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दिनांक 16.04.2018  
Date 16.04.2018

**परिपत्र संख्या 01/18/Circular No. 01/18**

**विषय/Sub:-** विश्व बैंक और अन्य अंतर्राष्ट्रीय वित्तपोषण एजेंसियों जैसे अंतर्राष्ट्रीय मुद्रा कोष (आईएमएफ), एशियाई विकास बैंक (एडीबी), आदि द्वारा वित्त पोषित परियोजनाओं के संदर्भ में आयोग के निविदा वार्ता के बाद दिशानिर्देशों की प्रयोज्यता /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.

केन्द्रीय सतर्कता आयोग द्वारा जारी दिनांक 06.04.2018 के परिपत्र जिसके द्वारा आयोग ने उपर्युक्त विषयार्गत दिशा-निर्देशानुसार जारी किए हैं को सूचनार्थ एवं उचित कार्यवाही हेतु संलग्न पाएं।

A copy of circular dated 06.04.2018 issued by Central Vigilance Commission wherein Commission has given instructions regarding above mentioned subject is enclosed herewith for information and necessary action.

2. इसे सक्षम प्राधिकारी की स्वीकृति से जारी किया जाता है।
2. This issues with the approval of Competent Authority.

संलग्न: यथोपरि / Encl: As above.

शशिभूषण बेहेरा  
16/04/18  
(शशिभूषण बेहेरा)/(Shashibhushan behera)  
उप मुख्य सतर्कता अधिकारी/Dy. CVO

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5. सूचना पटल एवं वेबसाइट/Notice Board & Website.

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सत्यमेव जयते

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