

भारत सरकार
प्रधान मुख्य आयकर आयुक्त का कार्यालय
आंध्रप्रदेश व तेलंगाना
10 वीं मंजिल, 'D' ब्लॉक, आयकर शिखर,
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सत्यमेव जयते
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23425486

GOVERNMENT OF INDIA
Office of the
Pr. Chief Commissioner of Income Tax,
Andhra Pradesh & Telangana
10th Floor, 'D' Block,
IT Towers, A.C.Guards,
Hyderabad – 500 004.

F.No.Con.Vig./26(1)/Circulars/2020-21

Date: 09.03.2021.

C I R C U L A R

Sub: Permission for Private Foreign Visit – Instructions – Communication of Reg.

* * * * *

I have been directed to forward herewith the following communications on the above subject for ready reference and for better understanding of the guidelines.

- i) Letter in F.No.DGIT(V)/VC/Misc./3021/2018-19/2407 dated 17.07.2019 of O/o. Directorate General of Income Tax (Vigilance), New Delhi.
- ii) Letter of CBDT in F.No.DGIT(V)/Coord./SOP/Pvt. Visit Abroad/2017 dated 4th January, 2018.
- iii) OM of DOPT in F.No.11013/8/2015-Estt.A-III dated 27th July, 2015.
- iv) OM of DOPT in F.No.11013/7/04-/Estt.(A) dated 18th May, 1994.
- v) OM of DOPT in No.11012/15/2013 – Estt.A, dated 2nd January, 2014
- vi) OM of Ministry of Home Affairs, FCRA Wing, New Delhi in No.II/21022/58(97)/2011-FCRA-1, dated 20th September, 2011 and
- vii) Office Order No.67/10/04 in F.No.004/VGL/87 dated 25th October, 2004 of Central Vigilance Commission, New Delhi.

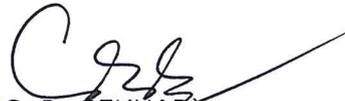
2. All the above communications contained instructions and guidance regarding the procedure to be adopted for submitting applications seeking prior permission to undertake private foreign visits. In respect of applications of all cadres, it is requested to ensure that while forwarding, it may be mentioned therein regarding admissibility of leave, recommendation / sanction of leave to be granted. In respect of Group- A & B Officers, upon receipt of application, this office will process the same for vigilance clearance. However, in respect of Group- C Officials, it may be noted that furnishing of vigilance clearance by the head of office is an essential accompaniment for processing the application to next stage.

Contd....2

3. DOPT had instructed that failure to obtain prior permission of the competent authority before leaving headquarters, especially for private visits abroad should be viewed seriously and would entail disciplinary action for non-compliance. Instructions issued by the Central Vigilance Commission envisages that the information regarding private travel to abroad should be collected calendar year wise and make the same available to the CVC. In view of the clear guidelines, it is requested to please forward the application seeking permission for private foreign visits along with necessary leave proceedings to this office atleast 25 days before the commencement of the outward journey, in order to ensure that the requisite time period of 15 days is made available to the DGIT (Vigilance), New Delhi for processing the vigilance clearance request, wherever applicable.

4. Further, I have been directed to request that the guidelines may be brought to knowledge of all the Officers and Officials working under your administrative control.

Encl: As above.



(C. R. SEKHAR)

Income Tax Officer (OSD)(Vigilance),
O/o. Pr.Chief Commissioner of Income Tax,
AP & TS, Hyderabad.

1. The Director General of Income Tax (Investigation), Hyderabad.
2. The Chief Commissioner of Income Tax, Hyderabad.
3. The Chief Commissioner of Income Tax (ReAC), Visakhapatnam/ Vijayawada.
4. All the Pr. Commissioner /Pr. Directors of Income Tax, in A.P. & T.S. Region.
5. All the Commissioners / Directors of Income Tax, in A.P. & T.S. Region.
6. All the Addl. /Jt. Commissioners of Income Tax, in A.P. & T.S. Region.
7. All the Head of Offices in A.P. & T.S. Region.

DGIT (VVC/Misc./3021/2018-19) & Jc T
Directorate General of Income-tax (Vig.)
2nd Floor, Jawaharlal Nehru Stadium,
New Delhi-110003

Dated: 17.07.2019

To,

All the Pr. Cs/CIT/CCA; & Pr. DGs/IT

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 irs.officersonline.gov.in.


ADG (Vig.)(HQ), New Delhi

3103

Permission for Private Foreign Visits - Guidelines

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.


w/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.”

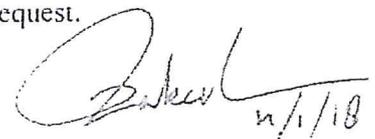
As per definitions given in the FCRA, 2010 “Foreign Hospitality” means any offer, not being a purely casual one, made in cash or kind by a foreign source for providing a person with the costs of travel to any foreign country or territory or with free boarding, lodging, transport or medical treatment. 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-I), CBDT
New Delhi
Mobile: 9899149850
Email: adgl.vig@incometax.gov.in

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.irsolicersonline.gov.in



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

Ann. - A

F. No. 11013/8/2015-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
(Establishment Division)

North Block, New Delhi - 110001
Dated July 27th, 2015

OFFICE MEMORANDUM

Subject: Requirement of taking prior permission for leaving station/ headquarters for going abroad while on leave.

Undersigned is directed to refer to the Office Memorandum mentioned in the margin and to say that as per the existing instructions, when 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. While granting such permission, many factors are required to be kept in view. For example, permission may be denied in the interest of security. Individuals facing investigation/inquiry on serious charges, who may try to evade apprehension by police authorities, or facing the inquiry, may also not be permitted to leave the country. On the other hand, it is also desirable that requests of Government servants for such permission are dealt with expeditiously.

2. Keeping the above in view, it has been decided that requests for permission for private visits abroad may be processed in the attached formats. As clarified vide the OM dated 1st September, 2008, 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. 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. 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. Any lacunae in the application should be brought to the notice of the Government servant within one week of the receipt of the application. 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.

3. If in case some modifications are considered necessary due to specialised nature of work handled by any organisation, changes may be made with the approval of this Department.


(M P Rama Rao)

Under Secretary to the Government of India

To
The Secretaries of All Ministries/Departments
(as per the standard list)

Contd.....2/-

PROFORMA FOR TAKING PRIOR PERMISSION BY
GOVERNMENT SERVANTS FOR PRIVATE VISITS ABROAD

Part A – To be filled by the Government servant applying for visit abroad

1. Name and Designation
2. Pay
3. Ministry/ Department
4. Passport No.
5. Details of private foreign travels to be undertaken:

| Period of travel | Name of foreign countries to be visited | Purpose | Estimated expenditure (travel, board, lodging, visa, misc., etc.) | Source of funds |
|------------------|---|---------|---|-----------------|
| | | | | |
| | | | | |

6. Details of private foreign travel undertaken during the last four years

| Period of travel | Name of foreign countries visited | Purpose |
|------------------|-----------------------------------|---------|
| | | |
| | | |

Signature

Date:

Name and Designation

MRS

Part B – To be filled by the Administration

1. Whether the Government servant is handling large amounts of government cash.
2. Whether the Government servant is dealing with secret/ top secret matters.
3. Whether any case involving serious charges against the Government servant is under investigation (Details)
4. Whether the Government servant is under suspension.
5. Whether any disciplinary proceeding/ criminal case is pending against the Government servant (Details).

Signature

Date:

[Handwritten signature]

Name and Designation

Ann-B 1

No. 11013/7/04-Estt. (A)
Government of India
Ministry of Personnel, Public
Grievances & Pensions
(Department of Personnel & Training)

....

New Delhi, dated the 13th May, 94

OFFICE MEMORANDUM

Subject: Requirement of taking prior permission by Government servants for leaving station/headquarters - clarification regarding.

The undersigned is directed to say that doubts have been expressed by Ministries/Departments as to whether a Government servant is required to take permission before leaving station/headquarters during leave or otherwise, especially for visits abroad.

2. Attention of the Ministries/Departments is invited in this connection to the provisions of FR 31 which provides that 'unless in any case it be otherwise distinctly provided the whole time of a Government servant is at the disposal of the Government which pays him.....' Article 56 of the Civil Service Regulations also provides that 'no officer is entitled to pay and allowance for any time he may spend beyond the limits of his charge without authority.' It is implicit in these provisions that a Government servant is required to take permission for leaving station/headquarters. It is thus clear that such permission is essential before a Government servant leaves his station or headquarters and more so when he proposes to go abroad during such absence, as such visit may have wider implications.

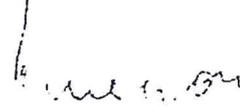
3. However, separate permission may not be necessary where a Government servant has indicated his intention of leaving headquarters/station alongwith leave address while applying for leave. The leave application form prescribed under the CCS(Leave) Rules, 1972 contains necessary columns in this regard. In case the leave applied for the purpose of visiting foreign country is sanctioned, it would imply that permission for going abroad is also granted and therefore leave sanctioning authorities should keep this aspect in mind while granting the leave applied for. In the case of officers who are competent to sanction leave for themselves they should obtain permission for leaving station from their superior authority.

....2/-

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.

4. Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to the notice of all Government servants serving under their control and ensure that these are strictly followed by all concerned.

Hindi Version will follow


(KRISHNA MENON)

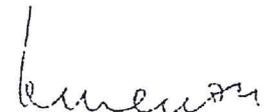
UNDER SECRETARY TO THE GOVT. OF INDIA.

To

All Ministries/Departments of Govt. of India.

Copy to:

1. C&AG, New Delhi
2. UPSC, New Delhi.
3. CVC, New Delhi.
4. Lok Sabha/Rajya Sabha Secretariat.
5. All U.T. Administrations.
6. CFDT
7. All attached and subordinate offices of Ministry of Personnel, Public Grievances & Pensions and MHA.
8. All officers and Sections of Ministry of Personnel, Public Grievances & Pensions and MHA.


(KRISHNA MENON)

UNDER SECRETARY TO THE GOVT. OF INDIA.

Annex - C

4

No. 11012/13/2013 -Estt.A
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: January 2, 2014

OFFICE MEMORANDUM

Subject: Requirement of vigilance clearance for officers going abroad on private visit.

The undersigned is directed to refer to Central Board of Direct Taxes, Department of Revenue I.D. No. 114847/Ad-VI (A) dated 16.08.2013 and a OM of even no dated 20.09.2013 on the subject mentioned above and to say that as per Rule 17 of the CCS (Leave) Rules, 1972, leave shall not be granted to a Government Servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from service. Leave sanctioning authority shall get prior approval before sanctioning leave for "going abroad" as per O.M. No. 11013/7/94-Estt.(A) dated 18.05.1994 and O.M. No. 11013/7/2004-Estt.(A) dated 01.09.2008 (copy enclosed).

2. It is also stated that a blanket order exempting requirement of examination from vigilance angle as proposed in DCIT (Vig.) letter dated 13.05.2013 is not advisable.

3. This issues with the approval of Joint Secretary (F)

R. Kumar
(Raj Kumar)
Under Secretary to the Government of India
Tel: 23040264

Central Board of Direct Taxes,
Department of Revenue,
[Sh. Raj Kumar, Under Secretary (Ad.VI-A)]
North Block, New Delhi

Encl(1): As above

[Handwritten signature]

12/14/Act/111
(1)

Ann. - ①

Most Immediate

No. II/21022/58(97)/2011-FCRA-I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Foreigners Division
(FCRA Wing)

Jaisalmer House
26 Mansingh Road
New Delhi - 110003

Dated: the 20th September, 2011

OFFICE MEMORANDUM

Subject: Guidelines for consideration of proposals for acceptance of foreign hospitality under the Foreign Contribution (Regulation) Act, 2010.

The Foreign Contribution (Regulation) Act, 2010 (FCRA, 2010) and the Foreign Contribution (Regulation) Rules, 2011 (FCRR, 2011) have come into force with effect from 01.05.2011. The provisions under the Act/Rules relating to 'foreign hospitality' and guidelines to be followed for consideration of proposals for acceptance of the same are hereby circulated for information and compliance by all concerned.

2. Statutory Provisions: The relevant provisions of FCRA, 2010 are reproduced below:

Section 2 (1) (i): "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.

Section 2 (1) (j): "Foreign source" includes -

- (i) the Government of any foreign country or territory and any agency of such Government;
- (ii) any international agency, not being the United Nations or any of its specialized agencies, the World Bank, International Monetary Fund or such agency as the Central Government may, by notification, specify in this behalf;
- (iii) a foreign company;
- (iv) a corporation, not being a foreign company, incorporated in a foreign country or territory;
- (v) a multi-national corporation referred to in sub-clause (iv) of clause (g)*;
- (vi) a company within the meaning of the Companies Act, 1956, and more than one-half of the nominal value of its share capital is held, either singly or in the aggregate, by one or more of the following, namely:-
 - (A) the Government of a foreign country or territory;
 - (B) the citizens of a foreign country or territory;
 - (C) corporation incorporated in a foreign country or territory;
 - (D) trusts, societies or other associations of individuals (whether incorporated or not), formed or registered in a foreign country or territory;

- (E) foreign company;
- (vii) a trade union in any foreign country or territory, whether or not registered in such foreign country or territory;
- (viii) a foreign trust or a foreign foundation, by whatever name called, or such trust or foundation mainly financed by a foreign country or territory;
- (ix) a society, club or other association of individuals formed or registered outside India;
- (x) a citizen of a foreign country.

*A corporation incorporated in a foreign country or territory shall be deemed to be a multi-national corporation if such corporation –

- (a) has a subsidiary or branch or place of business in two or more countries or territories; or
- (b) carries on business, or otherwise operates, in two or more countries or territories.

Section 2 (1) (k): “Legislature” means -

- (A) either House of Parliament;
- (B) the Legislative Assembly of a State, or in the case of a State having a Legislative Council, either House of the Legislature of that State;
- (C) Legislative Assembly of a Union Territory constituted under the Government of Union Territories Act, 1963;
- (D) Legislative Assembly for the National Capital Territory of Delhi referred to in the Government of National Capital Territory of Delhi Act, 1991;
- (E) Municipality as defined in clause (e) of article 243P of the Constitution;
- (F) District Councils and Regional Councils in the States of Assam, Meghalaya, Tripura and Mizoram as provided in the Sixth Schedule to the Constitution;
- (G) Panchayat as defined in clause (d) of article 243 of the Constitution; or
- (H) Any other elective body as may be notified by the Central Government.

Section 2 (1) (m): “person” includes:-

- (i) an individual;
- (ii) a Hindu undivided family;
- (iii) an association;
- (iv) a company registered under section 25 of the Companies Act, 1956.

Section 2 (1) (n): “political party” means:-

- (i) an association or body of individual citizens of India –
 - (A) to be registered with the Election Commission of India as a political party under section 29A of the Representation of the People Act, 1951; or
 - (B) which has set up candidates for election to any Legislature, but is not so registered or deemed to be registered under the Election Symbols (Reservation and Allotment) Order, 1968;
- (ii) a political party mentioned in column 2 of Table 1 and Table 2 to the notification of the Election Commission of India No. 56/J&K/02, dated the 8th August, 2002, as in force for the time being.

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.

Section 9 - Power of the Central Government to prohibit receipt of foreign hospitality in certain cases -

The Central Government may -

....

(b) require any person or class of persons, not specified in section 6, to obtain prior permission of the Central Government before accepting any foreign hospitality:

....

(e) require any person or class of persons, not specified in section 6, to furnish intimation, within such time and in such manner as may be prescribed, as to the receipt of any foreign hospitality, the source from which and the manner in which such hospitality was received:

Provided that no such prohibition or requirement shall be made unless the Central Government is satisfied that the acceptance of foreign contribution by such person or class of persons, as the case may be, or the acceptance of foreign hospitality by such person, is likely to affect prejudicially -

- (i) the sovereignty and integrity of India; or
- (ii) public interest; or
- (iii) freedom or fairness of election to any Legislature; or
- (iv) friendly relations with any foreign State; or
- (v) harmony between religious, racial, social, linguistic or regional groups, castes or communities.

3. **Provisions under the Rules:** The relevant provisions of FCRR, 2011 are reproduced below:

Rule 7 - Receiving foreign hospitality by specifies categories of persons. -

- (1) Any person belonging to any of the categories specified in Section 6 who wishes to avail of foreign hospitality shall apply to the Central Government in Form FC-2 for prior permission to accept such foreign hospitality.
- (2) Every application for acceptance of foreign hospitality shall be accompanied by an invitation letter from the host or the host country, as the case may be, and administrative clearance of the Ministry or Department concern in case of visits sponsored by a Ministry or Department of the Government.
- (3) The application for grant of permission to accept foreign hospitality must reach the appropriate authority ordinarily two weeks before the proposed date of onward journey.

(4) In case of emergent medical aid needed on account of sudden illness during a visit abroad, the acceptance of foreign hospitality shall be required to be intimated to the Central Government within sixty days of such receipt giving full details including the source, approximate value in Indian Rupees, and the purpose for which and the manner in which it was utilized.

Provided that no such intimation is required if the value of such hospitality in emergent medical aid is upto one lakh rupees or equivalent thereto.

4. Copy of Form FC-2 is available on MHA's web-site - <http://mha.nic.in/fcra/forms/fc-2.pdf>

5. List of agencies of the United Nations and other International Organisations, which are not treated as "foreign source", are available on MHA's website <http://mha.nic.in/fcra/inuro/FCRA-exemptedAgenciesUN.pdf>

6. The following cases need not be submitted to this Ministry for grant of permission to accept foreign hospitality:-

- (i) Where the entire expenditure on the proposed foreign visit is being met by the Central/ State Government or any Central/State PSU etc.
- (ii) Where the proposed foreign visit is being undertaken by a person in his/her personal capacity and the entire expenditure thereon is being met by the person concerned.
- (iii) Where the foreign hospitality is being provided by an Indian national living in a foreign country or territory.
- (iv) Cases involving acceptance of an assignment on salary, fee or remuneration etc.
- (v) Cases involving funding offered by an agency/organization mentioned in Annexure-2.
- (vi) Cases involving visits undertaken by the Members of an Indian Parliamentary delegation under bilateral exchange.
- (vii) Cases involving visits undertaken in pursuance of a bilateral agreement between the Government of India and the Government of the country concerned, approved by the Ministry of Finance (Department of Economics Affairs).
- (viii) Cases involving long term/short term foreign training courses approved by the Ministry of Personnel, Training and Public Grievances.

7. The responsibility of ensuring full compliance with the provisions FCRA, 2010 lies with the person proposing to avail the foreign hospitality. It should, therefore, be ensured that the foreign visit involving acceptance of foreign hospitality is undertaken only after obtaining the requisite permission under the said Act.

8. Permission accorded under FCRA, 2010 to accept foreign hospitality should not be construed as equivalent to administrative clearance, which has to be obtained separately by the person concerned from the competent authority in the concerned Ministry/Department.

9. All Ministries/Departments are requested to ensure that the following points have been complied with while forwarding application to the Ministry of Home Affairs, Foreigners Division:

- (i) All columns in Form FC-2 must be filled up.
- (ii) All proposals for acceptance of foreign hospitality should be accompanied with a specific recommendation of the Administrative Ministry/Department.

- (iii) The Administrative Ministry /Department should certify the essentiality of the foreign visit. It should also be clearly indicated whether the proposal has the approval of the Ministry of External Affairs, the cadre controlling authority (applicable in respect of training programme/workshop/seminar/study tour organized by international agencies), and the competent authority.
- (iv) A copy of the offer/invitation containing details of the foreign hospitality being offered should be invariably enclosed with each application.
- (v) Each application for grant of permission to accept foreign hospitality, complete in all respects, should reach the Ministry of Home Affairs, Foreigners Division at least 10 working days before the scheduled date of departure of the person(s) concerned.

(J.K. Chattopadhyay)
Deputy Secretary to the Government of India
Tel: 23071157

To:

1. All Ministries/Department of Government of India
2. The Chief Secretaries/Administrators of all States/UTs.
3. Resident Commissioners of all States/UTs
4. Cabinet Secretariat, New Delhi
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No.004/VGL/87
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A,
GPO Complex, INA,
New Delhi- 110 023
Dated the 25th October 2004

Office Order No.67/10/04

Subject: Foreign visits by the Government employees.

The High Court of Delhi, in its judgment dated the 28th May, 2004 in the Criminal Writ Petition No. 1004/03, (Shri C.K Jain v/s Union of India) has observed that a Govt. servant who had visited Dubai & Singapore 161 times on private visits without permission was never ever questioned by any authority like Customs and Immigration and other. In a subsequent direction based on the reply filed by the Government, the High Court directed that the "Central Vigilance Commission may collect information about Government servants going abroad on private visits and possibly a data bank should be kept on them".

2. Keeping in view the directives of the High Court, all the Chief Vigilance Officers are requested to collect information about government servants/employees in their respective Organizations, who had gone abroad on private visits during 2003 (January to December) and 2004 (till October 2004), in the enclosed proforma and send the same to the Commission immediately so that the Hon'ble High Court may be intimated timely.

3. Information of such Foreign visits on private account by Government employees be sent in consolidated form (calender year wise) in January of every year.

Sd/-

(Anjana Dube)
Deputy Secretary

- (i) All Chief Vigilance Officers of Ministries/Departments/Autonomous Organisations/Public Sector Undertakings/Public Sector Banks/Insurance Companies/Societies
- (ii) President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/Prime Minister's Office.