

सं० / No. A.41011/2/2017-Estt.(E-21833)

भारत सरकार / Government of India

रसायन एवं उर्वरक मंत्रालय / Ministry of Chemicals and Fertilizers

औषध विभाग / Department of Pharmaceuticals

शास्त्री भवन, नई दिल्ली

Shastri Bhawan, New Delhi

Dated the 20th February, 2023

Subject: - Guidelines for Hiring of Non-Technical Consultants on contract basis in the Department of Pharmaceuticals-reg.

In supersession of 'Guidelines for Hiring of Consultants on contract basis in the Department of Pharmaceuticals, Ministry of Chemicals & Fertilizers dated 22nd June, 2020, the following guidelines and procedures are being prescribed for engagement of Consultants/Sr. Consultants/ Young Professionals in Department of Pharmaceuticals until such time as these guidelines are amended or new guidelines issued. These guidelines will come into effect from the date of issue.

1. Rationale

1.1 Department of Pharmaceuticals is committed to propel the Pharmaceutical Industry to a new height and position as a global leader. For achieving that necessary measures are required to be taken based on industry feedback and global experiences. Some of the measures include policy measures and incentivization; investment and trades; nurturing skilled manpower and researchers; and industry facilitation. The promotion and coordination of basic, applied and other research in the areas related to Pharmaceutical sector including international cooperation on pharmaceutical research are key area to enhance competitiveness of the sector. In view of a large number of vacancies in the Central Secretariat Services in the categories of PPS/PS/PA and SO/ASO, Consultants (non-technical) are also required to be hired to perform certain secretarial works and provide office support.

1.2 Professionals with requisite qualification and experience as prescribed for different positions will be hired as Individual Consultants. The total number of Individual Consultants to be engaged by the Department shall depend on the actual requirement at a particular time and available budgetary provision.



2. Contractual Terms and conditions

2.1 Legal Status: - The Individual Consultant shall have the legal status of an independent Consultant vis-à-vis the Department of Pharmaceuticals and shall not be regarded, for any purpose, as being staff member or an official of the Department. As such nothing within or relating to the contract shall establish the relationship of employer and employee between the Department of Pharmaceuticals and the Individual Consultant.

2.2 Standards of conduct: - Generally, the Individual Consultant shall neither seek nor accept instructions from any authority external to the Department in connection with the performance of its obligations under the contract. The Individual Consultant shall not take any action in respect of its performance or otherwise related to its obligations under the contract that may adversely affect the interest of the Department and the Individual Consultant shall perform its obligations with the fullest regard to the interest of the Department. The Individual Consultant shall comply with all laws, ordinances, rules, and regulations bearing upon the performance of its obligations under the Contract. In the performance of the contract the Individual Consultant shall comply with the standards of conduct. Failure to comply with the same is grounds for termination of the Individual Consultant.

2.3 Assignment of Duties: - The Individual Consultant shall perform the duties assigned to him. The Competent Authority reserves the right to assign any duty as and when required. No extra/additional allowance will be admissible in case of such additional assignment.

2.4 Prohibition of Sexual Exploitation and abuse: - In the performance of the contract, the Individual Consultant shall comply with the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**. The Individual Consultant acknowledges and agrees that any breach of the provisions thereof shall constitute a breach of an essential term of the contract and in addition to any other legal right or remedies available to any person, shall give rise to a ground for termination of the contract. If required, further appropriate legal action may also be recommended.

2.5 Medical Clearance and Service Incurred Death or Grievous Injury: - The Department of Pharmaceuticals may require the Individual Consultant to submit a **Good Health Certificate** from a registered Physician at the time of joining duties. In the event of death or grievous injury to the Individual Consultant during the course of his/her duties,

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compensation shall not be payable to the Individual Consultants or his/her dependents. It is desired that the Individual Consultants take out and maintain adequate insurance required to meet their obligations from own responsibility.

2.6 Basic Support Facility: - Basic support like office space, furniture, stationery, computer, laptop, calculator, access to internet etc. may be provided to the Individual Consultant where needed by the Department so that assigned duties may be handled smoothly. Any equipment and supplies provided to the Individual Consultant and any damage or degradation occurred to the equipment at the time of return beyond normal wear and tear, shall be administered as per extant rules.

2.7 Confidentiality of Documents & Information: - The Individual Consultant would be subject to the provisions of the Indian Official Secrets Act, 1923. They shall not use the name, emblem, or official seal of the Department for any commercial purpose other than discharging assigned duties.

2.8 Settlement of Disputes: -The Department and the Individual Consultant shall use their best efforts to amicably settle any dispute, controversy or claim arising out of the Contract or the breach, termination or invalidity thereof. Any dispute, controversy or claim between the parties arising out of the Contract or the breach, termination, or invalidity thereof unless settled amicably, as provided above, shall be referred by either of the parties to the Secretary for arbitration. The Secretary may appoint an arbitrator for the settlement of the controversy.

2.9 Conflict of interest: - The Individual Consultant is expected to follow all the rules and regulations of the Government of India which are in force. He/she is also expected to display utmost honesty, secrecy of office and sincerity while discharging he/her duties. In case the services of the Individual Consultant are not found satisfactory or found in conflict with the interests of the Department of Pharmaceuticals, Government of India his/her services will be liable for discontinuation without assigning any reason.

2.10 Termination: -The Department of Pharmaceuticals can terminate the contract at any time without prior notice and without providing any reason thereto. However, in the normal course it will provide one month's notice to the Individual Consultant. The Individual Consultant can also seek for termination of the contract upon giving one month's notice to the Department.



3. Term of Reference: - Heads of Divisions shall be responsible for ensuring that detailed terms of reference describing the work to be performed are prepared well in advance of the engagement of the Individual Consultants and submit it as Annexure in a timely manner to the Administration Division for processing. The terms of reference are mandatory and shall form part of the individual contract. The terms of reference shall include the outputs to be delivered and the functions to be performed.

4. General Terms & Conditions

4.1 Tenure: - Individual Consultant will be hired for a fixed period, initially for one year and not exceeding five (5) years for providing high quality services on specific piece of work as per requirement of the Divisions. The continuation of the service beyond initial appointment will be contingent upon satisfactory performance to be assessed by respective Divisional Head based on Key Performance Indicators (KPIs) and subject to the approval of the Secretary (Pharma).

4.2 Consultant shall be hired through an open advertisement, which will give all the necessary details viz. qualifications and the job requirement followed by selection through a selection committee set up by the Department.

4.3 Selected candidates will be offered appointment letters to get the assignment. They would be required to join within prescribed period as indicated in the appointment letter.

4.4 Consultants shall perform the duties as assigned to them. The competent authority reserves the right to assign any duty as and when required. No extra/additional allowance will be admissible in case of such assignment.

4.5 Consultants shall not be entitled to any benefit like Provident Fund, Pension, Insurance, Gratuity, Medical Attendance Treatment, Seniority, Promotion etc. or any other benefits available to a Government of Servant appointed on regular basis.

4.6 Consultants will not be granted any claim or right or preference for regular appointment to any post in the Government.



4.7 If any declaration given or information furnished by any Consultant proves to be false or if he/she is found to have wilfully suppressed any material information, he/she will be liable for removal from such a contract and also such other action as the Government may deem necessary.

4.8 Working hours shall normally be from 09.00 AM to 5:30PM during working days including half an hour lunch break in between. However, in exigencies of work, he/she may be required to sit late and he may be called on Saturday, Sunday and other Gazetted Holidays without any extra remuneration.

4.9 Consultants shall be compulsorily required to enroll themselves in the Aadhar based Biometric Attendance System (BAS). Attendance registered by the staff in BAS only shall be taken as proof of their attendance in the office and on the basis of which fees/remuneration will be paid.

4.10 The Department has 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.

5. The Department shall hire Non-Technical Consultants as per rules and regulations of Government of India, to perform secretariat work and to provide office support. Consultants (non-tech) may be hired at 2 levels viz. Consultant (non-tech) Grade- I and Consultant (non-tech) Grade-II. **For hiring Non-Technical Consultants, preference will be given to retired Government Servants.** The general conditions of contracts for the services will be incorporated into their Individual contracts.

5.1. Educational Qualification: Generally, the following qualification is required, however, specific educational qualification may be prescribed as per actual requirement of particular positions.

(i) Bachelor Degree in any disciplines or equivalent degree/diploma.

(ii) Desirable experience: 3 years working experience in the relevant field preferably under Government / PSU setup.



5.2. Age and Experience

Name of the Position	Post Qualification experience in Years	Upper age limit* (year)	Remuneration (In Rs.)
Consultant (non-tech) grade-I	3 years as Personal Assistant / Assistant Section Officer for retired Government Servants	64 years	A fixed monthly amount shall be admissible, arrived at by deducting the basic pension from the pay drawn at the time of retirement. The amount of remuneration so fixed shall remain unchanged for the term of the contract.
	3-8 years' experience in listed / Corporate / Public Sector entities		50000 (fixed)
Consultant (non-tech) grade-II	3 years as Section Officer / Private Secretary or retired as Under Secretary in Government.	64 years	A fixed monthly amount shall be admissible, arrived at by deducting the basic pension from the pay drawn at the time of retirement. The amount of remuneration so fixed shall remain unchanged for the term of the contract.

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	8-15 years' experience in listed /Corporate/Public Sector entities	65000 (fixed)
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***Note1:** In general, Consultant will not be allowed to serve beyond the maximum age of 65.

***Note2:** A good Knowledge of Computer applications, MS-Office including Excel along with strong communication, analytical and presentations skills.

5.3. Selection Process: The selection of professionals shall be made in accordance with the provisions included in GFR, 2017 under rules 177-196 and as per relevant paras of the Manual for Procurement of Consultancy and Other Services 2017. The requirement of professionals for the Department of Pharmaceuticals will be advertised as and when needed on its **Website** and in at least one **National Newspaper** (both in Hindi and English). The applications received against the advertised positions shall be screened and shortlisted by a panel consisting of Under Secretary (Establishment) and Section Officer (Establishment). The shortlisted applications shall be placed before the Selection Committee(s) to be constituted with the approval of the Secretary as follows:

a. Selection Committee (Non-Technical Posts)

- (i) **Chairman-** Joint Secretary (Establishment)
- (ii) **Member-** Director/DS (Policy)
- (iii) **Member-** Director/DS (NIPER)
- (iv) **Member-** Director/DS (Administration)
- (v) **Member-** Director/DS (Pricing)

5.3.1 The Selection Committee may devise its own method for selection of suitable candidates as per requirement. The Selection Committee may also recommend names for keeping in wait list with valid time period.

6. Payment of Remuneration

6.1. There will be no annual increment/ percentage increase during the contract period.

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6.2. The payment of consolidated pay will be released by the Department within one week after completion of the month based on the **Biometric Attendance / Physical Attendance** to be verified by the concerned Divisional Heads.

7. Allowances:

7.1 **House Rent Allowances:** No HRA shall be admissible.

7.2 **Transport Allowance:** (i) A fixed amount of Rs. 5000/- per month shall be paid.

7.3 **TA/DA:** The Individual Consultants may be required to undertake domestic tours subject to approval of the Competent Authority and they will be allowed TA/DA reimbursement as follows: -

Sl. No.	Position	Entitlement
1	Consultant (Non-tech) Gr.-I & Grade.-II	As admissible to Under Secretary to the Government of India

7.4 **Leave-** Consultants (Non-Tech.) shall be eligible for 18 days leave during the period of one year on pro-rata basis besides the gazette holidays. Accumulation of leave beyond a calendar year may not be allowed. "No work no pay" will be applicable during the period of contract, if more than prescribed leave is taken. However, in Exceptional cases for professional development, training etc. this condition may be relaxed by Secretary (Pharma).

Apart from this the women Consultant may be eligible for maternity leave as per the Maternity Benefit (Amendment) Act, 2017 issued by Ministry of Labour and Employment vide no S-36012/03/2015-SS- I dated 12th April, 2017.

7.5 **Tax Deduction at Source:** - The income tax or any other tax liable to be deducted as per prevailing rules will be deducted at Source before releasing the payment and the Department will issue TDS certificate/GST as the case may be. The Department takes no liability for taxes or other contribution payable by the Individual Consultant on payment made under the contract.

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7.6 Authenticity & Police Verification: - Police verification of the Individual Consultants may be done as per the latest instructions issued by **Ministry of Home Affairs** (MHA). In case the police verification is received as negative, the contract of the Individual Consultant shall cease to exist with immediate effect without any notice. Further, if any declaration given or information furnished by Consultant proves to be false or if he/she is found to have willfully suppressed any material information, he/she will be liable for removal from such contract and also such other action as the Government may deem necessary.

7.7 Relaxation: - Where Secretary (Pharma) is of the opinion that it is necessary or expedient to do so, he/she may by order and for reasons to be recorded in writing, relax any of the provisions of the guidelines.

These guidelines shall stand modified as per the amendments and orders issued from time to time by Nodal departments such as DoPT and Deptt. of Expenditure.

The Guidelines for Hiring of Consultants (non-tech) on contract basis in the Department of Pharmaceuticals have been issued with the approval of Hon'ble Minister (C&F) vide note dated 17.02.2023.


20.02.23

(Sandeep Kumar)

Under Secretary to the Govt. of India