

Dated: 17.07.2019

To,

All the Pr. CsCIT(CCA) & Pr. DGsIT

Sir/Madam,

Sub: - Permission for Private Foreign Visits – Instructions Regarding.

Kind attention is invited to the instruction dated 04.01.2018 from F.No. DGIT(V)/Coord./SOP/Pvt. Visit Abroad/2017 whereby detailed instructions for private foreign visit was issued with the approval of the Chairman, CBDT for strict adherence by all the Leave Sanctioning Authorities.

2. As per para 6(D) of the said instructions, the leave sanctioning authority is required to make a reference for grant of vigilance clearance for private foreign visit so as to reach the office of DGIT(Vig.) atleast 15 days before the expected date of departure.

3. However, it has been observed that the instructions dated 04.01.2018 is not being followed and the request for vigilance clearance is being sent to this Directorate sometimes 2-3 days before the journey and the concerned officers make frequent calls to this Directorate for early vigilance clearance which creates unnecessary pressure on the working of this Directorate.

4. In the light of the above, I am directed to convey that request for vigilance clearance must reach this office at least 15 days before the performance of the journey. While forwarding the request of vigilance clearance, the instruction dated 04.01.2018 (copy enclosed) should be adhered to strictly. Delayed applications shall henceforth not be entertained.

5. This issues with the approval of the **Member(Admn.), CBDT.**

Yours faithfully

Encl.: As above


(Bhim Singh)

ADG (Vig.)(HQ), New Delhi

Copy to:

- (1) The Jt. Secretary(Admn.), CBDT for information and necessary action.
- (2) The Webmaster, DBC for uploading the same on the irsofficersonline.gov.in.


ADG (Vig.)(HQ), New Delhi



F.No. DGIT(V)/Coord./SOP/Pvt. Visit Abroad/2017

Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes

New Delhi-110001
Dated: 4th January, 2018

Subject: Permission for Private Foreign Visits– instructions – reg.

DoPT has issued guidelines vide OM dated 27th July 2015 from F. No. 11013/8/2015-Estt.A-III regarding processing of requests for permission for private visits abroad. A copy of the OM is attached as Annexure-A. The OM lays down that: -

- a. When a Government servant applies for leave for going abroad on a private visit, separately prior permission of the competent authority for such visit is also required.
- b. The competent authority for granting permission will be as per instructions issued by the Cadre Authority/ administrative Ministry/ Department. In the absence of any such instructions, it is the leave sanctioning authority.
- c. In case due to specific nature of work in a Department, administrative exigencies, or some adverse factors against the Government servant etc., it is not expedient to grant permission to the Government servant, such decision for refusal should not be taken below the level of Head of Department.
- d. It may be ensured that the decisions are conveyed to the Government servants within 21 days of receipt of complete application to the competent authority.
- e. Any lacunae in the application should be brought to the notice of the Government servant within one week of the receipt of the application.
- f. In the event of failure on the part of the competent authority to communicate its decision to the Government employee concerned within 21 days of receipt of the application, the employee concerned shall be free to assume that permission has been granted to him.

2. DOPT OM No. 11013/7/94-Estt.(A) dated 18.05.1994 on the subject had clarified that failure to obtain permission of competent authority before leaving station/ headquarters especially for foreign visits is to be viewed seriously and may entail disciplinary action. A copy of the DoPT OM dated 18.05.1994 in this regard is attached as Annexure-B.

3. The matter regarding requirement of Vigilance Clearance for private foreign visits was taken up by CBDT with DoPT. The DoPT had clarified that requirement of vigilance clearance is a pre-requisite for granting permission to the officers/ officials for private foreign visits. A copy of the DoPT OM dated 2nd January 2014 from F.No. 11012/15/2013-Estt.A in this regard is attached as Annexure-C.



4/1/18

4. Ministry of Home Affairs has issued guidelines for acceptance of foreign hospitality under the Foreign Contribution (Regulation) Act, 2010 vide OM No. II/21022/58(97)/2011-FCRA-I dated 20th September, 2011. A copy of the MHA OM dated 20.09.2011 in this regard is attached as Annexure-D. The relevant provisions of FCRA, 2010 have been reproduced therein. Section 6 of the FCRA, 2010 lays down as under: -

***Section 6 - Restriction on acceptance of foreign hospitality:**

No member of a Legislature or office-bearer of a political party or Judge or Government servant or employee of any corporation or any other body owned or controlled by the Government shall, while visiting any country or territory outside India, accept, except with the prior permission of the Central Government, any foreign hospitality:

Provided that it shall not be necessary to obtain any such permission for an emergent medical aid needed on account of sudden illness contracted during a visit outside India, but, where such foreign hospitality has been received, the person receiving such hospitality shall give, within one month from the date of receipt of such hospitality an intimation to the Central Government as to the receipt of such hospitality, and the source from which, and the manner in which, such hospitality was received by him."

As per definitions given in the FCRA, 2010 "Foreign Hospitality" means any offer, not being a purely casual one, made in cash or kind by a foreign source for providing a person with the costs of travel to any foreign country or territory or with free boarding, lodging, transport or medical treatment. Foreign source has been defined to include citizens of foreign country, society/ club, union, company, international agency, foreign Government etc.

Therefore, in all cases where an officer/ official intends to accept any foreign hospitality, prior permission of the Central Government under FCRA, 2010 must be separately taken by the officer/ official apart from permission for private visit abroad.

5. CVC had directed all the Chief Vigilance Officers vide Office Order No.67/10/04 dated 25th October 2004 to collect information about government servants/ employees in the prescribed proforma and send the same to the Commission in consolidated form (calendar year wise) in January of every year. Subsequently vide Circular No. 16/07/09 dated 6th July 2009, the related information and the data bank would be maintained by the CVO of the organization concerned, in the format prescribed by the Commission. A copy of the CVC Order dated 25.10.2004 in this regard is attached as Annexure-E.

6. In view of discussion in the preceding paragraphs, the following guidelines are being issued for processing of requests for grant of permission for private visits abroad: -

A. The officers/ officials shall make requests for grant of permission for private visits abroad to the Leave Sanctioning Authority at least 21 days prior to their expected date of departure. In case the permission for private visit abroad is required for processing of Visa application, then the request for grant of permission for private visit abroad shall be made well in advance so that at least 21 days are available for processing the request.

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B. The request shall be made in the proforma prescribed the DoPT OM dated 27th July 2015 issued from F. No. 11013/8/2015-Estt.A-III and shall be complete in all respects. Estimated Expenditure should be given head-wise i.e. Travel/ Boarding/ Lodging/ VISA/ Misc. etc. **Details of estimated expenditure should be given in respect of all the dependant family members travelling with the officer/ official on the foreign visit.**

C. In all cases where an officer/ official intends to accept any foreign hospitality, the officer must certify that prior permission of the Central Government under FCRA, 2010 shall be taken separately before undertaking the private foreign visit.

D. The Leave Sanctioning Authority/ Pr. CCIT of the region shall make a reference for grant of Vigilance Clearance for private foreign visit so as to reach the office of Pr. DGIT (Vig)/ Zonal ADG (Vig)/ Addl. CIT (Vig) in the office of Pr. CCIT, as the case may be, at least fifteen (15) days before the expected date of departure. An advance copy of the reference may be sent by FAX/ email to ensure that no time is lost in transit.

E. The officer/ official shall file an expenditure statement to the Leave Sanctioning Authority and to the Pr. CCIT of the region furnishing the head-wise details of actual expenses incurred i.e. Travel/ Boarding/ Lodging/ VISA/ Misc. etc. along with sources of expenditure within 15 days from the date of return from private foreign visit. Details of expenditure shall also be given in respect of all the dependant family members travelling with the officer/ official on the foreign visit. Wherever applicable, a copy of permission of the Central Government under FCRA, 2010 to accept any foreign hospitality shall also be filed with the expenditure statement.

F. The Leave Sanctioning Authority/ Pr. CCIT of the region, while making a reference for grant of Vigilance Clearance for private foreign visit, shall certify that the officer/ official concerned has furnished details of expenditure in respect of private foreign visits undertaken by the officer/ official during the last four years and that copies of permission of the Central Government under FCRA, 2010 to accept foreign hospitality have also been filed, wherever applicable. A proforma for the purpose is attached as Annexure-F.

7. The leave sanctioning authorities/ Pr. CCsIT shall forward the details as required by CVC vide Office Order No.67/10/04 dated 25th October 2004 about private foreign visits undertaken by government servants/ employees in the prescribed proforma in any calendar year by 31st January of the next calendar year.

8. This issues with the approval of Chairman, CBDT.

Encl.: Annexure – A to F.



(Rakesh Gupta)

Addl. Director General (Vig.)(HQ-1), CBDT

New Delhi

Mobile: 9899149850

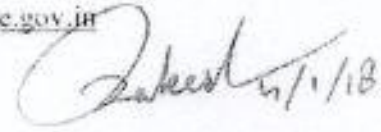
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To,

All Officers of the Income Tax Department

Copy for information to:

1. PPS to the Chairman, CBDT
2. PPS to the Member (Admin), CBDT
3. All Pr. CCsIT/ DGsIT
4. The ADG (Vig) NZ/ SZ/ EZ/ WZ
5. The webmaster for uploading on www.irsofficersonline.gov.in



Addl. Director General (Vig.) (HQ-I), CBDT
New Delhi