carry out the assignment in the best interest of the employer. Without limitation on the generality of the foregoing, consultants shall not be hired under the circumstances set forth below:

   (i) **Conflict between consulting activities and procurement of goods, works or non-consulting services (i.e. services other than consulting services covered by these Guidelines)** - A firm that has been engaged by the employer to provide goods, works, or non-consulting services for a project, or any affiliate that directly or indirectly controls, is controlled by, or is under common control with that firm, shall be disqualified from providing consulting services resulting from or directly related to those goods, works, or non-consulting services. Conversely, a firm hired to provide consulting services for the preparation or implementation of a project, or any affiliate that directly or indirectly controls, is controlled by, or is under common control with that firm, shall be disqualified from subsequently providing goods, works, or services (other than consulting services covered by these Guidelines) resulting from or directly related to the consulting services for such preparation or implementation. This provision does not apply to the various firms (consultants, contractors, or suppliers) which together are performing the Contractor’s obligations under a turnkey or design and build contract.

   (ii) **Conflict among consulting assignments** - Neither consultants (including their personnel and sub-consultants), nor any affiliate that directly or indirectly controls, is controlled by, or is under common control with that firm, shall be hired for any assignment that, by its nature, may be in conflict with another assignment of the consultants. As an example, consultants assisting an employer in the privatization of public assets shall neither purchase, nor advise purchasers of, such assets. Similarly, consultants hired to prepare Terms of Reference (TOR) for an assignment shall not be hired for the assignment in question.
(iii) **Relationship with Employer’s staff** – Consultants (including their experts and other personnel, and sub Consultants) that have a close business or family relationship with a professional staff of the Employer (or of the project implementing agency) who are directly or indirectly involved in any part of: (i) the preparation of the TOR for the assignment, (ii) the selection process for the contract, or (iii) the supervision of such contract may not be awarded a contract, unless the conflict stemming from this relationship has been resolved in a manner acceptable to the Employer throughout the selection process and the execution of the contract.

(iv) **A consultant shall submit only one proposal**, either individually or as a joint venture partner in another proposal. If a consultant, including a joint venture partner, submits or participates in more than one proposal, all such proposals shall be disqualified. This does not, however, preclude a consulting firm to participate as a sub-consultant, or an individual to participate as a team member, in more than one proposal when circumstances justify and if permitted by the RFP.

(b) **Unfair Competitive Advantage** - Fairness and transparency in the selection process require that consultants or their affiliates competing for a specific assignment do not derive a competitive advantage from having provided consulting services related to the assignment in question. To that end, the Employer shall make available to all the short listed consultants, together with the request for proposals, all information that would in that respect give a consultant a competitive advantage.

2. **Professional Liability** – The consultant is expected to carry out its assignment with due diligence and in accordance with prevailing standards of the profession. As the consultant's liability to the Employer will be governed by the applicable law, the contract need not deal with this matter. The client (purchaser) may, however, prescribe other liabilities depending on the requirement in each case without any restriction on the Consultant's liability as per the applicable law.

The Commission desires that the above guidelines be brought into the notice of all concerned.

Sd/-

( J. Vinod Kumar )
Officer on Special Duty

Stop your acts man, which are corrupted & muddy.
Umarani Sahoo, Class-X, DAV School, Ananta Vihar, Talcher.
CVC – Circular No. 02/02/11 dated 17.02.2011

Mobilization Advance


2. The matter has been further reviewed and it has decided by the Commission that following additional guidelines may be followed in case of grant of Mobilization Advance.

(i) The Bank Guarantee etc. taken towards security of ‘Mobilization Advance’ should be at least 110% of the advance so as to enable recovery of not only principal amount but also the interest portion, if so required.

(ii) The mobilization advance should not be paid in less than two installments except in special circumstances for the reasons to be recorded. This will keep check on contractor misutilizing the full utilization advance when the work is delayed considerably.

(iii) A clause in the tender enquiry and the contract of cases providing for interest free mobilization advances may be stipulated that if the contract is terminated due to default of the contractor, the ‘Mobilization Advance’ would be deemed as interest bearing advance at an interest rate of _____%, (to be stipulated depending on the prevailing rate at the time of issue of NIT) to be compounded quarterly.

Sd/-
(Anil Singhal)
Chief Technical Examiner

CVC – Circular No. 01/02/11 dated 11.02.2011

Transparency in Tendering System

There have been instances where the equipment/plant to be procured is of complex nature and the procuring organization may not possess the full knowledge of the various technical solutions available in the market to meet the desired objectives of a transparent procurement that ensures value for money spent simultaneously ensuring upgradation of technology & capacity building.

2. The Commission advises that in such procurement cases where technical specifications need to be iterated more than once, it would be prudent to invite expression of interest and proceed to finalise specifications based on technical discussions/presentations with the experienced manufacturers/suppliers in a transparent manner. In such cases, two stage tendering process may be useful and be preferred. During the first stage of tendering, acceptable technical solutions can be evaluated after calling for the Expression of Interest (EOI) from the leading experienced and knowledgeable manufacturers/suppliers in the field of the proposed procurement. The broad objectives, constraints etc. could be published while calling for EOI. On receipt of the Expressions of Interest, technical discussions/presentations may be held with the short-listed manufacturers/suppliers, who are prima facie considered technically and financially capable of supplying the material or executing the proposed work. During these technical discussions stage the procurement agency may also add those other stake holders in the
discussions who could add value to the decision making on discussions/presentations so held, one or more acceptable technical solutions could be decided upon laying down detailed technical specifications for each acceptable technical solution, quality bench marks, warranty requirements, delivery milestones etc. in a manner that is consistent with the objectives of the transparent procurement. At the same time care should be taken to make the specifications generic in nature so as to provide equitable opportunities to the prospective bidders. Proper record of discussions/presentations and the process of decision making should be kept.

3. Once the technical specifications and evaluation criteria are finalized, the second stage of tendering could consist of calling for techno commercial bids as per the usual tendering system under single bid or two bid system, as per the requirement of each case. Final selection at this stage would depend upon the quoted financial bids and the evaluation matrix decided upon.

4. Commission desires that organizations formulate specific guidelines and circulate the same to all concerned before going ahead with such procurements.

Sd/-
(Anil Singhal)
Chief Technical Examiner

CVC- Circular No.34/10/10 dated 07/10/2010

Design Mix Concrete

During inspection of works of many organizations, it has been observed that provisions of IS 456:2000 are neither being followed for designing the concrete mix nor for acceptance criteria. Instances of acceptance of concrete on basis of false certification and without actually testing the cubes for 28 days strength have also been observed. The following deficiencies are brought to the notice of all organizations for immediate corrective action:

1. Minimum cement content, maximum water cement ratio and minimum grade of concrete for different exposures are not adopted as per the details given in Table 5 of above code.
2. Value of standard deviation is not being established on the basis of results of 30 samples as provided in Table 11 of the above code even for works where more than 30 samples have been tested.
3. For acceptance criteria mean of a group of 4 non overlapping consecutive test results is not being calculated.
4. The samples where individual variations are more than ± 15% of average of three specimens are not declared invalid as per the provisions of clause 15.4 of the Code.
5. The concrete is being declared meeting the acceptance criteria which is not in conformity of codal provisions.

Most of the organizations are not even aware about the amendment No. 3 of 2007 modifying clause 15.1.1 of IS 4656:2000. All organizations are directed to ensure that provisions of IS 456:2000 read with amendment No. 3 should be followed scrupulously for cement concrete and reinforced cement concrete. Non compliance of the provisions shall be viewed seriously.

Sd/-
(V.K. Gupta)
Chief Technical Examiner
CVC – Circular No. 31/08/10 dated 13.08.2010

Adoption of Integrity Pact – Standard Operating Procedure (SOP) – reg.

The Commission vide its circular No.10/5/09 dated 18.5.09 issued guidelines on “Standard Operating Procedure (SOP) for implementation of Integrity Pact in Ministries/Departments/Organisations. Section 6.02 of the SOP provides financial impact review through independent agency and physical review through an NGO.

2. The Commission has since reviewed the provisions contained in para 6.02 of the SOP and is of the view that it would be difficult to undertake a separate assessment on the impact of implementation of Integrity Pact in an organisation and has therefore decided to delete Section 6.02(i) & 6.02(ii) of the said circular. All organizations implementing IP would however, undertake a general review and assessment of implementation of IP and submit progress through CVO’s monthly report to the Commission.

Sd/-
(Vineet Mathur)
Director.

CVC – Circular No. 23/06/010 dated 23.06.2010

Leveraging of Technology for improving vigilance administration in the National E-Governance Plan.

The Commission observes that e-procurement software, security and implementation is a new area and needs improvement. E-Procurement provides a platform for the collaborative procurement of goods, works and services using electronic methods at every stage of the procurement process. The e-procurement platform transacts confidential procurement data and is exposed to several security threats. Department of Information Technology could be best placed to address issues relating to e-procurement. In order to ensure proper security of the e-procurement system all Departments/Organisations are advised to get their system certified by Department of Information Technology.

Sd/-
(Shalini Darbari)
Director.

Corruption make computer’s Company for Production.
It creates new ideas in the minds of the students Who are in the institutions.
Diptimayee Pani, Class-X, DAV Public School, Ananta Vihar, Talcher.
Vigilance Bulletin

CVC – Circular No. 21/05/10 dated 02.06.2010

Delay in initiating Disciplinary Proceedings.

During Intensive Examination of contracts/complaints by CTEO/CVC or CVOs of various organizations excess payments to the contractors have been observed which may be either due to ambiguity in the contract or misinterpretation of various clauses of the contract. In some of the cases variations in the contract clauses or specifications are allowed without financial adjustments, thus, giving undue benefit to the contractors.

2. In such cases, two-fold actions is normally recommended by CVC -
   (i) for identifying the officials responsible for making excess payments involving vigilance angle.
   (ii) to recover such excess payments from the contractors.

In number of cases contractors invoke arbitration to avoid such recoveries and in addition submit huge claims to deter the authorities from making recoveries. CVOs in such cases delay the process of identifying the officials citing reference to arbitration as an excuse and the organization also fails to affect the recoveries citing reference to arbitration by the contractor.

3. In view of the above, following directions are hereby issued:
   (a) Whenever, any excess payment is detected, it should be recovered from the contractor from the available amount at the first opportunity following due procedure prescribed in the contract, unless any stay has been granted by any Court.
   (b) Reference to arbitration should not be linked with investigation and for identifying the officials responsible for lapses/excess payment involving mala-fide intentions/vigilance angle. CVOs should immediately investigate the case to identify the officials for lapses attributable to them and should approach the Commission for first stage advice without any delay.

Sd/-
(V.K. Gupta)
Chief Technical Examiner

CVC – Office Order No. 19/05/10 dated 19.05.2010

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”.

Sd/-
(Vineet Mathur)
Director

CVC – Circular No. 18/04/2010 dated 26.04.2010

Implementation of e-tendering solutions – check list

Guidelines were prescribed in this office OM of even number, dated 17.09.2009, on the above-cited subject, advising organizations to take due care to see that effective security provisions are made in the system to prevent any misuse. It has been observed during security audit carried by CTEO that e-procurement solutions being used by some of the organizations lack security considerations as envisaged in the Commission's guidelines dated 17.09.2009. Some of the shortcomings/deficiencies are of repetitive nature.

A check list to achieve security considerations in e-Procurement solutions is enclosed for information. Organisations concerned may follow the same while implementing e-tendering solutions to address the security related concerns.

2. It is clarified that while ensuring fair play, transparency and open tendering procedure for e-tendering solutions, the organizations must take due care to see that effective security provisions are made in the system to prevent any misuse. In this regard, the guidelines on security related issues in e-tendering systems are enclosed for information. Organizations concerned may follow these guidelines while implementing e-tendering solutions to contain the security related loop holes.

Sd/-
(V. Ramachandran)
Chief Technical Examiner

Corruption is Pollution, Let’s pledge for its elimination.
Stuti Mishra, Class – XII, DAV Public School, Jagannath Area.
### CHECK POINTS TO ACHIEVE SECURITY CONSIDERATIONS IN E-PROCUREMENT SOLUTIONS

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>SECURITY CONSIDERATIONS</th>
<th>Please Tick</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Whether the application is secure from making any temporary distortion in the electronic posting of tender notice, just to mislead certain vendors?</td>
<td>Yes No</td>
</tr>
<tr>
<td>2.</td>
<td>If yes at 2 above, then whether any automatic systems alert is provided in the form of daily exception report in the application in this regard?</td>
<td>Yes No</td>
</tr>
<tr>
<td>3.</td>
<td>Whether application ensures that the tender documents issued to / downloaded by bidders are complete in shape as per the approved tender documents including all its corrigendum?</td>
<td>Yes No</td>
</tr>
<tr>
<td>4.</td>
<td>Is there any check available in the application to detect &amp; alert about the missing pages to the tenderer, if any?</td>
<td>Yes No</td>
</tr>
<tr>
<td>5.</td>
<td>Whether application ensures that all the corrigendum issued by the Competent Authority are being fully communicated in proper fashion to all bidders including those who had already purchased / downloaded the bid documents well ahead of the due date &amp; before uploading the corrigendum?</td>
<td>Yes No</td>
</tr>
<tr>
<td>6.</td>
<td>Whether system is safe from sending discriminatory communication to different bidders about the same e-tendering process?</td>
<td>Yes No</td>
</tr>
<tr>
<td>7.</td>
<td>Whether e-procurement solution has also been customized to process all type of tenders viz Limited / Open / Global Tenders?</td>
<td>Yes No</td>
</tr>
<tr>
<td>8.</td>
<td>Whether online Public Tender opening events feature are available in the application?</td>
<td>Yes No</td>
</tr>
<tr>
<td>9.</td>
<td>Whether facilities for evaluation / loading of bids, strictly in terms of criteria laid down in bid documents are available in the application?</td>
<td>Yes No</td>
</tr>
<tr>
<td>10.</td>
<td>Whether sufficient safeguards have been provided in the application to deal with failed attempt blocking?</td>
<td>Yes No</td>
</tr>
<tr>
<td>11.</td>
<td>Whether application is safe from submission of fake bids?</td>
<td>Yes No</td>
</tr>
<tr>
<td>12.</td>
<td>Whether encryptions of bids are done at clients end?</td>
<td>Yes No</td>
</tr>
<tr>
<td>13.</td>
<td>Whether safety against tampering and stealing information of submitted bid, during storage before its opening, is ensured?</td>
<td>Yes No</td>
</tr>
<tr>
<td>14.</td>
<td>Whether application is safe from siphoning off and decrypting the clandestine copy of a bid encrypted with Public key of tender opening officer?</td>
<td>Yes No</td>
</tr>
<tr>
<td>15.</td>
<td>Whether application is safe from mutilation / sabotage or otherwise rendering the encrypted bid in the e-tender box during storage, to make it unreadable / invalid in any form, before opening of the bids?</td>
<td>Yes No</td>
</tr>
<tr>
<td>16.</td>
<td>Whether introduction of special characters / executable files etc by users are restricted in the application?</td>
<td>Yes No</td>
</tr>
<tr>
<td>17.</td>
<td>Whether validity check of DSC is being done at server end?</td>
<td>Yes No</td>
</tr>
<tr>
<td>18.</td>
<td>Whether system supports the feature that even though if a published tender is being deleted from the application, system does not allow permanent deletion of the published tender from the Database?</td>
<td>Yes No</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>SECURITY CONSIDERATIONS</td>
<td>Please Tick</td>
</tr>
<tr>
<td>--------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>19.</td>
<td>Whether sufficient security features are provided in the application for authentication procedure of the system administrator like ID, password, digital signature, biometric etc?</td>
<td>Yes/No</td>
</tr>
<tr>
<td>20.</td>
<td>Whether audit trails are being captured in the application on media not prone to tampering, such as optical write once?</td>
<td>Yes/No</td>
</tr>
<tr>
<td>21.</td>
<td>Whether log shipping feature is available, where a separate dedicated server receives the logs from the application over a web service in real time?</td>
<td>Yes/No</td>
</tr>
<tr>
<td>22.</td>
<td>Whether integrity and non-tampering is ensured in maintaining the server clock synchronization &amp; time stamping?</td>
<td>Yes/No</td>
</tr>
<tr>
<td>23.</td>
<td>Whether application generates any exception report / system alerts etc to indicate the resetting of the clock, in case the application for time stamping is killed at the server level and time is manipulated?</td>
<td>Yes/No</td>
</tr>
<tr>
<td>24.</td>
<td>Whether application ensures that the quotes from various bidders with their name are not being displayed to any one including to the Organisation during carrying out of the e-reverse auctioning process?</td>
<td>Yes/No</td>
</tr>
<tr>
<td>25.</td>
<td>Whether application is fit for usage complying with the requirements of tender processing viz. Authenticity of tenderer, non-repudiation and secrecy of information till the actual opening of tenders.</td>
<td>Yes/No</td>
</tr>
<tr>
<td>26.</td>
<td>Whether any comprehensive third party audit (as per statutory requirement and also as per the requirements of e-tender processing (compliance to IT Act 2000)) was got conducted before first putting it to public use?</td>
<td>Yes/No</td>
</tr>
<tr>
<td>27.</td>
<td>Whether application complies with the Commission’s Guidelines dated 17.09.2009 on Security considerations for e-procurement Systems.</td>
<td>Yes/No</td>
</tr>
</tbody>
</table>

**CVC – Circular No. 17/04/2010 dated 19.04.2010**

**Integrity Pact – Selection and Recommendation of Independent External Monitors (IEMs).**

The Commission receives a number of requests for implementation of Integrity Pact in Government of India organizations and Public Sector Undertakings. Organizations desirous of implementing Integrity Pact are required to forward at most three names of Independent External Monitors along with the proposal to the Commission for its approval.

2. The Commission would consider names for appointment of Independent External Monitors of only those officers of Government of India departments or Public Sector Undertakings, who have retired from top management positions. The Commission would not consider the name of an officer / executive, who is either serving or who has retired from the same organization to be an IEM in that organization, although they may have served in the top management. Eminent persons, executives of private sector of considerable eminence could also be considered for functioning as Independent External Monitors and names recommended to the Commission for approval.
3. The appointment of Independent External Monitors would be for an initial period of three years and could be extended for another term of two years on a request received in the Commission from the organization appointing the Independent External Monitor. An Independent External Monitor can have a maximum tenure of 5 years in an organization with an initial term of three years and another term of two years.

4. Organizations recommending the names of Independent External Monitors are to select and forward the names to the Commission after due diligence and scrutiny.

Sd/-
(Vineet Mathur)
Director

CVC – Circular No. 01/01/10 dated 20.01.2010

Tendering Process – Negotiations with L1

Attention is invited to the Commission’s Circular No.4/3/07 dated 3.3.07 on the issued of “Tendering Process – Negotiations with L1”.

In the said circular it has, among other things, been stated “As post tender negotiations could often be a source of corruption, it is directed that there should be no post tender negotiations with L1, except in certain exceptional situations”. It has come to Commission’s notice that this has been interpreted to mean that there is a ban on the post tender negotiations with L1 only and there could be post tender negotiations with other than L1 i.e. L2, L3 etc. this is not correct.

It is clarified to all concerned that – there should normally be no post tender negotiations. If at all negotiations are warranted under exceptional circumstances, then it can be with L1 (Lowest tenderer) only if the tender pertains to the award of work/supply orders etc. where the Government or the Government company has to make payment. However, if the tender is for sale of material by the Government or the Govt. company, the post tender negotiations are not to be held except with H1 (i.e. Highest tenderer) if required.

2. All other instructions as contained in the circular of 3.3.2007 remain unchanged.

3. These instructions issue with the approval of the Commission and may please be noted for immediate compliance.

Sd/-
(V. Ramachandran)
Chief Technical Examiner

जमा है भारतीय धन विदेशी खातों में, जो नहीं आएगा वापस बातों बातों में !
उस धन को वापस लाना होगा, भ्रष्टाचार को देश से मिटाना होगा !!!!
अगर करना है देश का उपकार, तो बन्द करो भ्रष्टाचार !!!!
Sakshi Sahu, Class – XI, DAV Public School, Jagannath Area.
CVC – Circular No. 31/10/09 dated 09.11.2009

Review of Purchase Preference Policy for Products and Services of Central Public Sector Enterprises (CPSEs) in view of the judgement of the Supreme Court of India in the matter of M/s. Caterpillar India Pvt. Ltd. v/s. Western Coalfields Ltd. and Ors dated 18.5.2007.

The Department of Public Enterprises has issued guidelines vide O.M. No.DPE/13(15)/2007-Fin. Dated 21.11.2007 on the subject cited above which reiterates DPE’s earlier guidelines dated 18.07.2005. Further, it also provides that Preferential Policy framed for the specific sectors by the concerned Ministry/Department within relevant Act of Parliament or otherwise don’t come within the purview of these guidelines. However, the DPE OM Dated 21/11/2007, lays down that the concerned Ministry/Department may independently evolve/review preferential policies for the sectors of their concern as per their requirement. A copy of DPE’s O.M dated 21/11/2007 is enclosed for reference.

2. The Commission has desired that if any Ministry/Department has evolved a Purchase Preference Policy pursuant to the DPE Guidelines, the same may be brought to the notice of the Commission.

Sd/-
(Shalini Darbari)
Director

CHAPTER VI
PRICE/PURCHASE PRERERENCE

12. DPE/Guidelines/VI/12

Review of Purchase Preference Policy for Products and Services of Central Public Sector Enterprises (CPSEs) in view of the judgement of the Supreme Court of India in the matter of M/s. Caterpillar India Pvt. Ltd. v/s. Western Coalfields Ltd. and Ors dated 18.5.2007.

The undersigned is directed to refer to this Department's O.M. no.DPE.13(12)/2003-Fin. Vol.II dated 18.7.2005 regarding extension of Purchase Preference Policy for Products and Services of CPSEs for a further period of three years beyond 31.3.2005 with certain modifications.

2. The Supreme Court of India in its judgement in the transferred Civil Petitions of 2004 from the different High Courts in the matter of M/s. Caterpillar India Pvt. Limited v/s Western Coalfields Limited and Ors. Observed that imposing a condition like purchase preference no option is left and a monopoly is being created. Any increase in the effectiveness of PSEs cannot be done on a uniform basis without examination as to whether such protection is necessary for a particular PSE. Further, it has to be examined on a case to case basis as to whether any differential treatment is called for. There may not be any competition left if 10% margin is allowed. It was also contended that the preference should be given PSE specific and the margin to be allowed should be examined rationally. Because the substitution of the word ‘may’ by ‘will’ there is essentially a reversal of the policy. While giving this judgement, the Supreme Court also expressed its views which inter-alia includes the following:
(a) Industry-wise assessment to be done by the concerned Ministries and in case of cost effectivenes is achieved by any PSEs there may not be any need for extending preference to such PSEs. Such examination should be done on the line as to whether any preference is at all called for and the extent of margin of preference to be allowed, which would also ensure level playing field for others. Further, while splitting the tenders, the minimum quantity/amount should be so fixed as to ensure that it is rational and there is no element of uncertainty. In other words, there should not be any rigid/inflexible purchase preference policy without examination as to whether such protection is necessary for a particular PSE.

(b) Present practice of allowing uniform margin of 10% over the L-1 bidder, as purchase preference to CPSEs, has to be reviewed and margin should be fixed PSE specific by the concerned Ministry on a rotational basis;

(c) The overall impact of such preference to be allowed on foreign direct investment has also to be assessed/considered.

The Supreme Court through its judgement dated 18.5.2007 interalia directed that the exercise, as noted above shall be undertaken by the concerned Ministry of the Central Government within a period of 4 months from the date of the judgement.

3. In view of the above mentioned judgement of the Supreme Court of India, the Government again reviewed the Purchase Preference Policy for Products and services of Central Public sector Enterprises on 25.10.2007 and decided to reiterate its decision dated 30.6.2005 that the purchase preference policy will be terminated with effect from 31.3.2008. The Government also decided that the preferential purchase policies framed for the specific sectors by the concerned Ministries/Departments within relevant Act of Parliament or otherwise do not come within the purview of this decision. The concerned Ministry/Department may independently evolve/review preferential policies for the sectors of their concern, as per their requirement.

4. All the administrative Ministries/Departments are requested to take note of the above mentioned decision of the Government and also bring it to the notice of the CPSEs under their administrative control for information and necessary compliance.

(DPE OM No.DPE/13(15)/2007-Fin dated 21st November 2007)
CVC – Circular No. 29/9/09 dated 17.09.2009

Implementation of e-tendering solutions

Guidelines were prescribed in this office OM of even number, dated 13/01/2009, on the above-cited subject, advising organizations to follow a fair, transparent and open tendering procedure, to select the application service provider for implementing their e-tendering solutions.

2. It is clarified that while ensuring fair play, transparency and open tendering procedure for e-tendering solutions, the organizations must take due care to see that effective security provisions are made in the system to prevent any misuse. In this regard, the guidelines on security related issues in e-tendering systems are enclosed for information. Organizations concerned may follow these guidelines while implementing e-tendering solutions to contain the security related loop holes.

Sd/-
(V. Ramachandran)
Chief Technical Examiner


Intensive examination of CTE – Steps for early finalization of pending vigilance references with CVOs- reg.

The Chief Technical Examiner’s Organisation of the Commission conducts independent technical examination of various types of works/contracts/procurements awarded by the organizations, falling within the jurisdiction of the Commission. After intensive examination of the work is carried out by the CTE’s organization, an inspection report is sent to the CVO. The CVO is required to obtain comments of various officers of the organization at appropriate levels and furnish the same to the CTE alongwith CVOs comments thereon. In cases, wherein, the CTE recommends investigation of the matter from a vigilance angle, the CVO of the organization is required to investigate and submit a report/reference to the Commission.

2. On a review of the pending CTE paras referred for vigilance investigation to the various CVOs, the Commission observes that a large number of references are pending for submission of reports with the CVOs inordinately. Another factor which contributes to the delay is absence of clarity and also incomplete/inconclusive reports/references made by CVOs. In order to sort out the long pending paras referred for vigilance investigation with the organizations and to appreciate the perceived vigilance angle in such references of CTE, the CVOs of the organizations may consider arranging interactive discussions with the CTE either at Delhi or during the visit of CTE at various stations for guidance in the matter of preparing vigilance investigation reports.
3. The organization-wise list of pending vigilance references of CTE is enclosed as Annexure ‘A’. The CVO’s concerned may take further necessary action as suggested in para 2 above expeditiously.

Sd/-
( V.K. Gupta )
Chief Technical Examiner

Guidelines on Security considerations for e-procurement System

1.0 E-Procurement System

E-procurement provides a platform for the collaborative procurement of goods, works, and services using electronic methods at every stage of the procurement process. The e-procurement platform transacts confidential procurement data and is exposed to several security threats. Agencies worldwide face threats to their online e-procurement platforms, and the same are addressed by employing a combination of security features and security best practices, which result in reduced threat of data loss, leakage, or manipulation.

2. Security of e-Procurement system.

2.1 Security of e-procurement system is essentially an amalgamated output of Security of Infrastructure, Application, and Management. Assuming the management issues are taken care of, the following aspects of Infrastructure and Application are essential to have a fairly secure e-procurement.

2.2 Security Infrastructure level:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Best Practices to achieve security considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authentication</td>
<td>Network authentication through deployment of password policy for accessing the network resources. To minimize unauthorized access to the e-procurement system at system level.</td>
</tr>
<tr>
<td>Monitoring</td>
<td>Deployment of logging at OS/network level and monitoring the same.</td>
</tr>
<tr>
<td>Secure configuration of the network host</td>
<td>The security of individual servers &amp; workstations is a critical factor in the defence of any environment, especially when remote access is allowed. Workstations should have safeguards in place to resist common attacks.</td>
</tr>
<tr>
<td>System patching</td>
<td>As the vulnerability of the system are discovered almost regularly and the system vendors are also releasing the patches.</td>
</tr>
<tr>
<td></td>
<td>It is expected the host are patched with latest security updates released by the vendors.</td>
</tr>
<tr>
<td>Control of malware</td>
<td>Suitable control like anti-virus, anti-spyware ext. should be deployed on the host associated with e-procurement system. However, option for running the services at non-privileged user profile may be looked for. Otherwise, suitable operating system which is immune to virus, Trojan and malware may be deployed.</td>
</tr>
</tbody>
</table>
2.3 Security at Application level:

### 2.3.1 Security during design.

<table>
<thead>
<tr>
<th>Issues</th>
<th>Best Practices to achieve security considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authentication</td>
<td>The authentication mechanism of the e-procurement application should ensure that the credentials are submitted on the pages that are server under SSL.</td>
</tr>
<tr>
<td>Access Control</td>
<td>The application shall enforce proper access control model to ensure that the parameter available to the user cannot be used for launching any attack.</td>
</tr>
<tr>
<td>Session management</td>
<td>The design should ensure that the session tokens are adequately protected from guessing during an authenticated session.</td>
</tr>
<tr>
<td>Error handling</td>
<td>The design should ensure that the application does not present user error messages to the outside world which can be used for attacking the application.</td>
</tr>
<tr>
<td>Input validation</td>
<td>The application may accept input at multiple points from external sources, such as users, client applications, and data feeds. It should perform validation checks of the syntactic and semantic validity of the input. It should also check that input data does not violate limitations of underlying or dependent components, particularly string length and character set. All user-supplied fields should be validated at the server side.</td>
</tr>
<tr>
<td>Application logging and monitoring.</td>
<td>Logging should be enabled across all applications in the environment. Log file data is important for incident and trend analysis as well as for auditing purposes. The application should log failed and successful authentication attempts, changes to application data including user accounts, serve application errors, and failed and successful access to resources. When writing log data, the application should avoid writing sensitive data to log files.</td>
</tr>
</tbody>
</table>

### 2.3.2 Security during application deployment and use.

<table>
<thead>
<tr>
<th>Issues</th>
<th>Best Practices to achieve security considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Availability Clustering. Load balancing.</td>
<td>Depending on the number of expected hits and access the options for clustering of servers and load balancing of the web application shall be implemented.</td>
</tr>
<tr>
<td>Application and data recovery.</td>
<td>Suitable management procedure shall be deployed for regular back-up of application and data. The regularity of data backup shall be in commensurate with the nature of transaction / business translated into the e-procurement system.</td>
</tr>
<tr>
<td>Integrity of the Application control of source code. Configuration management</td>
<td>Suitable management control shall be implemented on availability of updated source code and its deployment. Strict configuration control is recommended to ensure that the latest software in the production system.</td>
</tr>
</tbody>
</table>
## 2.3.3 Security in Data storage and communication.

<table>
<thead>
<tr>
<th>Issues</th>
<th>Best practices to achieve security considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Encryption for data storage.</strong></td>
<td>Sensitive data should be encrypted or hashed in the database and file system. The application should differentiate between data that is sensitive to disclosure and must be encrypted, date that is sensitive only to tampering and for which a keyed hash value (HMAC) must be generated, and data that can be irreversibly transformed (hashed) without loss of functionality (such as passwords). The application should store keys used for decryption separately from the encrypted data. Examples of widely accepted strong ciphers are 3DES, AES, RSA, RC4 and Blowfish. Use 128-bit Keys (1024 bits for RSA) at a minimum.</td>
</tr>
<tr>
<td><strong>Data transfer security</strong></td>
<td>Sensitive data should be encrypted prior to transmission to other components. Verify that intermediate components that handle the data in clear-text form, prior to transmission or subsequent to receipt, do not present an undue threat to the data. The application should take advantage of authentication features available within the transport security mechanism. Specially, encryption methodology like SSL must be deployed while communicating with the payment gateway over public network.</td>
</tr>
<tr>
<td><strong>Access control.</strong></td>
<td>Applications should enforce an authorization mechanism that provides access to sensitive data and functionality only to suitably permitted users or clients. Role-based access controls should be enforced at the database level as well as at the application interface. This will protect the database in the event that the client application is exploited. Authorization checks should require prior successful authentication to have occurred. All attempts to obtain access, without proper authorization should be logged. Conduct regular testing of key applications that process sensitive data and of the interfaces available to users from the Internet Include both “black box” informed testing against the application. Determine if users can gain access to data from other accounts.</td>
</tr>
</tbody>
</table>
3.0 Some of the other good practices for implementers of e-procurement to achieve security considerations are as follows:

3.1 **Common unified platform for all department.**

A single platform to be used by all departments across a State / Department / Organisations reduces the threat to security of data. With a centralized implementation, where in the procurement data is preferably hosted and maintained by the State / Department / Organisations itself, concerns of security and ownership of data are well addressed. A common platform further facilitates demand aggregation of common items across State / Department / Organisations, and result in economies of scale.

3.2 **Public key Infrastructure (PKI) Implementation**

This is one of the most critical security features that are required to be implemented in order to establish non-repudiation and to ensure the security of the online system. Under the system, participating contractors and suppliers, as well as the departmental users, are issued a Digital Signature Certificate (DSC) by a licensed Certification Authority.

3.3 **Third Party Audit**

It is recommended that the implemented solution be audited by a competent third party at-least once a year.

Through the above-mentioned steps, the complete security of the system and the transacted data can be ensured and may be communicated to all concerned agencies.

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**CVC – Circular No. 22/08/09 dated 11.08.2009**

**Adoption of Integrity Pact – Periodical regarding**

The Commission in its various circular has emphasized the necessity to adopt Integrity Pact (IP) in Government Organizations in their major procurement activities. The Commission had also directed that in order to oversee the compliance of obligations under the Pact, by the parties concerned, Independent External Monitors (IEMs) should be nominated with the approval of the Commission, out of a panel of names proposed by an Organization.

2. Further, the Commission vide its circular No.10/5/09 dated 18.5.09 provided a review system for the CVOs wherein and internal assessment of the impact of Integrity Pact are to be carried out periodically and reported to the Commission. In this regard, it is clarified that such review should be on annual basis. The Organization which has adopted Integrity Pact may report compliance of review through monthly report.

3. This may be noted for future compliance.

Sd/-
(Shalini Darbari)
Director

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দৃষ্টি আকৃতি চালু কর্র হই, দৃষ্টি দ্বারা চিরি জাতি

স্রষ্টী দশম, কেশার ভুট্টা, মলনাষা সর্বশ্রেষ্ঠ রাজিীন চাহিে, দুধী
CVC – Circular No. 17/7/09 dated 14.07.2009

Posting of details on award of tenders/contracts on websites.

The Commission vide circulars dated 16.03.2005, 28.07.2005 and 18.04.2007 had directed all organisations to post on their web-sites a summary, every month, containing details of all the contracts/purchases made above a threshold value (to be fixed by the organisations) covering atleast 60% of the value of the transactions every month to start with on a continuous basis. CVOs were required to monitor the progress and ensure that the requisite details were posted regularly on respective websites, and also to incorporate compliance status in their monthly report to the Commission.

2. On a review of the status of implementation by the organisations, it is observed that some organisations have not adhered to the instructions and implemented the same. Further, such information being posted on the websites are not being regularly updated on a continuous basis by certain organizations and, in some cases, the information published is disjointed and not as per the prescribed format laid down by the Commission. It is also seen that a few organisations have placed such information on restricted access through passwords to registered vendors/suppliers etc. which defeats the basic purpose of increasing transparency in administration.

3. The Commission, therefore, while reiterating its aforementioned instructions would direct all organisations/departments to strictly adhere and post summary of details of contracts/purchases awarded so as to cover 75% of the value of the transactions without any further delay. Any failure on the part of the organisations on this account would be viewed seriously by the Commission.

4. All Chief Vigilance Officers should reflect the compliance status in their monthly reports to the Commission after personally verifying the same.

Sd/-
(Shalini Darbari)
Director

CVC – Circular No.10/5/09 dated 18.05.2009

Adoption of Integrity Pact – Standard Operating Procedure – req.

The Commission has formulated “Standard Operating Procedure” for adoption of Integrity Pact in major Govt. Department/organisations. A copy of the same is enclosed for information and necessary action.

Sd/-
(Shalini Darbari)
Director
Subject: Adoption of Integrity Pact – Standard Operating Procedure-reg.

1.0 Background

1.01 The Central Vigilance Commission has been promoting Integrity, transparency, equity and competitiveness in Government/PSU transactions and as a part of vigilance administration and superintendence. Public procurement is a major area of concern for the Central Vigilance Commission and various steps have been taken to put proper systems in place. Leveraging technology, especially wider use of the web sites for disseminating information on tenders, clearly defining the pre qualification criteria and other terms and conditions of the tender are some of the steps recently taken at the instance of the Commission. In this context, Integrity Pact (IP), a vigilance tool conceptualized and promoted by the Transparency International, has been found to be useful. The Commission has, through its Office Orders No. 41/12/07 dated 04.12.07 and 43/12/07 dated 28.12.07 and Circulars No. 18/05/08 dated 19.05.08 and 24.08.08 dated 05.08.2008 (copies appended), recommended adoption of Integrity Pact and provided basic guidelines for its implementation in respect of major procurements in the Government Organizations.

2.0 Integrity Pact

2.01 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.

2.02 Integrity Pact, in respect of a particular contract, would be operative from the stage of invitation of bids till the final completion of the contract. Any violation of the same would entail disqualification of the bidders and exclusion from future business dealings.

3.0 Implementation procedure:

3.01 Adoption of IP is voluntary for any organization, but once adopted, it should cover all tenders / procurements above a specified threshold value.
3.02 The threshold value for the contracts to be covered through IP should be decided after conducting proper ABC analysis and should be fixed so as to cover 90-95% of the total procurements of the organization in monetary terms.

3.03 Apart from all high value contracts, any contract involving complicated or serious issues could be brought within the ambit of IP, after a considered decision of the management.

3.04 The Purchase / procurement wing of the organization would be the focal point for the implementation of IP.

3.05 The Vigilance Department would be responsible for review, enforcement, and reporting on all related vigilance issues.

3.06 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.

3.07 IP should cover all phases of the contract, i.e. from the stage of Notice Inviting Tender (NIT)/pre-bid stage till the conclusion of the contract, i.e. the final payment or the duration of warranty/guarantee.

3.08 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.

3.09 Periodical Vendors’ meets, as a familiarization and confidence building measure, would be desirable for a wider and realistic compliance of the principles of IP.

3.10 Information relating to tenders in progress and under finalization would need to be shared with the IEMs on monthly basis.

4.0 **Role/Functions of IEMs:**

4.01 IEM would have access to all Contract documents, whenever required. Ideally, all IEMs of an organization should meet in two months to take stock of the ongoing tendering processes.

4.02 It would be desirable to have structured meeting of the IEMs with the Chief Executive of the organization on a monthly basis to discuss/review the information on tenders awarded in the previous month.

4.03 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 and the Commission, in case of suspicion of serious irregularities requiring legal/administrative action.

4.04 At least one IEM should be invariably cited in the NIT. However, for ensuring the desired transparency and objectivity in dealing with the complaints arising out of any tendering process, the matter should be examined by the full panel of IEMs, who would look into the records, conduct an investigation, and submit their joint recommendations to the Management.
4.05 The recommendations of IEMs would be in the nature of advice and would not be legally binding. 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.

4.06 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 or directed to him by the Commission.

5.0 Appointment of IEMs:

5.01 The IEMs appointed should be eminent personalities of high integrity and reputation. The Commission would approve the names of IEMs out of the panel of names, initiated by the organization concerned, in association/consultation with the CVO.

5.02 While forwarding the panel, the organization would enclose detailed bio-data in respect of all names proposed. The details would include postings before superannuation, special achievements, experience, etc., in Government sector. It is desirable that the persons proposed possess domain experience of the PSU activities or the relevant field with which they may be required to deal.

5.03 A maximum of three IEMs would be appointed for Navratna PSUs and up to two IEMs for others.

5.04 Organizations could propose a panel of more than three names for the consideration of the Commission.

5.05 Persons appointed as IEMs in two organizations would not be considered for a third organization.

5.06 For PSUs having a large territorial spread or those having several subsidiaries, there could be more IEMs, but not more than two IEMs would be assigned to one subsidiary.

5.07 Remuneration payable to the IEMs would be equivalent to that admissible to an Independent Director in the organization. This remuneration would be paid by the organization concerned.

5.08 The terms and conditions of appointment, including the remuneration payable to the IEMs, should not be included in the Integrity Pact or the NIT. They could be communicated individually to the IEMs concerned.

5.09 The normal term of appointment for an IEM would be 3 years, and it would be subject to renewal by the Commission thereafter.

6.0 Review System:

6.01 An internal assessment of the impact of IP shall be carried out periodically by the CVOs of the organizations and reported to the Commission.

6.02 Two additional reviews are envisaged for each organization in due course.

   (i) Financial impact review, which could be conducted through an independent agency like auditors, and
(ii) Physical review, which could be done through an NGO of tested credibility in the particular field.

6.03 It is proposed to include the progress in the implementation of IP in the Annual Report of the Commission. CVOs of all organizations would keep the Commission posted with the implementation status through their monthly reports or special reports, wherever necessary.

7.0 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.

Enclosures: All earlier guidelines, issued by the Central Vigilance Commission, on the subject.

CVC- Circular No. 01/01/09 dated 13/01/09
Implementation of e-tendering solutions

References are being received by the Commission regarding the methodology for selection of sole application service provider for the implementation of e-tending solutions in various organizations. The Commission has examined the matter and is of the view that all organizations should invariably follow a fair, transparent and open tendering procedure to select the application service provider for implementing their e-tendering solutions. The standard guidelines on tendering procedure should hold good the procurement of these services as well.

Sd/-
( Shalini Darbari )
Director

CVC – Circular No. 31/11/08 dated 06.11.2008
Time bound processing of procurement

The Commission has observed that at times the processing of tenders is inordinately delayed which may result in time and cost overruns and also invite criticism from the Trade Sector. It is, therefore, essential that tenders are finalized and contracts are awarded in a time bound manner within original validity of the tender, without seeking further extension of validity. While a short validity period calls for prompt finalization by observing specific time-line for processing, a longer validity period has the disadvantage of vendors loading their offers in anticipation of likely increase in costs during the period. Hence, it is important to fix the period of validity with utmost care.

2. The Commission would, therefore, advise the organizations concerned to fix a reasonable time for the bids to remain valid while issuing tender enquiries, keeping in view the complexity of the tender, time required for processing the tender and seeking the approval of the Competent Authority, etc., and to ensure the finalization of tender within the stipulated original validity. Any delay, which is not due to unforeseen circumstances, should be viewed seriously and prompt action should be initiated against those found responsible for non-performance.
3. Cases requiring extension of validity should be rare. And in the exceptional situations where the validity period is sought to be extended, it should be imperative to bring on record in real time, **valid and logical grounds**, justifying extension of the said validity.

4. These instructions may please be noted for immediate compliance.

Sd/-
(Shalini Darbari)
Director

CVC – Circular No. 24/08/08 dated 05.08.2008

Adoption of Integrity Pact in major Government Procurement Activities.

The Commission, vide its Circulars No. 41/12/07, dated 4.12.07 and 18/5/08 dated 19.5.08, has emphasized the necessity to adopt Integrity Pact (IP) in Government organizations in their major procurement activities. The Commission had also directed that in order to oversee the compliance of obligations under the Pact, by the parties concerned, Independent External Monitors (IEMs) should be nominated with the approval of the Commission, out of a panel of names proposed by an Organization.

2. As more and more organizations begin to adopt the Integrity Pact, several queries and operational issues have been raised. The Commission has examined these issues and suggested the following guidelines:

i) Adoption of Integrity Pact in an organization is voluntary, but once adopted, it should cover all tenders/procurements above a specified threshold value, which should be set by the organization itself.

ii) IP should cover all phases of the contract i.e., from the stage of Notice Inviting Tender (NIT)/pre-bid stage to the stage of last payment or a still later stage, covered through warranty, guarantee etc.

iii) IEMs are vital to the implementation of IP and at least one IEM should be invariably cited in the NIT. However, for ensuring the desired transparency and objectivity in dealing with the complaints arising out of any tendering process, the matter should be referred to the full panel of IEMs, who would examine the records, conduct the investigation and submit a report to the management, giving joint findings.

iv) A maximum of three IEMs would be appointed in Navratna PSUs and upto two IEMs in other Public Sector Undertakings. The organizations may, however, forward a panel of more than three names for the Commission’s approval. For the PSUs having a large territorial spread or those having several subsidiaries, the Commission may consider approving a large number of IEMs, but not more than two IEMs would be assigned to any one subsidiary.

v) Remuneration payable to the IEMs Directors in the organization.

vi) In view of limited procurement activities in the Public Sector Banks, Insurance Companies and Financial Institution, they are exempted from adopting IP.
3. It needs no reiteration that all organizations must make sustained efforts to realize the spirit and objective of the Integrity Pact. For further clarifications on its implementation or the role of IEMs, all concerned are advised to approach the Commission.

Sd/-
(Rajiv Verma)
Under Secretary

CVC – Circular No. 22/07/08 dated 24.07.2008

Referring cases of Procurement to the Commission

The Commission has noted a significant rise in the number of references made to it involving procurement at different stages. These relate to specific cases and are not generic in nature. Essentially they belong to the domain of managerial decision making and the matter needs to be decided at that level.

The Central Vigilance Commission and its Chief Vigilance Officers, as a matter of policy do not interfere in the process of decision making, which is a management function of the respective organization.

The Commission has issued various circulars/guidelines/instructions in order to promote transparency, improve competition and ensure equity among participants. However, if any organization faces difficulty in the application of any of the circulars/guidelines/instructions issued by the Commission, then it may approach the Commission bringing out the difficulties along with a proposed generic solution listing out the ingredients of the special circumstances for examination and review by the Commission. References of a general nature having elements of managerial decision making and concerning a particular procurement should be avoided.

Sd/-
(V. Ramachandran)
Chief Technical Examiner
Central Vigilance Commission

CVC – Circular No. 18/05/08 dated 19.05.2008

Adoption of Integrity Pact in major Government Procurement Activities – regarding.

The Commission vide its office order no. 41/12/07 dated 4/12/07 had circulated a letter no. 007/vgl/033 emphasizing the need to adopt Integrity Pact (IP) by government organizations in respect of their major procurement activities. The Commission had also directed that in order to ensure compliance with the obligations under the pact by the parties concerned, Independent External Monitors (IEMs) are to be appointed after obtaining approval of the Commission for the names to be included in the panel.

2. As the role of IEMs is very important in ensuring implementation of the IP, it is necessary that the persons recommended for appointment have adequate experience in the relevant fields and are of high integrity and reputation.

Technology When Involved, Corruption Won’t Thrive In Country.
Vishal Nair, Class – X, DAV Public School, Anand Vihar, Burla.
3. The Commission would, therefore, direct that the organizations, while forwarding the names of the persons for empanelment as IEMs should send a detailed bio-data in respect of the each of the persons proposed. The bio-data should, among other things, include the postings during the last ten years before the superannuation of the persons proposed as IEMs, in case the names relate to persons having worked in the government sector. The bio-data should also include details regarding experience older than ten years before superannuation of the persons proposed as IEMs, if they have relevant domain experience in the activities of PSUs where they are considered as IEMs.

This may be noted for future compliance.

Sd/-
(Rajiv Verma)
Under Secretary

CVC- Circular No. No. 9/2/08 dated 18/02/2008

Two day Work shop/ Seminar regarding IT Procurement held in June 2007 at Bank of India, Mumbai.

Minutes of the above seminar were circulated vide letter no 3/CTE (2) - VR/2007 dated 3.10.2007. It has come to the notice of the Commission that despite specific instructions / guidelines and booklets issued by the Commission from time to time, and the holding of an exclusive seminar referred to above for the benefit of the Bank's executives dealing with IT procurements along with respective CVO's, Bank officials do not appear to adhere to these instructions / guidelines as expected of them, which leaves room for various irregularities. As such Commission desires that you organize seminars/workshops and lecture classes at frequent intervals to keep the officials of the bank, particularly those dealing with procurement activities educated and updated regarding procurement procedures, CVC guidelines.

Instances have also come to the notice of the Commission indicating that a number of bank officials lack basic skills in computer operations and knowledge of the banking software. There is also a tendency on the part of senior officers to disclose their password to junior officials / staff for operating the system on their behalf, citing reasons, including work pressure and ignorance which you would appreciate is not acceptable. Therefore, there is an urgent need to impart proper training to such officers and staff at various levels particularly those working in the branches so that they have up-to-date knowledge of the computer system for day to day operations and are not dependent on their colleagues. You are, accordingly, advised to arrange such programmes for training on an on going basis for the benefit of bank officials. Please note to keep the Commission apprised of the steps taken in this regard and the progress so achieved.

Receipt of this communication may please be acknowledged.

Sd/-
(V. Ramachandran)
Chief Technical Examiner

Corruption ! Corruption ! leads to our destruction,
Plan the solution for this irritation,
Be awake Be savior, stop corruption like Tiger.
Somnath Garnaik, Class – X, DAV Public School, Jagannath Area.
Vigilance Bulletin

CVC – Office Order No. 07/02/08 dated 15.02.2008

Measures to curb the menace of counterfeit and refurbished IT products - regarding

With the increasing use of IT to leverage technology, a large number of Government organizations are either upgrading or in the process of procurement of new computer hardware and software. It is often difficult to know the difference between PC made of “Genuine Parts” and that made of “Counterfeit Parts”. It may also be the case often that while various organisations order and pay for brand new equipment, they end up getting an inferior PC with counterfeit and second hand/refurbished parts disguised as new in new/ original cabinets to various customers designated as consignees by the ordering agencies at the headquarters of these organizations who are ignorant or have little or no technical knowledge in the matter.

In effect, this amounts to the organisation not getting what they actually ordered and paid for. The supplies of such PC in the long run would defeat the very purpose of going for a new system. COUNTERFEITING is designed to cheat naive consumers/organizations.

This current circular is intended to help/ inform and enable due diligence as well as curbing the menace of counterfeit and refurbished IT products disguised as new.

As a first step, there is a need for all buyers in the Government Departments/ PSU to insist on a signed undertaking (sample format enclosed) from some authority not lower than the Company Secretary of the system OEM that would certify that all the components/parts/ assembly/software used in the Desktops and Servers like Hard disk, Monitors, Memory etc were original/new components/parts/assembly/software, and that no refurbished/duplicate/ second hand components /parts / assembly / software were being used or would be used, so that the buying organizations were not cheated and get the original equipments as ordered by them. Also one could ask for ‘Factory Sealed Boxes’ with System OEM seal to ensure that the contents have not been changed en route.

Following advisory checkpoints it is hoped shall help identify the fraudulent practices that have come to notice and help guard against spurious and refurbished/duplicate/ second hand components/parts/ assembly / software being received by purchasers and consignees who receive such goods and may not have much technical knowledge.

1. CPU. Buyers are cautioned against buying IT Hardware with remarked CPUs that are freely / readily available in the market today. Entry Level processors get Remarked / Over clocked and sold as high end processors. These CPUs, come disguised as higher clock speed processors (e.g. a Celeron CPU can be remarked as a P4 CPU) while their real clock speed may be lower. Since Operating System is loaded from CD bundled with Motherboard, the CD contains image of configured OS. Hence information as seen in ‘My Computer’ – ‘System Properties’ shall give deceptive information. In other words, a Celeron CPU remarked as a P4 CPU, shall be seen as a P4 CPU only.

Buyers should therefore, use various tool / utilities like the ‘CPU-Z’ Utility or the ‘sSpecNo.’ for ascertaining the real parameters of the CPU. Utility like CPU-Z (appox. 1.3 MB size) are available free on the web.
2. **Hard Disk**  IT Hardware with refurbished Hard Disks that are actually 2nd hand / repaired hard disks are readily available at low cost. In hard disk drives, the factory repaired hard disk drives, which are mainly used in the warranty replacements are substituted in the new machines. Same is the case observed with floppy drive and Optical disk drives many times. Most of the competent hard disk makers use a sticker on such hard disks sold by them that clearly distinguishes such hard disks from the fresh ones. For example, manufacturer ‘Seagate’ marks Green Border and label of “Certified Repaired HDD” to distinguish such disk drives from New Genuine HDD. There is No border or Refurbished label on genuine new HDD.

In addition to this, buyers may also use HDTUNE_210 Utility. This utility shall return Hard Disk Manufacturers’ Serial no. and Date of manufacturing of the Hard Disk. These parameters can be used to cross-verify with the hard disk vendor. Various Hard Disk vendors also put a date code on the hard disk. A mismatch between this date and the one returned by HDTUNE_210 Utility can also be viewed as tampering with the actual information of the hard disk.

3. **Monitors.** IT Hardware with refurbished Monitors that are actually 2nd hand / repaired monitors are given a “new look” by changing the body, with internal components remaining “old / repaired”. These CRT monitors are usually discarded from developed countries like US and Europe. There are also B Grade (New but Low Quality) CRT Monitors used in place of new monitors. Many times these can be distinguished by opening the cabinet body and noticing that the label on the tube does not carry various certifications and there are scratch marks on the tube. While ‘Genuine’ Picture Tubes have all mandatory Certifications, ‘Counterfeit’ Picture Tubes would not have these certifications. Certification gives an assurance of Reliability.

Further many such cathode ray tubes (Picture Tubes) are found to need extra magnets to achieve focusing and earthing also is missing. Genuine Monitors rely on ‘Yoke Coil’ alone to focus electronic beam. Counterfeit Monitors typically require Numerous Magnetic Strips in addition to Yoke Coil to focus electronic beam. Further, ‘Earthing’ and ‘Shielding’ provide ESD (Electro Static Discharge) protection. Genuine Picture Tubes have proper “Earthing and Shielding”. Earthing and Shielding is compromised in counterfeit Picture Tubes to reduce cost.

In ‘B’ Grade LCD Monitors, panels used are B grade in which the number of spots may be higher, response time & brightness of lower specs than what is stated.

Above monitors are all available at low cost.

The “Signed Undertaking” as suggested shall serve as a deterrent and as a safeguard to ensure that bidders are not fleecing them by supplying such monitors.

4. **Operating System.** Purchasers should check the IT Hardware supplied (randomly selected IT Hardware) for Certificate of Authenticity (COA) pasted on the PC for product serial number and OEM’s / Supplier’s name to be printed on it. In Operating systems, pirated OS software with fake Certificates of Authenticity are used by some suppliers to cut costs. They look as good as the real ones. In PCs, counterfeiters buy legitimate software and copy the box design and packaging. Using sophisticated and expensive copiers, many copies of illegal CDs are created in a day. Purchasers should guard against buying IT Hardware with pirated copies of Operating Systems. Such Operating Systems, though, available at low prices, do not have the updated patches and security features that help safeguarding the PC and also improve its lifespan. Purchasers, therefore, may use the standard testing procedures (randomly on randomly selected IT Hardware) available on the following URL for ascertaining the in authenticity of the operating system installed on their PC:
Microsoft provides an inbuilt tool to diagnose the “Genuineness of its Operating System”. One could go to ‘My Documents’, and ‘Help’, from where one shall get step by step instructions to find out whether the windows installed is genuine.

5. Mechanical Keyboards: Fake mechanical keyboards that are partially mechanical, with only the key plunger being that of a real mechanical keyboard and rest of the keyboard features remaining the same as those of membrane keyboard are being passed on as true mechanical keyboards. While these keyboards are available at low prices, they do not offer the robustness and long key-stroke life expected of a real mechanical keyboard. Real Mechanical Keyboards are expected to have Keystroke life of 50 Million as against 10 million for Membrane and Semi-Mechanical Keyboards. In case of bulk orders, it is recommended to physically examine a few keyboards for their construct to ascertain the genuineness of their being real mechanical keyboards.

6. Low Quality Memory Module – Memory chips are remarked or downgraded wafers are plastic packed under unknown brands or remarked with names of well known brands. Such memory modules have lower performance levels. It is better to go in for proven reputed brands such as Kingston, Transcend, Corsair, Samsung and Hynix to name a few available in the market.

7. Fraudulently Marked SMPS – In power supplies, wrong marking of the wattage is done. The power supplies do not carry all required certifications. While ‘Genuine’ Power supplies carry all mandatory certifications, in counterfeit Power supplies these certifications shall be found missing. Further Short circuit & over voltage protection circuitry could be missing in counterfeit Power Supply to reduce cost.

8. Counterfeited Consumables – Counterfeited consumables such as printer cartridges etc are used which are refilled with ink of poor quality leading to poor performance and clogging, smudging in printers etc. It is advisable to buy such consumables from OEM authorized suppliers or distributors to ensure quality and longevity of the printer equipment.

Sd/-
(V. Ramachandran)
Chief Technical Examiner
Central Vigilance Commission

Annexure: Model Undertaking of Authenticity form

Sub: Undertaking of Authenticity for Desktops and Server Supplies

Sub: Supply of IT Hardware/Software -- Desktops and Servers
Ref: 1. Your Purchase Order No. -----------dated-------.
2. Our invoice no/Quotation no. ---------dated-------.

With reference to the Desktops and Servers being supplied /quoted to you vide our invoice no/quotation no/order no. Cited above, ----
We hereby undertake that all the components/parts/assembly/software used in the Desktops and Servers under the above like Hard disk, Monitors, Memory etc shall be original new components/parts/ assembly /software only, from respective OEMs of the products and that no refurbished/duplicate/ second hand components/parts/ assembly / software are being used or shall be used.

We also undertake that in respect of licensed operating system if asked for by you in the purchase order, the same shall be supplied along with the authorised license certificate e.g. Product Keys on Certification of Authenticity in case of Microsoft Windows Operating System) and also that it shall be sourced from the authorised source e.g Authorised Microsoft Channel in case of Microsoft Operating System).

Should you require, we hereby undertake to produce the certificate from our OEM supplier in support of above undertaking at the time of delivery/installation. It will be our responsibility to produce such letters from our OEM supplier's at the time of delivery or within a reasonable time.

In case of default and we are unable to comply with above at the time of delivery or during installation, for the IT Hardware/Software already billed, we agree to take back the Desktops and Servers without demur, if already supplied and return the money if any paid to us by you in this regard. We (system OEM name) also take full responsibility of both Parts & Service SLA as per the content even if there is any defect by our authorized Service Centre/ Reseller/SI etc.

Authorised Signatory

Name:
Designation
Place
Date

CORRUPTION, a VIRUS – TO ERADICATE ITS EXISTENCE WITH TECHNICAL ASSISTANCE LET’S PROGRAM AN ANTIVIRUS.

Subhashree Sahoo, Class – XI, DAV Public School, Anand Vihar, Burla.
Corrigendum

Mobilisation Advance

The Commission has reviewed the existing guidelines on 'Mobilisation Advance' circular No. 10/4/07 (issued vide OM No. 4CC-1-CTE-2 dated 10.4.2007). Para 1 of the above circular may be read as under –

“Decision to stipulate interest free mobilization advance in the tender document should rest at the level of Board (with concurrence of finance) in the organizations. However, in case of interest bearing mobilization advance, organizations may delegate powers at appropriate levels such as the CMD or Functional Directors”.

Sd/-
(Vineet Mathur)
Deputy Secretary

Acceptance of Bank Guarantees

A number of instances have come to the notice of the Commission where forged / fake bank guarantees have been submitted by the contractors/suppliers. Organizations concerned have also not made any effective attempt to verify the genuineness / authenticity of these bank guarantees at the time of submission.

2. In this background, all organizations are advised to streamline the system of acceptance of bank guarantees from contractors/suppliers to eliminate the possibility of acceptance of any forged/fake bank guarantees.

3. The guidelines on this subject issued by Canara Bank provides for an elaborate procedure, which may be found helpful for the organizations in eliminating the possibility of acceptance of forged/fake bank guarantees. The guidelines issued by Canara Bank provides that -

“The original guarantee should be sent to the beneficiary directly under Registered Post (A.D.). However, in exceptional cases, where that guarantee is handed over to the customer for any genuine reasons, the branch should immediately send by Registered Post (A.D.) an unstamped duplicate copy of the guarantee directly to the beneficiary with a covering letter requesting them to compare with the original received from their customer and confirm that it is in order. The A.D. card should be kept with the loan papers of the relevant guarantee.

At times, branches may receive letters from beneficiaries, viz., Central/State Governments, public sector undertakings, requiring bank’s confirmation for having issued the guarantee. Branches must send the confirmation letter to the concerned authorities promptly without fail.”
4. Therefore, all organizations are advised to evolve the procedure for acceptance of BG, which is compatible with the guidelines of Banks/Reserve Bank of India. The steps to be ensured should include:

i) Copy of proper prescribed format on which BGs are accepted from the contractors should be enclosed with the tender document and it should be verified verbatim on receipt with original document.

ii) It should be insisted upon the contractors, suppliers etc. that BGs to be submitted by them should be sent to the organization directly by the issuing bank under Registered Post (A.D.).

iii) In exceptional cases, where the BGs are received through the contractors, suppliers etc., the issuing branch should be requested to immediately send by Registered Post (A.D.) an unstamped duplicate copy of the guarantee directly to the organization with a covering letter to compare with the original BGs and confirm that it is in order.

iv) As an additional measure of abundant precaution, all BGs should be independently verified by the organizations.

v) In the organization/unit, one officer should be specifically designated with responsibility for verification, timely renewal and timely encashment of BGs.

5. Keeping above in view, the organizations may frame their own detailed guidelines to ensure that BGs are genuine and encashable.

6. Receipt of the above guidelines should be acknowledged.

Sd/-
Smt. Padmaja Verma
Chief Technical Examiner

CVC – Office Order No. 43/12/07 dated 28.12.2007

Adoption of Integrity Pact in major Government Procurement Activities – regarding

Reference is invited to Commission’s office order No.41/12/2007 circulated vide letter of even No. dated 4/12/2007 on the aforementioned subject.

2. The Commission vide para 4 of the aforementioned office order had directed that the organizations were required to forward a panel of names of the eminent persons of high integrity through their administrative ministries for consideration and approval by the Commission as IEMs.

3. The matter has been reconsidered by the Commission and in order to simplify the procedure and avoid delay, it has been decided that the organizations may forward the panel of names of eminent persons for appointment and consideration as IEMs directly to the Commission for approval.

4. Para 4 of the Commission’s circular cited above stands amended to this extent.

Sd/-
Vineet Mathur
Deputy Secretary
Adoption of Integrity Pact in major Government Procurement Activities – regarding.

Ensuring transparency, equity and competitiveness in public procurement has been a major concern of the Central Vigilance Commission and various steps have been taken by it to bring this about. Leveraging technology specially wider use of the web-sites for disseminating information on tenders, tightly defining the pre-qualification criteria and other terms and conditions of the tender are some of the steps recently taken at the instance of the Commission in order to bring about greater transparency and competition in the procurement/award of tender.

2. In this context, Integrity Pact, a vigilance tool first promoted by the Transparency International, has been found to be useful. The Pact essentially envisages an agreement between the prospective vendors/bidders and the buyer committing the persons/officials of both the parties, not to exercise any corrupt influence on any aspect of the contract. Only those vendors/bidders who have entered into such an Integrity Pact with the buyer would be competent to participate in the bidding. In other words, entering into this Pact would be a preliminary qualification. The Integrity Pact in respect of a particular contract would be effective from the stage of invitation of bids till the complete execution of the contract.

3. The Integrity Pact envisages a panel of Independent External Monitors (IEMs) approved for the organization. The IEM is to review independently and objectively, whether and to what extent parties have complied with their obligations under the Pact. He has right to access to all project documentation. The Monitor may examine any complaint received by him and submit a report to the Chief Executive of the organization, at the earliest. He may also submit a report directly to the CVO and the Commission, in case of suspicion of serious irregularities attracting in provisions of the PC Act. However, even though a contract may be covered by an Integrity Pact, the Central Vigilance Commission may, at its discretion, have any complaint received by it relating to such a contract, investigated.

4. The Commission would recommend the Integrity Pact concept and encourage its adoption and implementation in respect of all major procurements of the Govt. organizations. As it is necessary that the Monitors appointed should be of high integrity and reputation, it has been decided that the Commission would approve the names of the persons to be included in the panel. The Government Organizations are, therefore, required to submit a panel of names of eminent persons of high integrity and repute and experience in the relevant field, through their administrative Ministry, for consideration and approval by the Commission as Independent External Monitors. The terms and conditions including the remuneration payable to the Monitors need not be a part of the Integrity Pact and the same could be separately communicated. It has also to be ensured by an appropriate provision in the contract, that the Integrity Pact is deemed as part of the contract in order to ensure that the parties are bound by the recommendation of the IEMs, in case any complaint relating to the contract, is found substantiated.

5. A copy of the Integrity Pact, which the SAIL got vetted by the Addl. Solicitor General is available on the Commission’s web-site i.e. www.cvc.nin.in as an attachment to this Office Order in downloadable form, which may be used in original or may be suitably modified in order to meet the individual organization’s requirements.

Vineet Mathur
Deputy Secretary
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 Faheem 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

Sd/-
(Rajiv Verma)
Under Secretary

Use of Products with standard specification

A case has come to the notice of the Commission that the user department one organization requisitioned an item of non-standard size. Requisitioning of item with non-standard size resulted in issue of ‘Non-availability certificate’ by the stores keeper although the same item of standard size was already available in the stock. Citing urgency, the item was procured by the user department at 10 times the cost of the standard item by inviting limited quotations.

2. In order to avoid such occurrences, it is reiterated that the items with standard specifications only should be stipulated in the bid documents. In case, items with non-standard specifications are to be procured, reasoning for procuring such items may be recorded and reasonability of rates must be checked before placing order.

Sd/-
(Smt. Padmaja Varma
Chief Technical Examiner

CVC – Circular No.13/4/07 dated 18.04.2007

Improving Vigilance administration by leveraging technology: Increasing transparency through effective use of website

Please refer to Commission’s Circular no. 40/11/06 dated 22/11/2006 on the aforementioned subject & also Circular No. 13/3/05 dated 16/03/2005 & Circular No. 46/7/05 dated 28/7/2005 regarding details of award of tenders/contracts publishing on Websites/ Bulletin.

2. The Commission vide circulars dated 16/3/05 & 28/7/05 had directed all organizations to post on their web-sites a summary, every month, of all the contracts/purchases made above the threshold value covering atleast 60% of the transactions every month. A compliance report in this regard was to be submitted to the Commission by the CVOs through their monthly report to the Commission. However, it is seen that some of the departments have neither intimated the Commission about the threshold value decided for posting the details of tenders awarded on the web-sites, nor a compliance report is being sent through the monthly reports.

3. Further, vide circular dated 22/11/06, the Commission while emphasizing the need to leverage technology, as an effective tool in vigilance administration, in discharge of regulatory, enforcement and other functions had directed the organizations to upload on their websites, information in respect of the rules and procedures governing the issue of licenses/permissions etc. and to make available all the application forms on the websites in a downloadable form besides, making available the status of individual application on the organization’s website. The Commission had directed the organizations to implement its guidelines in two phases. The first phase relating to the posting of all application forms on the website was to be implemented by 1/1/2007 and the second phase, by 1/4/2007. Although, the date for implementation of second phase has passed by, the departments are yet to intimate the Commission about the status of implementation of the two phases.

4. The Commission, therefore, while reiterating its aforementioned instructions directs the CVOs to convey to the Commission the following information latest by 30/4/07:-
Vigilance Bulletin

a) The threshold value decided by the organization for publishing on their web-site, details of award of tenders/contracts;
b) The extent to which the details of awarded tenders are being posted on the web-site and whether the web-sites are being updated regularly or not;
c) Whether first/second phase of the Commission’s circular dated 22/11/06 has been implemented or not;
d) If not, the reasons thereof: steps being taken by the organization to ensure implementation of the Commission’s circular and the exact date by which both the phases as mentioned in the Commission’s circular would be fully implemented;

5. Any failure on the part of organization to implement the directions contained in the Commission’s circulars as mentioned above would be viewed seriously by the Commission.

Sd/-

(Vineet Mathur)
Deputy Secretary

CVC – Circular No.10/4/07 dated 10.04.2007

Mobilisation Advance

Commission has reviewed the existing guidelines on ‘Mobilisation Advance’ issued vide OM No.UU/POL/18 dated: 08.12.97 and OM No.4CC-1-CTE-2, dated 08.06.2004.

The following guidelines are issued in supercession of earlier guidelines issued by the Commission on ‘Mobilisation Advance’

1. Provision of mobilization advance should essentially be need-based. Decision to provide such advance should rest at the level of Board (with concurrence of Finance) in the organization.

2. Though the Commission does not encourage interest free mobilization advance, but, if the Management feels its necessity in specific cases, then it should be clearly stipulated in the tender document and its recovery should be time-based and not linked with progress of work. This would ensure that even if the contractor is not executing the work or executing it as a slow pace, the recovery of advance could commence and scope for misuse of such advance could be reduced.

3. Part ‘Bank Guarantees’ (BGs) against the mobilization advance should be taken in as many numbers as the proposed recovery instalments and should be equivalent to the amount of each instalment. This would ensure that at any point of time even if the contractor’s money on account of work done is not available with the organization, recovery of such advance could be ensured by encashing the BG for the work supposed to be completed within a particular period of time.

4. There should be a clear stipulation of interest to be charged on delayed recoveries either due to the late submission of bill by the contractor or any other reason besides the reason giving rise to the encashment of BG as stated above.
5. The amount of mobilization advance; interest to be charges, if any; its recovery schedule and any other relevant details should be explicitly stipulated in the tendered document upfront.

6. Relevant format for BG should be provided in the tender document, which should be enforced strictly and authenticity of such BGs should also be invariably verified from issuing bank, confidentially and independently by the organization.

7. In case of ‘Machinery and Equipment advance’, insurance and hypothecation to the employer should be ensured.

8. Utilization certificate from the contractor for the mobilization advance should be obtained. Preferably, mobilization advance should be given in instalments and subsequent instalments should be released after getting satisfactory utilization certificate from the contractor for the earlier instalment.

2. In order to avoid such occurrences, it is reiterated that the items with standard specifications only should be stipulated in the bid documents. In case, items with non-standard specifications are to be procured, reasoning for procuring such items may be recorded and reasonability of rates must be checked before placing order.

Sd/-
(P. VARMA)
Chief Technical Examiner

CVC - Circular No. 4/3/07 dated 03.03.2007

Tendering process – negotiations with L-1

Reference is invited to the Commission’s circulars of even number, dated 25.10.2005 and 3.10.2006, on the above cited subject. In supersession of the instructions contained therein, the following consolidated instructions are issued with immediate effect:-

(i) As post tender negotiations could often be a source of corruption, it is directed that there should be no post-tender negotiations with L-1, except in certain exceptional situations. Such exceptional situations would include, procurement of proprietary items, items with limited sources of supply and items where there is suspicion of a cartel formation. The justification and details of such negotiations should be duly recorded and documented without any loss of time.

(ii) In cases where a decision is taken to go for re-tendering due to the unreasonableness of the quoted rates, but the requirements are urgent and a re-tender for the entire requirement would delay the availability of the item, thus jeopardizing the essential operations, maintenance and safety, negotiations would be permitted with L-1 bidder(s) for the supply of a bare minimum quantity. The balance quantity should, however, be procured expeditiously through a re-tender, following the normal tendering process.

(iii) Negotiations should not be allowed to be misused as a tool for bargaining with L-1 with dubious intentions or lead to delays in decision-making. Convincing reasons must be recorded by the authority recommending negotiations. Competent authority should exercise due diligence while accepting a tender or ordering negotiations or calling for a re-tender and a definite timeframe should
be indicated so that the time taken for according requisite approvals for the entire process of award of tenders does not exceed one month from the date of submission of recommendations. In cases where the proposal is to be approved at higher levels, a maximum of 15 days should be assigned for clearance at each level. In no case should the overall timeframe exceed the validity period of the tender and it should be ensured that tenders are invariably finalised within their validity period.

(iv) As regards the splitting of quantities, some organisations have expressed apprehension that pre-disclosing the distribution of quantities in the bid document may not be feasible, as the capacity of the L-1 firm may not be known in advance. It may be stated that if, after due processing, it is discovered that the quantity to be ordered is far more than what L-1 alone is capable of supplying and there was no prior decision to split the quantities, then the quantity being finally ordered should be distributed among the other bidders in a manner that is fair, transparent and equitable. It is essentially in cases where the organisations decide in advance to have more than one source of supply (due to critical or vital nature of the item) that the Commission insists on pre-disclosing the ratio of splitting the supply in the tender itself. This must be followed scrupulously.

(v) Counter-offers to L-1, in order to arrive at an acceptable price, shall amount to negotiations. However, any counter-offer thereafter to L-2, L-3, etc., (at the rates accepted by L-1) in case of splitting of quantities, as pre-disclosed in the tender, shall not be deemed to be a negotiation.

2. It is reiterated that in case L-1 backs-out, there should be a re-tender.

3. These instructions issue with the approval of the Commission and may please be noted for immediate compliance.

Sd/-
(Vineet Mathur)
Deputy Secretary

**CVC - Circular No. 3/2/07 dated 23.02.2007**

**Investigation of complaints by the CVOs – seizure of records reg**

It has come to the Commission’s notice that when a complaint is received by the CVO either from the Commission or from other sources, the time taken by the department for investigating the complaint is unduly long and beyond the time-limit of three months stipulated by the Commission vide its circular No.000/VGL/18 dated 23.5.2000. The main reason cited by the CVOs for the delay is non-availability of records/documents pertaining to that particular complaint/allegation. The Commission vide Para 4.4 (a) of Vigilance Manual, 6th Edition has already issued guidelines stating that “if the allegations contain information which can be verified from any document or file or any other departmental records, the investigating / vigilance officer should, without loss of time, secure such records, etc., for personal inspection. If any of the papers examined is found to contain evidence supporting the allegations, such papers should be taken over by him for retention in his personal custody to guard against the possibility of available evidence being tampered with”.
2. The Commission observes that these guidelines are not being adhered to and would therefore reiterate its aforementioned guidelines and direct the CVOs to ensure that all relevant records/documents/files etc. are taken into personal custody by the investigating officer immediately on receipt of the reference/complaint for processing the allegations, and finalizing the investigation within the stipulated three months’ time-limit prescribed by the Commission.

3. The Commission, exercising its authority as contained in para 8(1)(c&d) and para 11 of CVC Act, 2003, also conducts direct inquiry into complaints through Direct Inquiry Officers as nominated by the Commission. It is directed that as soon as a direct inquiry is ordered by the Commission, the CVOs should immediately seize the relevant records pertaining to the case and produce them before the Direct Inquiry Officers (DIOs) without any delay.

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

Sd/-
(Vineet Mathur)
Deputy Secretary

CVC - Circular No. 40/11/06 dated 22.11.2006

Improving vigilance administration by leveraging technology:
Increasing transparency through effective use of websites in discharge of regulatory, enforcement and other functions of Govt. Organisations

The Commission has been receiving a large number of complaints about inordinate delays and arbitrariness in the processing and issue of licenses, permissions, recognitions, various types of clearances, no objection certificates, etc., by various Govt. organisations. Majority of these complaints pertain to delays and non-adherence to the ‘first-come-first-served’ principle. In a number of cases, there are complaints of ambiguities regarding the documents and information sought for the grant of such licenses, permissions, clearances, etc. There is also a tendency in some organisations to raise piece-meal/questionable queries on applications, often leading to the allegations of corruption. In order to reduce the scope for corruption, there is a need to bring about greater transparency and accountability in the discharge of regulatory, enforcement and other public dealings of the Govt. organisations.

2. Improvement in vigilance administration can be possible only when systems improvements are made to prevent the possibilities of corruption. In order to achieve the desired transparency and curb the malpractices mentioned above, the Central Vigilance Commission, in exercise of the powers conferred on it under Section 8(1)(h) of the CVC Act, 2003, issues the following instructions for compliance by all Govt. departments/organisations/agencies over which the Commission has jurisdiction:-

i) All Govt. organisations discharging regulatory/enforcement functions or service delivery of any kind, which cause interface with the general public/private businesses, etc., shall provide complete information on their websites regarding the laws, rules and procedures governing the issue of licenses, permissions, clearances, etc. An illustrative list is given in the annexure. Each Ministry should prepare an exhaustive list of such applications/matters and submit a copy of same to the Commission for record and web-monitoring.
ii) All application forms/proformas should be made available on the websites in a downloadable form. If the organisation concerned wishes to charge for the application form downloaded from the computer, the same may be done at the time of the submission of the application forms.

iii) All documents to be enclosed or information to be provided by the applicant should be clearly explained on the websites and should also form part of the application forms.

iv) As far as possible, arrangements should be put in place so that immediately after the receipt of the application, the applicant is informed about the deficiencies, if any, in the documents/information submitted.

v) Repeated queries in a piece-meal manner should be viewed as a misconduct having vigilance angle.

vi) All organisations concerned should give adequate publicity about these facilities in the newspapers and such advertisements must give the website addresses of the organisations concerned.

3. In the second stage, the status of individual applications/matters should be made available on the organisation’s website and should be updated from time-to-time so that the applicants remain duly informed about the status of their applications.

4. In addition to the manual receipt of applications, all organizations should examine the feasibility of online receipt of applications and, wherever feasible, a timeframe for introducing the facility should be worked out. As a large number of Govt. organisations are opting for e-governance, they may consider integrating the above mentioned measures into their business processes so that duplication is avoided.

5. Instructions at para-2 above shall take effect from 1st January, 2007, and instructions at para-3 shall become effective from 1st April, 2007. All Heads of Organisations/Deptts. are advised to get personally involved in the implementation of these important preventive vigilance measures. They should arrange close monitoring of the progress in order to ensure that the required information is placed on the website in a user-friendly manner before the expiry of the abovementioned deadlines. They should later ensure that the information is updated regularly.

6. This issues with the approval of the Commission.

Sd/-
(Balwinder Singh)
Addl. Secretary

Annexure

Illustrative list

1. **Land & Building Related Issues**

   (i) Applications for mutation; conversion from leasehold to freehold of lands & buildings; approval of building plans by municipal authorities and landowning/ regulating agencies like MCD; DDA; NDMC; L&DO and similar agencies in other UTs.
(ii) Application for registration deeds by Sub-Registrars/Registrars and other applications connected with land record management.

(iii) Application for allotment of land/flats, etc., by urban development agencies like Delhi Development Authority.

2. **Contracts & Procurement.**

(i) Applications for registration of contractors/suppliers/consultants/vendors, etc.

(ii) Status of all bill payments to contractors/suppliers, etc.

3. **Transport Sector**

Issue of driving licenses, registration of vehicles, fitness certificates, release of impounded vehicles etc. by RTAs.

4. **Environment & Pollution Related Matters**

Issue of environment and pollution clearances for setting up industries and other projects by Min. of Environment & Forests; Pollution Control Organizations, etc.

5. **Food & Hotel Industry**

Applications connected with clearances, licenses for food industry/hotels/restaurants, etc.

6. **Ministry of Labour/Ministry of Overseas Indian Affairs.**

(i) Applications by beneficiaries and employers in connection with EPFO; ESI etc.

(ii) Applications by recruiting/placement agencies and individuals submitted to Protectorate General of Emigrants and the concerned Ministry.

(iii) Other applications connected with regulatory/enforcement systems of Labour Ministry.

7. **CBDT & Income Tax Deptt.**

(i) Application for PAN.

(ii) Applications submitted by NGOs for exemption from Income Tax.

(iii) Applications submitted for issue of certificates/income tax clearance for immigration/public contracts or any other purposes.

(iv) Application for appointment of legal counsels/any other professionals.

8. **Customs & Central Excise & DGFT**

Applications/cases of Duty Drawback & other export incentives.

9. **Telecom (BSNL & MTNL)**

Applications for establishing STD booths, etc.
10. **Petroleum Sector**
   Applications for allotment of petrol pumps/gas stations.

11. **Ministry of External Affairs**
   (i) Applications for issue of passports.
   (ii) Applications for issue of visas by Indian Embassies abroad.

12. **Ministry of Home Affairs**
   (i) Applications submitted to FRRO.
   (ii) Applications connected with FCRA.

13. **Ministry of Health**
    Applications for recognition by Medical Council of India and similar other regulatory bodies.

14. **Education**
   (i) Applications for accreditation handled by bodies like AICTE & others.
   (ii) Applications for recognition of schools by Director of Education etc.
   (iii) Grant of E.C. by Director of Education.

15. **Agriculture, Dairying & Fisheries**
   (i) Various clearances/licenses, eg. clearance for operating fishing vessels.
   (ii) Quarantine related applications.

16. **Ministry of Social Justice/Tribal Affairs**
    Applications for sanction of funds to NGOs.

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**Corruption creates attraction, end is destruction.**

Bharati Sahu, Class – X, Govt. High Girls High School, Burla.
CVC- Circular No. 37/10/06 dated 03/10/2006

Tendering process – negotiation with L1

Reference is invited to Commission’s instructions of even number dated 25.10.2005 on the above subject. A number of references have been received in the Commission, asking for clarification on issues pertaining to specific situations.

2. The Commission’s guidelines were framed with a view to ensuring fair and transparent purchase procedure in the organizations. The guidelines are quite clear and it is for the organizations to take appropriate decision, keeping these guidelines in view. In case they want to take action in deviation or modification of the guidelines, to suit their requirements, it is for them to do so by recording the reasons and obtaining the approval of the competent authority for the same. However, in no case, should there be any compromise to transparency, equity or fair treatment to all the participants in a tender.

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

       Sd/-
       (V. Kannan)
       Director

CVC - Circular No. 31/09/06 dated 01.09.2006

Posting of details of award of tenders/contracts on websites/bulletins.

The Commission, vide its orders of even number dated 16.3.2005, 28.7.2005 and 20.9.2005, had directed all organisations to post every month a summary of all contracts/purchases made above a certain threshold value on the websites of the concerned organisations, and it was specified that the proposed threshold limits would be acceptable to the Commission as long as they covered more than 60% of the value of the transactions every month in the first instance, to be revised subsequently after the system stabilized. The threshold values as decided by the organisations, were also to be communicated to the Commission separately for its perusal and record. CVOs were required to monitor the progress in this regard and ensure that the requisite details were posted regularly on respective websites. They were also required to incorporate the compliance reports in this regard in their monthly reports.

2. The Commission has taken serious note that the aforementioned instructions are not being adhered to by the organisations. CVOs are, therefore, once again advised to ensure that details of the tenders awarded above the threshold value by the organizations are uploaded in time on the organisation’s official website and are updated every month. The position in this regard should be compulsorily reflected in the CVOs monthly reports to the Commission. CVOs should also specifically bring to the notice of the Commission, any violation of this order.

3. Please acknowledge receipt and ensure due compliance.

       Sd/-
       (V.Kannan)
       Director

TECHNOLOGY, “Try Me”
CORRUPTION, “Why Me”
VIGILANCE, “It’s only Me”

Disha Prateechee, Class – XI, DAV Public School, Anand Vihar, Burla.
CVC - Circular No. 15/5/06 dated 09.05.2006

Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis

The Commission had, in its OM No. 06-03-02-CTE-34 dated 20.10.2003 on back to back tie up by PSUs, desired that the practice of award of works to PSUs on nomination basis by Govt. of India/PSUs needed to be reviewed forthwith. It is observed that in a number of cases, Works/Purchase/Consultancy contracts are awarded on nomination basis. There is a need to bring greater transparency and accountability in award of such contracts. While open tendering is the most preferred mode of tendering, even in the case of limited tendering, the Commission has been insisting upon transparency in the preparation of panel.

2. In the circumstances, if sometimes award of contract on nomination basis by the PSUs become inevitable, the Commission strongly feels that the following points should be strictly observed.

(i) 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.

(ii) The reports relating to such awards will be submitted to the Board every quarter.

(iii) The audit committee may be required to check at least 10% of such cases.

3. This may be noted for strict compliance.

Sd/-
(V. Kannan)
Director

CVC - Circular No.21/05/06 dated 01.05.2006

Examination of Public Procurement (Works/Purchases/Services) Contracts by CVOs

The Commission has been emphasising the need for close scrutiny by the CVO, of the Public Procurement (Works/ Purchases/Services) Contracts of his department/organisation concerned, to ensure that the laid down systems and procedures are followed, there is total transparency in the award of contracts, and there is no misuse of power in decision making.

2. A number of booklets have been issued by the Chief Technical Examiner Organisation of the Commission, bringing out the common irregularities/ lapses noticed in different contracts. A Manual for Intensive Examination of Works/ Purchase Contracts and guidelines on tendering have also been issued. These are available in the Commission's website.

3. The need for CTE type examinations by the CVOs has been emphasised in the Zonal meetings. The CVOs are required to reflect their examinations in the monthly reports. The Commission reiterates the importance of such examinations by the CVOs, as an effective preventive vigilance measure.

4. For this purpose, the CVOs are required to be well conversant with their organisation's works/purchase manual. Wherever works/purchase manuals are non-existant, they should be got prepared, particularly, in those organisations which have substantial procurement activities. CVOs should also ensure that the manuals are updated from time to time. They should check
and ensure that the field staff is well conversant with the extant provisions of the manuals, and
the guidelines issued by the Commission/CVOs from time to time. CVOs should have a full and
active participation during the CTE inspections to know about the problem areas in the
organisation’s procurement process.

5. CVOs must also familiarise themselves with the earlier CTE examination reports and
ensure that the lapses previously noticed are not repeated. If lessons are not learnt from the
past, there would be need to take a serious view of the repetition of lapses and initiate
disciplinary proceedings against the officials found responsible for repetition of the lapses
committed previously.

6. On the basis of the lapses noticed by the Chief Technical Examiner’s Organisation over
the years, a checklist has been prepared which could be used by the CVO while examining
procurements contracts. The checklist may be seen in Annexure –1. If certain procurement
contracts require an intensive examination by the CTEO, a reference may be made to them with
adequate justification.

7. This may please be noted for strict compliance.

Sd/-
(V. Kannan)
Director

Annexure-1

Check list for examination of Procurement (Works/ Purchases/ Services) Contracts by CVOs

I. Pre-Award Stage

1. Financial and Technical sanction of competent authority is available.
2. Adequate and wide publicity is given. Advertisement is posted on website and
tender documents are available for downloading.
3. Convenient tender receiving/opening time and address of the tender receiving
officials/tender box are properly notified.
4. In the case of limited tender, panel is prepared in a transparent manner clearly
publishing the eligibility criteria. The panel is updated regularly.
5. Pre-qualification criteria are properly defined/ notified.
6. Short listed firms/consultants are fulfilling the eligibility criteria. There is no
deviation from notified criteria during evaluation.
7. Experience certificates submitted have been duly verified.
8. Tenders/bids are opened in the presence of bidders.
9. Corrections/omissions/additions etc., in price bid are properly numbered and
attested and accounted page –wise. Tender summary note/ Tender opening
register is scrupulously maintained.
10. Conditions having financial implications are not altered after opening of the price
bids.
11. In case of consultancy contracts (a) Upper ceiling limit is fixed for consultancy fee
and (b) Separate rates for repetitive works are fixed.

B. Post-award stage

(a) General

1. Agreement is complete with all relevant papers such as pre-bid conference
minutes, etc.
2. Agreement is page-numbered, signed and sealed properly.
3. Bank Guarantee is verified from issuing bank.
4. Insurance policies, labour licence, performance guarantee are taken as per contract.
5. Technical personnel are deployed as per contract.
6. Plant and equipment are deployed as per contract.
7. Action for levy of liquidated damages is taken in case of delay/default.

(b) Payments to contractors

1. Price escalation is paid only as per contract.
2. Retention Money/Security Deposit is deducted as per contract.
3. Recovery of Mobilisation & Equipment advance is made as per the provisions in the contract.
4. Recovery of I.Tax & Works Contract tax is made as per provisions in the contract.
5. Glaring deviations are supported with adequate justification and are not advantageous to the contractor.

(c) Site Records

1. Proper system of recording and compliance of the instructions issued to the contractors is maintained.
2. Proper record of hindrances is maintained for the purpose of timely removal of the hindrance and action for levy of liquidated damages.
3. Mandatory tests are carried out as per the frequency prescribed in the Agreement.

CVC - Office Order No.74/12/05 dated 21.12.2005

Vigilance angle – definition of (partial modification regarding)

In partial modification to Commission's Office Order No. 23/4/04 issued vide No. 004/VGL/18 dated 13.4.04 on definition of vigilance angle, the following is added at the end of para 2 for the purpose of determination of vigilance angle as para 2 (b)

“Any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of vigilance angle in a case”. The existing para 2 will be marked as para 2 (a).

2. CVO may bring this to the notice of all concerned.

Sd/-
(Anjana Dube)
Deputy Secretary
CVC - Office Order No.71/12/05 dated 09.12.2005

Undertaking by the Members of Tender Committee/Agency

In continuation of the Commission's directions vide Order 005/VGL/4 dated 16.03.2005 regarding transparency in the tender process, the Commission would advise that the members of the Tender Committee should give an undertaking at the appropriate time, that none of them has any personal interest in the Companies/Agencies participating in the tender process. Any Member having interest in any Company should refrain from participating in the Tender Committee.

2. CVOs should bring this to the notice of all concerned.

Sd/-
(Anjana Dube)
Deputy Secretary

CVC - Office Order No. 98/VGL/25 dated 10/11/2005

Intensive Examination of works by CTE’s Organization – submission of quarterly progress report

Please refer to Commission’s OM No. 98-VGL-25 dated 16.5.2005 wherein it was clarified that the consultancy contracts, all service contracts equipment & supplies of medicines to hospitals etc. are to be included in the QPRs being furnished to the CTE’s Organization.

2. It was also enjoined upon all the CVOs to certify on the QPRs that all the works/purchase/consultancy and other contracts in progress as per the prescribed monetary limit have been included in the QPR.

3. It has been observed that many of the QPRs do not contain the consultancy contracts, service contracts and equipment & medicine purchase contracts and also the requisite certificates from the CVOs.

4. It is once again enjoined upon all the CVOs that the QPRs should contain all the ongoing contracts above prescribed financial limit, separately, for the below mentioned categories:-

- Civil - Rs.1.00 Cr. and above
- Elect/Mech.Works - Rs.30 Lacs & above
- Store Purchase - Rs.2 Cr. and above
- Hort. - Rs.2 lac and above
- Medical equipment - Rs.1 Cr. & above
- Consultancy - 2 largest value contracts
- Service contracts - 2 largest value contracts.
- Supplies of medicines - 4 largest value contract.

Requisite certificate by CVO should also be enclosed along with the QPR.
5. In case organization, which are undertaking such works in the areas mentioned above where the monetary value of all such works is less than the limits prescribed above, they may report 2 largest works in progress in each discipline. If the organization is not undertaking any work under any particular discipline, a ‘NIL’ report should be furnished.

6. The above instructions are for strict compliance with immediate effect.

Sd/-
P. Varma
Chief Technical Examiner

CVC- Circular No. 68/10/05 dated 25/10/2005

Tendering Process – Negotiation with L-1

A workshop was organised on 27th July 2005 at SCOPE New Delhi, by the Central Vigilance Commission, to discuss issues relating to tendering process including negotiation with L-1. Following the deliberations in the above mentioned Work Shop, the following issues are clarified with reference to para 2.4 of Circular No. 8(1) (h)/98(1) dated 18th November, 1998 on negotiation with L-1, which reflect the broad consensus arrived at in the workshop.

(i) There should not be any negotiations. Negotiations if at all shall be an exception and only in the case of proprietary items or in the case of items with limited source of supply. Negotiations shall be held with L-1 only. **Counter offers tantamount to negotiations and should be treated at par with negotiation.**

(ii) Negotiations can be recommended in exceptional circumstances only after due application of mind and recording valid, logical reasons justifying negotiations. In case of inability to obtain the desired results by way of reduction in rates and negotiations prove infructuous, satisfactory explanations are required to be recorded by the Committee who recommended the negotiations. The Committee shall be responsible for lack of application of mind in case its negotiations have only unnecessarily delayed the award of work/contract.

2. Further, it has been observed by the Commission that at times the Competent Authority takes unduly long time to exercise the power of accepting the tender or negotiate or re-tender. Accordingly, the model time frame for according such approval to completion of the entire process of Award of tenders should not exceed one month from the date of submission of recommendations. In case the file has to be approved at the next higher level a maximum of 15 days may be added for clearance at each level. The overall time frame should be within the validity period of the tender/contract.

3. In case of L-1 backing out there should be re-tendering as per extant instructions.

4. The above instructions may be circulated to all concerned for compliance.

Sd/-
(Anjana Dube)
Deputy Secretary
CVC - Office Order No. 57/9/05 dated 20/09/2005

Details on award of tenders / contracts publishing on websites / Bulletins – Reminder regarding

It has been observed that despite Commission's directions vide its circulars dated 16/3/05 and 28/7/05, a number of organisations are yet to give details of the tenders finalized on the website of their organisations. Some of the Organisations have informed that this is due to the delay in receipt of information from their Regional/Subordinate Offices.

2. In this regard it is clarified that placing of such information on the website will be a continuous process. The CVOs should ensure publishing of the details of the tenders awarded immediately with available information and subsequently update it. The threshold limits as proposed by the CVOs in consultation with CEOs can be taken as the starting point which could be revised subsequently to cover 60% of the transactions in a year and further 100% on stabilization.

Sd/-
(Mitter Sain)
Deputy Secretary

CVC - Office Order No. 46/07/05 dated 28/07/2005

Details on award of tenders / contracts publishing on websites / Bulletins – Reminder regarding

Reference is invited to Commission’s Office Order No.13/3/05 dated 16.3.2005 regarding above mentioned subject directing the organisations to publish every month the summary of contracts / purchases made above a threshold value on the website. In this regard it is specified that the proposed threshold limit is acceptable to the Commission as long as it covers more than 60% of the value of the transactions every month. This limit can be raised subsequently once the process stabilizes.

2. CVOs may, therefore, ensure that such details are posted on the website of the organisation immediately and compliance report in this regard should be sent by CVOs in their monthly report to the Commission.

Sd/-
(Anjana Dube)
Deputy Secretary

CVC - OM No.98/VGL/25 dated 16.05.2005

Intensive Examination of works by CTE’s Organization – Submission of Quarterly Progress Report

Please refer to the Commission's OM No. 98/VGL/25 dated 20.10.98, 98/VGL/25 dated 20.07.01 and OFF-I-CTE-I(Pt) dated 23.12.03 regarding submission of quarterly progress reports(QPR’s) to the CTE’s Organization in the prescribed format in respect of Civil Works costing more than `1.00 crores, Electrical/Mechanical and other Allied works costing more than
Vigilance Bulletin

`30.00 Lacs, Stores/Purchase contracts costing more than `2.00 crores and Horticulture works costing more than `2.00 Lacs .

2. It is clarified that the consultancy contracts, all service contracts such as hiring/leasing of cycle stands etc., transportation contracts, catering, equipment & supplies of medicines to hospitals etc are also to be reported in the respective QPR.

3. As per above-mentioned office memorandums, all the works above the prescribed limit have to be reflected in the quarterly progress reports. In case of organizations, which are undertaking such works in the areas mentioned above, where the monetary value of all such works is less than the limits prescribed above, they may report two largest works in progress in each discipline. Instances have come to the notice of the Commission, where all the works in progress, were not reflected in the quarterly progress report submitted by the organization. It is enjoined upon all the Chief Vigilance Officers to certify on the QPR that “All the works/purchases/Consultancy and other contracts in progress, as per the prescribed monetary limit, have been reported in this QPR.”

4. The above instructions are for strict compliance.

Sd/-
(Smt. Padmaja Varma)
Chief Technical Examiner

CVC- Circular No.2EE-1-CTE-3 dated 12/04/2005

Issues pertaining to Negotiation with L1 (i.e. Lowest tenderer)

During the recent Zonal Conference, some of the organizations have expressed some difficulties in implementation of the subject order and requested the Commission for a review.

2. The Commission in its efforts to look at some of its own guidelines & instructions and fine tune them with the organization’s requirement to make the system cost effective and more competitive proposes to hold a workshop in the 3rd week of May with select CVOs. The Commission would, therefore welcome the reasoned views of your organization for and against the banning of post- tender negotiations with other than L 1 (lowest tenderer). Your views on the subject matter of negotiations, circulated vide letter No. 8(I)(h)/98(I), dated 18.11.98 with justification of your stand and suggestion for modification, if any, may please be arranged to be sent to this organization addressed to the undersigned immediately, latest by 30.4.2005.

3. The date, time and venue of the workshop shall be intimated shortly.

Sd/-
(V. Ramachandran)
Chief Technical Examiner
CVC - Office Order No. 18/3/05 dated 24/03/2005

Banning of business dealings with firms/contractors – clarification regarding

Para 31 of Chapter XIII, Vigilance Manual Part-I provides that business dealings with the firms/contractors may be banned wherever necessary. It was also suggested that for banning of the business with such firms/contractors or for withdrawal of banning orders, advice of the Central Vigilance Commission need not be sought.

2. It is however observed by the Commission that some of the departments/organizations cite the Commission as the authority behind the decision in their orders while banning of the firms/contractors. This is not appropriate. The Commission once again reiterates its instructions that banning of business is an administrative matter to be decided by the management of the organization and the Central Vigilance Commission does not give its advice in such matters. This may please be noted for strict compliance.

Sd/-
(Anjana Dube)
Deputy Secretary

CVC - Office Order No. 15/3/05 dated 24/03/2005

Notice inviting tenders - regarding

The Commission has observed that some of the Notice Inviting Tenders (NITs) have a clause that the tender applications could be rejected without assigning any reason. This clause is apparently incorporated in tender enquiries to safeguard the interest of the organisation in exceptional circumstance and to avoid any legal dispute, in such cases.

2. The Commission has discussed the issue and it is emphasized that the above clause in the bid document does not mean that the tender accepting authority is free to take decision in an arbitrary manner. He is bound to record clear, logical reasons for any such action of rejection/recall of tenders on the file.

3. This should be noted for compliance by all tender accepting authorities.

Sd/-
(Anjana Dube)
Deputy Secretary
CVC - Office Order No. 13/3/05 dated 16/03/2005

Details on award of tenders / contracts publishing on websites / Bulletins

The Commission vide its Circular No.8(1)(h)/98(1) dated 18.11.1998 had directed that a practice must be adopted with immediate effect by all organisations within the purview of the CVC that they will publish on the notice board and in the organisation’s regular publication(s), the details of all such cases regarding tenders or out of turn allotments or discretion exercised in favour of an employee/party. However, it has been observed by the Commission that some of the organisations are either not following the above mentioned practice or publishing the information with a lot of delay thereby defeating the purpose of this exercise, viz. increasing transparency in administration and check on corruption induced decisions in such matters.

2. The Commission has desired that as follow up of its directive on use of “website in public tenders”, all organisations must post a summary every month of all the contracts/purchases made above a certain threshold value to be decided by the CVO in consultation with the head of organisation i.e. CEO/CMD etc. as per Annexure-I. The threshold value may be reported to the Commission for concurrence.

3. Subsequently, the website should give the details on the following:
   a) actual date of start of work
   b) actual date of completion
   c) reasons for delays if any

A compliance report in this regard should be sent by the CVOs along with their monthly report to CVC.

Sd/-
(Anjana Dube)
Deputy Secretary

Details of contractors concluded during the Month

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<td>Item Nature of work</td>
<td>Mode of Tender Enquiry</td>
<td>Date of publication of NIT</td>
<td>Type of Bidding (Single/ Two Bid System)</td>
<td>Last date of receipt of tender</td>
<td>Nos. of takers invited</td>
<td>Nos. &amp; names of parties qualified after technical evaluation</td>
<td>Nos. &amp; names of parties not qualified after technical evaluation</td>
<td>Whether contract awarded to lowest tenderer / evaluated L1</td>
<td>Contract No. &amp; Date</td>
<td>Name of Contractor</td>
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CVC - Office Order No. 11/3/05 dated 10/03/2005

Delays in Payments to Contractors & Suppliers etc. – Reducing opportunities for corruption regarding

The Commission has observed that in a large number of Government organisations and PSUs, payments to contractors/suppliers are inordinately delayed. This makes the system vulnerable to corruption, in addition to increasing the cost of procurement by the Government agencies.

2. The Commission has therefore directed that all the CVOs should undertake a review of bills received during the last six months. The review is meant to primarily determine the time taken in clearing the bills. Necessary help from the concerned Finance/Administration departments may be taken wherever required. Wherever the systems have not yet been computerised there may be practical difficulties in conducting such a review for all the bills. The organisations may fix a cut off limit for review. It is suggested that the cut off limit for bills can be `1 lakh i.e. time taken for payment of all bills above this amount should be seen. In smaller organisations the cut off limit can be lower depending on feasibility and convenience.

3. The CVO should also review whether payments are being made on “first-come-first-serve” basis or not.

4. A compliance report in this regard may be sent to the Commission by 15.4.2005 as per the following details:

Statement on delays in Bill Payments

1. Name of Organisation :

2. Cut off limit : `1 lakh/others (in respect of small orgns.)

3. Bills received during Sept.,04-Feb,05 (from contractors/suppliers etc.)
   Total No. of Bills :
   Total amount involved :

4. Out of these
   (a) Bills paid in 15 days
      No. of Bills :
      Amount Involved :
   (b) Bills paid in 15-30 days
      No. of Bills :
      Amount Involved :
   (c) Bills paid in 30-60 days
      No. of Bills :
      Amount Involved :
   (d) Bills paid from 60 days to 120 days
      No. of Bills :
      Amount Involved :
   (e) Bills paid over 120 days
      No. of Bills :
      Amount Involved :

5. There are also complaints that most of the organizations take inordinately long time in releasing 5% bills amount, which is normally retained as performance guarantee after it becomes due. CVO may do a similar exercise with regard to release of this payment.

6. Has any ERP system or any other computerized system been installed for accounting purposes which can monitor bill payment?

6A. If not, is there any plan to do so in near future? If so, please indicate the time frame.

Sd/-
(Balwinder Singh)
Additional Secretary
CVC - Office Order No. 75/12/04 dated 24/12/2004

Participation of consultants in tender - guidelines regarding

Consultants are appointed by the organisation for preparation of project report. These appointments are made for any new projects, expansions, modernization/modification of the existing projects etc. The selection is made with maximum attention to the suitability, competence and proven track record.

2. Further, during the CVO’s Conference convened by the Commission in Sept. 1997, the Central Vigilance Commissioner had constituted a Committee of CVOs to go into the system of contracts prevalent in PSUs and to suggest, wherever required, methods of streamlining the contracting provisions. The Committee after going through the contract system of various organisations had made recommendations on consultants as under:-

Consultants:- A firm which has been engaged by the PSU to provide goods or works for a project and any of its affiliates will be disqualified from providing consulting services for the same project. Conversely, a firm hired to provide consulting services for the preparation or implementation of a project, and any of its affiliates, will be disqualified from subsequently providing goods or works or services related to the initial assignment for the same project.

Consultants or any or their affiliates will not be hired for any assignment, which by its nature, may be in conflict with another assignment of the consultants.

3. It has come to the notice of the Commission that in a tendering process of a PSU, the consultant was also permitted to quote for work for which they had themselves estimated the rates and the consultant quoted 20% above their own estimated rates as against the awarded rates which were 20% below the estimated cost. Such over dependence on the consultant can lead to wasteful and infructuous expenditure which the organisation regrets in the long run. Meticulous and intelligent examination of the consultants proposal is therefore essential for successful and viable completion of the project.

4. The Commission reiterates the recommendations made by the Committee that the consultants/firm hired to provide consulting services for the preparation or implementation of a project, and any of its affiliates, will be disqualified from subsequently providing goods or works or services related to the initial assignment for the same project.

Sd/-
(Anjana Dube)
Deputy Secretary
**CVC - Office Order No. 72/12/04 dated 10/12/2004**

**Transparency in tendering system - Guidelines regarding**

In order to maintain transparency and fairness, it would be appropriate that organisations should evolve a practice of finalizing the acceptability of the bidding firms in respect of the qualifying criteria before or during holding technical negotiations with him. Obtaining revised price bids from the firms, which do not meet the qualification criteria, would be incorrect. Therefore the exercise of short listing of the qualifying firms must be completed prior to seeking the revised price bids. Moreover, the intimation of rejection to the firms whose bids have been evaluated but found not to meet the qualification criteria, along with the return of the un-opened price bid, will enhance transparency and plug the loop-holes in the tendering system. All organizations/departments are advised to frame a policy accordingly.

Sd/-
(Anjana Dube)
Deputy Secretary

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**CVC - Office Order No. 69/11/04 dated 03/11/2004**

**Turnkey contracts for net-working of computer systems**

The Commission has been receiving complaints that in turnkey contracts for net-working of computer systems a lot of unrelated products are being included in the contracts which are either not required or which are stand alone in nature and can be procured separately at much lower cost. Inclusion of these unrelated items creates opportunities for malpractices. The Commission is of the view that wherever possible it will be advisable to take an independent third party view about the scope of turnkey projects so that the tendency to include unrelated products as part of the turnkey project is avoided.

Sd/-
(Balwinder Singh)
Additional Secretary

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**CVC - Office Order No. 68/10/04 dated 20/10/2004**

**Leveraging Technology – e-payment & e-receipt**

Reference is invited to the Commission’s Office Order No. 20/4/04 dated 6.4.2004 regarding the above mentioned subject.

2. The Commission had directed that by July 2004, 50% of the payment transactions both in value terms as well as in lieu of number of transactions shall be made through ECS/EFT mechanism instead of payments through Cheques; and urged all Banks, PSUs and Departments to provide an enabling environment and facilities so that such an initiative is successful. It has been informed that some of the organisations are yet to initiate the process in this regard. The organisations are, therefore, requested to forward the details regarding the implementation of e-payment mechanism, as per the enclosed format by November 15, 2004 positively.

Sd/-
(Anjana Dube)
Deputy Secretary
FORMAT
Leveraging Technology – e-payments & e-receipts

(A) Details regarding payments of salary etc. to employees.
   (1) Total No. of employees -
   (2) No. of employees whose Bank A/c details including MICR have been received -
   (3) % in terms of numbers of employees to whom salary & other dues are being paid through e-payments -

(B) Details regarding payments of dues to contractors/suppliers etc.
   (1) Number of contractors/suppliers/agents/assessees etc. dealt with regularly during the period July 2004 – September 2004.
   (2) Number of contractors/suppliers/agents/assessees etc. whose Bank A/c details including MICR have been received.
   (3) Total payments made to all contractors/suppliers/assessees/CHA’s during the period July 2004 – September 2004 (Amount in Rupees in lakhs).
       [Payments should include refunds of earnest money/income tax etc.]
   (4) Total payments made through e-payments during the above period (Amount in Rupees in lakhs).
   (5) % of Bills (in terms of number of payments) in which e-payment is made.
   (6) % of value of payments made through e-payments.
   (7) List of nodal officers who have been entrusted with the responsibility of managing charge to e-payment system.

(C) E-receipts
Separate details as per (1)-(7) above may also be provided in respect of e-receipts by organisations getting regular payments in terms of license fee/income tax receipts/custom duty/sales tax/property tax/freight charges/consultancy fees etc. (The organisations can give the type of payments received).

CVC -Office Order No. 43/7/04 dated 02/07/2004

Improving Vigilance Administration: Increasing Transparency in procurement/sale etc. - Use of website regarding.

The Central Vigilance Commission has issued a directive on the above subject vide its Order No.98/ORD/1 dated 18th Dec. 2003 making it mandatory to use web-site in all cases where open tender system is resorted to. These instructions have been further extended vide Office Order No.10/2/04 dated 11.2.2004 to tenders of short-term nature (by whatever name it is called in different organizations). Various organizations have been corresponding with the Commission seeking certain clarifications with regard to the above directives. The main issues pointed out by organizations are as follows:

Issue 1 Size of Tender Documents
In cases of works/procurement of highly technical nature, tender documents run into several volumes with large number of drawings and specifications sheets, etc. It may not be possible to place these documents on website.

Clarification: These issues have been discussed with the technical experts and in their opinion, there is no technical and even practical difficulty in doing the same. These days almost all the organizations do their typing work on computers and not on manual typewriters. There is no significant additional effort involved in uploading the material typed on MS Word or any other word processing softwares on the website irrespective of the number of pages. The scanning of drawings is also a routine activity. Moreover if the volume and size of tender document is so large as to make it inconvenient for an intending tendering party to download it, they always have the option of obtaining the tender documents from the organization through traditional channels. The Commission has asked for putting tender documents on web-site in addition to whatever methods are being presently used.

Issue 2 Issues Connected with Data Security, Legality and Authenticity of Bid Documents.

Certain organizations have expressed apprehensions regarding security of data, hacking of websites etc. They have also pointed out that certain bidding parties may alter the downloaded documents and submit their bids in such altered tender documents which may lead to legal complications.

Clarification: This issue has been examined both from technical and legal angles. Technically a high level of data security can be provided in the websites. The provisions of digital signatures through Certifying Authority can be used to ensure that in case of any forgery or alteration in downloaded documents it is technically feasible to prove what the original document was. There are sufficient legal provisions under IT Act to ensure that e-business can be conducted using the website. A copy of the remarks given by NIC on this issue are enclosed herewith.

Issue 3 Some organizations have sought clarification whether web site is also to be used for proprietary items or items which are sourced from OEMs (Original Equipment Manufacturers) and OESs (Original Equipment Suppliers).

Clarification: It is clarified that Commission’s instructions are with regard to goods, services and works procured through open tender system, so these instruction do not apply to proprietary items and items which necessarily need to be procured through OEMs and OESs.

Issue 4 Do the instructions regarding ‘short term tenders’ given in the CVC Order No.98/ORD/1 dated 11th Feb., 2004 apply to limited tenders also?

Clarification: In many organizations goods, services and works which as per laid down norms are to be procured/executed through open tender system many times due to urgency are done through short term tenders without resorting to wide publicity in newspapers because of time constraint. In all such cases short term tenders (by whatever name it is called) etc. should also be put on the website of the dept. as it does not involve any additional time or cost.

Regarding applicability of these instructions to limited tenders where the number of suppliers/contractors is known to be small and as per the laid down norms limited tender system is to be resorted to through a system of approved/registered vendors/contractors, the clarification is given below.
Issue 5 Some organizations have pointed out that they make their procurement or execute their work through a system of approved/registered vendors and contractors and have sought clarification about the implications of CVC’s instructions in such procurements/contracts.

**Clarification:** The Commission desires that in all such cases there should be wide publicity through the website as well as through the other traditional channels at regular intervals for registration of contractors/suppliers. All the required proforma for registration, the pre-qualification criteria etc. should be always available on the website of the organization and it should be possible to download the same and apply to the organization. There should not be any entry barriers or long gaps in the registration of suppliers/contractors. The intervals on which publicity is to be given through website and traditional means can be decided by each organization based on their own requirements and developments in the market conditions. It is expected that it should be done at least once in a year for upgrading the list of registered vendors/contractors.

The concerned organization should give web-based publicity for limited tenders also except for items of minor value. If the organization desires to limit the access of the limited tender documents to only registered contractors/suppliers they can limit the access by issuing passwords to all registered contractors/suppliers. But it should be ensured that password access is given to all the registered contractors/suppliers and not denied to any of the registered suppliers. Any denial of password to a registered supplier/contractor will lead to presumption of malafide intention on the part of the tendering authority.

Sd/-
(Balwinder Singh)
Addl. Secretary

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**CVC -Office Memorandum No. 4CC-1-CTE-2 dated 08/06/2004**

**Mobilization Advance**

In order to address the problem of misuse of mobilization advance provision in the civil and other works, the Commission had issued an O.M. dt. 8.12.1997 for grant of interest bearing ‘Mobilization Advance’ in selected works. In view of references from certain organizations on this issue, the Commission has reviewed the issue and it has been decided to modify and add the following provisions in the existing O.M. This may be read as addendum to the Commission’s O.M. dt. 8.12.1997.

(i) If the advance is to be given, it should be expressly stated in the NIT/Bid Documents, indicating the amount, rate of interest and submission of BG of equivalent amount.

(ii) The advance payment may be released in stages depending upon the progress of the work and mobilization of required equipments etc.

(iii) There should be a provision in the contract for adjustment of advance progressively even as the bills are cleared for payment.

Sd/-
(Gyaneshwar Tyagi)
Technical Examiner
**CVC - Office Memorandum No. 05-04-1-CTE-8 dated 08/06/2004**

**Receipt and Opening of Tenders**

In the various booklets issued by the CTE Organisation of the Commission, the need to maintain transparency in receipt and opening of the tenders has been emphasized and it has been suggested therein that suitable arrangements for receipt of sealed tenders at the scheduled date and time through conspicuously located tender boxes need to be ensured.

A case has come to the notice of the Commission, where due to the bulky size of tender documents the bid conditions envisaged submission of tenders by hand to a designated officer. However, it seems that one of the bidders while trying to locate the exact place of submission of tenders, got delayed by few minutes and the tender was not accepted leading to a complaint.

In general, the receipt of tenders should be through tender boxes as suggested in our booklets. However, in cases where the tenders are required to be submitted by hand, it may be ensured that the names and designation of at least two officers are mentioned in the bid documents. The information about these officers should also be displayed at the entrance/reception of the premises where tenders are to be deposited so as to ensure convenient approach for the bidders. The tenders after receipt should be opened on the stipulated date and time in presence of the intending bidders.

Sd/-
(Gyaneshwar Tyagi)
Technical Examiner

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**CVC - OM No.12-02-1-CTE-6 dated 07.05.2004**

**Prequalification criteria (PQ)**

Guidelines were prescribed in this office OM of even number dated 17/12/2002, on the above-cited subject to ensure that the pre-qualification criteria specified in the tender document should neither be made very stringent nor very lax to restrict/facilitate the entry of bidders. It is clarified that the guidelines issued are illustrative and the organizations may suitably modify these guidelines for specialized jobs/works, if considered necessary. However, it should be ensured that the PQ criteria are exhaustive, yet specific and there is fair competition. It should also be ensured that the PQ criteria is clearly stipulated in unambiguous terms in the bid documents.

(M.P. Juneja)
Chief Technical Examiner

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War against corruption is the mother of all wars.
Srimayee Parida, Class – IX, Govt. High Girls High School, Burla.
CVC -Office Order No. 25/4/04 dated 21/04/2004

Consideration of Indian Agents

The Commission has received a complaint alleging that in Government tenders an agent participates by representing a company officially and another bid is submitted as a 'direct offer' from the manufacturer. At times, the agent represents a foreign company in one particular tender and in another tender the said foreign company participates directly and the agent represents another foreign company. There is a possibility of cartelization in such cases and thus award of contract at higher prices.

2. The issue has been deliberated in the Commission. In order to maintain the sanctity of tendering system, it is advised that the purchases should preferably be made directly from the manufacturers. Either the Indian Agent on behalf of the foreign principal or the foreign principal directly could bid in a tender but not both. Further, in cases where an agent participates in a tender on behalf of one manufacturer, he should not be allowed to quote on behalf of another manufacturer along with the first manufacturer in a subsequent / parallel tender for the same item.

3. It is suggested that these guidelines may be circulated amongst the concerned officials of your organization for guidance.

Sd/-
A.K. Jain
Technical Examiner
For Chief Technical Examiner

CVC -Office Order No. 23/4/04 dated 13/04/2004

Vigilance angle – definition of
[Read with modification vide office Order No.74/12/05]

As you are aware, the Commission tenders advice in the cases, which involve a vigilance angle. The term “vigilance angle” has been defined in the Special Chapters for Vigilance Management in the public sector enterprises, public sector banks and public sector insurance companies. The matter with regard to bringing out greater quality and precision to the definition has been under reconsideration of the Commission. The Commission, now accordingly, has formulated a revised definition of vigilance angle as under:

“Vigilance angle is obvious in the following acts: -

(i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.

(ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.
(iii) Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.

(iv) Possession of assets disproportionate to his known sources of income.

(v) Cases of misappropriation, forgery or cheating or other similar criminal offences.

2. There are, however, other irregularities where circumstances will have to be weighed carefully to take a view whether the officer’s integrity is in doubt. Gross or willful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible/public interest is evident; failure to keep the controlling authority/superiors informed in time – these are some of the irregularities where the disciplinary authority with the help of the CVO should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.

3. The raison d’être of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. Commercial risk taking forms part of business. Therefore, every loss caused to the organisation, either in pecuniary or non-pecuniary terms, need not necessarily become the subject matter of a vigilance inquiry. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial/operational interests of the organisation is one possible criterion for determining the bona fides of the case. A positive response to this question may indicate the existence of bona fides. A negative reply, on the other hand, might indicate their absence.

4. Absence of vigilance angle in various acts of omission and commission does not mean that the concerned official is not liable to face the consequences of his actions. All such lapses not attracting vigilance angle would, indeed, have to be dealt with appropriately as per the disciplinary procedure under the service rules.”

5. The above definition becomes a part of the Vigilance Manual and existing Special Chapter on Public Sector Banks and Public Sector Enterprises brought out by the Commission, in supersession of the existing definition.

CVOs may bring this to the notice of all concerned.

Sd/-
(Anjana Dube)
Deputy Secretary

CVC -Office Order No. 20/4/04 dated 06/04/2004

Improving Vigilance Administration: Increasing Transparency and cutting delays by e-payments and e-receipt by Govt. Organisations etc.

The Commission has been receiving complaints about inordinate delays in making payments to the vendors and other suppliers to the Govt. organisations, Public Sector Undertakings etc. Similarly complaints are received about delays in getting refunds from taxation dept. and other departments. Apart from increasing the cost of procurement, the
delays lead to opportunities for corruption. A number of measures are required to cut down on delays in making payments. One such step is resorting to mechanism of e-payments and e-receipts wherever such banking facilities exist.

In the last few years tremendous progress has been made by the banking sector in computerization including net-working of branches, making it possible to do e-banking by making use of facilities like electronic clearing system (ECS) and electronic fund transfer (EFT) etc. These facilities are available in most of the banks including the State Bank of India as well as in private banks. A large number of corporates including public sector undertakings are already making e-payments to vendors and employees instead of making payments by issue of cheques.

The Commission has been receiving complaints that delay is intentionally caused with ulterior motives in the issue and dispatch of cheques in the accounts and finance wings of a large number of Govt. Organisations. As the e-payment facility is already available in the metros as well as practically in all the main urban centres of the country, in order to curb the above mentioned malpractices, the CVC in the exercise of powers conferred on it under Section 8(1) (h) issues following instructions for compliance by all govt. departments, PSUs, banks and other agencies over which the Commission has jurisdiction.

1. The payment to all suppliers/vendors, refunds of various nature, and other payments which the organisations routinely make shall be made through electronic payment mechanism at all centres where such facilities are available in the banks.

2. Salary and other payments to the employees of the concerned organisations at such centres shall also be made through electronic clearing system (ECS) wherever such facilities exist.

As the organisations will have to collect bank account numbers from the vendor, suppliers, employees and others who have interface of this nature with the Govt. organisations, the concerned organisations may plan to switch over to e-payment system in a phased manner starting with transactions with the major suppliers in the beginning or in whatever manner is found more convenient.

It is expected that in three months i.e. by 1st July, 2004, 50% of the payment transactions both in value terms as well as in terms of number of transactions shall be made through ECS/EFT mechanism instead of payment through cheques. The remaining 50% payment transactions at all centres where such facilities exist shall be made by 31st Dec., 2004.

These instructions are applicable to all the metro cities and other urban centres where the banks provide ECS/EFT and similar other facilities.

The departments, PSUs, Banks etc. should also provide an enabling environment and facilities so that businessmen and other citizens can make payment of Govt. dues and payments to PSUs etc. electronically.

In addition to significantly reducing processing costs in preparation and dispatch of cheques, the above measures also reduce the risk of frauds by providing speed, efficiency and easier reconciliation of accounts.

Sd/-

(Anjana Dube)
Deputy Secretary
In CPWD, MCD, Civil Construction Division of Post & Telecom departments and in many other departments/organizations, there is system of short term tenders (by whatever name it is called in different organizations), wherein works below a particular value are undertaken without resorting to publicity as is required in the open tenders. This practice is understandable because of cost and time involved in organizing publicity through newspapers. In all such cases, notice can be put on the web-site of the department as it does not take any time compared to giving advertisements in the newspapers and it practically does not cost anything. This will benefit the department by bringing in transparency and reducing opportunities for abuse of power. This will also help the organizations by bringing in more competition.

2. In view of the reasons given above, the Commission has decided that instructions given in the Commission’s circular (No. 98/ORD/1 dated 18.12.2003) for the use of web-site will also apply to all such works awarded by the department/PSEs/other organizations over which the Commission has jurisdiction.

Sd/-
(Balwinder Singh)
Additional Secretary

The Commission has issued a directive vide No. 98/ORD/1 dated 18th December 2003 wherein detailed instructions are issued regarding the use of website for tendering process. The objective is to improve vigilance administration by increasing transparency. The instructions were to take effect from 1st January 2004. It is noticed that many organisations whose web-sites are functional are still not putting their tenders on the web-site. The Commission has desired that CVOs should ensure compliance of the above directive. They should regularly pursue the Newspaper advertisements, the web-site of their organisation and in general keep track to ensure that the directives of the Commission on this subject are complied with. Further, the Commission has desired that the CVOs should indicate in their monthly report in the column pertaining to tender notices whether all the tenders have been put on the web-site, and if not, the reasons for non-compliance. The explanation of the concerned officers who are not complying with these directions should be called and further necessary action taken.

Sd/-
(Balwinder Singh)
Additional Secretary

TECHNOLOGY DEEP – ROOTED: CORRUPTION UPROOTED.
Koushik Sen, Class – X, DAV Public School, SOCP, Brajrajnagar.
The CTE Organisation of the Central Vigilance Commission conducts independent intensive examinations of various types of works and contracts executed by the organisations under its purview. The lapses and deficiencies observed during the course of such examinations are brought to the notice of the CVOs, for suitable corrective action. With a view to prevent recurrence of such lapses and irregularities and for improving the systems and procedures in the organisations, a few booklets have also been issued by the CTEO. However, it is observed that certain common deficiencies and irregularities continue to plague the systems in a large number of organisations. Some of these noticed during recent inspections are enumerated as under:

- Appointment of consultants continue to be done in an arbitrary manner. At times two or even three consultants are appointed for a work with no clear cut and some times over lapping responsibilities. A PSU, in a recent case, in addition to the engineering and project management consultants appointed an inspection and expediting consultant with no well defined role for them.

- The tendency of over dependence on the consultants continues. All activities are left completely to the consultants. In a recent inspection of an Oil PSU, the tenders for a big work of about Rs.20 crores were issued on the basis of a single page estimate submitted by the consultants and the same was revised by the latter upwards by 20% after opening of price bids, in order justifying the quoted rates. A detailed and realistic estimate must be prepared before issue of tender.

- Some organizations prefer limited tendering system, restricting competition to their approved contractors. The selection of these contractors at times is arbitrary and due of lack of competition or cartel formation amongst such group of contractors, the contractors are awarded at high rates. This needs to be discouraged and the organisations must ensure that contracts are awarded on the basis of competitive bidding at reasonable rates.

- The works are awarded without preparing any market rate justification. The comparison at times is made with works which were awarded few years back. This procedure cannot be considered objective and appropriate for justifying the awarded rates. The justification should be based on realistic prevailing rates.

- In a recent inspection of an oil PSU, it was noticed that revised price bids were asked from all the bidders, as rates were high vis-a-vis the estimate. This tantamounts to negotiations with firms other than L-1 and is a clear violation of CVC instructions in this regard. The negotiations should be an exception rather than a rule and should be conducted if required, only with the L-1 bidder.

- The organizations generally make provisions for a very small amount of say Rs.50000/- or Rs.1 lac as earnest money. This amount is grossly insufficient to safeguard the organisation’s interest in high rate tenders running into several crores of rupees. This needs to be revised to a sufficient amount.

- The post award amendments issued by the organizations, at times recommended by consultants, without into account the financial implications favour the
contractors. Such post award deviations without financial adjustments are unwarranted and against the principles of competitive tendering.

- The tender documents, and the agreement are maintained in loose condition, are not page numbered and not signed by both the parties. This is highly objectionable. In order to ensure that the agreements are enforceable in court of law, it is imperative that he agreements are well bound, page numbered, signed by both the parties and well secured. This shall also prevent any possibility of interpolation and tampering of documents.

- Loose & incomplete implementation of contract clauses pertaining to insurance, Workmen's Compensation Act, ESIC, Labour Licenses etc., has been noticed, which give undue financial benefit to the contractors.

- Time is the essence of any contract. It has been observed that at times the work is extended and even payments released without a valid extension to the agreement. This has legal implications and in case of disputes, may jeopardize the interests of the organization. Timely extensions of the contracts and BGs if any must be ensured.

In order to make contract management more transparent and professional, CVO’s are requested to circulate this memorandum to the concerned officials in their organizations. This OM is also available in the Commission's website www.cvc.nic.in.

Sd/-
(M.P. Juneja)
Chief Technical Examiner

CVC -Office Order No. 98/ORD/1 dated 18/12/2003

Improving Vigilance Administration: Increasing Transparency in Procurement / Sale etc.

The Commission is of the opinion that in order to bring about greater transparency in the procurement and tendering processes there is need for widest possible publicity. There are many instances in which allegations have been made regarding inadequate or no publicity and procurement officials not making available bid documents, application forms etc. in order to restrict competition.

2. Improving vigilance administration is possible only when system improvements are made to prevent the possibilities of corruption. In order to bring about greater transparency and curb the mal-practices mentioned above the Central Vigilance Commission in the exercise of the powers conferred on it under Section 8(1)(h) issues following instructions for compliance by all govt. departments, PSUs, Banks and other agencies over which the Commission has jurisdiction. These instructions are with regard to all cases where open tender system is resorted to for procurement of goods and services or for auction/sale etc. of goods and services.

(i) In addition to the existing rules and practices regarding giving publicity of tenders through newspapers, trade journals and providing tender documents manually and through post etc. the complete bid documents alongwith
application form shall be published on the web site of the organization. It shall be ensured by the concerned organization that the parties making use of this facility of web site are not asked to again obtain some other related documents from the department manually for purpose of participating in the tender process i.e. all documents upto date should remain available and shall be equally legally valid for participation in the tender process as manual documents obtained from the department through manual process.

(ii) The complete application form should be available on the web site for purposes of downloading and application made on such a form shall be considered valid for participating in the tender process.

(iii) The concerned organization must give its web site address in the advertisement/NIT published in the newspapers.

(iv) If the concerned organization wishes to charge for the application form downloaded from the computer then they may ask the bidding party to pay the amount by draft/cheques etc. at the time of submission of the application form and bid documents.

3. While the above directions must be fully complied with, efforts should be made by organizations to eventually switch over to the process of e-procurement/e-sale wherever it is found to be feasible and practical.

4. The above directions are issued in supersession of all previous instructions issued by the CVC on the subject of use of web-site for tendering purposes. These instructions shall take effect from 1st January, 2004 for all such organizations whose web-sites are already functional. All other organizations must ensure that this facility is provided before 1st April, 2004.

Sd/-
(P. Shankar)
Central Vigilance Commissioner

CVC -Office Memorandum No. 06-03-02-CTE-34 dated 20/10/2003

Back to back tie up by PSUs - instructions regarding

It has been observed during intensive examination of various works/contracts awarded by construction PSUs on back to back basis that the works are being awarded in an ad-hoc and arbitrary manner without inviting tenders and ascertaining the performance, capability and experience of the tenderers. In some cases, the works were awarded on single tender basis/limited tender basis though sufficient time was available with the Organisation to invite open tenders.

2. Some of the common irregularities/lapses observed during the examination of works were as under:

   a) No transparency in selection of contractor for the back to back tie up which is the main source of corruption.

   b) Collusion among the contractors was observed where more than one contractors were involved at various stages.
c) Ineligible contractor obtains the contract through the PSUs.

d) Purchase preference misused by the PSUs.

e) PSUs sublet the complete work to a private contractor without obtaining permission from the client which invariably put a condition insisting such permission since the client is generally not interested in such back to back sublet of the work.

f) Infructuous work (to the exchequer) due to the involvement of intermediary PSUs and cost of project goes up ultimately.

g) No supervision by the PSU as they put the staff mainly for coordination work.

h) Quality ultimately suffers due to lack of supervision by the PSUs.

3. Commission is of the view that the practice of award of works to PSUs on nomination basis by Govt. of India/PSUs needs to be reviewed forthwith.

4. The irregularities observed during intensive examination of work and difficulties being faced by the PSUs in inviting tenders were considered and it has been decided that the procedure to be followed for award of work by Construction PSUs shall be finalised taking into account the following points:

a) PSUs (when bag the contract from the client Department) as a contractor, has to execute the work by functioning like a contractor instead of sub-letting the 100% work on back to back basis.

b) Open tenders to be invited for selection of sub-contractors as far as possible.

c) In case, it is not possible to invite open tenders, selection should be carried out by inviting limited tenders from the panel approved in the following manner. Panel of contractors are to be prepared for different categories. monetary limits, regions, in a transparent manner clearly publishing the eligibility criteria etc. The above panel is to be updated every year.

d) Tenders to be opened confidentially by a high level committee to maintain the secrecy of rates, if required. Tender opening register should be maintained in this regard duly signed by the officers opening the tender and kept confidential. This should be available for perusal when required by audit/vigilance.

e) The terms and conditions of the contract of the client especially those pertaining to subletting of works should be strictly adhered to by the PSUs.

f) Adequate staff to be deployed by the PSUs to ensure quality in construction etc.

g) The record of enlistment/updation of contractor and tender opening register shall be produced to the CTEO as well as audit officials when demanded for scrutiny.
5. It is, therefore, suggested that the procedure for award of work on back to back basis be finalised keeping in view the above points and circulated amongst the concerned officials of your organisation for strict compliance in future works.

Sd/-
(R.A. Arumugam)
Chief Technical Examiner

CVC - Office Memorandum No. 2EE-1-CTE-3 dated 15/10/2003

Tender Sample Clause

The Commission has received complaints that some organizations, while procuring clothing and other textile items insist on submission of a tender sample by the bidders though detailed specifications for such items exist. The offers are rejected on the basis of tender samples not conforming to the requirements of feel, finish and workmanship as per the 'master sample' though the bidders confirm in their bids that supply shall be made as per the tender specifications, stipulated in the bid documents.

2. While it is recognized that samples may be required to be approved to provide a basis in respect of indeterminable parameters such as shade, feel, finish & workmanship for supplies of such items but system of approving/rejecting tender samples at the time of decision making is too subjective and is not considered suitable, especially for items which have detailed specifications. The lack of competition in such cases is also likely to result in award of contracts at high rates.

3. It is thus advised that Government Departments/Organizations should consider procurement of such items on the basis of detailed specifications. If required, provision for submission of an advance sample by successful bidder(s) may be stipulated for indeterminable parameters such as, shade/tone, size, make-up, feel, finish and workmanship, before giving clearance for bulk production of the supply. Such a system would not only avoid subjectivity at the tender decision stage but would also ensure healthy competition among bidders and thus take care of quality aspect as well as reasonableness of prices.

4. It is requested that these guidelines may be circulated amongst the concerned officials of your organization for guidance. These are also available on the CVC’s website, http://cvc.nic.in.

Sd/-
(A.K. Jain)
Technical Examiner
for Chief Technical Examiner

Corruption is a poisonous fruit, Never try to earn.
Humanity is the best path, Symbol of white swan.
Johan Kumar Gurung, Class – VIII, Govt. Boys High School, Burla.
Vigilance Bulletin

**CVC - Office Order No. 46/9/03 dated 11/09/2003**

**E-procurement/Reverse Auction**

The Commission has been receiving a number of references from different departments / organisations asking for a uniform policy in this matter. The departments / organisations may themselves decide on e-procurement/reverse auction for purchases or sales and work out the detailed procedure in this regard. It has, however, to be ensured that the entire process is conducted in a transparent and fair manner.

Sd/-
(Mange Lal)
Deputy Secretary

**CVC - Office Order No. 44/9/03 dated 04/09/2003**

**Irregularities in award of contracts**

While dealing with the case of a PSU, the Commission has observed that the qualification criteria incorporated in the bid documents was vague and no evaluation criterion was incorporated therein. It is also seen that the category-wise anticipated TEUs were not specified in the bid documents and the same was left for assumptions by Tender Evaluation Committee for comparative evaluation of financial bids, which led to comparative evaluation of bids on surmises and conjectures. Further, it was also provided as a condition in the tender bid that the tenderer should have previous experience in undertaking handling of similar work and/or transportation works preferably of ISO containers, however, no definition of 'similar works' was, indicated in the bid documents.

2. It should be ensured that pre-qualification criteria, performance criteria and evaluation criteria are incorporated in the bid documents in clear and unambiguous terms as these criterion very important to evaluate bids in a transparent manner. Whenever required the departments/organisations should have follow two-bid system, i.e. technical bid and price bid. The price bids should be opened only of those vendors who were technically qualified by the Dep't/Organisation. The Commission would therefore advise that the Dep't/Organisation may issue necessary guidelines in this regard for future tenders.

3. It has also observed that the orders were allegedly split in order to bring it within the powers of junior officers and that the proper records of machine breakdown were not being kept. It is therefore, decided that in the matters of petty purchase in emergency items all departments/organisations must keep proper records of all machine breakdown etc.

4. All CVOs may bring this to the notice of all concerned.

Sd/-
(Anjana Dube)
Deputy Secretary
**CVC - Office Order No. 33/7/03 dated 09/07/2003**

**Short-comings in bid documents**

The Commission has observed that in the award of contracts for goods and services, the detailed evaluation/exclusion criteria are not being stipulated in the bid document and at times is decided after the tender opening. This system is prone to criticism and complaints as it not only leads to a non-transparent and subjective system of evaluation of tenders but also vitiates the sanctity of the tender system.

2. The Commission would reiterate that whatever pre-qualification, evaluation/exclusion criteria, etc. which the organization wants to adopt should be made explicit at the time of inviting tenders so that basic concept of transparency and interests of equity and fairness are satisfied. The acceptance/rejection of any bid should not be arbitrary but on justified grounds as per the laid down specifications, evaluation/exclusion criteria leaving no room for complaints as after all, the bidders spend a lot of time and energy besides financial cost initially in preparing the bids and, thereafter, in following up with the organizations for submitting various clarifications and presentations.

3. This is issued for strict compliance by all concerned.

Sd/-
(Mange Lal)
Deputy Secretary
Telefax No. 24651010

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**CVC - Letter No.98/ORD/1 dated 05.05.2003**

**Purchase of computer systems by Govt. departments/organisation**

It has come to the notice of the Commission that some departments/organisations are issuing tenders for purchase of computers where they mention and insist on the international brands. This not only encourages the monopolistic practices but also vitiates the guidelines issued by the Ministry of Finance, D/o Expenditure vide its OM No. 8(4)-E.II(A) 98 dated 17.12.1998 (copy enclosed).

2. It is, therefore, advised that departments/organisations may follow the instructions issued by the Department of Expenditure.

Sd/-
(Anjana Dube)
Deputy Secretary

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**CVC - Letter No.98/ORD/1 (Pt.IV) dated 12.03.2003**

**Use of web-site in Government procurement or tender process**

Attention is invited to the instructions issued by the Commission vide communication No. 98/ORD/1 dated 28.03.2002 regarding publishing of tender documents on the web-site.

2. The Commission has received a number of references from various departments/organisations expressing reservations in implementation the said instructions in toto. The
matter has been reviewed in the Commission and it is observed that it is a fact that use of web-site for accessing the information has so far not picked up in the country and it would not be possible for the vendors to access the web-site of every organisation to know the tender details. There is also no centralised web-site for the tenders.

3. Therefore, it has been decided by the Commission that till such time the penetration of Information Technology is adequate and a dedicated web-site for Government tenderers is available, Departments/Organisations may continue with publishing of NIT in newspapers in concise format and put the detailed information in their respective web-sites.

Sd/-
(Mange Lal)
Deputy Secretary

CVC - OM No.12-02-6-CTE/SPI(I)-2 dated 07.01.2003

Consideration of Indian Agents

The Commission has received a complaint alleging that in Government tenders at times an Indian Agent participates on behalf of two different foreign suppliers and in the event of only offers of these two suppliers getting short-listed, then the Indian representative knowing the prices of the two foreign suppliers/manufacturers may take an undue advantage.

2. The issue has been deliberated in the Commission. In order to maintain sanctity of the tender system, it is advised that one Agent cannot represent two suppliers or quote on their behalf in a particular tender.

3. It is suggested that these instructions may be circulated amongst the concerned officials of your organisation for guidance.

Sd/-
Niranjan Singh
Under Secretary

CVC - OM No.12-02-1-CTE-6 dated 17.12.2002

Prequalification criteria (PQ)

The Commission has received complaints regarding discriminatory prequalification criteria incorporated in the tender documents by various Deptts./Organisations. It has also been observed during intensive examination of various works/contracts by CTEO that the prequalification criteria is either not clearly specified or made very stringent/very lax to restrict/facilitate the entry of bidders.

2. The prequalification criteria is a yardstick to allow or disallow the firms to participate in the bids. A vaguely defined PQ criteria results in stalling the process of finalizing the contract or award of the contract in a non-transparent manner. It has been noticed that organizations, at times pick up the PQ criteria from some similar work executed in the past, without appropriately amending the different parameters according to the requirements of the present work. Very often it is seen that only contractors known to the officials of the organization and to
the Architects are placed on the select list. This system gives considerable scope for malpractices, favouritism and corruption. It is, therefore, necessary to fix in advance the minimum qualification, experience and number of similar works of a minimum magnitude satisfactorily executed in terms of quality and period of execution.

3. Some of the common irregularities/lapses observed in this regard are highlighted as under: -

(i) For a work with an estimated cost of Rs.15 crores to be completed in two years, the criteria for average turnover in the last 5 years was kept as Rs.15 crores although the amount of work to be executed in one year was only Rs.7.5 crores. The above resulted in prequalification of a single firm.

(ii) One organization for purchase of Computer hardware kept the criteria for financial annual turnover of Rs.100 crores although the value of purchase was less than Rs.10 crores, resulting in disqualification of reputed computer firms.

(iii) In one case of purchase of Computer hardware, the prequalification criteria stipulated was that the firms should have made profit in the last two years and should possess ISO Certification. It resulted in disqualification of reputed vendors including a PSU.

(iv) In a work for supply and installation of A.C. Plant, retendering was resorted to with diluted prequalification criteria without adequate justification, to favour selection of a particular firm.

(v) An organization invited tenders for hiring of D.G. Sets with eligibility of having 3 years experience in supplying D.G. Sets. The cut off dates regarding work experience were not clearly indicated. The above resulted in qualification of firms which had conducted such business for 3 years, some 20 years back. On account of this vague condition, some firms that were currently not even in the business were also qualified.

(vi) In many cases, "Similar works" is not clearly defined in the tender documents. In one such case, the supply and installation of A.C. ducting and the work of installation of false ceiling were combined together. Such works are normally not executed together as A.C. ducting work is normally executed as a part of A.C. work while false ceiling work is a part of civil construction or interior design works. Therefore, no firm can possibly qualify for such work with experience of similar work. The above resulted in qualification of A.C. Contractors without having any experience of false ceiling work although the major portion of the work constituted false ceiling work.

4. The above list is illustrative and not exhaustive. While framing the prequalification criteria, the end purpose of doing so should be kept in view. The purpose of any selection procedure is to attract the participation of reputed and capable firms with proper track records. The PQ conditions should be exhaustive, yet specific. The factors that may be kept in view while framing the PQ Criteria includes the scope and nature of work, experience of firms in the same field and financial soundness of firms.
5. The following points must be kept in view while fixing the eligibility criteria:-

A) For Civil/Electrical Works
   (i) Average Annual financial turnover during the last 3 years, ending 31\textsuperscript{st} March of the previous financial year, should be at least 30% of the estimated cost.

   (ii) Experience of having successfully completed similar works during last 7 years ending last day of month previous to the one in which applications are invited should be either of the following:

         a. Three similar completed works costing not less than the amount equal to 40\% of the estimated cost.

         or

         b. Two similar completed works costing not less than the amount equal to 50\% of the estimated cost.

         or

         c. One similar completed work costing not less than the amount equal to 80\% of the estimated cost.

   (iii) Definition of “similar work” should be clearly defined. In addition to above, the criteria regarding satisfactory performance of works, personnel, establishment, plant, equipment etc. may be incorporated according to the requirement of the Project.

B) For Store/Purchase Contracts
   Prequalification/Post Qualification shall be based entirely upon the capability and resources of prospective bidders to perform the particular contract satisfactorily, taking into account their (i) experience and past performance on similar contracts for last 2 years (ii) capabilities with respect to personnel, equipment and manufacturing facilities (iii) financial standing through latest I.T.C.C., Annual report (balance sheet and Profit & Loss Account) of last 3 years. The quantity, delivery and value requirement shall be kept in view, while fixing the PQ criteria. No bidder should be denied prequalification/post qualification for reasons unrelated to its capability and resources to successfully perform the contract.

6. It is suggested that these instructions may be circulated amongst the concerned officials of your organization for guidance in fixing prequalification criteria. These instructions are also available on CVC’s website, http://cvc.nic.in.

\[\text{Sd/-}\]
\[\text{(M.P. Juneja)}\]
\[\text{Chief Technical Examiner}\]

\textbf{CVC - OM No.OFF 1 CTE 1 dated 25.11.2002}

\textbf{Appointment of Consultants}

While highlighting the common lapses/irregularities observed in the Construction works undertaken by the PSUs/Banks, under the guidance of Consultants, the Commission had issued certain guidelines vide letter No. 3L PRC 1 dated 12.11.1982 [copy enclosed-Annexure-1] so as to avoid recurrence of such lapses. These were further emphasized vide letter No. 3L-IRC-1 dated 10.1.1983 [copy enclosed-Annexure-II], inter-alia, bringing out the guidelines circulated by the Bureau of Public Enterprises in their letter no. DPE/GL-
025/78/Prodn./PCR/277/BPE/Prodn. dated 15.07.1978 and it was reiterated that the appointment of Consultants should be made in a transparent manner.

2. However, it has been observed during intensive examination of various works/contracts by the CTEO that these instructions are not being followed by a large number of organizations. The consultants are still appointed in an ad-hoc and arbitrary manner without inviting tenders and without collecting adequate data about their performance, capability and experience. In some cases, the consultants were appointed after holding direct discussions with only one firm without clearly indicating the job-content and consultation fee payable to them. Often the scope of work entrusted to the consultants is either not defined properly or the consultants are given a free hand to handle the case due to which they experiment with impractical, fanciful and exotic ideas resulting in unwarranted costs. The organizations display an over-dependence on consultants and invariably abdicate their responsibility completely to the latter. The officials do not over see the working of the consultants resulting in the latter exploiting the circumstances and at times, in collusion with the contractors, give biased recommendations in favour of a particular firm. It has also been noticed that the consultants recommend acceptance of inferior items/equipments / payment for inadmissible items and also give undue benefit to the contractors like non-recovery of penalties for the delayed completion. The position in respect of projects with multiple consultants is still worse as the self-interest of so many outside agencies takes precedence over the loyalty towards the organization. These agencies tend to collude or collide with each other, and both the situations are detrimental to the smooth implementation of the project.

3. Some of the common irregularities/lapses observed during the last four years or so in this regard are highlighted as under:-

   i) One organization engaged architect from a very old panel, prepared about 15 years back.

   ii) An organization invited and short-listed 5 consultants but awarded the contract to the highest bidder on the plea that the bidder had done a very good job in some other project with the organization. Extra amount of account of travel expenses, boarding and lodging was also sanctioned beyond contractual terms.

   iii) A bank for construction of its Head Office in Mumbai, shortlisted three firms after a thorough scrutiny of offers submitted by a large number of bidders. The price bids of these firms were opened, but in a surprising manner, the work of consultancy was awarded to an L-2 firm thus compromising all ethics of tendering.

   iv) The payment terms to the contractors are often allowed quite liberally. In one case, the consultant’s fee was paid on quarterly basis without linking the same with the progress of the project. Full payments had been authorized even before the completion of the project. In another work, the consultants were paid substantial amount at an early stage of the project though they had submitted only preliminary drawings. Subsequently, the consultants failed to complete the job and the department took no action against them. In yet another case, the consultant was allowed extra payment for additional documents that he had to generate due to retendering of the case. However, the reasons for re-tendering were found attributable to the consultants and instead of penalizing, they were rewarded with extra payment.
v) The consultants tend to increase the cost of the work for more fees as generally the fee of the consultants is fixed at a certain percentage of the final cost of project. In an office building work, tender was accepted for Rs.10.00 crores but during execution, specifications were changed and actual cost on completion was twice the tendered cost. Thus, the consultant was unduly benefited as there was no maximum limit fixed for the consultant’s fee.

vi) In the consultancy agreement generally the nature of repetitive type of work is not defined. In one work, 4 similar blocks comprising of 100 hostel rooms each were constructed. The consultants were paid same standard fees for each block. Due to this, the organization suffered loss at the cost of the consultant.

vii) There is no check on consultant’s planning, design and execution. In one work, pile foundation for a workshop building was designed with the capacity of the piles, capable of carrying twice the required load. In the same project, high capacity piles (450 mm dia. 20 m deep) were provided for a single-storeyed ordinary office building, which did not require pile foundation at all.

viii) In another case, the project was for a design and construction of a training institute on a big plot of land in a very posh and expensive area. The whole construction was two storied with no scope for future expansion. Ironically all other buildings in the vicinity are multi-storeyed highlighting the fact that space utilization here was very poor. Further, the walls in the reception area and on the outside of the auditorium were provided with acoustic insulation with no rationale. For air-conditioning of the library instead of providing a single AHU of suitable capacity with ducting, etc. 20 plus AHUs had been provided in the room. Such fanciful ideas along with poor planning and supervision resulted in the project suffering heavy cost and time overruns.

ix) In one of the works for a bank in Mumbai, the substation equipment has been installed in the basement area, jeopardizing the safety aspect, as Mumbai gets its fair share of heavy rains and the area is also in close proximity to the sea.

x) In many cases, the consultants charge exorbitant traveling expenses. For a work in Punjab, Mumbai based Architects were appointed. The fee payable to them was Rs. 6.00 lakhs, but the actual traveling expenses ultimately paid to them were to the tune of Rs. 7.5 lakhs.

xi) Sometimes the consultants pass on their responsibility to the contractor. In one work, the consultant was supposed to give design ad drawing as per the consultancy agreement. While preparing the tender document for construction work, the responsibility for the preparation of drawings and structural design was entrusted with the construction contractor by adding a condition to that effect. The contractors loaded the quoted rates for the above work and the consultant was benefited at the cost of the organization.

xii) In case of road projects, it was observed that consultants under different categories like general consultants, planning & design consultants and construction management consultants were appointed for almost all the activities of the projects without competitive bidding. The work done by the consultants is not checked by the departmental engineers who feel their job is mainly to issue cheques to the consultants/contractors.
4. The above list is only illustrative and not exhaustive. The Commission would like to reiterate the instructions regarding appointment of consultants. The appointment of consultants should be absolutely need based and for specialized jobs only. The selection of consultants should be made in a transparent manner through competitive bidding. The scope of work and role of consultants should be clearly defined and the contract should incorporate clauses having adequate provisions for penalizing the consultants in case of defaults by them at any stage of the project including delays attributable to the consultants. As far as possible a Project Implementation Schedule indicating maximum permissible time for each activity should be prepared with a view to arrest time overruns of the projects. There should be no major deviation in the scope of work after the contract is awarded and the consultant should be penalized for poor planning and supervision if the deviations result in excessive cost overruns. Further, the consultant’s fee should be pegged based on the original contract value. The role of the consultants should be advisory and recommendatory and final authority and responsibility should be with the departmental officers only. It is suggested that these instructions may be circulated amongst the concerned officials of your organization for guidance in appointment/working of consultants in the engineering works/contracts. These instructions are also available on CVC’s web site, http://cvc.nic.in

Sd/-
(M.P. Juneja)
Chief Technical Examiner

CVC- Circular No. 98/ORD/1 dated 03/08/2001

Improving Vigilance Administration – Tenders

Please refer to the instructions issued by the Commission vide its communication No. 8(1)(h)/98(1) dated 18.11.1998, banning post-tender negotiations except with L-1.

2. It is clarified that the CVC’s instructions dated 18.11.1998, banning post-tender negotiations except with L-1 (i.e. the lowest tenderer), pertain to the award of work/supply orders etc., where the Government or the Government company has to make payment. If the tender is for sale of material by the Government or the Government company, the post-tender negotiations are not to be held except with H-1 (i.e. the highest tenderer), if required.

Sd/-
(K.L. Ahuja)
Officer on Special Duty

CVC - Letter No. 98/ORD/1 dated 24/08/2000

Improving Vigilance Administration - Tenders

Please refer to the instructions issued by Commission vide its communication No. 8 (1)(h)/98(1) dated 18.11.98, banning post tender negotiations except with L-1.

2. The Commission has been getting a number of queries on how to handle the matter if the quantity to be ordered is more than L-1 can supply or about placement of orders on Public Sector Undertakings. It is requested that such matters may be dealt with in accordance with the clarifications issued by the Commission vide its letter of even number dated 15.3.99 (copy enclosed).
3. Some of the organisations have sought clarification as to whether they can consider the L-2 offer or negotiate with that firm if L-1 withdraws his offer before the work order is placed, or before the supply or execution of work order takes place. In this regard, it is clarified that such a situation may be avoided if a two-bid system is followed (techno-commercial) so that proper assessment of the offers is made before the award of work order. Therefore, if L-1 party backs out, there should be retendering in a transparent and fair manner. The authority may in such a situation call for limited or short notice tender if so justified in the interest of work and take a decision on the basis of lowest tender.

4. The Commission has also been getting references for its advice on the procedures being followed in individual cases of tenders. The Commission would not involve itself in the decision making process of individual organisations. It, however, would expects the organisations to implement its instructions dated 18.11.98, in its spirit and to ensure that the decisions of administrative authorities are transparent.

Sd/-
(K.L.Ahuja)
Officer on Special Duty

CVC - Circular No.3(V)/99/9 dated 01/10/1999

Applicability of CVC’s instruction No.8(1)(h)/98(1) dated 18/11/98 on post-tender negotiations to Projects of the World Bank & other international funding agencies

The Commission has banned post-tender negotiations except with L-1 vide its instruction No.8(1)(h)/98(1) dated 18/11/98. Subsequently, the Commission had also issued a clarification vide No.98/ORD/1 dated 15/3/99. Notwithstanding the clarifications issued by the Commission, many Departments/Organisations have been approaching the Commission on specific issues which were clarified to the individual departments/organisations.

2. A clarification sought by many Departments/Organisation, which is vital and has relevance to many of the organisations relates to the applicability of the above said instruction of CVC to World Bank Projects. It has been decided after due consideration, that in so far as the World Bank Projects and other international funding agencies such as IMF, ADB etc. are concerned, the department/organisations have no other alternative but to go by the criteria prescribed by the World Bank/concerned agencies and the Commission's instruction would not be applicable specifically to those projects. However, the instructions of the CVC will be binding on purchases/sales made by the departments within the Country. The CVC's instruction of 18/11/98 will apply even if they are made with sources outside the Country and if they are within the budget provisions and normal operations of the Department/Organisation.

3. All CVOs may ensure strict compliance of this instruction.

4. This instruction is also available on CVC's Website at http://cvc.nic.in

Sd/-
N. Vittal
Central Vigilance Commissioner

IF TECHNOLOGY RULES THE ROOST, CORRUPTION BOWS OUT.
Alok Patro, Class – X, DAV Public School, SOCP, Brajrajnagar.
Vigilance Bulletin

CVC – Letter No.98/ORD/1 dated 15/03/1999

Improving vigilance administration - Tenders

Please refer to CVC’s instructions issued under letter No.8(1)(h)/98(I) dt. 18.11.98 banning post tender negotiations except with L-1 i.e., the lowest tenderer. Some of the organizations have sought clarifications from the Commission as they are facing problems in implementing these instructions. The following clarifications are, therefore, issued with the approval of Central Vigilance Commissioner

(i) The Government of India has a purchase preference policy so far as the public sector enterprises are concerned. It is clarified that the ban on the post tender negotiations does not mean that the policy of the Government of India for purchase preference for public sector should not be implemented.

(ii) Incidentally, some organisations have been using the public sector as a shield or a conduit for getting costly inputs or for improper purchases. This also should be avoided.

(iii) Another issue that has been raised is that many a time the quantity to be ordered is much more than L1 alone can supply. In such cases the quantity order may be distributed in such a manner that the purchase is done in a fair transparent and equitable manner.

Sd/-
(P.S.Fatehullah)
Director

Ministry of Finance (Deptt. of Expenditure) - Office Memorandum

No. 8(4)-E.II(A)/98 dated 17/12/1998

Purchase of Computer Systems by Government Departments

The undersigned is directed to invite attention to the provisions of GFR 102(1) and the Annexure to the same according to which "Open Tender" system (that is, invitation to tender by public advertisement) should be used as a general rule in all cases in which the estimated value of demand is `50,000/- and above.

2. It has been brought to the notice of this Ministry by Deptt. of Electronics that certain Ministries/Deptts etc. issue tenders for purchase of personal computers where they specify the international brands like IBM, Compaq, HP, Digital, DELL or Gateway Micron. This vitiates the guidelines for open tender system laid down in GFRs and deprives other brands including domestic manufacturers of an opportunity to participate in the tender. Further Deptt. of Electronics have pointed out that brand names do not have any great advantage since at the broad level there is hardly any difference between the competing products because they predominantly use Intel microprocessors.

3. Separately, DGS&D have informed that generalised specifications for personal computers have been finalised and the process of concluding rate contract is being initiated.
4. It is, therefore advised that Ministries/Departments should follow the open tender
system without vitiating it by specifying brand names in accordance with the provisions in
GFRs for purchase of personal computers till a rate contract for computers is concluded by
DGS&D. Thereafter, computers could be purchased on rate contract basis.

Sd/-
(Narain Das)
Under Secretary to the Govt. of India

CVC- Circular No. 8(1)(h)/98(1) dated 18/11/1998

Improving vigilance administration

The Central Vigilance Commission Ordinance 1998 under Section 8(1)(h) directs that
the power and function of the CVC will be the following:

“exercise superintendence over the vigilance administration of the various Ministries of
the Central Government or corporations established by or under any Central Act,
Government companies, societies and local authorities owned or controlled by that
Government”.

2. Improving vigilance administration is possible only if system improvements are made
to prevent the possibilities of corruption and also encourage a culture of honesty. In exercise of
the powers conferred on the CVC by Section 8(1)(h), the following instructions are issued for
compliance:

2.1 Creating a culture of honesty

Many organisations have a reputation for corruption. The junior employees and officers who
join the organisations hopefully may not be so corruption minded as those who have already
been part of the corrupt system. In order to ensure that a culture of honesty is encouraged and
the junior officers do not have the excuse that because their seniors are corrupt, that they have
to also adopt the corrupt practices, it is decided with immediate effect that junior employees
who initiate any proposal relating to vigilance matters which is likely to result in a reference to
the CVC can send a copy directly to the CVC by name. This copy will be kept in the office of
the CVC and data fed into the computer. If within a reasonable time of say three to six months,
the reference does not come to the CVC, the CVC then can verify with the concerned
authorities in the department as to what happened to the vigilance case initiated by the junior
employee. If there is an attempt to protect the corrupt or dilute the charges, this will also
become visible. Above all the junior officers will not have the excuse that they have to fall in
line with the corrupt seniors. Incidentally, the seniors also cannot treat the references made
directly to the CVC as an act of indiscipline because the junior officers will be complying with
the instructions issued under Section 8(1)(h) of the CVC Ordinance 1998. However, if a junior
officer makes a false or frivolous complaint it will be viewed adversely.

2.2 Greater transparency in administration

2.2.1 One major source of corruption arises because of lack of transparency. There is a scope
for patronage and corruption especially in matters relating to tenders, cases where exercise of
discretion relating to out of turn conferment of facilities/privileges and so on. Each Organisation may identify such items which provide scope for corruption and where greater transparency would be useful. There is a necessity to maintain secrecy even in matters where discretion has to be exercised. But once the discretion has been exercised or as in matters of tenders, once the tender has been finalised, there is no need for the secrecy. A practice, therefore, must be adopted with immediate effect by all organisations within the purview of the CVC that they will publish on the notice board and in the organisation’s regular publication the details of all such cases regarding tenders or out of turn allotments or discretion exercised in favour of an employee/party. The very process of publication of this information will provide an automatic check for corruption induced decisions or undue favours which go against the principles of healthy vigilance administration.

2.2.2 The CVC will in course of time take up each organisation and review to see whether any additions and alterations have to be made to the list of items which the organisation identified in the first instance for the monthly communications for publicity in the interests of greater transparency. This may be implemented with immediate effect.

2.3 **Speedy departmental inquiries**

2.3.1 One major source of corruption is that the guilty are not punished adequately and more important they are not punished promptly. This is because of the prolonged delays in the departmental inquiry procedures. One of the reasons for the departmental inquiry being delayed is that the inquiry officers have already got their regular burden of work and this inquiry is to be done in addition to their normal work. The same is true for the Presenting Officers also.

2.3.2 Each organisation, therefore, may immediately review all the pending cases and the Disciplinary Authority may appoint Inquiry Officers from among retired honest employees for conducting the inquiries. The names of these officers may be got cleared by the CVC.

The CVC will also separately issue an advertisement and start building a panel of names all over India who can supplement the inquiry officers work in the department. In fact, it will be a healthy practice to have all the inquiries to be done only through such retired employees because it can then be ensured that the departmental inquiries can be completed in time. If any service/departmental rules are in conflict with the above instructions they must be modified with immediate effect.

2.3.3 In order to ensure that the departmental inquiries are completed in time, the following time limits are prescribed:

(i) In all cases which are presently pending for appointment of Inquiry Officer and Presenting Officer, such appointment should be made within one month. In all other cases, the Inquiry Officer and the Presenting Officer should be appointed, wherever necessary, immediately after the receipt of the public servant’s written statement of defence denying the charges.

(ii) The Oral inquiry, including the submission of the Inquiry Officer’s report, should be completed within a period of 6 months from the date of appointment of the Inquiry Officer. In the preliminary inquiry in the beginning requiring the first appearance of the charged officers and the Presenting Officer, the Inquiry Officer should lay down a definite time-bound programme for inspection of the listed documents, submission of the lists of defence documents and defence witnesses and inspection of defence documents before the regular hearing is taken up. The
regular hearing, once started, should be conducted on day-to-day basis until completed and adjournment should not be granted on frivolous grounds.

2.3.4 One of the causes for delay is repeated adjournments. Not more than two adjournments should be given in any case so that the time limit of six months for departmental inquiry can be observed.

2.3.5 The IO/PO, DA and the CVO will be accountable for the strict compliance of the above instructions in every case.

2.4 **Tenders**

Tenders are generally a major source of corruption. In order to avoid corruption, a more transparent and effective system must be introduced. As post tender negotiations are the main source of corruption, post tender negotiations are banned with immediate effect except in the case of negotiations with L1 (i.e. Lowest tenderer).

3. Hindi version will follow.

Sd/-
(N.VITTAL)
CENTRAL VIGILANCE COMMISSIONER

**CVC – OM No.UU/POL/19 dated 08/10/1997**

**Grant of interest free mobilization advance**

It has come to the notice of this Commission that PSUs are stipulating payment of interest free mobilization advance in their tenders. Many times mobilization advance is allowed after acceptance of tender also. The amount of mobilization advance thus paid to the contractor is prone to be used by him for building his own capital or for the purpose other than the one for which it is disbursed. For big projects mobilization advance of 5 to 10% stipulated in the contract works out to a huge amount and the contractor is likely to be benefited with interest free amount to a very big extent. Normally while preparing justification, elements of gain in terms of interest on capital investment by way of mobilization advance is also not considered and thus the contractor gets higher rates than that may be justified. In case there is a delay in commencement of work the contractor is likely to get undue benefit by way of retention of huge money.

2. It is, therefore, desired that adequate steps may be taken to ensure stipulation of mobilization advance only for selected works and advance should be interest bearing so that contractor does not draw undue benefit. Timely execution/completion of all projects is an essential requirement and the contractor would like to draw interest bearing mobilization advance only when he needs to maintain his cash flow.

Sd/-
(P.K.Gopinath)
Director

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**TECHNICAL EXCELLENCE, THE BROOM, FOR CORRUPTION, THERE IS NO ROOM.**

Nitish Kumar Prajapati, Class – VIII, DAV Public School, SOCP, Brajrajnagar.
Guidelines in connection with the selection of consultants by Public Sector Enterprises for preparation of project reports have been laid down by Bureau of Public Enterprises vide letter No. BPE/GL-025/78/Prodn./PCR/2/77/BPE/Prodn. dt. 15th July, 1978.

In brief the guidelines laid down are:

A. For any new projects, expansions, modernization/modification of the existing projects involving an expenditure of Rs.5 crores and above these guidelines are applicable.

B. The pre-qualifications public notice should be issued to enlist names of suitable consultants.

C. The pre-qualification bid should be screened by a scrutinising committee.

D. The final selection and commissioning of the consultant should be done with the approval of the board of public sector enterprises.

E. Based on the above guidelines each enterprise should prepare their own instructions and procedure duly approved by the board for the appointment of consultants to ensure that the selection is made with maximum attention to the suitability, competence and proven track record.

The Chief Technical Engineer Organisation under the control of the Commission has had occasion to examine and comment upon works undertaken by public sector undertakings. Common irregularities/lapses noticed in the construction works undertaken by the public sector undertakings/banks have already been brought to your notice vide engineering works, it was observed that consultants were appointed on ad-hoc basis without going through proper formalities as suggested by B.P.E. and/or the consultant was chosen from an old panel thereby restricting competition. In most of the cases public sector enterprises have not framed their own instructions and procedures duly approved by the Board.

Even though individually such works are less than `5 crores, it is necessary that the appointment of consultant should not be made arbitrary or ad-hoc.

It is, therefore, necessary that urgent action is taken to formulate a rational policy for employment of consultants based on the broad outlines given by B.P.E.

This may be given priority and progress made in formulation of rules and procedure may be reported by 31-3-1983.

Sd/-
(D.C. Gupta)
Director

ENHANCE THE ACTION OF MEDIA, CORRUPTION ENDS WITH A TRUE IDEA.
Smita Jha, Class – VIII, DAV Public School, Ib-Valley Area, Brajrajnagar.
Irregularities/lapses observed in the construction works undertaken by Public sector undertakings/banks

The Chief Technical Examiner’s Organization under the Commission has had occasion to examine and comment upon the works undertaken by Public Sector Undertakings, Banks etc. under the guidance of consultants. Common lapses noticed as a result of these inspections are enumerated below:

i) Employment of consultant without verifying his credentials and capacity or capability to do the work assigned to him.

ii) Inadequate planning of work and incorrect preparation or non-preparation of detailed estimates by consultants.

iii) Non-preparation of justification statement for the rates quoted in tender, resulting in contract being awarded at very high rates.

iv) Rejection of the lowest tender without adequate justification, on the ground that the contractor is not reliable or lacks capacity to execute the work, even though he was included in the original pre-qualification list.

v) Improper evaluation of tenders, leading to allotment of works wrongly with ultimate loss to the public undertaking.

vi) Allowing upward revision of rates in some cases by contractors on very flimsy grounds during the process of negotiations, so that the lowest tenderer manages to make up the difference of cost between his quotation and the second lowest quotation.

vii) Payment of money to contractors outside the terms of contract. For example, in a large number of cases contract is for fixed price, but substantial payment is made on the ground of escalation of prices.

viii) Use of inferior material in the construction, while payment is made at full rates on the approval of the consultant without making any financial adjustment.

ix) Substitution of low-rated items by higher-rated items beneficial to contractor.

x) Lack of proper supervisory arrangement by the undertakings placing total reliance on the consultant for even preparation of the bill which leads to incorrect measurement of works and payment for the items of work not done.

In view of these factors, it is recommended that while consultants may be engaged for the purposes of original planning and designing, scrutiny of tenders and execution of work should, as far as possible, be done by technical officers directly and fully answerable to the public undertaking/banks etc. concerned. For this purpose, engineers may be taken on deputation from Government departments, such as the CPWD. To the extent a consultant is engaged, it is also necessary to ensure that the relationship between the undertaking and the consultant is correctly defined so that the consultant can be held legally and financially responsible for the work entrusted to him.
Vigilance Bulletin

It is requested that suitable arrangements may be made for properly awarding works and exercising effective supervision and control in their execution with a view to ensure timely and systematic completion. Care may also be taken to guard against the types of irregularities indicated above.

Sd/-
(D.C. Gupta)
Director

The Tiger has been diseased by Cancer of Corruption,
Let’s move on to Techno-therapy to combat politicians & Scammers’ PATHOGENIC ACTION.
Sai Sandhya Rout, Class XI, DAV Public School, Ib-Valley Area, Brajrajnagar.
The Chief Technical Examiner’s Organisation (CTEO) was established in the year 1957 under the Ministry of Works, Housing and Supply now known as the Ministry of Urban Development. The objective of Chief Technical Examiner’s Organisation was to conduct concurrent technical audits of works of the Central Public Works Department (CPWD) and securing economy in expenditure including better technical and financial control.

The Santhanam Committee (1963), on prevention of corruption, while appreciating the contribution of Chief Technical Examiner’s Organization (CTEO), recommended for its strengthening so as to make it more effective. It also recommended enlarging the jurisdiction of CTEO so as to cover construction works undertaken by other Ministries/Departments also and to place it under administrative control of the Central Vigilance Commission. As these recommendations were accepted by the Government, CTEO was placed under the administrative control of the Central Vigilance Commission (CVC) in the year 1964.

The CTEO initially started with intensive examination of selected civil and electrical construction works only. However later, with the growing expenditure on purchase of stores, outsourcing of services etc., CTEO started examining these contracts also. Presently, intensive examination is being done by CTEO in respect of all contractual activities of the Central Government / Central PSUs and other Government organizations ranging from execution of work, purchase of stores, hiring of services etc., that are financed from public funds.

Commission has been emphasising from time to time use of e-procurement technologies for procurements / contracting which would lead to transparency, savings in procurements and better project management in the Government organisations. Considering the increasing complexities and use of technology in contracting and procurements, the Commission is of the view that the CTEO requires expertise of technical personnel with diverse engineering backgrounds and experience in sectors like Petroleum, IT, Steel, Power, Coal and such other areas. Induction of specialists having expertise and training in emerging technologies would enable the CTEO to address complex issues. Commission is at present constrained in terms of lack of desired infrastructure for better oversight on various large value contracts.

The selection of works or contracts for intensive examination is either suo-moto or based on inputs like Quarterly Progress Reports (QPR) made available by the Chief Vigilance Officers (CVOs) of the different organisations. The CVOs in the QPR are required to furnish details pertaining to on-going Civil Works/Turnkey Works/Stores & Purchase/Contracts under Public Private Partnership/Leasing /Purchase /Sale of Goods/ Scrap/Land etc. with contract value above the prescribed threshold values. Some of the reported works are selected for intensive examination. If CVO of any organization feels the necessity of conducting Intensive Examination of a lower value Contract/Work, he/she may recommend so. The threshold values w.e.f. July-September, 2012 quarter are: 5 crores and above for Civil and Turnkey works, Contracts for Stores & Purchase, Public Private Partnership, Sale of Goods, Scrap, Land etc; 1 crore for Electrical, Mechanical works, Maintenance & Service contracts, Manpower supply, Consultancy contracts etc.; 50 lakhs and above for Medical Equipments; 10 lakhs for Horticulture works and four largest value contracts for supply of medicines.
In the intensive examination reports, observations on over-payments, quality deficiencies, time and cost overrun, lack of transparency and fairness, non-adherence to public procurement procedures, tax compliance etc. are brought to the notice of executing organizations. The action taken on these observations resulted in a large number of systemic improvements, besides punitive action against erring officials, during the year 2013. A substantial amount of recovery was also made by various departments from the contractors after such deficiencies were pointed out during the inspections.

Apart from intensive examinations, CTEO provides technical advice to the Commission in the vigilance investigation against complaints. During the year 2013, such advice was furnished in 610 cases. CTEO also facilitates / conducts training sessions on the subjects like, Preventive Vigilance; Tendering and Contracts, e-Procurement and Reverse Auction, etc., for the benefit of CVOs and other executives of different Government entities and organizations.

Technical Examinations

During the year 2013, the CTE Organisation undertook inspection of fifty-three Projects/Works covering thirty-seven organizations. The value of these projects/contracts was over ‘6456 crores.

Some of the organizations where intensive examination was undertaken in the year 2013 are Central Public Works Department (CPWD), Border Roads Organization (BRO), Airports Authority of India (AAI), Rail India Technical and Economic Services (RITES), Rail Vikas Nigam Ltd. (RVNL), Bharat Petroleum Corporation Ltd., (BPCL), National Hydro-electric Power Corporation (NHPC), National Buildings Construction Corporation (NBCC), National Highways Authority of India (NHAI), Hindustan Steelworks Construction Ltd. (HSCL), Hospital Services Consultancy Corporation (HSCC), Northern Frontier Railway, IRCON, Punjab National Bank, State Bank of India, Bank of India, Punjab & Sind Bank, Steel Authority of India Ltd. (SAIL), Oil & Natural Gas Corporation Ltd. (ONGC), Employees’ State Insurance Corporation (ESIC), Rashtriya Chemicals and Fertilizers Ltd. (RCFL), Bharat Electronics Ltd. (BEL), Municipal Corporation of Delhi (MCD), Hindustan Aeronautics Ltd. (HAL) and WAPCOS Ltd.

Inspection reports are forwarded to the concerned head of the organisation and the respective CVOs for their comments. The Commission refers serious cases involving suspected criminal culpability to CBI. The other cases of irregularities/misconducts with perceived vigilance angle are referred to respective CVO for detailed investigation and fixing responsibility. During the year 2013, eighty-five such cases were referred to the CVOs for detailed investigations.

As a result of the inspections conducted by the CTEO, recoveries to the tune of ‘90.47 crores were made by various executing organisations during the year 2013. The recoveries pertained mainly due to overpayments to contractors, deficiencies in either the quality of material used or service rendered, damages due to delay in execution, non adherence to the contract clauses, non compliance of tax etc.
System improvements arising out of CTEO inspections during 2013

As a result of observations made by CTEO during the intensive examinations, a number of system improvements were initiated by respective organisations. These system improvements were on subjects like accuracy in preparation of cost estimate, framing of rules pertaining to percentage limit above justified cost for acceptance of tenders, compliance with Commission’s circular etc. Some of the system improvements undertaken in various organisations are given in Appendix-VII.

Cases arising out of Intensive Examination taken up for detailed vigilance investigations during 2013

A work relating to construction of a hospital of a central corporation was awarded on nomination to a State PSU on Cost plus Department charges @ 7%. The State PSU awarded the work to a private contractor at a contract cost of `139 crores. The selected contractor was not meeting the eligibility requirement prescribed in the tender document in respect of value of the completed work and the financial turnover of the bidder. The value of similar work considered for eligibility towards completed work was taken as `118 crores, whereas the work had been actually completed to the extent of `10 crores only. Further, average annual financial turnover claimed by the bidder as `68 crores was not correct as the balance sheets of years 2004-05, 2005-06 & 2006-07 indicated turnover as low as less than `1 crore. Further, only two bidders purchased the tender document and both submitted bank demand drafts towards document fee from the same bank branch with demand drafts consecutively numbered. This casts serious doubts of collusion between the bidders. Also, the schedule of quantity comprised Delhi Schedule of Rates (DSR) rated items and Non DSR rated items. Unjustified cost escalations, estimated to be around `14 crores, were paid to the contractor, especially in the newly added items which were substantial in value.

In a tender for award of work relating to construction of thermal power plant by a Central Corporation, three contracts were placed. These contracts were for Domestic Supply, Imported Supply and Service/Labour. In the tender document, the Pre Qualifying (PQ) criteria did not indicate the period which would be taken into account for consideration of work experience of the bidders. This was in violation to the CVC guidelines which stipulate that the cut off dates for work experience should be indicated in the eligibility criteria in the tender document. This deficiency facilitated the sole participating bidder in getting qualified on the basis of a work executed 17 years earlier by a different company, which was subsequently taken over by the participating bidder. It appeared that the PQ requirement was so fixed so as to facilitate the award of work to that bidder. Other bidders who sought extension in time were denied the same. After award, the selected contractor subcontracted all works i.e. civil work, cooling tower, equipment contract, installation of equipment etc. and cornered profit without any activity on his part except coordination with different agencies. The Contractor was required to take ‘All risk policy’ for complete work costing around `3725 crores from the contract date but the same was taken only for a value of `3345 crores only and that too after about 7 months of delay. As per the contract, service tax was to be paid by the contractor but it was found that this was being paid only on the cost of work being executed by the sub-contractors whereas it was to be paid on the total contract cost. Test results of representative concrete cores taken of M25 grade concrete from cooling tower also failed to meet the specified strength requirement casting serious doubt on safety and quality of work.
In a contract relating to construction of Hydro Electrical power project by a Central PSU costing around `144 crores, electrical detonators were to be supplied by the department. The cost of detonators was to be recovered from the contractor @ `16/- each as per the contract agreement. However costly non-electrical detonators instead of electrical detonator were procured by the organizations at `100/- each and supplied to the contractor. No cost adjustment was made towards it. A saving of minimum two hours in the cycle time for excavation accrued to the contractor but the additional cost for higher quality of detonators was borne by the organization. Further, it was observed that though the work was awarded to a Joint Venture (JV) entity but on ground the work was being executed by only one JV partner. The payment was also being made in the name of that JV partner only. As per the contract, percentage of participation of JV partner was to be 25% but the organization accepted proposal of the contractor for allowing work to be done by one partner only resulting in undue benefits of `98 lakhs.

In a tender valuing about `380 crores pertaining to extraction and transportation of overburden and coal by a coal PSU, it was noticed that the cost estimation was based on geological and soil exploration data. The proportion of the soft overburden (OB) was taken as 2.8% of the total OB and 97.2% was taken as hard OB. Common rate for OB was called in the tender. The cost estimate for this activity in the tender was made taking the rate for soft OB as `27.76 per cum and for hard OB as `48.96 per cum. During execution of the contract, it was noticed from the site data that till July 2010, out of 61.38 lakh Cubic Metre (LCM) of total OB removed, 26.57 LCM i.e. 43.3% was soft OB. It was therefore evident that the cost estimate was prepared on higher side by taking higher proportion of hard OB. The contractor who was awarded the contract would also have submitted his bid prices based on soil data compiled by the organization and therefore in the process also got unduly benefitted for about `2.5 crores.

In a contract for work relating to construction of thermal power plant by a Central PSU valuing about `136 crores, the service tax was to the contractor’s account and any variation in rate of tax was to be borne by the organization. The rate of service tax at the time of submission of bid/placing the contract was 12% which got reduced to 10% during execution of the contract. Accordingly, cost adjustment was to be made on this account but it was not done. Total financial implication on this account worked out to about `2 crores. Further, as per the contract there was a provision of mixing fly ash in Ordinary Portland Cement (OPC). The cement was to be supplied free of cost by the department. Fly ash was available free of cost from an already running power plant in the construction site campus. As per the contract, batch mix plant was supposed to have provision of mixing fly ash by weight. The contractor didn’t make suitable provision in batch mix plant to facilitate mixing. The mix design was approved by the department without fly ash. Till the date of inspection at least 3500 MT of extra cement could have been saved. The value of this quantity of cement was about `1.2 crores. The organization also incurred avoidable cost in ash handling, storing and disposal which could have been avoided had fly ash been used.

In a contract for removal and transportation of overburden in a mine valuing about `79 crores awarded by a coal PSU, it was noticed that as per contract the payment to the contractor workers was to be made as per Law of Land applicable to the Colliery i.e. Coal Wage Board Rates. However, from the record it was noticed that payment by the contractor to its workers was being made mostly at par with minimum wages notified by the State Labour Department. These rates were substantially lower than Coal Wage Board Rates. Thus undue benefit was passed to the contractor.
In a contract for a work relating to construction of a Ash slurry disposal system by a Central PSU awarded in July, 2008 at an approximate cost of 87 crores, it was noticed that as per the Contract, demolition and construction of new pipe supports, i.e. foundations, trenches and steel supporting structures was in the scope of work of the contractor. Cost towards such support system was taken at around 17 crores in the cost estimate. However, it was noticed that mostly existing pedestals and steel supports of already running ash pipes were being used for laying of additional slurry pipes for almost the complete route. This resulted in undue cost saving to the contractor besides overstressing the existing structural members.

In a tender for a work carried out in February 2010 costing 282.17 crores, relating to sewerage collection, treatment and disposal work awarded by a Public Works Department of a Union Territory, the eligibility criteria towards work experience stipulated in tender document required satisfactory completion of at least one similar work of value not less than 50 crores in last seven years. However, the selected bidder was qualified on the basis of work experience of three works instead of one work. In one of three works, the bidder did not have experience of laying of RCC pipes and ductile iron pipes, construction of manholes and road works, as per the tender conditions. Similarly, in other two works also, the bidder was having work experience of STP’s based on Facultative Stabilization Ponds technology instead of stipulated requirement of STP of Sequential Batch Reactor.

In a contract valuing about 167 crores for highway construction work awarded by a Central PSU, one of the items for payment was ‘tack coat’. In case of a new carriageway, the prime coat is applied after laying Wet Mixed Macadam (WMM) and the necessity of tack coat arises only when the next layer i.e. Dense Bituminous Macadam (DBM) is laid after 24 hours of prime coat or if the traffic is opened before laying DBM. As it was a new carriageway, there was no need of opening of traffic before completion of the work. Further, if the contractor does not lay the next layer i.e. DBM within 24 hours, the responsibility lies on the contractor. Thus, no payment for tack coat to the contractor was called for. However, inadmissible item of tack coat costing around 50 lakhs was paid. Further, benefit of custom duty exemption was extended to the contractor by issuing custom duty exemption certificate, with stipulation that the importer shall not sell or otherwise dispose of the imported goods in any manner for a period of five years from the date of inspection. However, the contractor sold the imported goods within four months of import, resulting undue financial benefit to him besides committing statutory violation.

In a tender valuing about 49.69 crores for work relating to construction of office building being executed by a PSU, eligibility criteria was modified on the last date of submission of bids. The eligibility criteria relating to experience of having worked in Government or PSU was deleted and last date of sale of tender papers and submission of bids was extended. Due to the modification of the eligibility criteria, one bidder who was earlier ineligible became eligible. This bidder also turned out to be L1 bidder. The specifications included aluminium doors and windows of imported make at exorbitant price i.e. in the range of 1145 to 1688 per kg as compared to similar specifications of Indian make costing about 350 per kg. The total expenditure on such imported items was about 2.5 crore of which infructuous expenditure was estimated to be about 1.7 crore. The inclusion of costly ‘make’ aluminium items in the tender appeared to be with an intention to favour a particular manufacturer/importer.

In a contract for civil works pertaining to underground oil retaining structure executed by an oil PSU costing around 375 crores, insurance policy for the entire contract cost at a
premium of about `2.5 crores was obtained both by the client and contractor resulting in duplicacy of insurance premium and thus infructuous expenditure. Further, contractor was allowed to dump all types of rock received from excavation without insisting on stacking good quality rock separately. Had this been insisted as per contract terms, such rock could have been either utilised in the work or its residual value realised.

In a tender for procurement of compressors, bid prices were called on per man day rate basis towards supervision charges besides the cost of compressor etc. It was stipulated that forty man days would be taken into account for comparison of bid prices. As per L1 bidder, cost of forty man days worked out to `8 lakhs. Against this, deployment of 577 man days was accepted during execution of work at a total payment of `1.27 crores. Thus, despite presence of a Project Management Consultant in the project, abnormally high payment with respect to estimate was made. This was apparently due to lack of any upper limit called from the bidders in their bids, on the man-days for supervisory services.

**Important initiatives taken by the CTE Organization**

In continuation of the efforts towards emphasis on preventive vigilance CTE Organisation provided technical inputs to various organizations towards capacity building and sensitizing officials about various aspects of vigilance. Specific areas pertaining to tenders and contracting, estimation of rates, legal aspects in contracting etc. were covered in various training programs and seminars. The organizations covered during the year were as under:-

- Rail Vikas Nigam Ltd. (RVNL)
- Dedicated Freight Corridor Corporation of India (DFCCIL)
- Indian Oil Corporation Limited (IOCL)
- Oil India Limited (OIL)
- Hindustan Petroleum Corporation Limited (HPCL)
- Bharat Earth Movers Limited (BEML)
- State Bank of India (SBI)
- Industrial Development Bank of India Limited (IDBI)
- Pawan Hans Helicopters Limited (PHHL)
- Defence Estates Organization
- The Associated Chambers of Commerce and Industry of India (ASSOCHAM)
- National Capital Region Planning Board (NCRPB)
- Central Bureau of Investigation (CBI)

[From Annual Report 2013 of Central Vigilance Commission, New Delhi]
SLOGANS

1. Corruption is like arbitrariness, but vigilance is next to prevention.
2. Raise a hand, raise a finger, but do not let corruption linger.
3. Mass poverty, crimes, destruction, these are the consequences of corruption.
4. Proper education has importance in eradicating corruption.
5. We should save our soul and never get sold.
6. The preservation of peace and the guaranteeing of man’s basic freedoms and rights require courage & eternal vigilance: courage to speak and act – and if necessary, to suffer and die – for truth and justice; eternal vigilance, that the least transgression of international morality shall not go undetected and unremedied.
7. The price of freedom is eternal vigilance.
8. Our founders always wondered about how long it would last. The price of liberty is everlasting vigilance. You’ve got to be on your guard every minute or you will lose it.
9. End to corruption is my plan, so friends if we join hands, I am sure we can.

Sri Pradipta Kumar Kar,
O.S. (PR), MCL HQ

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1. TECHNOLOGY CAN BE USED AS A STRATEGIC TOOL TO PREVENT CORRUPTION.
2. TECHNOLOGY IS NO MAGIC BULLET, BUT CAN PROVIDE TRANSPARENCY, ACCESS & EFFICIENCY, AND BE TRANSFORMATIONAL.

Sri Pravin Ku. Reddy,
Chief Manager (MM),
MCL HQ

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ONLINE LAAGAO CORRUPTION BHAGAAO

Dr Amrender kumar
NSCH Talcher

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Vigilance Bulletin

SLOGANS

Hey ! Hey ! Corrupt ! stop your activities
We are able to see your activities
Because we are not blind

Blood money of general people

Hey corrupt ! fear …. Fear …
To advance new technology

Give up your activities
And make your world corruption – free.

Sri Ashutosh Sahoo,
Class-X,
DAV Public School,
Ananta Vihar, Talcher

********

1. Do the “Drones” here the cries children. Dying on the ground.
2. Using “Drones” is a war crime.
3. Enhancing soils anywhere enhance life every where.
4. Healthy soil sustains your life
   Let’s go land-degradation neutral.
5. The way to get started is quite talking and being doing.
6. When you confront a problem you being to solve it.
7. Conserving land and water securing our common future.
8. Raise your voice not the see level.
9. Land belongs to the future
   Let’s climate proof it.
10. Our greatest foes, and whom we must chiefly combat, are within.
11. Conflict is inevitable, but combat is optional.
12. Virtue is a state of war, and to live in it we have always to combat with our selves.

Miss Barnali Priyadarsini Pradhan,
Class – X,
DAV Public School, CWS (X), Talcher
Vigilance Bulletin

SLOGANS / नारे

ईमानदार को गले लगाओ
भ्रष्टाचारी को दूर भगाओ

सत्कार है ऐसी कला
जिसके अनुपालन में भला ही भला

सत्कार के तीन विचार
सचेत, सावधान, होशियार

ईमानदार का पड़ कदम
भ्रष्टाचार हुआ बेदम

सत्कार जिसकी बेजोड़
कौन करेगा उसकी होड

हर काम में पारदर्शिता
संपुष्ट करे विश्वसनीयता

राजपाल यादव
मुख्य प्रबंधक (कार्मिक)
ओरिएंट क्षेत्र

*********

महानदी के जल सी पारदर्शिता,
महानदी के कार्यस्थल सी आत्मिकता,
आओ इस तकनीकी युग में,
सिखे हम सब पूर्ण सत्कार।

*********

कुमारी रूपा दास,
सहायक प्रबंधक (कार्मिक)
भरतपुर क्षेत्र।
1. Imbibe Positivity, Avoid Negativity, Say “NO” to Corruption, & Be a Proud Citizen.

2. Use Technology of Information & Communication, Increase Transparency and Accountability, Say “NO” to Bribe & Build a Corruption - free NATION.

3. Spread Awareness against Bribe, Raise Voice against Bribe, Every Charity begins at Home, Let’s Begin from our own Home.

आपसी संवाद बढ़ाएँ कार्यशैली में पारदर्शिता नाएँ। आओ सब मिलकर प्रयास करें और भ्रष्टाचार को दूर करें।

भ्रष्टाचार — पतन का कारक भ्रष्टाचार — प्रगति में बाधक। यदि बनाता है देश को संपन्न और समृद्ध करना होगा भ्रष्टाचार का मागक अवरुद्ध।

भ्रष्टाचार का दानव, खड़ा है फैलाएं बाँहों और कर रहा है बाधित, प्रगति की राह। किंतु अब युग आया है पारदर्शिता का टिक न पायेगा दानव भ्रष्टाचार का

Vijaya Anil Patki
Sr. Officer (SectII),
MCL HQ
**Vigilance Bulletin**

**SLOGANS**

1. Accept technology as an enabler,
   Combat corruption like a soldier.

2. Corruption compels,
   Technology excels.

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R.K. Majhee,
Sr. Manager(S&M),
MCL HQ

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1. "Corruption is a disease just like cancer,
   Our duty is to chose the best medicine to cure it."

2. "Sankalp he! har ghotale ke khilap rahege khade,
   desh ko vrastachar mukt rakhane keliya age badhe."

3. "Asha ai desara priyaa janata,
   Dhurniti hataee rakhiba aketa."

Bishnu Priya Srichandan,
OS, MCL Office,
Bhubaneswar

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तकनीक का समावेश, पारदशिता की कुंजी।महानदी का कार्यक्षेत्र, है सतरंजता की पुंजी।

मोहन कुमार, राजभाषा विभाग

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भ्रष्टाचार की जननी, आलच
भ्रष्टाचार का निवारण, अपरियह।

अनिल कुमार ठाकुर,
व.हिन्दी अनुवादक
राजभाषा विभाग

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SLOGANS

1) ପାଳ ସପ୍ତାହ ଦୁନଲୀତି ନିବାରଣ
   ଦୂଲ ଖାଲେକ ૜ୁଣନୀ ହେଲା |

2) ପ୍ରଥମ ଛାଡ଼ କରାଇବ - ପ୍ରଶ୍ନ
   ଦୂଲ ଖାଲେକ ଦେଇ ହୀଠା |

3) ପ୍ରଥମ ଛାଡ଼ କରାଇବ - ପ୍ରଶ୍ନ
   ଦୂଲ ଖାଲେକ ଦେଇ ହୀଠା |

4) ସି.ଡି.ଆଇ., ପ୍ରଶ୍ନ କରାଇବ - ପ୍ରଶ୍ନ
   ଦୂଲ ଖାଲେକ ଦେଇ ହୀଠା |

5) ଚାନ୍ତି ଦୋଠ ହକାର ହେଲା
   ଖାଲେକ ଦେଇ ହୀଠା |

6) ସି.ଡି.ଆଇ., ପ୍ରଶ୍ନ କରାଇବ - ପ୍ରଶ୍ନ
   ଦୂଲ ଖାଲେକ ଦେଇ ହୀଠା |

Smt. Suprava Patel,
Accounts Clerk (Tr.),
Finance Department,
MCL HQ

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Vigilance Bulletin

SLOGANS

1. Internet ଏକ ଶ୍ରିବା ଦୃଢିତୀତେ, ଶ୍ରିବଟ୍ଟିତେ ଶ୍ରଙ୍କୁ ହୁରାୟା !
2. ଆଶ୍ରତି ଏକ ଶ୍ରାକମାଶ୍ରନ ଶ୍ରଦଦର୍ତେ, ଆଶ୍ରତିତେ ଶ୍ରଦଦର୍ତେ ଶ୍ରଧ୍ୟତେ ! 
   ଶ୍ରଦଦର୍ତେ ଶ୍ରଦଦର୍ତେ ଶ୍ରଦଦର୍ତେ ଶ୍ରଦଦର୍ତେ ଶ୍ରଦଦର୍ତେ ଶ୍ରଦଦର୍ତେ ଶ୍ରଦଦର୍ତେ !
3. CCTV ଏକ ଶ୍ରିବଟ୍ଟିତେ ଦୃଢିତେ, ଆଶ୍ରତିତେ ଶ୍ରାକମାଶ୍ରନ ଦୃଢିତେ !
4. Internet ଏକ ଶ୍ରିବଟ୍ଟିତେ ଦୃଢିତେ, ଆଶ୍ରତିତେ ଶ୍ରାକମାଶ୍ରନ ଦୃଢିତେ !
5. ଶ୍ରାକମାଶ୍ରନ ଏକ ଶ୍ରଦଦର୍ତେ ଶ୍ରଦଦର୍ତେ ଶ୍ରରକର୍ତେ, ଶ୍ରଦଦର୍ତେ ଶ୍ରଦଦର୍ତେ ଶ୍ରଦଦର୍ତେ ଶ୍ରଦଦର୍ତେ !
6. ଆଶ୍ରତି ଏକ ଶ୍ରିବଟ୍ଟିତେ ଶ୍ରିବଟ୍ଟିତେ ଶ୍ରିବଟ୍ଟିତେ, ଶ୍ରିବଟ୍ଟିତେ ଶ୍ରିବଟ୍ଟି !

Sonali Bhutia,
DAV Public School, CWS (X),
Talcher

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1. ସ୍ରାଣିତି ૉରଗେ, 
   ଦେଇ ...... !
2. ସ୍ରାଣିତି ନସ୍ତନ ନସ୍ତନ କର୍ତ୍ତର ଦୁରଦଶନ 
   ଚେତ୍ତନାକ ନେଟ କର୍ତ୍ତର ବାଣା
   ଚେତ୍ତ ଦୃବିତ ନେଟ ...... ବାଣା, 
   ହରୀ ପ୍ରାକୁ ଦୃବିତିର ନେତାରେ !
3. ସ୍ରାଣିତି ନସ୍ତନ ନସ୍ତନ, 
   ଲୁଭାରେ ନସ୍ତନ କର୍ତ୍ତର ବାଣା
   ହରୀ ପ୍ରାକୁ ଦୃବିତିର ନେତାରେ 
   ..... ହରୀ ପ୍ରାକୁ ଦୃବିତିର ନେତାରେ !
4. Internet ସ୍ରାଣିତି ନସ୍ତନ ନସ୍ତନ କର୍ତ୍ତର ବାଣା
   ହରୀ ପ୍ରାକୁ ଦୃବିତିର ନେତାରେ 
   ହରୀ ପ୍ରାକୁ ଦୃବିତିର ନେତାରେ 
   ହରୀ ପ୍ରାକୁ ଦୃବିତିର ନେତାରେ !
5. ହରୀ ପ୍ରାକୁ ଦୃବିତିର ନେତାରେ 
   ହରୀ ପ୍ରାକୁ ଦୃବିତିର ନେତାରେ 
   ହରୀ ପ୍ରାକୁ ଦୃବିତିର ନେତାରେ !
6. ହରୀ ପ୍ରାକୁ ଦୃବିତିର ନେତାରେ 
   ହରୀ ପ୍ରାକୁ ଦୃବିତିର ନେତାରେ 
   ହରୀ ପ୍ରାକୁ ଦୃବିତିର ନେତାରେ !

Ananya Samanta, 
DAV Public School, CWS (X), 
Talcher

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Strategic communication: A pill to kill corruption virus

By Vinayak D Jamwal
Asst. Manager (PR),
MCL HQ

Corruption is an ailment of mind, which spreads through communication that can affect human behaviour. Before a person acts corrupt, his mind gets corrupted with the thought of doing so in the line of achieving higher satisfaction with minimal efforts. And in this entire course of doing corruption by a person, only one thing remains pure, and that is his soul…as innocent as it was when the person was born.

The virus of corruption comes to your mind through your senses – of listening, hearing, tasting, watching and feeling. Since the communication to a person is through his/her senses only, the environment in which he/she lives somehow gets reflected in his/her personality. Therefore, the behaviour of a society is a reflection to the behaviour of people in that particular society.

COMMUNICATION THROUGH ACTIONS

Regular and repeated behaviour of people in a particular society builds an image about that social group, which is hard to be broken by the scattered instances of dissimilarity.

In India, we come across several such incidents when people recognise a person from qualities attributed on the basis of particular community, area and race. For example, “South Indian are very intelligent people”; “Nurses from Kerela are the best”; “A Bengali is also an artist”; “Pubjabi are great at heart”; “A Gurka is a good security person”; “No one can beat a Marwari in business”; “Dogras and Jatts are born soldiers”; etc.

All these attributions to a particular social group are result of communication done through the actions by the members of these groups over the years. If asked, anyone can define lion as “A King of the Jungle” but no one will tell who has passed on this information of lion’s coronation as a king. Lion has a character of being fearless, powerful and a merciless killer, but never kills for fun. It roams alone in the jungle while the other animals try to live in hoards. The purity of this character of lion never changes with the change in the external environment and pressures to survive. Generations of lions have changed, not the character. On the basis of firm character exhibited (communication through actions) by the lions over the generations, the human beings have given them the title of being “a king of jungle”.

TECHNOLOGY AND COMMUNICATION

Of course, technology in this modern scientific world is an enabler to combat the menace of corruption as it can strengthen the antibodies (in the system) working against the virus of corruption. Since corruption is a virus, it can’t be killed, but it can be suppressed, controlled or its effect (on a person) can be nullified with use of technology.

However, with the use of strategic communication (to have a controlled effect over the senses of a person) the virus of corruption can be neutralised entirely. In order to root out corruption from the society, the infection of corruption in the minds of the people has to be removed first.
Impact of a good communication/message depends on time, technique and the media used to pass it on to the intended receptors or person/people. Like talking to a deaf or dancing in front a blind doesn’t make any sense, a wrong selection of medium can screw up entire objective of the of communication.

**Thief is a thief till he knows who’s he!**

Once upon a time, there was a thief who used to steal valuables and cash by breaking into the houses of the rich. However, he was a loving husband and caring father too. His wife was totally against his habit of stealing and had at many times asked him to shun committing thefts. This thief also tried many options and consulted many people (psychologists and pundits). Everyone told him that stealing from others is a bad habit and told him to follow many ways and means (like giving him holy thread, prasad, etc.) to avoid stealing, but all in vain. Even the highly-advanced lockers and tight security could not stop him from stealing valuables.

One day he came to know that one highly-acclaimed Sadhu has come to nearby village. His wife suggested him to consult the Sadhu and he will surely help stop your habit of thieving. Early next morning, the thief left for the neighbouring village to see the Sadhu. After performing his daily rituals, when the Sadhu was meditating alone in the hut, the thief approached him and said, "Baba, I need your help".

"Tell me son, what is your problem," the Sadhu asked without opening his eyes.

"Baba, I’m a thief," the thief hesitatingly said, feeling little embarrassed.

"So what?" the Sadhu replied.

"I steal gold, cash and others valuables from others houses.

"Don’t you have any problem with what I do?" the thief, surprised over the reply of the meditating Sadhu, asked instantly.

"Nope.

"I don’t have any problem with your profession as long as you know who you are what are you doing," the Sadhu said and went into deep silence.

Disheartened thief returned home and said told his wife that Sadhu Baba was good for nothing.

"Didn’t he give you any medicine or the holy thread?" wife asked.

"No, he didn’t. He didn’t even object to what I do," the thief told wife and left.

Incidentally, the same night he got an opportunity to break into the King’s treasury. He opened a locker and found lot of gold and precious ornaments there. He took out his bag and was about to lift the gold biscuit from the locker when suddenly the Sadhu’s words to remember who’s he hit his mind. "Who am I?" he just asked to himself, while trying to collect the gold. "I am thief!" a reply to his thought hit his mind, and his hands trembled. He failed to lift the gold biscuits.

He tried several time with a thought of turning rich after stealing from huge quantity of valuables lying in the treasury. But every time, the thought of being ‘a thief’ in his mind weakened him. He continued his fight against mind but the thought of being ‘a thief’ failed him. A disappointed thief slipped from the palace before dawn and rushed to the Sadhu’s hut.

“What have you done to me?” he shouted at the Sadhu.
The Sadhu, who was meditating, opened his eyes with smile.

“What happened to you my son?” he asked the thief with a smile.

“I don’t know. But I could not steal tonight.

“It was a lifetime chance to be a rich,” said the disappointed thief.

“My son, it was only you, who stopped you from stealing.

“You yourself never wanted to be known as a thief. I just helped you remind what you don’t like to be known as,” said the smiling Sadhu.

On hearing this, the thief fell on his feet and begged for pardon.

Sadhus words changed his mind, and thereafter, he never committed theft.

A thief became a small vendor and led a contented life.

Accordingly the moral is: To combat corruption in the society, let the corrupt know thyself.

*Writer is a former Reporter/Chief of national news agency United News of India (UNI) at Jammu (J&K). He is working in Coal India as a Public Relations Executive, presently posted at the HQs of Mahanadi Coalfields. The thoughts expressed by the writer in this article are purely personal. e. mail ID: vinayakdnsjamwal@gmail.com.

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COMBATING CORRUPTION-TECHNOLOGY AS AN ENABLER

Ananta Kumar Roy
Assistant Manager(Excavation)
Lingaraj OCP

CORRUPTION-DEFINTION

The organization Transparency International defines corruption as “the abuse of entrusted power for private gain”. Corruption is classified as grand, petty and political depending upon its nature and the monetary value involved. Grand level is concerned with manipulating the laws or policies at the central level of functioning at the expense of public good to benefit a few leaders or policy makers. Petty corruption is concerned with the low and mid level public officials when they interact with ordinary citizens who try to gain access to basic facilities of food, healthcare, legal help, schools etc. Political corruption is again involved with manipulation of policies in the allocation of resources and financing.

CAUSES OF CORRUPTION

The causes of corruption vary greatly depending on the type of environment it effects. So, a developed nation maybe suffering from corruption for an entirely different set of reasons than a developing one. But its been accepted worldwide that corruption usually thrives in an environment where temptation meets permissiveness or in places where institutional checks on power is missing or where decision making is opaque and the civil society disempowered. Corruption in India is specifically due to some reasons from different sectors listed below:-

1. Political sphere:
   - Weak local and self-governing bodies even after the 73rd and 74th Constitutional amendments of Indian constitution.
   - Fixed and purchased vote bank with manipulated voters list
   - Fundamental rules in governance, Police, cooperative and welfare schemes are still based in archaic laws of 19th century.
   - Fragile and old structure of bureaucracy is also blamed.

2. Financial sphere:
   - India's era of liberalism is marked by hypocrisy where it still continues with huge burden of subsides.
   - Excessive regulations, complicated tax structure and licensing systems are the main bottlenecks for smooth business operations and contribute to corruption.

3. Judicial sphere:
   - Lack of enough powers to judicial institutions leads to corrupt people to continue in normal public life with respect. The EC for example still hasn't been given powers to ban corrupt people from contesting elections.
- Lack of strict and fast punishments doesn’t strike fear or hesitation in the minds of the people to think twice before getting involved in corrupt practices.

4. **Lack of accountability** is one of the key reasons that corruption has spread its tentacles to the very bottom of the society.

5. Unhealthy competition among businesses also leads to corruption with each party trying to bag deals by giving kickbacks to concerned officials.

6. Corruption is also due to psychological reasons like some people are naturally evil, peer comparison and Nepotism (helping others because they are close to you).

**IMPACT OF CORRUPTION:**

1. **Political effect:**
   - It impedes democracy and the rule of law.
   - Public offices lose their legitimacy when used for private gains.
   - It leads to reducing political participation, political instability, distorting political development and lack of transparency in political decision making.

2. **Social impact** includes lack of respect for public institutions, political intolerance and low level of democratic culture, it discourages people to work for the common good. Frustration among the public leads to a weak civil society.

3. **Economic effect:**
   - Leads to depletion of national wealth.
   - Increased cost of goods and services, increased rate if inflation
   - Diversion of public money for high profile projects instead of use to strengthen basic public amenities like roads, schools, hospitals etc.
   - Unhealthy competition and unfair market and trade practices.

4. **Environmental effect** includes taking bribes to pass projects that are otherwise unfit for the environment and may lead to harmful consequences for humans depending on them.

**TACKLING CORRUPTION-REASONS FOR FAILURE OF TRADITIONAL WAYS**

India inherited corruption from colonial institutions and policies, which were aimed to benefit only a section of pro colonial supporters. During colonial rule, the institutions of judiciary, police and rule of law instead of serving as watchdogs served the vested interests of the elite class. Several ways have been adopted and in good spirit too but there are reasons that have led to failure. Some of them are listed below:

1. Post Independence, some elite Indian classes too tried to copy the same lifestyle and ways of functioning of the colonial administrators.
2. For most part of the period after independence, a single political party with a weak opposition ruled the country. Opposition parties had become irrelevant.
3. Corruption has infected each and every strata of the society. It had become a growing belief and each and everyone is corrupt and hence at the end of the day no one is a loser. This is a very painful myth. Corruption undermines the development of public services and results in misappropriation of funds intended for public good.
4. Lack of capacity and toothless regulators undermine the fight against corruption.
5. Curbs on investigative journalism and protection of whistle blowers are crucial to source information about corrupt practices. Sadly, several whistleblowers were eliminated while they exposed corruption in public sphere.
6. Confusing laws and overlapping jurisdiction of different government departments provided breeding grounds for corruption.

However, with the advent of modern and affordable Information Communication technologies (ICTs) has given birth to a new hope to tackle corruption with renewed and increased vigor.

**ROLE OF TECHNOLOGY AS AN ENABLER TO WEED OUT CORRUPTION**

New technologies in the form of websites, mobile applications and phones are being increased looked upon by people to facilitate reporting of corruption, access to official information, to monitor efficiency of social services and to make financial information more transparent. ICTs have also played a role in mobilizing people in the struggle against corruption. The government too recognizes the power of ICTs and has launched a slew of e-Governance services to enhance efficiency and transparency of public services and promote interaction with the public. The Swedish Program for ICT in Developing Regions (SPIDER) identifies following sectors where ICTs can help weed out corruption:

- **Automation** - corruption in repetitive operations
- **Transparency** - reduces room for discretion
- **Detection in Operations** - identify anomalies and underperformance.
- **Preventive Detection** - monitoring of individuals and networks
- **Awareness raising** - empower public and resist arbitrary treatment
- **Reporting** - creating channels for complaints
- **Deterrence** - disseminating information about reported cases of corruption
- **Promoting ethical attitudes** - public engagement and online discussions.

Technological innovations are presently being used to identify and reduce corruption. They help bring harmony between civil society and activists, increase efficiency of governance and raise awareness among the masses.

1. **ICTs FOR REPORTING**: Reporting of bribery and petty corruption has already been demonstrated by the highly successful portal ipaidabribe.com which has been incubated in India and is successfully running all over world. Through this website, people report nature, number, pattern, Location, frequency and value of actual corrupt acts they experienced. Another reporting platform BRIBE line collects information, through anonymous complaints about bribes solicited by government and quasi government bodies. Vote for PH was a unique initiative in Philippines to report electoral fraud by email, Twitter and SMS in the elections of 2011.
2. **ICTs FOR MONITORING**: To monitor budgets, projects and government activities.

- Alaveteli is a free social email software that citizens use to access information from their government. Ask the EU of European Union and Queremos Saber of Brazil are the other notable ones.
- Openspending.org is an Open Knowledge Foundation initiative promoting open knowledge about government spending through a mapping of money flows. Its aim is to track every government and financial transaction across the world in a user-friendly manner.
- ICTs are used to monitor political parties too like the Regards Citoyens of France, which provides official information about country's political life and party's finances.
- ICTs are being used to monitor delivery of different social services like Check My School (monitoring use of public funds by schools in Philippines), TI Uganda (to promote social accountability in health sector) etc.
- ICTs are also being used to stop inappropriate validation and misappropriation of carbon rights, double counting and fraudulent trade of carbon credits.

3. **ICTs FOR DATA COLLECTION**: In addition to online reporting, ICTs are used to collect and make aggregate data to make certain arguments more compelling.

4. **ICTs FOR CAMPAIGNING, SOCIAL MOBILISATION AND CITIZEN TO GOVERNMENT INTERACTION**: ICTs can be used to mobilize citizens and raise awareness and also government citizen interactions. Mygov.in, a recent initiative by the Government of India is a noteworthy phenomenon to promote such interactions.

5. **E-GOVERNMENT INITIATIVES**: ICTs are increasingly used by governments all over the world to deliver government information and services to citizens, to enhance efficiency and transparency of public administration.

   - **E-Procurement**: It was one of the first applications of ICT replacing paper-based procedures with ICTs throughout procurement processes. It increases transparency, reduces cost and increases speed of processing. Advantages like cross border competition and centralized procurement administration also comes with E procurement.
   
   - **E Taxation**: Governments all over the globe are using ICTs for tax collection and payment with the objective of making system more transparent and efficient.
   
   - **E Judiciary**: India has implemented number of ICT based initiatives like e Justice process, to provide better access for Indian citizens.

   - **Electronic Identification**: Digitization of process to obtain an identity card, E-ID cards and biometric proof of identity captured in electronic authentication mechanisms can have potential to make system more accessible, transparent and accountable.
• **Financial transactions:** Use of ICTs to conduct financial transactions like the use of mobile-based salary payment system helps to eliminate ghost employees and middlemen. Such initiatives can play a pivotal role in the Direct Benefit Transfer initiative of by Indian government.

**ROLE OF TECHNOLOGY TO WEED OUT CORRUPTION IN COAL INDUSTRY**

Coal mining in India started out as a labor-intensive industry, which produced hundreds of tons of coal utilizing thousands of man-hours. However, with the nationalization of coal industry, changes started taking place in the technology used for excavating coal. Modern machinery made it possible to excavate thousands of tons of coal within a single day. However, there have been rampant cases of corruption and they have always risen since nationalization of coal industry. Thus, we compulsorily require use of modern technologies such as the ones listed below to weed out corruption:

1. **Use of GPS:** To stop pilferage of coal in transit, use of GPS to keep a track of all coal loading vehicles is necessary. Automatic Number Plate Recognition (APNR) technology can be used to effectively keep a track of the loaded vehicle’s movements.

2. **Biometric Attendance System:** All offices and field projects should start using biometric attendance system to keep a check on habitual defaulters.

3. **Use of an ERP software:** Though some activities such as order fulfilment are being managed by a database stored over a network, but an enterprise wide information system needs to be designed to coordinate all resources, information and activities needed to complete business processes such as stock of materials, order fulfilling, Human Resource Management and Production Planning. Use of an ERP software will make several business processes transparent and help get over common problems like misplacement of files etc. Efforts must also be made to use the immense power of cloud computing too to keep up with the times.

With the use of technology it needs to be kept in mind that is serves as a magic wand only when implemented fully without compromises. This requires proper training of manpower at all levels.

**CHALLENGES AND LIMITATIONS:**

Although governments and anti-corruption practitioners are seeing new technologies as a game changer, very limited research has been taken to assess actual impact of ICTs on corruption at macro-level. Major bottlenecks are:

1. **Political environment:** The political environment should be conducive and willing for introducing ICTs on a large scale.

2. **Potential for misuse:** Social networks as in social media can be misused by mischievous elements to promote their vested interests.

3. **Lack of proper Infrastructure:** Vast majorities of people worldwide are still without the Internet. Lack of electricity is also a big hurdle.
4. **Security and confidentiality**: If a system is poorly designed, it is susceptible and whistle blowers maybe identified and targeted.

5. **Operational Issues**: Usability and limitations of mobile phones (small screens, short messages and complicated commands), regulations and legal aspects of mobile apps, costs, revenue sharing etc. can also be obstacles to effective use of ICTs.

To conclude, Corruption has led to large-scale depletion of national wealth all over the globe and has emerged as the mother of all problems in a progressive society. Several steps have been taken but they failed to mitigate it and it has become a Cancer of the modern society. With the tremendous scope that technology presents before us, we should optimally utilize it to the best of our knowledge and just like a communication revolution that has ushered and sustained itself in India, an anti-Corruption revolution driven by thoughtful implementation of modern day technology is the calling of the day. A strong wills needed to include technology as a mainstream step to tackle corruption.
For a single piece of waistcloth!

D.P. Rath,  
Manager (Excv./Vig.)

In ancient days, a man was inspired by the teachings of Buddha and he was convinced that desires are the main source of human misery. After trying very hard to lead a detached life free from desires without success, he approached a spiritual Master of eminence. The Master looked at his humble stature and listened to his voice choked with emotion. The Master was convinced that he had before him a sincere seeker “Build a small hut for yourself, live a simple life with minimum interaction with the material world in the periphery of the crowded areas” said the Master. The humble seeker beamed with a smile of satisfaction and resolved to start his life as a sadhu in his small hut.

Every morning, after his morning meditation and bath, he would hang his wet cloth on a tree for drying. Then he would set out in to the neighboring village to beg for his daily food. One such day, when he returned from village, he found that the rats had cut holes in his waistcloth. So, the next day, he had a task at hand, he had to go to the village for a fresh cloth. A few days later, he put his waste cloth for drying as usual on the roof and went to the village. On his return, he found that, the rats had again cut holes in his waistcloth. This annoyed him very much and he was so angry at the rats. But all the same, he had to go to the village the next day to get another waistcloth. He told the villagers about the rats and their mischief. After hearing him out the villagers told him, “Baba, this is going to be a problem. Who is going to supply you with a fresh piece of cloth everyday? Why do you not get a cat to take care of the rats?” This sounded a good idea to the sadhu, and so he bought a cat to watch the errant rats.

He took good care of the cat and fed it with milk that he begged from the village every day. After a few days a villager told him, “Baba, you need milk for your cat everyday. Now, who is going to give you milk everyday? Why do you not get a cow? Not only you can get milk for yourself, but you can also feed the cat. This way, you do not have to beg.” The Baba was convinced again.

Very soon the hut accommodated a cow too. But the days of comfort were short-lived again, soon he found out that he had to beg every day for straw to feed the cow. So, he sought advice again and he was told, “There is a lot of uncultivated land near your hut. Why do you not cultivate it, so you do not have to beg for straw anymore?” The Baba was convinced again.

Soon the sadhu took to tilling the land near his hut. he engaged some labor to work in the field and also built a barn to store the crop in it. Gradually the management of the household required full time attention and the sadhu found little time for meditation. He discussed the issue with village elders “There is a sincere girl dutifully working in the temple if you marry her, your household work would be easier?” The Baba was convinced again.

He got married and the house had a lady to care, soon the household became a householder’s paradise richer every day. The comforts and responsibilities of family life was too much for the Sadhu to retain any memory of the real purpose of his adventure at the place under the advice of his Master.
After a few years, his Master decided to see his disciple's progress in person and paid a visit to him. He surveyed the big mansion and enquired about the ascetic who used to live in a hut there. Having found no answer, he knocked at the door. A well-dressed man opened the door. The Master could recognize the face of his disciple. Seeing the Guru, the disciple fell at his feet. The Master asked him “My son, what is all this?”

His disciple replied,” My Master, all for a single piece of waistcloth!”

This story drive home several truths of life. We should always have our goal in priority. The idea that we need to live a life of moderation i.e. the balancing of material & spiritual life and the need to distinguish between ‘wants’ and ‘needs’ which is very important to bring about that balance.

There is another point that the story teaches us to live the life of a householder, and integrate spirituality into our daily life. Instead of running away to the forest and living the life of a recluse to find answer to life’s questions, we need to be able to live in this world of ours and yet cultivate non-attachment. To be in this world, but not of it & this is what looking inside or ‘meditation’ teaches us.

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Raju, was a bright boy full of promise before calamity in the form of a super cyclone struck his family and they lost everything. The trees they had got uprooted the fishing boats they had capsized, the family of six members were rescued by the relief workers only to be left without any thing to support their lives.

Raju, was intelligent, he decided to fight with fortitude sought some work here and there but found very little to do. One day as he sat down in the village Shivalaya and looked emptily at the Shiv Linga he decided a dangerous course of action. He said to himself since the calamity is caused by God, He permits anything for survival. Raju took to theft and to rid himself of the guilt would put 50% of the loot in the Shivalaya hundi.

The priest was an honest wise man he was surprised to find the hundi over flowing with ornaments, cash and gold. He could guess what must be happening. For the next few days he decided to keep the hundi under vigil. Finally, late at night one day the thief was in front.

“Why do you do it?” the priest asked gently.

“For a living, Sir” Raju said with humility.

“Is it right? “ the priest persisted.

“Not sure Sir, but I am also not sure if others are right too, the butcher kills for a living. The honey collector steals honey from the bees, the milk you offer in the temple is stolen from the calf. But since I am not sure that I am right I have made Shiva my partner and give him 50% of the loot” argued Raju.

“Do you think Shiva would accept loot?” thundered the priest.

“I am not sure Sir, you know better” submitted Raju.

“Can you work for the temple, the salary will be nothing in comparison to the loot “ Raju, looked emptily without a response.

“Should I not tell about it to villagers in the morning, what about my responsibility to villagers “asked the priest.

Raju had tears in his eyes and looked here and there. The Priest thought for a while than asked “What do you prefer, a stint in the Jail?, where anyway you have to work very hard, here if you agree I shall persuade the villagers to forgive you. But you have to work for the wealth you have stolen from their households.
Raju saw a glimmer of hope and agreed to the arrangement. The Priest allowed Raju to go home but told him not to tell about it to anybody since he was not sure the villagers would accept the arrangement.

Next day, the priest summoned the villagers to the temple and after the puja while offering Prasad very gently said “If any of our family members err we must give him a chance to correct himself”. Everybody nodded in agreement. “Isn't this village a family? “Asked the priest.

“Vasudhaiva Kutumbakam, the earth is a family” responded Mishra Sir the famous teacher.

“So promise me that you will all excuse the person who has been a cause of your financial misery, who has stolen your money, your ornaments, and your gold.”

It was not easy. It was hard earned money saved for years. People were angry. Some of them shouted “We respect you but let the law take its own course, hand him over to police.”

Others said “As a priest you should not interfere in the secular affairs of people, you just conduct Puja hand him over to us”.

The priest listened with care and then said “When I say excuse him, I mean an arrangement to compensate you as well”. The desperate villagers looked eagerly how to salvage at least a part of the wealth stolen from them.

So the Priest invited the village accountant, asked him to make a list of people and the wealth stolen from them, it was not easy. But somehow the task was done because 50% of it was in the hundi anyway. Next was the turn of Raju to appear before the village elders. Raju appeared in folded hands and through him the priest returned 50% from the hundi to the villagers on the spot. The villagers were openly struggling to hide their glee.

The Priest announced Raju will be an employee of the temple and help him in the daily work. The temple will be guarantor of the 50% wealth Rau owed to villagers. Raju worked hard in the temple garden, took care of the orchard diligently. Even as a thief he was skilful and diligent, all he required was a diversion of attention. Very soon Raju had paid off the 50% he owed to the villagers. The people also forgot the hatred they had for Raju.

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Combating Corruption – Technology as an enabler

Ganesh Kumar Sinha
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Jagannath Area

Corruption is perceived as the biggest evil in our society. It drains wealth and money from the poor to the resourceful making the poor poorer and the corrupt richer. It seriously and adversely affects nation’s economy. It wastes skill as precious time is often wasted to set up unending committees to fight corruption, and to monitor public projects.

Corruption adversely affects development of infrastructure and arrests growth of nation’s economy. It can destabilize the nation and invite military takeovers inside a nation or accession by an enemy nation.

Media widely publish corruption to be stashing trillions of dollars in Swiss banks. Ministers are alleged to be playing in corruption, as in 1860 billion Coal Mining Scam and 1760 billion 2G spectrum scam, for example. Government regulators, police, forest, sales and excise, income tax, weights and measure department, etc are too often alleged for extorting money as bribe. Corruption in several forms exists, grows and financially paralyses the society and above all erodes peace, happiness and human dignity of all.

People from all around the world cry with a voice to prevent, to contain and to eradicate corruption. In our country, so many organizations like CVC, CBI, CAG, NACIB, Anti-Corruption Bureau, TACFI, Police, and Courts along with empowering laws exist. All are working at their best. But the results are at questions! Corruption is soaring up, up and up, ... and up at rocket speed!!

The causes of corruption are often perceived to lay in excessive regulations, complicated taxes and licensing systems, numerous government departments each with opaque bureaucracy and discretionary powers, monopoly by government controlled institutions on certain goods and services delivery, and the lack of transparent laws and processes.

To find ways to contain corruption, let us recall the root causes and see what actions and efforts we need to uproot them.

Man by instinct is having four constructive forces, GUNA or virtues, namely 1.MANA (Mind), 2.BUDDHI (Intellect), 3.CHITTA (Will) and 4.AHAM (Self-respect, Dignity) and eight destructive forces, DOSHA or vices, namely 1.KAMA (Lust), 2.KRODHA (Anger), 3.MOHA (Delusion), 4.LOBHA (Greed), 5.MADA (Arrogance), 6.MATSARA (Jealousy), 7.DVESH (Hatred), and 8.BHAYA (Fear).

As the man gets less input from the family and society (including, educational and religious institutions, media services, and people in higher socio-economic status, etc.) for learning, applying and consistently using the four constructive forces to progress on way to peace, prosperity and happiness, than for being more reluctantly be pulled by the eight destructive forces.
Though corruption finds ground in all the eight DOSHAs, society most often perceives it to be related with LOBHA (Greed) of a man. We must be clear that our focus on only the one out of the eight DOSHAs can never give expected results. CVC, CBI, and all other anti-corruption agencies will be holding just a few leaves from the ever-growing tree of corruption, if the remaining seven DOSHAs are not simultaneously acted upon. While it is worth to act against the eight vices with law enforcement along with preventive and punitive measures, the more important actions need to focus continuously and spontaneously on building, preserving and enlightening the four virtues through spiritual uplifting of the human being.

As far as combating corruption, the prevailing laws and law enforcing agencies together are lagging far ... far behind in containing corruption, may they be self-praising with the little of their achievements in lieu of most of efforts they invest, and expenditure they make. Transparency, technology, RTI or yet new things to come for combating corruption will keep lagging far behind so long as the eight vices and the four virtues are not dealt simultaneously and consistently. Technology is a produce of human brain, men driven by the vices develop and employ technology to fuel corruption more aptly than the agencies employ later to run after the fast paced corruption and hold just a little of it. The human brain will find alternative ways for corruption, inventing alternative technology to get ahead of anti-corruption agencies as long as the LOBHA (Greed) and other vices are not controlled by enlightening the four human virtues. Technology can just upgrade the processes to arrest corruption but it cannot be a just enabler in combating corruption.

If the society and the government cannot ensure fulfilment of the basic needs (food, cloth, housing, education, health service, and social security) of all people of the nation to a reasonable extent, the hungry, the poor, the homeless, the helpless will look towards those who exploit, spoil and degrade them. The DOSHAs of the more resourceful will be effecting all sort of violence, child slavery, sexual exploitation, violence and slavery, smuggling of drugs, arms, innocent child, women, animals, and their organs, and associated with these all, the corruption, that is financial corruption will be prevailing.

The poor and unprivileged people cannot protect their human dignity, they will be selling like commodities and used by the more resourceful people for satisfying their eight vice-driven emotions. If the society and the government are willing to minimize corruption, the first thing is to ensure that no man is poor and helpless in satisfying his livelihood and deprived of social security and opportunity to work for growth and prosperity.

Consider this situation:

1. The nation is comprised of government and its citizen. Every citizen has privilege to own and dispose land, home, vehicle, and other durables, store and use or waste food, cash, gold, wealth, etc.; choose its profession, religion, life style, etc.

2. Every citizen has the privilege to open and run a school, clinic, hotel, religious constructions, etc.

3. Every citizen has the privilege to choose its own faith, to form any group or organization, etc.
4. Every citizen has the privilege to choose and change wife and husband as often they can by marrying and tendering divorce, to make and change girlfriend/boyfriend, to live in relation, living together without responsibility, gay sex/lesbian sex, and at the worst legalizing prostitution, sex trade, in different forms in the society.

All above are the issues that favour the more resourceful people making the poor and less resourceful prone to getting victimized, spoiled or dragged into aiding crime and corruption at any and every instant of time. The nation is sure to ever remain witnessing the following:

1. Majority of the citizen remain unemployed or poorly employed/underemployed. The nation will remain underdeveloped.

2. The unemployed citizen create self-employment just the easy and most profitable ones like slaughtering chicken, goats, cattle, or engage in illicit sexual relationship, sex trade, prostitutions, etc. The unemployed citizen with high moral valued (stronger virtues) create self-employment in second easy and profitable ones like selling junk food, fast food, wine, cold drinks, ice-cream, cigarette, pan masala, gutka, bidi, etc. The unemployed citizen with higher moral values create self-employment for serving people as commission agent for LIC, etc. or bribing agent like RTO Agent, Transport Agent, Passport Agent, etc. None of them do any good for the society but become a part of debilitating the nation. Only the unemployed citizen with the best moral values create self-employment by owning and running shops, small business, etc. and significantly contribute to the nation though coping with the prevailing corruption.

3. The poorly employed citizen has unstable and insecure income and it exhibit unpredictable behaviour, role and contribution to the nation.

4. The properly employed citizens who are paid out of revenues generated by their collective economic activities have bitter experience of corruption.

All above have voice against corruption. They raise voice against corruption. They are truly willing to end corruption. They join hands to end corruption. They repeat pledge to end corruption. But all go in vain. Because of the government representative who derive income, riches and status by lavish misappropriation of public money and the law enforcing officials who derive their income out of money coming from slaughtering of innocent birds, animals, cattle, etc; from sex trade, sexual slavery and prostitution, from the process of too elaborate and clumsy justice delivery processes of in terms fees (and occasionally bribe); from complicated taxation and licensing system: from criminal victimization of children, women and other citizen; from extending favour to smugglers of arms, drugs, etc. find enough loop holes in the law for their protection and safe escape, all actions demonstrated in way of combating corruption keep going easily like a TV serial entertaining the people.

It may be concluded that so long as the government does not disown its citizen from possessing own land, own home, own cooking, own vehicle, own business or profession, own religion, own lifestyle, care for own family health, children education and marriage, etc., no body.. no agency .. no government can contain, stop or eradicate corruption, violence, exploitation, and of course destruction of the economy of the nation and wellbeing of the citizen. Everything planned, enacted or implemented will go like a never ending TV serial, someone will be the hero of every episode of corruption, someone will be the villain who may find escape or defeated by the hero of the episode.
In the present system of governance everybody has to earn for self, family and dependents. Whatever he earns, he is robbed by the government system paying for life insurance, vehicle insurance, property insurance, health insurance, etc, for family care in case of his death, bank deposits for some big expenditure in future such as to buy a plot of land, or a ready made house, a vehicle, children’s education and marriage, unforeseen emergencies. He is compelled to live poor and die broken. The government system all over the world itself is so designed that all its agencies make it way for the dishonest and corrupt people to grow at cost of misery of the honest and principled people as well as of exploitation and legal extortion of the poor through complicated taxing. The government system is responsible for day to day incidents of rape, political murder, riot, terror, atrocity, and corruption in many forms all over the globe. Situation is extremely serious as witnessed by governments incapable of protecting its citizen from mass murder, genocide as in Gaza, Syria and elsewhere. The MANA, BUDDHI, CHITTA and AHAM of people at higher social-economic and military supremacy are rammed by their KAMA, KRODHA, MOHA, LOBHA, MADA MATSARA, DVESH, and BHAYA.

For a corruption free society I dream:

1. The government suitably employ all citizens everyday for 10 hours with suitable leave, rest and travel provisions.

2. One police personnel is an official guardian to every 100±10 citizen on roll of his register. No victim of any act of injustice need to make an FIR with the Police, but the Guardian is all to lodge the FIR and takes responsibility to bring to a logical conclusion of the FIR.

3. All citizens are allotted accommodations in government owned multi-storied smart buildings without kitchen. Associated with every such residential building there is a community food centre where the resident citizen have food of their choice. Suitable classification for food and services are established for citizen working at different rank. None has to cook food for self of family. So almost 50% of the population (particularly women) are relieved to do other jobs. Moreover, killing of foul, goat, cattle, etc are eliminated whereby insensitivity to violence is minimized. Use of drugs, wine, tobacco etc. is effectively eliminated. Fraternity and unity among all and loyalty to government and nation flourishes.

4. Planned and localised smart building make smart city with all basic and advance amenities, facilities and services. The villages and slums disappear into the smart city and simultaneously the land occupied under remotely located village houses and scattered slum gets free for cultivation, husbandry, manufacturing and business establishment, administrative, police and military set-ups at governments discretion. Scope of all land acquisition based scams is eliminated. Extensive load on road, transport, lighting, education, health service, police, courts, etc. for so many scattered village disappear.

5. All people living in government owned houses are transferrable. Lots of difference based on domicile, lingual, religion, etc disappear.

6. Community marriages are arranged registered through Marriage Facilitation Centres (Vivah Mela) with no expenditure of the parents. Free bridal costume, ornaments along with 15 days domestic honeymoon destinations including roadways, waterways and airways is granted a reward by the Vivah Mela administration.
7. Education at all level is available 24 x 7 online at study centres. Youths are educated, trained or allowed specialization by the government to suit the needs of the nation.

All I dream is that government takes responsibility of every physical need, health need, social need and security need for all its citizen who are consistently governed to remain disciplined and give 10 hours work every day for the nation at discretion of the government. I dream this situation which makes it violence free, corruption free and progressive ... and what about combating corruption ... take the biggest microscope to find a case of corruption... keep searching and say ... ढूँढते रह जाओगे कर्प्शन नहीं मिलेगा.

Disclaimer: While preparing and submitting this article I have no intention to comment or criticise anything adverse to government or any anti-corruption agency or law enforcing authorities. It is an expression of my sincere feeling and what I perceive about our country as a corruption free, violence free, prosperous Bhaarat. I understand that my dream may not be realistic and practicable, but I believe that it is. It only requires step after step activities like nationalization of agriculture, winding up insurance and banking sectors, construction of smart cities and allotment of accommodation to citizens, mechanized and automated community cooking, eradication of paid educational institutions, paid health services, dowry to be paid by government and not parents, etc.
देशभक्ति के माध्यम से भ्रष्टाचार पर अंकुश
(देशभक्त का पड़ा कदम, भ्रष्टाचार हुआ बेदम)

राजपाल यादव
मुख्य प्रबंधक (कार्मिक)/क्षेत्रीय कार्मिक प्रबंधक
अरियांत क्षेत्र

किसी भी देश, कम्पनी एवं समाज के विकास तथा उस विकास के बाधक तत्त्वों पर हास्यपत्र करने हेतु इन दो शब्दों यानि देशभक्ति एवं भ्रष्टाचार के तारतम्य पर हास्यपत्र करना तथा उसकी विपरीतपूर्वक व्याख्या करना अनिवार्य है। प्रस्तुत आलेख के माध्यम से मैं हर उस बिंदु की ओर ध्यान आकर्षित करना चाहिए जो देशभक्ति, राष्ट्रीयता, विश्वव्यापी एवं पारंपरिकता के अभाव में राष्ट्र, कम्पनी एवं समाज को खोखला कर रहे हैं।

आलेख इंग्लिश शब्दकोश में भ्रष्टाचार को “dishonest or illegal behavior, especially of people in authority” के रूप में परिभाषित किया गया है। इसके अलावा भी यह शब्द शब्दकोशों में भ्रष्टाचार की व्याख्या मिलने वाला अन्य रूप में की गई है। साधारण शब्दों में भ्रष्टाचार यानि 'corruption' दो शब्दों के संयोग से बना है भ्रष्ट + आचरण जिसका सीधे तौर पर अर्थ होता है भ्रष्ट आचरण अथवा रोजमरी की जिंदगी में एवं दैनिक कार्यकलापों में आचारीता के विरुद्ध कार्य करना अथवा निजी एवं प्रशासनिक तौर पर भ्रष्ट तरीकों जो अपनाना ही भ्रष्टाचार है।

भ्रष्टाचार के साधन एवं तरीकों भिन्न भिन्न प्रकार के हो सकते हैं तथापि इसे भिन्न भिन्न रूप में परिभाषित भी किया जा सकता है परंतु तीसरे अर्थ में अर्थ यह है की आचारीता, अनुशासन, नियम एवं विधि विरुद्ध किया गया कोई भी अनैतिक कार्य भ्रष्टाचार की श्रेणी में आता है।

सरकारी तौर पर अपने कर्त्तव्यों का निर्वाह करते हुए किसी सरकारी कार्य के एवज में किसी नागरिक, कर्मचारी अथवा किसी व्यक्ति से रिचर्ड वसूल करना ही केवल भ्रष्टाचार नहीं है। अन्य साक्षर दायरा अत्यंत व्यापक है। कुछ कार्य ऐसे ही हैं जिन्हें हम सामाजिक तौर पर अनदेखा कर देते हैं एवं सीधे तौर पर भ्रष्टाचार की श्रेणी में नहीं जिनते परंतु वे भी भ्रष्टाचार कहलाते हैं मसलन –
Vigilance Bulletin

- कार्य के दौरान फॉक्स मारना तथा कार्य से बचना
- उपस्थिति अवधि कर निजी कार्य से कार्यस्थल छोड़ देना
- कार्य के घंटों के दौरान बिना छुट्टी लिए उपस्थिति उपरंतु सप्ताहांत शुक्रवार या शनिवार के दिन अपने स्थायी/अस्थायी आवास हेतु प्रस्थान कर जाना तथा सोमवार का विलंब से आकर उपस्थिती दर्ज कर देना
- निष्पक्ष रूप से कर्मचारी/अधिकारी के कार्य का मूल्यांकन न करना
- महत्त्वपूर्ण अवसरों पर संवेदना अथवा आपूर्तिकर्ताओं से उपहार स्वीकार करना
- सरकारी संसाधनों का निजी कार्य हेतु उपयोग करना इत्यादि।

किसी भी देश कंपनी एवं समाज का विकास कर्तव्यपरायणता एवं विश्वसनीयता की कसौटी पर आधारित है। राष्ट्रीयता एवं देशप्रेम इसका मुख्य आधार है। राष्ट्रीयता का अर्थ है राष्ट्र से लगाव और जिस व्यक्ति को अपने राष्ट्र से, अपनी देश से, अपने संस्थान से लगाव होगा और वह निःसंदेह उसके विकास एवं प्रगति के बारे में सोचेगा। वह सदा राष्ट्र एवं कंपनी के विकास में बाधक तत्त्वों से दूर रहने का प्रयास करेगा। समय मंजूर छोड़कर अपने राष्ट्रीय आदर्शों से संघटन करने का मात्रा भी रखेगा। यही राष्ट्रप्रेमी एवं राष्ट्रीयता की असल पहचान है।

'Charity begins at home' ईमानदारी एवं पारदर्शिता को सर्वप्रथम हमें स्वयं से, अपने परिवार से अपने फॉक्स में नाम लगाना, अपनी आदतों तथा कार्यक्रमाली में सुधार करना होगा तभी हम उसे रोज़मरियाँ की जिम्मेदारी में व्यवहार में ला सकते हैं।

भ्रष्टाचार का समूह नाश करने हेतु जो भावना भी जोन भी आती है, वह है राष्ट्रीयता तथा देशभक्ति की भावना। जिस व्यक्ति के अंतर्गत मुझे राष्ट्रीयता एवं देशभक्ति की भावना कूट कूट कर भरी हुई है, वह व्यक्ति भ्रष्ट हो ही नहीं सकता और जो व्यक्ति भ्रष्ट है तो उसे हम देशभक्त कह ही नहीं सकते। कहने का तात्पर्य यह है कि देशभक्ति यानि बैटिस्ट व्यक्ति में एक ऐसी
भावना है, ऐसी शक्ति है जो भ्रष्टाचार एवं भ्रष्टाचारी को दूर भगाती है तथा उसे अपने पास फटकने तक नहीं देती। देशभक्ति व्यक्त भ्रष्ट आचरण एवं भ्रष्टता तत्त्वों से मीलों दूरी बनाए रखता है।

स्वतंत्रता आंदोलन का उद्देश्य लेन। स्वतंत्रता पूर्व पूरा देश राष्ट्रीयता एवं देशभक्ति के नारों से गुंजायमान था जो देशवासी देशभक्ति थे चाहे वे साधारण नागरिक हों, नेता हों, साहित्यविद हों अथवा डॉक्टर, वकील, इंजीनियर आदि भ्रष्टाचार से मुक्त थे। जो व्यक्ति धन, पद अथवा संस्कृति के लाभ में अंग्रेजों के पिढ़ी बने हुए थे एवं अंग्रेजी सरकार में उच्च पदो पर आसीन थे वे भी उस विदेशी सरकार के साथ भ्रष्ट आचरण का अंग बने हुए थे जो भारत का धन लूटकर विदेश में ले जाने में भागीदार थे। अतः ईमानदार होने के लिए पहले आपको देशभक्ति होना होगा अथवा यू कहे कि देशभक्त होने से पूर्व आपको ईमानदार होना होगा यानि ईमानदारी तथा देशभक्ति एक गाड़ी के दो पहिये हैं, यदि एक पहिये में खराबी आ गई तो दूसरा पहिया भी दूर तक गाड़ी खीचने में लाचार हो जाता है अतः दोनों का दूसरत्व रहना देश एवं समाज के विकास के लिए अत्यंत लाजपत है।

अन्य उद्देश्य लेन। अक्सर कहा जाता है कि लेखक, कवि एवं साहित्यविद ईमानदार होते हैं क्योंकि वे अपने विचारों को, भावना को लेखनी के माध्यम से लोगों के समक्ष, समाज के समक्ष प्रकट करते हैं। इसका तात्पर्य यह नहीं है कि सभी लेखक, कवि या साहित्यिक जीवन से ईमानदार एवं पारदर्शी हैं परंतु लोकोक्ति एवं किविते का मान सी यह है कि अधिकांश: उनमें ईमानदारी एवं देशभक्ति का तत्व विद्यमान रहता है। उनमें से भी जो लेखक राष्ट्रीयता एवं देशप्रेम की रचनाएं लिखते हैं उनमें यह तत्व निश्चित रूप से अधिक मात्रा में विद्यमान रहता है जो उक्त लोकोक्ति को सार्थक बनाने में सहायक है।

राष्ट्रवादियों साहित्यिक गुप्त, रामधरी सिंह दिनकर, माखनलाल चतुर्वेदी, जयंति कुमार प्रसाद तथा बाद में कवि व गीतकार नीरज आदि ने राष्ट्रीयता एवं देशप्रेम से उत्पन्न साहित्य का सृजन किया तथा अपनी रचनाओं के माध्यम से भ्रष्टाचार के विरुद्ध आवाज उठाई। शहीदित्ता अज्ञात भगत सिंह ने तो अपने लेखन का आगाज देशभक्ति एवं राष्ट्रीयता के नारों से ही किया था।
आजादी के पश्चात एक समय ऐसा भी आया कि कवि को निम्न पंक्तियाँ लिखने के लिए मजबूर होना पड़ा –

“श्रद्धालु ने निश्चित नए कमाल
प्रजातन्त्र में प्रजा की उथड़ रही है खाल
उथड़ रही है खाल, प्रशासन जय हो तेरी
चलना अपनी चल भले हो जाये देशी”

परंतु आज परिस्थितियाँ बदत मरहूम हैं। श्रद्धालु एवं श्रद्धालु परलोक कर रहे, ननजश्दन नए कामकाज प्रा ज्ञात्र में प्रा ज्ञात्र हो चुके हैं। भ्रष्टाचारी कर रहे, ननजश्दन नए कामकाज, प्रा ज्ञात्र प्रा ज्ञात्र मे उधड़ रही, खाल उधड़ रही खाल, प्रा ज्ञात्र प्रा ज्ञात्र हो चुके, जिनके प्रा ज्ञात्र प्रा ज्ञात्र की उधड़ता है। प्रा ज्ञात्र प्रा ज्ञात्र हो चुके हैं।

भ्रष्टाचारियों से भ्रष्टाचारियों पर लगाम करने की तैयारी हो चुकी है। कार्य प्रणाली में गृहात्मक सुधार एवं परिवर्तन हेतु अनेक उपाय किए जा रहे हैं। जिसमें ई प्रोक्यूरेंट तथा सुधार प्रोद्योगिकी का महत्वपूर्ण योगदान है। जिनके कार्यन्वयन से श्रद्धालु पर कुछ अंश तक अंकुश लगाया जा सकता है। फिलहाल श्रद्धालु पर अंकुश लगाने के लिए लोकायुक्त एवं लोकपाल का गठन हो चुका है। जिनके आने भर की खबर से श्रद्धालु यों के होंसे पस्त हो चुके हैं यां यूं कहिए कि 50% श्रद्धालु तो उपरोक्त उपायों के प्रभाव में आगमन से ही समाप्त हो जायेगा और शे इनके पूर्ण रूप में अभ्यास में आने पर।

महानदी कोलफील्डस लिमिटेड जैसी कंपनी जिसमें भू-विस्तारित संबंधी एवं भू-मित्र अधिग्रहण जैसी संस्थाओं चुनौती के रूप में विराजमान हैं। वर्तमान अध्यक्ष सह प्रबंधन निदेशक की नेतृत्व क्षमता एवं भूमि संस्थान के मुद्रय सत्कर्ता पदाधिकारी की कार्यनिष्ठा तथा कार्य प्रणाली में सुधार के परिणामस्वरूप श्रद्धालु पर ई प्रोक्यूरेंट तथा कोल नेट PIS module के क्रियान्वयन से अंकुश लगाने में सफल रही है।

एम सी एल की ई प्रोक्यूरेंट प्रणाली ने तो पारदर्शिता तथा लाभको का विश्वास जीतते ने एक नया मुकाम हासिल किया। जिसका अनुसरण अन्य कंपनियों भी कर रही है। EMD वापसी हेतु भी जो प्रणाली एम सी एल ने सत्कर्ता विभाग की पहल पर अपनाई है उससे लाभको का भरोसा कंपनी पर और बढ़ा है। व्यवहार सूचना प्रणाली (PIS module) के तहत मुख्य सत्कर्ता अधिकारी की पहल पर समस्त कर्मचारियों एवं अधिकारियों का पूर्ण विवरण कोल नेट पर पदस्थता गया है जो की अपने आप में कार्य प्रणाली के गृहात्मक सुधार की दिशा में एक बहुत बड़ी उपलब्धि है जिससे त्वरित गति से कार्य निर्माण में सहायता मिलेगी साथ ही पारदर्शिता के कारण श्रद्धालु पर लगाम करने में भी आसानी होगी!
आज आवश्यकता है आत्मविशद की, खुदार बनने की, खुद को जगाने की तथा राष्ट्रीयता एवं देशप्रेम की लो जगाए रखने की, तभी हम ब्राह्मणी एवं ब्राह्मण से लोहा ले सकेंगे अन्यथा वही बात चरितार्थ हो जायगी कि एक ब्राह्मणी सी ईमानदारों पर भारी पड़ जाता है क्योंकि ईमानदार व्यक्ति वे हथकंठे नहीं अपना सकता जो एक ब्राह्मण व्यक्ति अपना सकता है। जब तक हम ब्राह्मण को पनपते हुये देखते रहते ब्राह्मण व्यक्ति दुस्साहस करता रहेगा परंतु जिस दिन हम एक जुट हो कर उसका सामना करने की हिम्मत जुटा लेने ब्राह्मणी भाग जाएगा निम्न पंक्तियों से प्रेरणा लेने की आवश्यकता है—

“ कौन कहता है कि आसमां मे सुराख नहीं हो सकता
एक पत्थर तो तबीयत से उछालो याबो “

आइये अंतर्भाव मे बैठे ब्राह्मणी रूपी दानव को बाहर निकाल फेंके तथा देशभक्त बन कर राष्ट्र एवं कंपनी के विकास मे अग्रणी भूमिका निभाएं। अंत मे मैं निम्न पंक्तियों को पुनः दोहराना चाहूँगा—

“ कोई जागे न जागे मुकदर उसका
अपना तो काम है आवाज लगाते रहिये “

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भष्टाचार के विस्तृत संघर्ष में तकनीकी हमारा हतियार।

अनिल कुमार ठाकुर
व.हिंदी अनुवादक
राजभाषा विभाग

भष्टाचार का आज चारों तरफ बोलबाला है। हर कोई दूसरे को भष्टाचारी एवं स्वयं को पाक-साफ कह रहा है। अर्थात् भष्टाचार आज इतना व्यापक हो गया है कि उसे परिभाषा में नहीं बोधा जा सकता है। सभी अपनी सुविधानुसार इसकी परिभाषा तय कर रहे हैं और यह परिभाषा इस उद्देश्य से तय कर रहे हैं की सामने वाले पर सटीक बैठे।

इसके कुछ छोटे उदाहरण निम्न हैं।

1. एक स्कूल का बच्चा दूसरे की कार्यभारत देखकर लिखता है तो वह गलत है। लेकिन यहीं कार्य बड़े लोग करते हैं। इसे प्रेरणा कहते हैं जैसे एक दूसरे की कहानी पर फिल्म बनाना।

2. संस्थान से वेतन से अलावा कुछ और तरीके अपना कर धन, सामग्री, अवसर प्राप्त करना जिसे सुविधा लेना कहलाता है।

3. देश के नेता/अधिकारी स्थानीय समस्याओं का समाधान विदेशों में खोजने जाते हैं तथा उसे प्रशिक्षण कहते हैं।

4. हम गाय का का दुध जो उसके बछड़े के लिए होता है। उसे निकालना अपना हक समझते हैं। भरे ही बछड़ा मर जाय।

मैं कितने उदाहरण दूः, इश्वर की तरह भष्टाचार भी अन्नत एवं सर्वव्यापी है।

इसके निवारण/रोकथाम के लिए आवश्यक है कि पहले काल, श्याम एवं परिस्थिति के अनुसार इसकी परिभाषा तय की जाय।

भष्टाचार को रोकने में पहले धर्म महत्वपूर्ण भूमिका अदा करता था। आज धर्म की धार कुंद हो गई है। कानून की लम्बी प्रक्रिया एवं बचने के विभिन्न उपायों के भी इसका डर कम कर दिया है।
तकनीकी आज हमें एक सबल हथियार एक रूप में मिला है लेकिन इसकी कारगरता इसके प्रयोग करनेवाले की इच्छा पर निर्भर है। हमारे जौंच एजेंसियों के पास तकनीकी की कमी नहीं है लेकिन भ्रष्टाचार रुक नहीं रहा है। सबसे बलशाली जौंच एजेंसी के प्रमुख पर भ्रष्टाचारियों से सांठ-गाठ का आरोप लगाया रहे हैं वहाँ तकनीकी क्या करेगा?

नैतिकता ही एकमात्र हथियार है जो भ्रष्टाचार को रोक सकता है जससे हो बचपन से ही नैतिक शिक्षा प्रदान की जाय। परिवार एवं समाज अपने को बदलने की योजना करें। भारत में एक राजनैतिक पार्टी ने नैतिकता के उच्च मानदंड स्थापित करने का प्रयास किया पर चूंकि समाज उस स्तर तक उठने को तैयार नहीं है वह अपने छोटे छोटे समस्याओं से है घिरा है फलतः वह पार्टी आज अपनी अन्तिम सांस गिन रही है।

पचास वर्ष पहले तक धर्म समाज के व्यवहार को नियंत्रित करता था जिससे भ्रष्टाचार काफी कम था लेकिन धर्म अपना आधार खोता जा रहा है वह या तो व्यापार बन गया है या फिर आतंतक का हथियार। आज हमें जरूरत है स्वतंत्र एवं नैतिक नागरिक तैयार करने की। जिनके ब्रेन का प्रोग्रामिंग पूरा हो गया है यानी की 25-20 वर्ष को पार कर चुके हैं उन्हें नैतिक नहीं बनाया जा सकता है यह केवल कच्ची मिहि याली 7-5 वर्ष के बच्चों को ही नैतिकता की दिशा में चलाया जा सकता है हाँ 25-20 से उपर वालों को कानून के डर से कुछ समय तक सीधा चलाया जा सकता है।

अतः मेरा निष्कर्ष यही है की नई पीढ़ी को नैतिक बनाया जाये एवं उपरवालों को कानून के डर से सीधा चलने पर मजबूर किया जाये।

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ଇପାଇଁ ବିଭିନ୍ନ ସମୟଶ୍ରର ସ୍ୱାଧୀନତା ଆଶ୍ରଦାଳନ

ଶ୍ରପୈସା ପହଁଚତା ଶ୍ରହୈ

ରାଅଭାବ ନାହିତ

এଠାଶ୍ରର ସବୁ ଦୁନଲୀତି ଅସ୍ଥିମଜ୍ଜାଗତ ଶ୍ରହାଇଗର୍ାଣି

ସଂଘସଲରତ

ସୀମିତ ଶ୍ରର୍କୁ ମଧ୍ୟଶ୍ରର ସୀମାବଦ୍ଧ ଶ୍ରହାଇ ରହିର୍ା ଓ ସୁରକ୍ଷା ପାଇଁ ପ୍ରଣୟନ କଶ୍ରର୍

ସୁପରିକର୍ିିତ

"ସବଲଜନ ହିତାୟ ସବଲଜନ ସୁୟ 

ସମିୱଧାନ ର ସୃଷ୍ଟି ଶ୍ରହର୍ା ଶାସନର ଅଭୁ 

ଓୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍ୟଦ୍୯

ଆଜି ଶ୍ରଦଶର ବିଭିନ୍ନ ସମସ୍ଯାର ସମାଧାନ

"କରୀ ବଳ୍ୟାଏ ବିଭିନ୍ନ ସମସ୍ଯା ଶ୍ରହର୍ା

ଚିଶ୍ର୍ କା

ବିଭିନ୍ନ ସମସ୍ଯା ଶ୍ରଘରଶ୍ରର ଛଦିଶ୍ରହା

କଙ୍କର ମୁଣ୍ଡ ବୁର୍ିଯାଏ

ଆର୍ଥିକ ସଙ୍କଟ

ପ୍ରତିବିମ୍ୱ

ବାଳେମିକ

ଆଜି ଶ୍ରଦୋଇର୍ଥାଏ

କଳାବଜାରି

ଏହାର ଅର୍ଥଲ ବାଟ ମାରଣା ଓ ଉଶ୍ରକାଚ ଆଉ ଏକ ବିରାଟ ଦୁନଲୀତି

ନିବଲାଚନ ଆଚରଣ ବିଧିଉର୍ଘନ

କମାଶ୍ରୋରି ଶ୍ରକୌଣସିଥିର

Vigilance Bulletin

Sri Mahandra Kumar Patel,
F/o Smt. Suprava Patel,
Accounts Clerk (Tr.),
Finance Department,
MCL HQ
ଶ୍ରବୈଷନବ "ବିରାଇ"

ଶ୍ରକଙ୍କୁ ତର୍ଥା କମଲ ପ୍ରଶ୍ରତ୍ୟକ ଅନୁଷ୍ଠାନ ଓ ପ୍ରତିଷ୍ଠାନଶ୍ରର ପ୍ରଛନ୍ନ ଭାଶ୍ରବ ନିହୀତ ଗୁଡିକୁ ଆଶ୍ରଳାକିତ କରିବାକୁ ପଡିବ।

ଅମଳା ତନ୍ତ୍ରର ସଜାଗ ରହିବା ହିବ ବୁଦ୍ଧିମାନର କ୍ଲବୟ ପରାମଶଲ ଶ୍ରଦବା ଅନ୍ୟକର୍ଥା ଯଦ୍ୱାରା ଶ୍ରଚାର ର୍ଥଶ୍ରର ଶ୍ରନଇଗର୍ାପଶ୍ରର ଶ୍ର୍ଯ୍ୟମିତି ଭବିଷ୍ୟଶ୍ରର ଆଉ ଶ୍ରଚାରି 

ସମସ୍ତା ଶ୍ରହାଇ ରହିଛି 

"ନିବଲାପିତ ଦୀଶ୍ରପ କିବା ଶ୍ରତୈଳଦାନ" ଭଳି ଶ୍ରନୈରାଶୟ ସଶ୍ରଚତନର ଅର୍ଥଲ ନୁଶ୍ରହ୍ନ ଶ୍ର୍ଯ ଶ୍ରମାହ 

ଯଦ୍ୱାରା ସୁଦୁର 

Vigilance Bulletin
ଯୁବସମାଜକୁ ସଶ୍ରୁଚତନ କରିବାପାଇଁ ପାଠୟକ୍ରମଶ୍ରର ଏକ ବିଷୟ ଚୟନ କରି ଶିକ୍ଷାର ବ୍ୟବସ୍ଥା କରାଯିବା

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| ସରକାର କାର୍ଯ୍ୟ ଅପରାଧିକ ମାଧ୍ୟମର ସାବେ ଚାଲାଇବାର ଚେହାରୀ କରିବା, ଫୁଜି ଆଚରଣ ନିଯଞ୍ଜାନ୍ତ୍ରଣ କରାଯାଇବା ଉଚିତ
| ଗଣ ଆଶ୍ରଦାଳନ, ପର୍ଥପ୍ରାନ୍ତ ନାଟକ, ସିଶ୍ରନମା ମାଧ୍ୟମଶ୍ୱର ଏହି ନୀତି ନିୟମର ପ୍ରଚାର ପ୍ରସାର କରାଯିବା ଉଚିତ
| ଏଦିଗଶ୍ରର ଓ.ଟି.ଭି. ପ୍ରଶ୍ରଜାଜିତ ନୁୟଜ ଫୁୟଜ ଏବଂ କଶ୍ରମଡି ସକଲସ
| ହାସ୍ଯରସାତ୍ମକ କାଯଲୟକ୍ରମ ସାଧୁପଦଶ୍ରକ୍ରପ
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| ଇଗର୍ପକ୍ଷୀର ସୁକ୍ଷ୍ମ ତୀକ୍ଷ୍ଣ ଦୃଷ୍ଟି ସହ ଶକ୍ତ ପଂଝା ଓ ମୁନିଆଁ ର୍ଥଣ୍ଟ ଶିକାରପାଇଁ ଉପ୍ଯୁକ୍
| ମୟୁରର ରାଜକିୟ ଭଙ୍ଗି, ଶ୍ରସୌଦଯଲରୂ ପ ଓ କମନୀୟ ଚାହାଣି ର୍ଥାଇ ମଧ୍ୟ ଶିକାରୀ ଉଭଶ୍ରୟ ଶାପ ମୂଷାଭଳି

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