

MOST IMMEDIATE

No.11019/06/2001-AIS-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, the 5th December, 2007

To

Chief Secretaries of all States and UTs

Subject:- Delegation of powers to the State Governments and Ministries/ Departments of the Government of India in cases of members of All India Services proceeding abroad on ex-India leave (excluding study leave)

Sir/Madam

This Department has issued a number of instructions regulating cases of members of All India Services proceeding abroad on ex-India leave (excluding study leave), which are as under:

- A. No.9/26/71-AIS-III dated 23rd September, 1972 regulating ex-India leave.
- B. No.11019/13/93-AIS-III dated 14th January, 1994 regulating leave in conjunction with duty abroad.
- C. No.11020/15/1997-AIS-III dated 14th December, 1998 regulating ex-India extraordinary leave on personal grounds.
- D. No.11019/6/2001-AIS-III dated 7th March, 2003, 4th August, 2003 and 10th March, 2004 delegating some of the powers of the Central Government to the State Governments.

Copies of all these instructions are available in this Department's Website (www.persmin.nic.in).

2. These instructions were re-examined in this Department and it has been decided to modify the existing provisions for further delegation of powers, subject to the general conditions mentioned in para 3 of this

letter, to the State Governments and Ministries/Departments of the Government of India for grant of ex-India leave, as under:

(i) Private visits abroad for purely personal reasons

Current Status: - State Governments and Ministries/ Departments of the Government of India have been delegated the power to sanction private visits abroad, which are purely personal, without any sponsorship and not linked to official visit, whether casual leave, earned leave or leave on medical certificate. This delegation does not include private visits on extra ordinary leave and half-pay leave (**Reference C & D**).

Further Delegation: - It has now been decided that approval of the respective Cadre Controlling Authorities of the All India Services will no longer be required in the case of private visits abroad, which are purely personal without any sponsorship and not linked to any official visit, on leave due and admissible, whether casual leave, earned leave, half-pay leave, leave on medical grounds and extra ordinary leave. State Governments and Ministries/ Departments of the Government of India may sanction such leave, due and admissible, to a member of the Service as per rules.

(ii) Visits abroad in conjunction of an official visit / tour abroad

Current Status: - The State Governments and Ministries/Departments of the Government of India have been delegated the power to accord permission to travel abroad on leave due and admissible in conjunction with an official visit/tour abroad (including training) subject to the exigencies of public service, not exceeding 50% of the actual period of duty abroad (excluding transit time and enforced halt) or a fortnight, whichever is less, for personal reasons provided that the total period abroad (including travel time) does not exceed three weeks. Grant of leave in excess of this limit can be approved only in consultation with the Department of Personnel and Training (Services Division). (**Reference B & D**)

Further Delegation: - It has been decided to raise the maximum period of ex-India leave in conjunction with official duty to 3 weeks while adhering to the limit of 50% of the period of official duty abroad. However, in the case of official visits of duration less than 8 days, the limit of 50% may be relaxed and ex-India leave upto a maximum of 4 days may be granted. The power to grant such leave is delegated to the

State Governments and Ministries/Departments of the Government of India subject to the condition that further leave shall not be permitted above such limits under any circumstances and no reference shall be made to the Department of Personnel and Training in this regard.

- (iii) Visits abroad on direct invitation from foreign organizations for participation in events on the basis of the experience in a particular subject gained by a member of the Service in his/her personal capacity.

Current Status: - Cadre clearance of the Central Government is required in all cases where the invitation is direct to the officer and the State Government is not bearing the expenditure irrespective of the duration of visit and all cases of more than three weeks duration (**Reference D**).

Further Delegation: - It has been decided that State Governments and Ministries/Departments of the Government of India be delegated the power to allow permission for such private visits in which the government is not bearing any expenditure subject to the condition that the total period of ex-India leave does not exceed three weeks. As per the conditions prescribed in the Department of Expenditure's O.M.F.No.19036/1/2000-E-IV dated 21st March, 2000, the officer shall be treated as on personal visit and he/she will be required to take leave due and admissible. This is further subject to the condition that generally no Government of India officer will accept free passage or hospitality from a foreign government/agency and, if it is necessary, approval of the Screening Committee of Secretaries or of the Prime Minister should be ensured to be taken before accepting such invitations. Similar provisions should be adopted by the State Governments. This delegation is also subject to the following conditions:

- (a) The authority granting permission should take into consideration, inter-alia, the sources of financing of the foreign travel, the desirability of accepting any foreign hospitality, whether the member of the Service has utilized his official position for the purpose of meeting the travel expenses, accommodation abroad, etc, and whether the member of the Service is clear from vigilance angle;
- (b) If the visit is to a country with which India does not have friendly relations, the prior approval of the Government of India should be obtained;

- (c) The officer shall take leave, due and admissible;
- (d) The visit on personal invitation shall be subject to the provisions of SR 12.
- (e) Participation shall be subject to the provisions of All India Service (Conduct) Rules, 1968 especially rules 6, 7, 9 and 11.

3. General conditions: The State Governments and Ministries/ Departments of the Government of India shall keep in mind some general aspects while exercising these delegated powers while granting ex-India leave to the members of the All India Service working under them, as under:

- a) The member of the Service will take FCRA clearance from the Ministry of Home Affairs and other required clearances from the Department of Economic Affairs/Ministry of External Affairs, wherever required.
- b) The delegation shall not apply to any travel abroad in conjunction with leave granted under the provisions of the All India (Study Leave) Regulations, 1960, where the specific clearance of the Central Government is invariably required.
- c) In cases where a member of the Service proceeds for a visit abroad without obtaining necessary cadre clearance, the period of his absence shall be treated as 'dies non' apart from other consequences under the service rules.
- d) The provisions of Rule 7(1) and (2) of the All India Service (Leave) Rules, 1955 should be complied with. Rule 7(1) provides that no member of the Service shall be granted leave of any kind for a continuous period exceeding 5 years. Rule 7(2) provides that a member of the Service shall be deemed to have resigned from the service if he is absent without authorization for a period exceeding one year or remains absent from duty for a continuous period exceeding 5 years, with or without leave.
- e) If the visit abroad requires the sanction of the Central Government, proposal should be forwarded to the Central Government well in time, i.e., at least before a fortnight from the date of

commencement of the visit in a self-contained format furnishing all the relevant details in the prescribed format (copy enclosed).

- l) Approval of the Central Government with respect to travel abroad of members of All India Services, wherever required shall mean the approval of the concerned Cadre Controlling Authority, i.e., the Department of Personnel and Training for the Indian Administrative Service, the Ministry of Home Affairs for the Indian Police Service and the Ministry of Environment and Forests for the Indian Forest Service.

4. While granting leave to a member of the Service, the State Governments and Ministries/Departments of the Government of India should scrupulously follow the Government of India instruction issued vide this Department's letter no.11019/62/2005-AIS-III dated 4th July, 2007 which envisages that no member of the All India Service shall be allowed to undertake any private employment after taking leave from the State Government or from a Central Ministry/Department.

5. All the relevant instructions issued earlier in this regard stand modified/deleted.

6. The above delegation of powers is not applicable in cases of official visits abroad for attending foreign training/tours/study tours/seminars/workshops, etc., in which the member of the Service is nominated by the Central/State Governments, which are dealt by the EO Division of this Department.

7. It is requested that the provisions of these instructions may be brought to the notice of all the members of the All India Services serving with the State/Central Governments at an early date.

[Signature]
 (Chaitanya Prasad)
 Director(Services)
 Tel:23093591

Copy of information and necessary action to:-

1. The Secretary, Ministry of Home Affairs, North Block, New Delhi.
2. The Secretary, Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, New Delhi.
3. All Ministries/Departments of the Government of India
4. E.O. Division, Department of Personnel and Training, North Block, New Delhi.
5. Director, LBSNAA, Mussoorie.
6. All officers in the Department of Personnel and Training.
7. NIC, Department of Personnel and Training for publication on the website.

PROFORMA FOR CADRE CLEARANCE OF IAS OFFICERS VISITING ABROAD

1. Name and designation of the officer
2. Date of birth
3. Details of the training programme/workshop/seminar etc. with a copy of the invitation/admission
 - (i) Name of the course/workshop/seminar etc.
 - (ii) Name of the institution/country
 - (iii) Duration
 - (iv) Details of the cost of the training/workshop/Seminar
4. Expenditure
 - (i) Details of expenditure on the visit abroad(including travel, hospitality etc.)
 - (ii) Source of funding
5. Agency that bears the cost of the training/workshop/seminar
 - (i) Details of such cost
 - (ii) Details of the Agency
6. Service/cadre to which the officer belongs
7. Year of allotment to the cadre
8. Job description of the officer
9. Relevance of the training/workshop/seminar to the job of the officer
10. Whether the officer is clear from vigilance angle
11. Recommendation of the Cadre Controlling State
Government/Ministry
12. No objection/approval of the Department of Personnel and Training will be subject to clearance by Ministry of External Affairs from political angle, MHA in FCRA and Ministry of Finance (if need be, from Screening Committee) etc.