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## वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्

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संख्या

No.

प्रेषक

From

To

15-6(82)/98-O&M-III

दिनांक: 25 अप्रैल, 2018

मुख्य सतर्कता अधिकारी  
Chief Vigilance Officer

सीएसआईआर के सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों के निदेशक  
The Directors/Heads of all National Labs. /Instts. of CSIR

**Subject:** Applicability of Commission's guidelines on post tender negotiations with regard to projects funded by World Bank and other international funding agencies like IMF, ADB, etc.

महोदया, महोदय/Madam/Sir,

उपरोक्त विषय पर केन्द्रीय सतर्कता आयोग, भारत सरकार द्वारा प्रेषित दिनांक 06.04.2018 के परिपत्र स.01.04.18 (पत्र संख्या 98/ORD/001 की एक प्रति सूचना, मार्गदर्शन एवम अनुपालन हेतु अग्रेषित कर रहा हूँ। कृपया सभी संबन्धित अधिकारियों/कर्मचारियों के सज्जन में लाया जाए।

I am to forward herewith a copy of the Circular No. 01/04/18 (Letter No.98/ORD/001) dated 06.04.2018 of the Central Vigilance Commission, Govt. of India, on the subject cited above for information, guidance, necessary action and compliance. Please bring it to the notice of all concerned.

भवदीय/Yours faithfully,

(मेजर राणा विक्रम सिंह)

मुख्य सतर्कता अधिकारी

संलग्न: यथोपरि

प्रतिलिपि :

1. महानिदेशक, सीएसआईआर के निजी सचिव
2. संयुक्तसचिव(प्रशा.), सीएसआईआर के निजी सचिव
3. सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों के प्रशासन नियन्त्रक/प्रशा. अधिकारी
4. सीएसआईआर मुख्यालय/कॉम्प्लेक्स के उप-सचिव/वरिष्ठ- उप-सचिव/अवर सचिव
5. प्रमुख आईटी विभाग: इस पत्र को सीएसआईआर वेबसाइट पर उपलब्ध करने हेतु।
6. सतर्कता अनुभाग, सीएसआईआर के सभी अनुभाग अधिकारी
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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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सं./No. 98/ORD/001

दिनांक / Dated...06.04.2018

Circular No.01/04/18

**Subject: Applicability of Commission's guidelines on post tender negotiations with regard to projects funded by World Bank and other international funding agencies like IMF, ADB, etc.**

**Ref: Commission's Circular No. 8(1)(h)/98(1) dated 18.11.1998, 3(V)/99/9 dated 01.10.1999 and 98/ORD/001 dated 28.10.2011**

References have been received seeking clarifications on the applicability of Commission's guidelines to projects funded by the World Bank and other international funding agencies like IMF, ADB, etc.

2. The Commission vide its Circular No. 3(V)/99/9 dated 01.10.1999 has prescribed the following:

*The Commission's instruction dated 18.11.1998 (on post tender negotiations) would not be applicable to the World Bank Projects and other international funding agencies, such as IMF, ADB, etc. However, the instructions of Central Vigilance Commission would be binding on purchases / sales made by the department within the country. The Central Vigilance Commission's instructions dated 18.11.1998 would however, apply if purchase/sales are within the budget provisions and normal operations of the department/organisation even though the purchases / sales are made from sources outside the country.*

3. Subsequently, a clarification issued vide Circular No. 98/ORD/001 dated 28.10.2011 provided the following:

*"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. The matter has been examined in the light of Commission's circulars No. 8(1)(h)/98(1) dated 18.11.1998, 3(v)/99/9 dated 01.10.1999 and 98/ORD/001 dated 28.10.2011. Apparently, funds from International Agencies like World Bank, IMF, ADB or other multilateral agencies are available by way of grants-in-aids or as loans. In the former category of funding, there is no liability on the Govt of India to repay such funded amounts. In the latter category of funds received by way of loans, with or without interest, ultimately the Government of India as the receiving agency has to repay the loans so received. Thus, there is a need to distinguish between these two categories of funding options. If any of the International Agencies while granting aid prescribes certain terms and conditions which are contrary to the existing guidelines of the Government (GFR) or of the Commission relating to the process of procurement/tendering to be adopted, determination of the qualifications, negotiations, other terms and conditions, etc., where the funding is by way of grants-in-aid with no obligation to repay such amounts, the agency receiving the fund may accept such conditions as the International Agency may lay down. However, where such funding is by way of a loan with or without interest and there is a liability on the Government and/or the recipient agency to repay the money in due course, it is essential that prudent norms on making the procurements at best possible rates in a transparent, competitive environment providing opportunity to all eligible and willing bidders, the guidelines/instructions of the Central Vigilance Commission in regard to qualification, criteria, terms and conditions of procurement, negotiations, etc. will have to be followed keeping in view the best interest of transparency, accountability and efficiency.

5. It is clarified that any project funding originating from the Consolidated Fund of India, wholly or partially, must be subject to the Government of India's and Commission's guidelines for expenditure of public money and the same condition may be stipulated while negotiating terms with external funding agencies. Furthermore, any project funding involving future outflows of public money may also be subject to the same guidelines.



(J Vinod Kumar)

Director

To

- (i) The Secretaries of all Ministries / Departments of Govt
- (ii) All Chief Executives of CPSUs / Public Sector Banks / Public Sector Insurance Companies / Autonomous Bodies, etc.
- (iii) All Chief Vigilance Officers