

File No. MoES/20/06/2016-(Vig.)

Government of India
Ministry of Earth Sciences

Prithvi Bhawan, Lodi Road
New Delhi, dated the 6th December, 2016

ORDER

Sub: Appointment of two Independent External Monitors (IEMs).

Reference is made to following Office Orders of CVC, Note of Ministry of Finance and OM of Ministry of Earth Sciences (MoES) regarding implementation of Integrity Pact and appointment of Independent External Monitors (IEMs):

- (i) CVC Office Order No. 41/12/07 circulated vide letter No. 007/VGL/033 dated 4.12.2007,
- (ii) CVC Circular No. 24/8/08 circulated vide letter No. 007/VGL/33 dated 5.8.2008
- (iii) CVC Circular No. 10/5/09 circulated vide letter No. 008/CRD/013 dated 18.5.2009,
- (iv) CVC Circular No. 31/08/10 circulated vide letter No. 008/CRD/013 dated 13.8.2010
- (v) CVC Circular No. 06/06/12 circulated vide letter No. 011/VGL/053-181761 dated 23.7.2012,
- (vi) Ministry of Finance (Department of Disinvestment) Note No. F. No. 5/5/2012 (Part-III) dated 24.4.2014,
- (vii) Minutes of the 17th ESSO Council Meeting held on 08.04.15 circulated vide OM No. MoES/ESO/AP(08-09)/07 dated 27.04.2015, and
- (viii) OM No. MoES/20/17/2014-Vig dated 01.01.2016 regarding implementation of Integrity Pact.

2. Approval of the Competent Authority is hereby conveyed for appointment of the following Officers, as Independent External Monitors (IEMs) for implementing the Integrity Pact adopted by MoES and its Attached/Subordinate Offices/Organisations/Societies for contracts/transactions/procurements where the value is Rs. 5 crore or above:

- i) Shri Arun Kumar, Ex. Secretary, Oil Industry Development Board (OidB), B 38, Vrindavan Apartment Plot No. 1 Sector 6, Dwarka New Delhi-110075 (E Mail: kumararun_53@rediffmail.com Mobile No. 9810621113).
- ii) Shri Sushil Gupta, Ex. Chairman, Central Ground Water Board (CGWB) & Central Ground Water Authority (CGWA), No. B 702, Aravali Heights, Sector 21 C, Faridabad, Haryana PIN 121001 (E Mail: sushilanitagupta@yahoo.com Mobile No. 09999744061).

3. The appointment order of IEM has the following term and remuneration:

i) The appointment is for an initial period of 3 years from the date of issue of this appointment order and it would be subject to renewal by CVC thereafter for further two years provided that the age of the IEM has not been crossed 70 years at the time of renewal.

ii) The remuneration of each IEM will be Rs. 50,000/- per procurement/contract/transaction. Payment of remuneration to IEMs will be in two tranches – 50% after the signing of the Integrity Pact and 50% after completion of the issue.

iii) The remuneration, TA/DA and transportation to the IEMs will be payable by the Attached/Subordinate Office/Autonomous Bodies/Societies of MoES procuring/implementing the transaction/contract.

4. The role/functions of IEM are as follows:

i). The Monitors shall not be subject to instructions by the representatives of the parties and shall perform their functions neutrally and independently. They would review independently and objectively, whether and to what extent parties have complied with their obligations under the Integrity Pact. For this purpose, they would have access to all contract documents/ books of accounts of the bidders in case of any allegation of violation of any provisions of the Integrity Pact or payment of commission, whether required. The IEMs will have the option to participate in such meetings among the parties related to the project provided such meetings could have an impact on the contractual relation between the parties.

ii). Ideally all IEMs of an organization should meet once in every two months to take stock of ongoing tendering process.

iii). The IEMs would examine all complaints received by them and give their recommendations/ views to the designated officer of the Ministry, at the earliest. The Monitors would also inform the Ministry, if they notice or have reason to believe, a violation of the Integrity Pact. They may also send their report directly to the Central Vigilance Commission, in case of suspicion of serious irregularities requiring legal/administrative action.

iv). At least one IEM should be invariably cited in the Notice Inviting Tender (NIT) henceforth. 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.

v). The recommendations of IEMs would be in the nature of advice and would not be legally binding. At the same time, it is made clear that the IEMs are not

consultants in the Ministry. Their role is independent in nature and the advice once tendered would not be subject to review.

v). The role of the Chief Vigilance Officer (CVO) of MoES shall remain unaffected by the presence of IEMs. A matter being examined by the IEMs can be separately investigated by the CVO, if a complaint is received by him or directed to him by the Central Vigilance Commission.

5. This issues with the approval of competent authority.

Archana Srivastava
(Archana Srivastava)
Under Secretary (Vigilance)

To

1. Shri Arun Kumar, B-38, Vrindavan Apartments Plot No. 1, Sector -6, Dwarka, New Delhi-110075.
2. Shri Sushil Gupta, B 702, Aravalli Heights, Sector 21-C, Faridabad, Haryana 121001.

Copy to: -

1. Heads organizations of MoES/Programme Advisors/Programme Heads:- With a request to correspond with IEMs for implementation of integrity pact as per CVC guidelines under intimation to CVO and to provide IEMs relevant background material/documents for applicable tenders/contracts in advance. They are further requested to submit report periodically to the CVO the progress in this regard.
2. PS to Secretary, MoES.
3. PPS to AS & FA
4. PPS to Joint Secretary, MoES.

Archana Srivastava
(Archana Srivastava)
Under Secretary (Vigilance)

O/C

CPJ
8/12/16

Q. J.
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Ali
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