

Bill No. LXVIII of 2024

THE PUBLIC WORKS (QUALITY ASSURANCE AND
TRANSPARENCY BILL, 2024

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AS INTRODUCED IN THE RAJYA SABHA
ON THE 7TH FEBRUARY, 2025

Bill No. LXVIII of 2024

**THE PUBLIC WORKS (QUALITY ASSURANCE AND
TRANSPARENCY) BILL, 2024**

A

BILL

to ensure transparency, accountability and quality assurance in the execution of public works by the Central Government by creation of a monitoring authority, promotion of fair tendering practices and drafting of guidelines for quality assurance and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to enact legislation to ensure transparency, accountability, and quality assurance in the execution of public works by the Central Government;

AND WHEREAS the intent is to prevent inefficiency and malpractices in the public works system through the use of technology, public involvement in the oversight of public works and establishment of a regulatory mechanism.

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Public Works (Quality Assurance and Transparency) Act, 2024.

Short title and commencement.

- 5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires, —

(a) “Authority” means the Public Works Quality Assurance and Transparency Authority established under section 8 of this Act;

(b) “contractor” means any person, firm, or legal entity who undertakes or is awarded a contract or a tender by any public body to carry out the public works, as defined in clause(h); 5

(c) “designated Officer(s)” means any officer(s) of the public body designated for the purpose of preparing and submitting the list of public works undertaken by that body to the Authority in such form and manner within the stipulated timeframe and who will be responsible for the supply and maintenance of such information; 10

(d) “geotagging” means the process of adding geographical information, including latitude and longitude, to digital media for location-based monitoring;

(e) “Monitoring Agency” means any government or autonomous body assigned by the Authority for the inspection, supervision, and reporting of public works; 15

(f) “prescribed” means prescribed by the rules and regulations made under this Act;

(g) “public body” means anybody, organization or establishment, by whatever name called, owned, controlled or substantially financed by or under the jurisdiction of the Central Government that engages in public works and includes any non-Government organization, directly or indirectly by the funds provided by the Central Government; 20 25

(h) “public works” means any civil/ electrical works including infrastructure, construction, maintenance, or development work, both original and repair work, funded or carried out by or under the authority of the Central Government, or public bodies, as may be notified by the Authority established under section 8 of this Act; 30

(i) “stipulated time” means the timelines or time frame as may be prescribed in the rules or regulations framed under this Act;

(j) “tender” means the formal offer submitted by a contractor in response to a government request for public works contracts; and

(k) “time-and-date-stamping” means the process of adding information about when a photograph was taken on a photographic device, in the form of time and date, to the photograph. 35

CHAPTER II

PUBLIC WORKS AND PROCEDURE FOR TENDERING AND MONITORING

Notifying of public works.

3. (1) Every public body shall, within a period of three months from the date of commencement of this Act, and thereafter, at such intervals, as may be prescribed, submit a list of public works undertaken by them, along with the particulars of the Designated Officer(s), to the Authority established under section 8 of this Act, in such form and manner as may be prescribed. 40 45

(2) The Authority shall, upon receipt of the information under sub-section (1), immediately notify the list of such public works and shall cause the publication of the same on its website, in such form and manner, as may be prescribed.

5	<p>4. (1) On and from the date of commencement of this Act, irrespective of the value of the tender, no public body shall undertake public works or procure public works services except by inviting tenders through electronic tendering system in such manner as may be prescribed under this Act.</p> <p>(2) The e-tendering portal shall be accessible to the general public for scrutiny, and all relevant details of the tender, such as bidder information, project estimates, and deadlines, shall be made available on the portal.</p> <p>(3) No tender shall be invited or processed or awarded by any public body after the commencement of this Act except in accordance with the procedure laid down under this Act or the rules and regulations made there under.</p>	Electronic tendering system.
15	<p>5. (1) Every public body shall make all tender-related documents, including bid submissions, financial estimates, project timelines, and contract awards including the name and details of the contractor(s), publicly available on a designated Central Government website.</p> <p>(2) Any revisions or modifications to the tender documents after awarding the contract shall be disclosed on the designated Central Government website within seven working days.</p>	Mandatory public disclosure.
25	<p>6. (1) Every public work shall undergo a quality assessment before the commencement, during the execution, and at the completion of the project.</p> <p>(2) A qualified Monitoring Agency, as may be authorised by the Authority, shall certify the quality of materials, design, and compliance with established standards, after due inspection in such form and manner as may be prescribed and shall submit a report to the Authority within the stipulated time frame, as may be prescribed.</p> <p>(3) No payment shall be released to the contractor(s) without obtaining quality certification as provided under sub-section (2) at every such milestone, as may be prescribed.</p>	Standard quality certification.
35	<p>7. (1) Every public body shall, by the seventh day of every month, or by the next working day, if the seventh day is not a working day, procure geotagged and time-and-date-stamped photographs of relevant public works and transmit such photographs to the Authority.</p> <p>Provided that nothing in this section shall apply to such public works where the Central Government has certified that releasing geotagged and time-and-date-stamped photographs of a public work may have adverse implications on national security.</p>	Use of geotagging for monitoring
40	<p>(2) The photographs referred to in sub-section (1) shall—</p> <p>(a) clearly communicate the progress or lack of progress made in the relevant public work in the last month, as the case may be; and</p> <p>(b) cover all major components of the relevant public work.</p>	
45	<p>(3) The photographs referred to in sub-section (1) need not be procured and transmitted after the concerned public body has certified the completion of the public work.</p>	
50	<p>(4) The Authority shall, by the fifteenth day of every month, or by the next working day, if the fifteenth day is not a working day, upload the photographs transmitted under sub-section (1) by the public bodies, on their website in a conspicuous manner, which shall be freely accessible to the public.</p>	

CHAPTER III

PUBLIC WORKS QUALITY ASSURANCES AND TRANSPARENCY AUTHORITY

Establishment of
the Public
Works Quality
Assurances and
Transparency
Authority.

8. **(1) With effect from such date as the Central Government shall, by notification in the Official Gazette appoint in this behalf, there shall be established for the purposes of this Act, an Authority to be known as the Public Works Quality Assurance and Transparency Authority, to exercise the powers conferred upon it and to perform the functions assigned to it under this Act.**

Provided that until the establishment of an Authority under this section, the Central Government shall, by order, designate any Regulatory Authority or any officer, preferably the Secretary of the Ministry dealing with Public Works, as the *interim* Regulatory Authority for the purposes under this Act.

Provided also that after the establishment of the Authority, all applications, complaints or cases pending with the *interim* Regulatory Authority or the officer so designated, as the case may be, shall stand transferred to the Authority so established and shall be heard from the stage such applications, complaints or cases are transferred.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with the power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The Authority shall be responsible for monitoring, regulating, and ensuring the quality of public works in the country.

(4) The head office of the Authority shall be at such place as the Central Government may, by notification in the Official Gazette, specify.

Composition of
the Authority.

9. **(1) The Authority shall consist of the following members, to be appointed by the Central Government, in such manner as may be prescribed:—**

- (a) a Chairperson, who shall be a person of eminence with experience in public works, infrastructure development, or governance;
- (b) not more than six members, including at least one legal expert, one civil engineer, and one representative from the public procurement sector; and
- (c) an officer of the Central Government, not below the rank of Joint Secretary, as Member Secretary of the Authority.

(2) The Chairperson and members shall hold office for a term of five years, subject to re-appointment.

(3) The qualifications for appointment of the Chairperson and other members of the Authority and the manner of filling of vacancies among the members of the Authority shall be such as may be prescribed.

(4) The Chairperson shall have the powers of general superintendence and direction in respect of all administrative matters of the Authority.

(5) The Chairperson shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and duties of the Authority as may be delegated to him by the Authority and such other powers and duties as may be prescribed.

	(6) The Authority shall meet at such times and places and shall observe such rules of procedure with regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by the regulations made by the Authority under this Act.	
5	10. (1) The term of office of, salaries, remuneration or other allowances payable to, and other conditions of service of, the Chairperson and other members of the Authority shall be such as may be prescribed.	Terms of office and conditions of services of the Chairperson and members of the Authority.
10	(2) The Chairperson and any member may resign his office by giving notice thereof in writing to the Central Government and on such resignation being accepted, he shall be deemed to have vacated his office.	
	11. (1) The Authority may appoint such officers and other employees, as it deems necessary, for the efficient discharge of its functions under this Act.	Officers and other employees of the Authority.
15	(2) The method of recruitment, the salary and allowances payable to and the terms and conditions of service of the officers and other employees of the Authority appointed under sub-section (1), shall be such as may be prescribed.	
20	12. The Chairperson, members, officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of sub-section (2) of section 28 of the Bharatiya Nyaya Sanhita, 2023.	Chairperson, members, officers and other employees of the Authority to be public servants.
45 of 2023	13. (1) The Authority shall perform the following functions including, but not limited to —	Functions of the Authority.
25	(a) formulation of draft guidelines for fair tendering and contracting processes in public works, which shall include provisions for:	
	(i) examining the technical and financial capability of tender applicants;	
30	(ii) ensuring that tenders are awarded based on merit, transparency, and efficiency;	
	(iii) standard contract formats and stipulated timelines for various types of public works;	
35	(iv) promoting the participation of small and medium enterprises in public works; and	
	(v) ensuring that due process laid down under section 4 of this Act shall be followed scrupulously while inviting, processing and granting tenders for public works.	
40	(b) draft and periodically update quality guidelines for public works, which shall cover:	
	(i) specifications for materials, construction techniques, and safety standards;	
	(ii) mandatory inspection and certification at various stages of project execution; and	
45	(iii) quality control and assurance processes, with an emphasis on durable and sustainable infrastructure development.	
	(c) formulate rules for the geotagging and real-time monitoring of public works projects and ensure that every public body timely	

	transmits the geotagged photographs, as required under section 7 of this Act, to the Authority;	
	(d) advise the Central Government on policies and measures for promoting transparency, accountability, and quality in public works; and	5
	(e) investigate complaints, disputes, or grievances concerning public works and cases of violation of any of the provisions of the Act and rules and regulations made there under and take necessary action.	
	(2) The Authority, while discharging the functions under sub-clause (e) of sub-section (1), shall have the power to summon and examine witnesses, review documents, and issue orders for compliance, correction, or imposing penalty, as deemed necessary.	10
Powers of the Authority.	14. (1) The Authority shall have the powers of a civil court under the Bharatiya Nagarik Suraksha Sanhita, 2023, while discharging its functions in matters related to public works under this Act, specifically to:	15 46 of 2023.
	(a) summon and enforce the attendance of any person;	
	(b) require the discovery and production of documents;	
	(c) receive evidence on affidavits;	
	(d) requisition any public record or copy thereof from any court or office;	20
	(e) issue commissions for the examination of witnesses or documents; and	
	(f) conduct inquiries and inspections into matters concerning public works.	25
	(2) The Authority shall have the power to initiate proceedings for non-compliance of its orders.	
Appeal and review.	15. (1) Any person aggrieved by a decision or an order of the Authority may file an appeal to the Supreme Court within a period of sixty days from the date of such decision or order.	30
	Provided that the Supreme Court may entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.	
	(2) The decision of the Supreme Court on the appeal shall be final and binding.	35
CHAPTER IV		
FINANCE, ACCOUNTS AND AUDIT		
Grants by the Central Government.	16. The Central Government may, after due appropriation made by Parliament in this behalf, make to the Authority, grants and loans of such sums of money, as it may consider necessary, for carrying out the purposes of this Act.	40
Accounts and audit.	17. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.	45
	(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall	

be payable by the respective Authority to the Comptroller and Auditor-General of India.

5 (3) The accounts of the Authority, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Authority, who shall cause the accounts along with the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

10 18. (1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed by the Central Government, an annual report giving a summary of all its activities during the previous year and copies of the report shall be forwarded to the Central Government.

Annual report.

15 (2) The Central Government shall cause a copy of the report received under sub-section (1) to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER V

PENALTIES

20 19. (1) Any contractor, government officer, or public body found to be in violation of any of the provisions of this Act or the rules and regulations made thereunder or the directions or orders or guidelines issued by the Authority, shall be liable to be punished with a fine not exceeding rupees ten lakh for each such violation.

Penalties for non-compliance.

25 (2) In case of repeated violations, the Authority may recommend the suspension or blacklisting of contractors or, as the case may be, initiation of disciplinary proceedings against the concerned officers, as per the relevant rules applicable to such officer.

30 20. (1) Where an Offence under this Act has been committed by a company, every person who, at the time, the offence was committed was in charge of, or was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

35 Provided that nothing contained in this sub-section, shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

40 (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

45 **Explanation.**—For the purpose of this section,—

(a) “company” means anybody corporate and includes a firm, or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

Crediting sums realised by way of penalties to the Consolidated Fund of India.

21. All sums realized, by way of penalties, imposed by the Authority, shall be credited to the Consolidated Fund of India.

CHAPTER VI

MISCELLANEOUS

Responsibilities of the Central Government.

22. (1) The Central Government shall— 5
- (a) ensure that all public works under their jurisdiction comply with the provisions of this Act and the directions or guidelines issued by the Authority from time to time.
- (b) ensure that e-tendering is scrupulously followed for all public works projects and that public disclosures, including tender documents, project timelines, and status updates, are carried out as laid down under the Act and made available as required by the Authority. 10
- (c) allocate necessary resources for the proper monitoring, implementation, and enforcement of quality standards in public works.

Protection of action taken in good faith.

23. No suit, prosecution or other legal proceedings shall lie against the Central Government or the Authority or any officer of the Central Government or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder. 15

Power to remove difficulties.

24. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty. 20
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament. 25

Power to make rules and regulations.

25. (1) The Central Government may, by notification in the Official Gazette, make rules, for carrying out the purposes of this Act.
- (2) The Authority may, with the previous sanction of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act. 30
- (3) Every rule and every regulation made by the Central Government and the Authority under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 35 40

STATEMENT OF OBJECTS AND REASONS

This legislation represents a major step forward in the governance of public works in India, with the goal of establishing a framework that prioritizes transparency, accountability, and quality in infrastructure initiatives. It tackles long-standing challenges in public works and fosters a culture of integrity in resource management. A key component of this initiative is the creation of an independent Public Works Quality Assurance and Transparency Authority, which will possess powers of a civil court to enforce compliance and impose penalties for any violations. This Authority will ensure that standards and regulations in public works are strictly followed. The legislation also highlights the necessity of standardizing tendering processes and quality control measures to eliminate inefficiencies and enhance project outcomes, thereby increasing stakeholder confidence. Moreover, it acknowledges the importance of technology in improving oversight and management of public works. By advocating for advanced tools for real-time monitoring, the legislation seeks to provide timely updates on project progress and quality, facilitating early detection of issues and reducing delays or cost overruns. Additionally, the legislation promotes public involvement in the oversight of public projects.

Hence, this Bill.

AJEET MADHAVRAO GOPCHADE

FINANCIAL MEMORANDUM

Clause 8 of the Bill provides for the establishment of the Public Works Quality Assurance and Transparency Authority and Clause 9 of the Bill provides for the composition of the Authority. Clause 10 provides for the salary and allowances of the Chairperson and members of the Authority, whereas Clause 11 provides for the appointment of officers and other employees of the Authority and the salary and allowances payable to them. Clause 16 of the Bill provides that the Central Government shall after due appropriation by Parliament, make grant and loans of such sums of money to the Authority, as it may deem necessary for carrying out the purposes of the Bill. Clause 21 of the Bill provides that all sums realized by way of penalties by the Authority shall be credited into the Consolidated Fund of India.

The Bill, therefore, if enacted, would involve both non-recurring and recurring expenditure from the Consolidated Fund of India. However, at this juncture, it is difficult to estimate the actual expenditure likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill empowers the Central Government to make provisions by an order to remove any difficulties that might arise in giving effect to any of the provisions thereof. Clause 25 of the Bill empowers the Central Government to make rules and the respective Authority to make regulations for carrying out the purposes of this Bill. As the rules, regulations and order(s) will relate to matters of details only, the delegation of legislative power is of a normal character.

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*to ensure transparency, accountability and quality assurance in the execution of public works
by the Central Government by creation of a monitoring authority, promotion of fair
tendering practices and drafting of guidelines for quality assurance
and for matters connected therewith or incidental thereto.*

(Dr. Ajeet Madhavrao Gopchade, M.P.)