

**“Government of India”
Ministry of Tribal Affairs**

**Subject: - Guidelines and Procedure for engagement of Consultants in the
Ministry of Tribal Affairs**

The scheme of engagement of Consultants in the Ministry of Tribal Affairs 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 Ministry of Tribal Affairs.

1.2 For the purpose of these Guidelines, the term “Consultant” will include officers / staff who have retired from State / Central Government Ministries / Departments / Offices, PSUs, outside experts from Non-Governmental Organizations, Universities, Research Organizations, individuals (with expertise in the required field) etc.

1.3 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 Ministry in the field etc.
- b) Jobs which require analytical, computing and problem-solving skills.
- c) Any other work that can be covered under the definition of “technical work”

(ii) SECRETARIAT WORK

- a) The work would include Secretarial work related to schemes being with implementation by the Ministry which might include preparation of SFC/EFC Memorandums, drafting Cabinet Notes, Direct Benefit Transfer Scheme, Results Frame Work Document, notes on various schemes of Ministry etc. This could also include work that can be attributed to personal staff of officers like typing, taking dictation, transcription, data entry, record maintenance, 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 Ministry of Tribal Affairs will be as laid down in the General Financial Rules, 2017, Manual of Policies and Procedure of Employment of Consultants issued by Ministry of Finance and instructions issued by Department of Personnel & Training and Ministry of Finance, issued from time to time.

3. MISCELLANEOUS:

- I. Hiring of Consultants will be done by following a set & transparent procedure.
- II. The qualifications and experience required to be possessed by the person to be hired will be clearly and unambiguously spelt out.
- III. The procedure for hiring of Consultant will also be decided when the process for hiring is initiated. In case it is desirable to relax any condition like quantum of experience, etc. the authority competent to do the same will also be defined.
- IV. Maximum Marks and marks to be allotted for each component should be clearly brought out before applications are called for.
- V. The work to be done by the Consultant will be defined along with terms and conditions of appointment and termination of contract.
- VI. In no case will the upper age limit prescribed by Government of India, from time to time, be relaxed. The present upper age limit is 65 years.
- VII. In brief the engagement of Consultants as laid down in the General Financial Rules, 2017 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 another Ministries/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 on Central Public Procurement Portal (CPPP) at www.eprocure.gov.in and on GeM.
- 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.

4. PERIOD OF ENGAGEMENT

- 4.1 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.
- 4.2 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 rule — 178.
- 4.3 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 Ministry of Tribal Affairs.
- 4.4 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 Ministry without assigning any reasons.
- 4.5 The maximum period of appointment of a consultant shall not exceed five years in the Ministry. However, the condition may be relaxed with the approval of Secretary(TA).

5. 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 and individual expertise in particular field. The eligible applicant for the post of consultant should have the following qualifications and experience:

- (i) Master's Degree/Bachelor degree/ Diploma holder in relevant subject (as per requirement)
- (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.

B. SECRETARIAL WORK

Preference should be given to persons who have serviced in Central Government Ministries/ Departments. Failing that, persons who have served in 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 analysis of proposal. Knowledge of handling work relating to Internal Finance will be added advantage.

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 Central Government Ministries/Departments or equivalent post with similar work profile in State Government or PSUs.
- b. Grade II : Persons with three years of experience on the post of Section Officer in Central Government Ministries/Departments or equivalent post with similar work profile in State Government or PSUs.
- c. Grade III : Persons with three years of experience on the post of Under Secretary in Central Government Ministries/Departments or equivalent post with similar work profile in State Government or PSUs.
- d. Grade IV : Persons with three years of experience on the post of Deputy Secretary/Director in Central Government Ministries/Departments or equivalent post with similar work profile in State Government or PSUs.

6. SELECTION PANEL:

Depending upon the grade to which the Consultant will be appointed, the selection panel will be headed by an officer who is at least one level higher (not below the rank of Deputy Secretary) and will include officers from the concerned Division, IFD and Establishment.

The final selection and appointment of the candidate will be made on the basis of their recommendation and with concurrence of IFD and approval of Secretary (TA) (in case of appointment to Grades III & IV) and the Joint Secretary (Admn) in case of appointment to Grade I and II.



7. **ENTITLEMENTS OF ALL FOUR CATEGORIES OF CONSULTANTS**

- a) **FEE:-** The remuneration to the consultants engage for the technical work will be based on their qualification and experience in the relevant filed.

The maximum amount of monthly consolidated fee payable to different categories of Consultants for secretariat work shall be as under

Grade of officer for 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.

(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. Consultant will not be eligible for foreign visits. However, Consultants shall be allowed for conveyance charges and boarding & lodging for their travel inside the country in connection with the official work after approval of competent authority. The reimbursement of conveyance charges in performing duties and boarding & lodging on tour shall be permitted to consultant other than retired Government servant, at the same rates as admissible to regular employees receiving similar remuneration and retired Government servant, appointed as Consultant, would be entitled as per his / her last entitlement drawn at the time of retirement.

8. **INTELLECTUAL PROPERTY RIGHTS:**

The Intellectual Property Rights (IPR) of the data collected as well as the deliverables produced for the office shall remain with this office. No one shall utilize or publish or disclose or part with, to a third party, any part of the data or statistics or proceedings or information collected for the purpose of this assignment or during the course of the assignment for the office, without the express written consent of the office. The Consultant shall be bound to hand over the entire set of records of assignment to the office before the expiry of the contract, and before the final payment is released by the office. The consultant should also enter into a non-disclosure agreement with the Department.

9. **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 of work one has to sit late or come early or attend on holidays to complete the time bound work. They will, however, not be eligible for overtime, transport, etc. for sitting late or attending officer on Saturdays, Sundays or holidays.

10. **ENGAGEMENT OF EXISTING CONSULTANTS WORKING IN THE DEPARTMENT**

The existing consultants in the Ministry will continue as per their existing entitlements/remuneration till they complete their sanctioned tenures. Such consultants, who are already engaged in the Ministry, after completion of their tenure, will be suitably adjusted in the new grades as per the guidelines, on request of the consultant and his suitability. 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.



11. 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 Ministry will issue TDS Certificate/s. Service Tax, as applicable shall be payable extra, at the prevalent rates.

12. REVIEW OF GUIDELINES

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

13. RIGHTS OF THE DEPARTMENT:

The Ministry 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. Ministry also reserves the right to modify the number of consultants it intends to hire as well as modify the eligibility conditions for the post.

14. TERMINATION OF AGREEMENT:

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

- I. The Consultant is unable to address the assigned works.
- II. The Consultant refuses to follow directions/orders of the reporting/controlling officer or the Competent Authority.
- III. Quality of output on assigned works is not to the satisfaction of the Ministry.
- IV. The Consultant fails in achievement of the milestones within the timelines set by the Department.
- V. The Consultant is found lacking in honesty and integrity;

The Ministry 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.

15. RELAXATION

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

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Ministry of Tribal Affairs

.....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).

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Application for appointment as Consultant in Ministry of Tribal Affairs

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