

BPRC

Government of India
Department of Social Justice & Empowerment

Subject:- Guidelines and Procedure for engagement of Consultants in the Department of Social Justice & Empowerment

The scheme of engagement of Consultants in the Department of Social Justice & Empowerment for technical and secretariat work shall henceforth be regulated as per the following guidelines:-

1. PURPOSE –

- 1.1 The purpose of these guidelines is to define the broad policies and procedures for selection, contracting and monitoring of consultants financed from the resources of Department of SJ&E.
- 1.2 For the purpose these Guidelines, the term Consultant (s) includes retired officers/staff from the Government, PSUs and also experts from the Non-Governmental Organization, Universities and Research Organizations having considerable experience and expertise in the field of the following target groups of the Ministry –

- Scheduled Castes
- Other Backward Classes
- Senior Citizens
- Victims of Substance Abuse
- Transgender
- Beggars
- Any other activity assigned to the Dept.

The experience and expertise should be related with formulation and implementation of policies, plans, Acts, regulations etc. It also includes implementation and monitoring of the schemes/programmes of the Department.

- 1.3 The specific purpose, rules and procedure will be followed for employing consultants depending on circumstances of the particular case. However, following main consideration would guide the need and selection process:-

- (a) the absence of required expertise in house, or
- (b) the need for economy and efficiency, or

- (c) the need to have highly qualified experts for providing the specific services.

1.4 The consultant would be appointed to undertake mainly following work:

(i) **TECHNICAL WORK:**

- a) The work would include Research, Evaluation, Planning, Legal & Court Cases, Skill Development, and Monitoring of the schemes of the Department in the field of target groups of the Department.
- b) The specific job related with Scheduled Castes & OBCs, Scheduled Castes Component Plan, Protection of Scheduled Castes, Sr. Citizen, and programmes for victims of drug abuse persons, transgenders, beggars which need analytical and problem solving skills may also be assigned to the Consultant.

(ii) **SECRETARIAT WORK**

- a) The work would include Secretarial work related with implementation of the schemes of the Department, preparation of SFC/EFC Memos, drafting Cabinet Notes, Direct Benefit Transfer Scheme, Results Frame Work Document, notes on various schemes of Department etc.
- b) The Consultant would be providing senior level secretarial services, office support in order to ensure very high level of efficiency and effectiveness of office administration.

2. RULE POSITION FOR APPOINTMENT OF CONSULTANTS

The Guidelines for engagement of Consultant in the Department of SJ&E will be as laid down in the General Financial Rules (Rule 163 to 177), Manual of Policies and Procedure of Employment of Consultants issued by Ministry of Finance and relevant instructions of DOPT and Ministry of Finance, issued from time to time.

In brief the engagement of Consultants as laid down in the General Financial Rules, 2005 is that –

- The Ministry may hire external professional, consultancy firms or Consultants for a specific job which is well defined in terms of content and time frame.
- Guidelines for Engagement of consultant may be resorted to in situations require high quality services for which the concerned Ministries do not have requisite expertise.
- The Ministry should prepare in simple and concise language the requirements, objectives and the scope of the assignment.

- The eligibility and pre-qualification criteria to be met by the Consultants should be clearly identified.
- The estimated reasonable expenditure for the hiring the consultants should be worked out.
- GFR also defines the procedure where the estimated cost of the work or service is up to Rupees Twenty Five lakhs, a list may be prepared of potential Consultants on the basis of formal or informal enquiries from other Department.
- Where the estimated cost of work is above Rupees Twenty Five lakhs, an enquiry for seeking "Expression of Interest" from Consultants should be published in at least one national daily and the Department's website.
- Consultants shall normally not to be appointed as heads of Divisions.
- Retired Government officials with relevant experience would also be eligible for selection as Consultants.

3. PERIOD OF ENGAGEMENT

- 3.1 The initial engagement for a person as Consultant would be for a period of 6 (six) months or for the period of consultancy as already defined in the terms of Reference (ToR) (**Annexure-I**). Thereafter, the engagement would be reviewed and it would not exceed one year at a time. The review of contract of the consultant (s) will be done on year to year basis.
- 3.2 The initial term of appointment if any, shall be decided on case to case basis depending upon the specific job in the timeframe for completion, as provided in GFR ruled – 163.
- 3.3 The appointment of Consultants would be on full-time basis and they would not be permitted to take up any other assignment during the period of Consultancy with the Department of SJ&E.
- 3.4 The appointment of Consultants is of a temporary (non-official) nature against the specific jobs. The appointment can be cancelled at any time by the Department without assigning any reasons.

4. QUALIFICATION AND EXPERIENCE OF CONSULTANTS:

The Consultants shall be appointed for undertaking Technical and Secretarial work. The qualification and experience required would be as follows:-

A. TECHNICAL WORK

This would consist of Officers from of Central and State Governments, and PSUs/Research Organizations having considerable experience of functioning of

Central Government Ministries / Departments. The eligible applicant for the post of consultant should have the following qualifications and experience:

- (i) Masters Degree in relevant subject like Economics, Statistics, Anthropology, and Sociology.
- (ii) Experience in the field related with target groups of the Ministry.
- (iii) Persons with research experience, published papers and post qualification experience in the relevant field would be preferred.

Following four Grades of officer will be appointed for Technical Work:

- a) Grade I : Persons with five years of experience on the post of Senior Investigator in the Government/Research Organisation.
- b) Grade II : Persons with five years of experience on the post of Research Officer/Assistant Director in the Government/Research Organisation.
- c) Grade III : Persons with three years of experience on the post of Senior Research Officer/Deputy Director in the Government/Research Organisation or worked in Class I post of the Government of India for ten years with experience in the field of the target groups of the Ministry of SJ&E.
- d) Grade IV : Persons with three years of experience on the post of Joint Director, Director or worked in Class I post of the Government of India or other Public Sector Undertakings for minimum of fifteen years with experience in the field of the target groups of the Ministry of SJ&E.

B. SECRETARIAL WORK

This would consist of Officers from of Central and State Governments, and PSUs having considerable experience of functioning of Central Government Ministries / Departments. The consultant should have excellent communication and interpersonal skills with a strong flair for in depth handling work relating to Internal Finance as well.

Following four Grade of officer will appointed on Secretarial Posts:

- a) Grade I : Persons with five years of experience on the post of Assistant in the Government or PSUs.
 - b) Grade II : Persons with three years of experience on the post of Section Officer in the Government or PSUs.
 - c) Grade III : Persons with three years of experience on the post of Under Secretary in the Government or PSUs.
 - d) Grade IV : Persons with three years of experience on the post of Deputy Secretary/Director or PSUs.
5. **AGE- LIMIT** Normally, the maximum age limit for all categories of Consultants will be 65 years. However, engagement beyond 65 years and upto 70 years could be with the approval of Secretary keeping in view his good health appropriate for the work and level of expertise.
6. **PROCEDURE:** Following procedure is to be followed for selecting candidate for engagement as Consultant(s):-

For selection of consultants, a Committee of three Joint Secretaries may be constituted for the purpose and the appointment should be done on their recommendation and with the approval of Secretary (SJ&E)

7. ENTITLEMENTS OF ALL FOUR CATEGORIES OF CONSULTANTS

- a) **FEE AND LOCAL CONVEYANCE:-** The maximum amount of monthly consolidated fee and Local Conveyance payable to different categories of Consultants shall be as under

Grade of officer for Technical Posts and Secretarial Posts **:

(a) Gr. I :	... Rs. 27,000/-
(b) Gr. II :	... Rs. 35,000/-
(c) Gr. III :	... Rs. 42,000/-
(d) Gr. IV :	... Rs. 48,000/-.

** The total monthly consolidated fee and the Pension drawn by the consultant shall not be more than the Last Pay Drawn by him calculated at the current rates of Dearness Allowance.

(b) DRAWAL OF PENSION

A retired Government official appointed as Consultant in any of the three categories shall continue to draw pension and the dearness relief on pension during the period of his engagement as consultant. His/her engagement as Consultant shall not be considered as a case of re-employment.

(c) ALLOWANCES:

The Consultants shall not be entitled to any allowance/benefits such as Dearness Allowance, Transport Facility, Residential Accommodation, Personal Staff, CGHS, and Medical Reimbursement etc. However, Conveyance allowance shall be paid at the following rates per:

<u>Consultants who retired at the level of</u>	<u>Amount</u>
(a) Gr. I :	... Rs. 1,000/-
(b) Gr. II :	... Rs. 2,000/-
(c) Gr. III :	... Rs. 3,000/-
(d) Gr. IV :	... Rs. 4,000/-

(d) WORKING FACILITIES TO BE PROVIDED

No facility for using internet/telephone at residence to consultants will be provided by the Ministry.

(e) LEAVE

Consultants shall be eligible for 8 days' leave in a calendar year on pro-rata basis. Therefore, a Consultant shall not draw any remuneration in case of his/her absence beyond 8 days in a Year (calculated on a pro-rata basis). Also un-availed leave in a calendar year cannot be carried forward to next calendar year. The Ministry would be free to terminate the services in case of absence of a Consultant by more than 15 days beyond the entitled leave in a calendar year.

(f) TA/DA

No TA/DA shall be admissible for joining the assignment or on its completion. Foreign travel of Consultants permitted only, in exceptional cases. However, Consultants shall be allowed TA/DA for their travel inside the country in connection with the official work after approval of competent authority. Retired Government servant, appointed as consultant, would be entitled as per his/her last entitlement drawn at the time of retirement.

8. WORKING HOURS

Consultants may follow the normal working hours as prescribed (i.e. from 9.00 AM to 5.30 PM). However, as per the exigency one has to sit late to complete the time bound work.

9. ENGAGEMENT OF EXISTING CONSULTANTS WORKING IN THE DEPARTMENT

The existing consultants in Department will continue as per their existing entitlements/remuneration till they complete their sanctioned tenures. Such consultants, who are already engaged in the Department, after completion of their tenure, will be suitably adjusted in the new grades as per the guidelines, on request of the consultant. The Plan Division will prepare a list of such consultants and after adjustment of existing consultants; the concerned Bureau Heads would be informed for further necessary action. In those cases where consultants are working but no agreement has been signed, between the consultant and Ministry, these guidelines will apply from the actual date of the engagement of the consultant in the Ministry.

10. TAX DEDUCTION AT SOURCE:

The Income Tax or any other tax liable to be deducted, as per the prevailing rules will be deducted at source before effecting the payment, for which the Department will issue TDS Certificate/s. Service Tax, as applicable shall be payable extra, at the prevalent rates.

11. REVIEW OF GUIDELINES

These Guidelines may be reviewed as and when required to revise monthly consolidated fee and Local Conveyance payable to different categories of Consultants.

12. RIGHTS OF THE DEPARTMENT:

The Department has the right to cancel advertisement, and not to proceed in the matter for engagement of consultant, at any stage accept or reject any or all applications, without giving any explanation, whatsoever.

13. TERMINATION OF AGREEMENT:

The Department may terminate a contract to which these Terms apply if:

- The Consultant is unable to address the assigned works,
- Quality of the assigned works is not to the satisfaction of the Department.
- The Consultant fails in timely achievement of the milestones as finally decided by the Department.
- The Consultant is found lacking in honesty and integrity;

The Department reserves the right to terminate the contract, by giving fifteen days' notice to the Consultant. Termination shall be effected by written notice served on the Consultant and shall take effect in 15 days of delivery of such notice. The termination will be without prejudice to either party's rights accrued before termination.

14 RELAXATION

In exceptional cases of highly specialized requirements, Secretary (SJ&E) may relax any or all the conditioned enumerated above. The higher amount of monthly consolidated fee and Local Conveyance payable to different categories of Consultants can also be sanctioned with the approval of Secretary (SJ&E) in consultation with IFD.

Ministry of Social Justice Empowerment
Department of
.....Division

Terms of Reference for engagement of Consultants

(i) Precise statement of Objectives for appointment of Consultant:-

(Discipline or the domains where engagement of consultants is required should be indicated)

(ii) Outline of the tasks to be carried out:-

(Details of work required to be carried out/specific tasks/activities to be assigned to Consultants should be indicated).

(iii) Schedule for completion of Tasks:-

(This should be framed in such a manner that both the time frame for the jobs as well as the deliverables are clearly identified and are amenable to periodic monitoring over the duration of the assignment).

EXTRACT FROM MINISTRY OF FINANCE (DEPARTMENT OF EXPENDITURE)
OFFICE MEMORANDAM NO. 7(1)/E COORD/2011 DATED 11 JULY 2011

Subject: Expenditure Management–Economy Measures and Rationalization of Expenditure.

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Para : 2.5. As per extant instructions, consultancy assignments are to be awarded based on the provisions of the GFRs. In this context the provisions of GFRs may be strictly followed and consultancy assignments may be awarded only for specific jobs which are well defined in terms of content and timeframe for their completion. Engagement of consultants may be resorted to only in situations requiring high quality services for which the concerned Ministry/Department does not have requisite expertise. All Ministries/Departments may carry out a review of the Consultants appointed by that Ministry/Department in the light of the provisions of the GFRs, and reduce the number of Consultants to the minimum requirement. Where individual Consultants are appointed by nomination, due economy may be observed while determining their fee and such fees may not be disproportionate to the work to be carried out by the Consultant.

Sd/-
(Sumit Bose) Secretary (Expenditure)
All Secretaries to the Govt. of India

Application for appointment as Consultant in Department of Social Justice & Empowerment

1. Name of applicant:
2. Father's Name:
3. Date of Birth:
4. Nationality:
5. Mailing address (with Telephone/Mobile No. and e-mail address)
6. Permanent Address:
7. Educational Qualification:
8. Professional Experience
9. Last pay drawn/emoluments
10. Two references

