



भारत प्रतिभूति मुद्रण तथा मुद्रा निर्माण निगम लिमिटेड  
Security Printing and Minting Corporation of India Limited

मिनीरत्न श्रेणी-I, सीपीएसई  
(भारत सरकार के पूर्ण स्वामित्वाधीन)  
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भा.प्र.मु.मु.नि.लि./सतर्कता/03/09 (खण्ड VI)/ 2391  
SPMCIL/VIG/03/09 (Vol VI)/

दिनांक 20.07.2018  
Date 20.07.2018  
23

**परिपत्र संख्या 06/18/Circular No. 06/18**

**विषय/Sub:-** नामांकन के आधार पर दिए गए कार्यो / खरीद / सलाहकार अनुबंधों में पारदर्शिता के संदर्भ में/Transparency in Works/Purchases/ Consultancy contracts awarded on nomination basis - reg.

केन्द्रीय सतर्कता आयोग द्वारा जारी दिनांक 11.07.2018 के परिपत्र जिसके द्वारा आयोग ने उपर्युक्त विषयार्गत दिशा-निर्देशानुसार जारी किए है को सूचनार्थ एवं उचित कार्यवाही हेतु संलग्न पाएं जिसके अनुसार आयोग ने नामांकन के आधार पर दिए गए कार्यो / खरीद / सलाहकार अनुबंधों में आयोग के दिनांक 05.07.2007 के कार्यालय आदेश संख्या 23/7/07 (प्रति संलग्न) के द्वारा जारी दिशा-निर्देशों के अनुसार केवल असाधारण परिस्थितियों में ही जारी करने के दिशा-निर्देशों को पुनरावृति किया है।।

A copy of circular dated 11.07.2018 issued by Central Vigilance Commission wherein Commission has given instructions regarding above mentioned subject is enclosed herewith for information and necessary action wherein Commission has reiterated its guidelines to issue contracts on nomination basis only in exceptional circumstances issued vide its Office Memorandum no 23/7/07 dated 05.07.2007 (copy enclosed).

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)/(Shashibhushan behera)

उप मुख्य सतर्कता अधिकारी/Dy. CVO

महाप्रबंधक/The General Manager,

टकसाल/मुद्रणालय/कागज़ कारखाना/Mints/Presses/Paper Mill,

भा.प्र.मु.मु.नि.लि./SPMCIL.

- पृष्ठ संख्या 2 पर जारी -

भा.प्र.मु.मु.नि.नि.लि./सतर्कता/03/09 (खण्ड VI)/ 2321  
SPMCIL/VIG/03/09 (Vol VI)/

दिनांक 20.07.2018  
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23

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**प्रतिलिपि/CC:**

1. अध्यक्ष तथा प्रबंध निदेशक//CMD.
2. निदेशक (तकनीकी/मा.स./वित्त)/Director (Tech/HR/Fin).
3. अपर महाप्रबंधक/उप महाप्रबंधक/मुख्य प्रबंधक/प्रबंधक (नि.मु.)/  
AGM/DGM/CM/Mgrs (CHO).
4. सभी सतर्कता अधिकारी/All Vigilance Officials.
5. सूचना पटल एवं वेबसाइट/Notice Board & Website.

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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
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Block A, INA, New Delhi-110023  
005/CRD/19-386121  
स./No.....

दिनांक / Dated 11.07.2018

Circular No.06/07/18

**Subject: Transparency in Works/Purchases/Consultancy contracts awarded on nomination basis – reg.**

**Reference: (i) Commission's Circular No.15/5/06 dated 09.05.2006  
(ii) Commission's Office Order No.23/7/07 dated 05.07.2007  
(iii) Commission's Office Order No.19/05/10 dated 19.05.2010**

Reference is invited to Commission's Circulars cited above wherein the need for award of contracts in a transparent and open manner has been emphasized. The Commission is still receiving representations reporting instances of award of contracts and procurements in a non-transparent manner on nomination basis by several Departments/CPSUs.

2. The award of contracts/procurements/projects on nomination basis without adequate justification amounts to a restrictive practice eliminating competition, fairness and equity. The Commission would reiterate its earlier instructions, that award of contracts on nomination basis can be resorted to only in exceptional circumstances as laid down in Commission's Office Order No.23/7/07 dated 05.07.2007.

3. All Ministries/Departments/CPSUs are therefore advised to apprise the aforementioned guidelines to the concerned officers for strict compliance.

(J. Vinod Kumar)  
Director

To

- (i) The Secretaries of all Ministries/Departments of Govt.
- (ii) All Chief Executives of CPSUs.
- (iii) All CVOs of Ministries/Depts/CPSUs.

No.005/CRD/19  
Government of India  
Central Vigilance Commission

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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 5<sup>th</sup> July 2007

Office Order No.23/7/07

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

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

2. A perusal of the queries and references pertaining to this circular, received from various organizations, indicates that several of them believe that mere post-facto approval of the Board is sufficient to award a 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 requirements 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.supremecourtindia.nic.in](http://www.supremecourtindia.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 web-site ex post-facto.



(Rajiv Verma)  
Under Secretary

To

All Chief Vigilance Officers