

JAWAHARLAL NEHRU UNIVERSITY

CONFIDENTIAL CELL

File No. CC/Misc./29

24th July, 2017

CIRCULAR

Reference is hereby invited to the mail/letter dated 23.6.2017 of MHRD on the subject **request** for Grant of vigilance clearance received in vigilance wing. Department of Higher Education from various Bureaus –reg. The Ministry has also forwarded the copy of various O.M. on the subject alongwith guidelines regarding grant of vigilance clearance to member of Central Civil Services/ Central Civil Post issued by MHRD and Ministry of Personnel & Public Grievances & Pensioners (Department of Personnel & Training) from time to time.

In pursuance of the O.M. No. 11012/11/2007-Estt.A dated 14.12.2007 read with OM of even number dated 27.9.2011 “Vigilance clearance shall be denied to an Officer if he fails to submit his annual immovable property return of the previous year by 31st January of the following year, as required under Govt. of India decisions under Rule 18 of the Central Civil Services (conduct) Rules, 1964”. it is reiterated that :

1. All the employees of the organizations under the Ministry would be required to submit the IPRs latest by 31st January to the competent authority.
2. Employees who failed to submit the property return with the prescribed time limit would be denied vigilance clearance in terms of Department of Personnel and Training’s OM No. 11012/11/2007-Estt.A dated 14.12.2007 read with OM of even number dated 27.9.2011.

In view of the above guidelines, all official (faculty, officers & staff) of the University are requested to submit the Annual Immovable Property Return in the prescribed format which may be downloaded from the JNU website (Interanet) and e-office to the Dy. Registrar (Admn.), Room No. 303, 3rd Floor, Admn. Block on or before 31st January of the following year.

It is also requested to all official (faculty, officers & staff) to fill the **AI-PR** of the previous year(s), if not submitted earlier may also be submitted on or before 31st Aug. 2017 positively.

This issues with the approval of the Competent Authority.



REGISTRAR

To,

All official (faculty, officers & staff)

GOVERNMENT OF INDIA
Ministry of Human Resource Development
Department of Higher Education,
Central Universities Division.

Shastri Bhawan, New Delhi
Dated the 23 June, 2017.

To

All Vice Chancellors of Central Universities

**Sub: Request for Grant of vigilance clearance received in Vigilance Wing,
Department of Higher Education from various Bureaus-regarding.**


Sir,

Please find enclosed herewith a copy of O.M. F.No.C.19011/7/2017-Vig. Dated 20th June, 2017 along-with its enclosures received from Vigilance Section of this Ministry on the subject mentioned above.

It is, therefore, requested to bring the attached OM to the notice and give a copy to each & every officer/official of the Universities for strict compliance.

Yours faithfully,

Encl: As above.



(Vikas Tripathi)

Under Secretary to the Govt. of India
Tel.No.23388030

Vigilance Section

Shastri Bhawan, New Delhi – 110001
Dated the 20th June, 2017

OFFICE MEMORANDUM

Subject: Request for grant of vigilance clearance received in Vigilance Wing, Department of Higher Education from various Bureaus – regarding.

It has been noticed that officers working in various institutions/organizations under the administrative control Ministry do not submit their Annual Immovable Property Return within the prescribed time limit and the concerned organizations are not making any serious effort to issue instructions to their employees in this regard. Often request for vigilance clearance received from the Bureau shows that most of the officers, whose vigilance clearance have been sought for some important assignments in the organizations under the Ministry have not submitted the IPRs within the prescribed time limit. As per DOP&T OM No. 11012/11/2007-Estt.A dated 27.09.2011 "Vigilance clearance shall be denied to an officer if he fails to submit his annual immovable property return of the previous year by 31st January of the following year, as required under Government of India decisions under Rule 18 of the Central Civil Services (Conduct) Rules, 1964 (Copy enclosed). In view of the above, it is reiterated that:

1. All the employees of the organizations under the Ministry would be required to submit the IPRs latest by 31st January to the competent authority.
 2. Employees who failed to submit the property return with the prescribed time limit would be denied vigilance clearance in terms of Department of Personnel and Training's OM No. 11012/11/2007-Estt.A dated 14.12.2007 read with OM of even number dated 27.09.2011.
2. All the Bureaus in the Department of Higher Education and School Education & Literacy are requested to bring the above mentioned information to the notice of the organizations/institutions under their administrative jurisdiction with instruction to give a copy of the DOP&T OM to every officer/official of the organization/institutions, for strict compliance.
3. This issues with the approval of Chief Vigilance Officer, Department of Higher Education.

Sanjay Kumar

(Sanjay Kumar)

Under Secretary to the Govt. of India

Circulate to CUS (urgently)

To

All Bureau Heads in the Ministry of Human Resource Development.

Copy to : Sr. PPS to Secretary(H.E)/Secretary (SE&L)/CMIS

21/6

21/6/17
for (ce 6)

US (ce 6)

Government of India
Ministry of Personnel & Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi,

Dated the 14th December, 2007

OFFICE MEMORANDUM

Subject:- Guidelines regarding grant of vigilance clearance to members of the Central Civil Services/Central Civil posts.

The undersigned is directed to say that the matter regarding guidelines for giving vigilance clearance to members of the Central Civil Services/Central Civil posts has been reviewed by the Department of Personnel & Training and it has been decided that the following guidelines for the grant of vigilance clearance to the Government servants belonging to the Central Civil Services/ Central Civil posts shall be applicable with immediate effect:

1. These orders regarding accordance of vigilance clearance to members of the Central Civil Services/posts shall be applicable with respect to (a) empanelment (b) any deputation for which clearance is necessary, (c) appointments to sensitive posts and assignments to training programmes (except mandatory training). In all these cases, the vigilance status may be placed before and considered by the Competent Authority before a decision is taken.

2. The circumstances under which vigilance clearance shall not be withheld shall be as under:

- a) Vigilance clearance shall not be withheld due to the filing of a complaint, unless it is established on the basis of at least a preliminary inquiry or on the basis of any information that the concerned Department may already have in its possession, that there is, prima facie, substance to verifiable allegations regarding (i) corruption (ii) possession of assets disproportionate to known sources of income (iii) moral turpitude (iv) violation of the Central Civil Services (Conduct) Rules, 1964.
- b) Vigilance clearance shall not be withheld if a preliminary inquiry mentioned in 2(a) above takes more than three months to be completed.

c) Vigilance clearance shall not be withheld unless (i) the officer is under suspension (ii) a chargesheet has been issued against the officer in a disciplinary proceeding and the proceeding is pending (iii) orders for instituting disciplinary proceeding against the officer have been issued by the Disciplinary Authority provided that the chargesheet is served within three months from the date of passing such order (iv) chargesheet has been filed in a Court by the Investigating Agency in a criminal case and the case is pending (v) orders for instituting a criminal case against the officer have been issued by the Disciplinary Authority provided that the chargesheet is served within three months from the date of initiating proceedings (vi) sanction for investigation or prosecution has been granted by the Competent Authority in a case under the PC Act or any other criminal matter (vii) an FIR has been filed or a case registered by the concerned Department against the officer provided that the charge sheet is served within three months from the date of filing/registering the FIR/case and (viii) The officer is involved in a trap/raid case on charges of corruption and investigation is pending

d) Vigilance clearance shall not be withheld due to an FIR filed on the basis of a private complaint unless a chargesheet has been filed by the investigating agency provided that there are no directions to the contrary by a competent court of law.

e) Vigilance clearance shall not be withheld even after sanction for prosecution if the investigating agency has not been able to complete its investigations and file charges within a period of two years. However, such vigilance clearance will entitle the officer to be considered only to be appointed to non-sensitive posts and premature repatriation to the parent cadre in case he is on deputation and not for any other dispensation listed in para 1 of this O.M.

3. In cases where complaints have been referred to the administrative authority concerned, and no substantive response has been received from such administrative authority concerned within three months from the date on which the reference was made, the Disciplinary Authority may provide a copy of the complaint to the officer concerned to seek his comments. If the comments are found to be prima facie satisfactory by the Competent Authority, vigilance clearance shall be accorded.

4. Vigilance clearance shall be decided on a case-by-case basis by the Competent Authority keeping in view the sensitivity of the purpose, the gravity

...circumstances, in the following situations:

- a) where the investigating agency has found no substance in the allegation but the Court refuses to permit closure of the FIR; and
- b) where the investigating agency/inquiry officer holds the charges as proved but the competent administrative authority differs, or the converse.

5. While considering cases for grant of vigilance clearance for the purpose of empanelment of members of the Central Civil Services/Central Civil posts of a particular batch, the vigilance clearance/status will continue to be ascertained from the respective Cadre Authority. In all such cases, the comments of the Central Vigilance Commission will be obtained. However, if no comments are received within a period of three months, it will be presumed that there is nothing adverse against the officer on the records of the body concerned.

6. Vigilance clearance will be issued in all cases with the approval of the Head of Vigilance Division for officers upto one level below their seniority in service. In the case of officers of the level of Additional Secretary/Secretary, this will be issued with the approval of the Secretary. In case of doubt, orders of the Secretary will be obtained keeping in view the purpose for which the vigilance clearance is required by the indenting authority.

7. Vigilance clearance will not normally be granted for a period of three years after the currency of the punishment, if a minor penalty has been imposed on an officer. In case of imposition of a major penalty, vigilance clearance will not normally be granted for a period of five years, after the currency of punishment. During the period, the performance of the officer should be closely watched.

8. Insofar as the personnel serving in the Indian audit and accounts Department are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General of India.

9. All the Ministries/Departments are requested to bring the above guidelines for the notice of all concerned for information and compliance.

(P. Prabhakaran)
Deputy Secretary to the Government of India

Copy forwarded to :

1. Prime Minister's Office (with reference to their I.D. No. 600/68/13/07-ESII, dated 24.10.2007).
2. Cabinet Secretariat.
3. Ministries/Departments of the Government of India.
4. Secretary, Central Vigilance Commission.
5. Central Bureau of Investigation, New Delhi
6. Union Public Service Commission, New Delhi
7. Comptroller and Auditor General of India, New Delhi

Copy to:

- (i) PS to MOS(PP)
- (ii) PPS to Secretary(P)
- (iii) PPS to AS(S&V)
- (iv) PPS to EO & AS
- (v) PS to JS(E)
- (vi) PS to JS(V) (w.r.t. AVD Division's O.M. No. 104/33/2005-AVD-I dated 31.10.2007)

(P. Prabhakaran)
Deputy Secretary to the Government of India

New Delhi, Dated 27th September, 2011

OFFICE MEMORANDUM

Subject: Guidelines regarding grant of 'Vigilance Clearance' to members of Central Civil Services / Posts.

The undersigned is directed to say that it has been decided by the Government that officers who have not submitted the Annual Immovable Property Returns by the prescribed time would be denied vigilance clearance and will not be considered for empanelment for senior level posts in Government of India.

2. Accordingly, in this Department's OM No. 11012/11/2007-Estt.A dated 14.12.2007, laying down guidelines regarding grant of vigilance clearance to members of Central Civil Services / Posts, in para 2 a new sub-para (f) will be inserted as under:

(f) Vigilance clearance shall be denied to an officer if he fails to submit his annual immovable property return of the previous year by 31st January of the following year, as required under Government of India decisions under Rule 18 of the Central Civil Services (Conduct) Rule, 1964.


(U.S. Chattopadhyay)

Under Secretary to the Government of India

All Ministries / Departments

Copy to:

1. Prime Minister's Office (w.r.t. their I.D. No. 600/31/C/33/2011-ES2, dated 15.03.2011)
2. Cabinet Secretariat
3. Secretary, CVC
4. UPSC
5. C&AG
6. NIC (DOP&T Cell) with the request to upload this O.M. on the website of DOP&T.