

Most Immediate

No.12020/26/2008-VC
Government of India
Ministry of Home Affairs
Vigilance Cell

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28 OCT 2013

North Block, New Delhi
Dated the 28th October, 2013

OFFICE MEMORANDUM

Subject: Government Decisions related to the following issues :

- (i) Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) – Regarding Para 31 of the Committee's Report.
- (ii) Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) – Regarding Para 35 of the Committee's Report.
- (iii) Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) – Regarding Para 135 of the Committee's Report.
- (iv) Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) – Regarding Para 36(a) of the Committee's Report.
- (v) Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) – Regarding Para 38 of the Committee's Report.
- (vi) Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) – Regarding Para 48 of the Committee's Report.

The undersigned is directed to forward herewith copies of six DoP&T's OMs dated 14th October, 2013 on the subject mentioned above for information and compliance.

28/10

A. Francis

(A. Francis)

Section Officer (vig)

Tel. No. 2309 3061

28/10

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

North Block, New Delhi

Dated: 14th October, 2013Office Memorandum

Subject: Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) - Para 31 of the Committee's Report on amendments to the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 - Government's decision thereon - reg.

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary/Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:

- | | | |
|-------|---|----------------|
| (i) | Shri P.C. Hota, Former Chairman, UPSC | ----- Chairman |
| (ii) | Shri Arvind Varma, Former Secretary, DoPT | ----- Member |
| (iii) | Shri P. Shankar, former CVC | ----- Member. |

2. The Expert Committee has, in para 31 of its Report, observed that, at present, for each Departmental Inquiry, the Central Government has only powers to issue a notification under the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 (Act of 1972), empowering an Inquiry Officer to enforce attendance of witnesses or ensure production of documents. The Committee has opined that a separate notification in each case of a Departmental Inquiry empowering an Inquiry Officer under the Act of 1972, is a time-taking process and does not serve any useful purpose. The Hota Committee has accordingly recommended that the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 may be amended to confer powers on all Inquiry Officers to exercise powers of a Civil Court for enforcement of attendance of witnesses and production of documents.

3. The aforesaid recommendation of the Hota Committee has been considered by a Committee of Secretaries (CoS) under the chairmanship of Cabinet Secretary. The CoS has observed that the need to enforce attendance arises only in a few cases and hence there may not be any need to amend the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972 to confer powers on all Inquiry Officers to exercise powers of a Civil Court for enforcement of attendance of witnesses and production of documents and that the purpose may be served by issue of administrative instructions laying down specific time lines for consideration of requests for issuance of notifications under the said Act. The above recommendation of the CoS has been accepted by the Government.

4. Accordingly, it has been decided that every reference from an inquiring authority, seeking the issuance of a notification by the Central Government/competent authority under section 4 of the Departmental Enquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972, to confer powers on an Inquiring

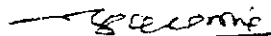
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Authority to exercise powers of Civil Court for enforcement of attendance of witnesses and production of documents, shall be decided within 30 days from the date of receipt of such reference.

5 The above decision of the Government is brought to the notice of all Ministries/Departments for strict compliance.



(V.M. Rathnam)
Deputy Secretary to the Govt. of India
Tel: 23094637

372/3/2007-AVD-III (Vol. 10)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated: 14th October, 2013

Office Memorandum

Subject: Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) - Para 35 of the Committee's Report on conduct of hearings on a day to day basis - Acceptance by Government - reg.

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary/Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:

- | | | |
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| (i) | Shri P.C. Hota, Former Chairman, UPSC | ----- Chairman |
| (ii) | Shri Arvind Varma, Former Secretary, DoPT | ----- Member |
| (iii) | Shri P. Shankar, former CVC | ----- Member. |

2. The Expert Committee has, in para 35 of its Report, recommended that **"as far as practicable, an Inquiry Officer should conduct the hearing on a day-to-day basis to complete the Inquiry expeditiously.** Each Inquiry Officer should be required to maintain an order sheet to record proceedings of the Inquiry on the day of Inquiry and other relevant matters. If the Inquiry cannot be conducted on a day-to-day basis, the Inquiry Officer should record in the order sheet the reasons why the Inquiry could not be held on a day-to-day basis."

3. The aforesaid recommendation of the Hota Committee has been considered by a Committee of Secretaries (CoS) under the chairmanship of Cabinet Secretary and, as recommended by the CoS, *the recommendation has been accepted by the Government.*

4. Accordingly, it has been decided that once a regular hearing in a departmental proceeding is started, such hearing should, as far as practicable, be continued on a day to day basis, unless in the opinion of the IO, for the reasons to be recorded in writing, an adjournment is unavoidable in the interest of justice.

5. The above decision of the Government is brought to the notice of all Ministries/Departments for strict compliance.



(V.M. Rathnam)
Deputy Secretary to the Govt. of India
Tel: 23094637

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Dated: 14th October, 2013

Office Memorandum

Subject: Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) - Para 135 of the Committee's Report on submission of draft charge sheet while seeking first stage advice of CVC, etc. - Acceptance by Government - reg .

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary/Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:

- | | | |
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| (i) | Shri P.C. Hota, Former Chairman, UPSC | ----- Chairman |
| (ii) | Shri Arvind Varma, Former Secretary, DoPT | ----- Member |
| (iii) | Shri P. Shankar, former CVC | ----- Member. |

2. The Expert Committee has, in para 135 of its Report, made the following recommendation:-

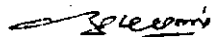
"135.(a) We have noted that even after approval of the Disciplinary Authority to initiate a Disciplinary Inquiry, a lot of time is taken by the Department/Ministry to frame the Articles of Charge against a delinquent Government Servant.

(b) We recommend that to eliminate delays in framing the Articles of Charge, the official file submitted to the Disciplinary Authority to initiate a Departmental Inquiry must have a copy of the draft Articles of Charge along with the imputations in support and a list of witnesses and documents. Such action before approval of the Disciplinary Authority is obtained to initiate a Departmental Inquiry against a delinquent Government Servant, would ensure timely framing and service of the Articles of Charge. We also recommend that when a case is sent to the CVC for its first stage advice, the Articles of Charge, complete in all respects, must be submitted to the CVC.

3. The aforesaid recommendation of the Hota Committee was considered by a Committee of Secretaries (CoS) under the chairmanship of Cabinet Secretary. The CoS has recommended acceptance of the aforesaid recommendation. Accordingly, the above recommendation of the Hota Committee has been accepted by the Government and it has been decided that all Ministries/Departments shall henceforth ensure that whenever a disciplinary case file is submitted to the Disciplinary Authority, seeking the approval of the Disciplinary Authority for initiation of departmental proceedings against a government servant, a draft of the articles of charge, complete in all respects, along with the imputations in support and the list of witnesses and documents, shall be submitted to the Disciplinary Authority for its consideration. Similarly, whenever a case is referred to the Central Vigilance Commission for its first stage advice, a draft of

the articles of charge, complete in all respects, as proposed by the Ministry/Department, shall be submitted to the CVC for its consideration.

4. The above decision of the Government is brought to the notice of all Ministries/Departments for strict compliance.



(V.M. Rathnam)

Deputy Secretary to the Govt. of India

Tel: 23094637

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North Block, New Delhi
Dated: 14th October, 2013

Office Memorandum

Subject: Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) - Para 36(a) of the Committee's Report to designate CDIs in CVC in numerical/alphabetical order - Government's decision thereon - reg .

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary/Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:

- | | | |
|-------|---|----------------|
| (i) | Shri P.C. Hota, Former Chairman, UPSC | ----- Chairman |
| (ii) | Shri Arvind Varma, Former Secretary, DoPT | ----- Member |
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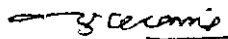
2. The Expert Committee has, in para 36(a) of its Report, recommended that "it would be expedient to designate CDIs under the CVC in a numerical or alphabetical manner, viz., CDI-I, CDI-II or CDI-A, CDI-B and so on. Under such an arrangement Departmental Inquiries could be entrusted to CDI-I or CDI-II with the stipulation that CDI-II will take over if CDI-I is no longer available to conduct the Inquiry due to his transfer or other reasons. If such an innovative practice is introduced in the order of appointment of CDIs as Inquiry Officer in a particular Inquiry, there would be no need for fresh order of the Disciplinary Authority for appointment of the successor CDI as the Inquiry Officer in the same Inquiry."

3. The aforesaid recommendation of the Hota Committee was considered by a Committee of Secretaries (CoS) under the chairmanship of Cabinet Secretary. The CoS, in this context, took note of the CVC's view that since there are only 4-5 CDIs available in CVC and their primary role is to give vigilance advice and hence it may not be possible to designate them as IO automatically. The CoS also took note of the fact that even after a CDI is designated as IO for a case, the Ministry/Department concerned takes a lot of time in issuing orders appointing the IO. Considering the above facts, the CoS has recommended that whenever a particular CDI in CVC becomes unavailable to conduct an inquiry on account of transfer, etc., CVC shall nominate an IO within 15 days and disciplinary authorities shall issue orders appointing the IO, within another 15 days. The above recommendation of the CoS

has been considered by the Government and the Government has taken the following decision:-

Whenever a particular CDI in CVC becomes unavailable to conduct an inquiry on account of transfer, etc., CVC shall nominate an IO in his/her place within 15 days and the concerned disciplinary authority shall issue orders appointing the IO, within another 15 days. However, CVC may also designate CDIs in numerical/alphabetical order. If a successor CDI is not appointed within 15 days as prescribed, the case will be automatically assigned to the next CDI in numerical/alphabetical order on the 16th day.

4 The above decision of the Government is brought to the notice of Central Vigilance Commission and all Ministries/Departments for strict compliance.



(V.M. Rathnam)

Deputy Secretary to the Govt. of India

Tel: 23094637

372/3/2007-AVD-III (Vol. 10)
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Department of Personnel & Training

North Block, New Delhi
Dated: 14th October, 2013

Office Memorandum

Subject: Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) - Para 38 of the Committee's Report regarding payment of TA/DA to retired government servants appearing as witnesses in proceedings before the CDI in CVC - Government's decision thereon - reg .

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary/Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:

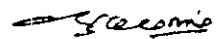
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| (i) | Shri P. C. Hota, Former Chairman, UPSC | ----- Chairman |
| (ii) | Shri Arvind Varma, Former Secretary, DoPT | ----- Member |
| (iii) | Shri P. Shankar, former CVC | ----- Member. |

2. The Expert Committee has, in para 38 of its Report, inter alia, recommended that "In case the witness is a retired Government Servant and is appearing before the CDI in a Departmental Inquiry, the expenses would be borne, in the first instance, by the CVC and subsequently be adjusted with the Department/Organisation concerned."

3. The aforesaid recommendation of the Hota Committee has been considered by a Committee of Secretaries (CoS) under the chairmanship of Cabinet Secretary and the CoS has recommended acceptance of this recommendation. Government has accepted the recommendation of the Hota Committee as endorsed by the CoS.

4. Accordingly, it has been decided that in cases where any of the witnesses in a departmental inquiry is a retired Government Servant and is appearing before the CDI in the Central Vigilance Commission in the Departmental Inquiry, the expenses on payment of admissible TA/DA to such witness would be borne, in the first instance, by the Central Vigilance Commission and subsequently be adjusted with the Department/Organisation concerned.

5. The above decision of the Government is brought to the notice of all Ministries/Departments for information and compliance.



(V.M. Rathnam)
Deputy Secretary to the Govt. of India
Tel: 23094637

North Block, New Delhi
Dated: 14th October, 2013

Office Memorandum

Subject: Recommendations of the Committee of Experts on Disciplinary & Vigilance Inquiries (Hota Committee) - Para 48 of the Committee's Report on conclusion of major penalty proceedings within a period of 18 months - Acceptance by Government - reg .

The undersigned is directed to say that the Government had appointed a Committee of Experts to review the procedure for Disciplinary/Vigilance Inquiries and recommend measures for their expeditious disposal. The Committee comprised the following:

- | | | |
|-------|---|----------------|
| (i) | Shri P. C. Hota, Former Chairman, UPSC | ----- Chairman |
| (ii) | Shri Arvind Varma, Former Secretary, DoPT | ----- Member |
| (iii) | Shri P. Shankar, former CVC | ----- Member. |

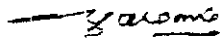
2. The Expert Committee has, in para 48 of its Report, made the following recommendation:-

"48. For major penalty Inquiries as envisaged in Article 311(2) of the Constitution, where the Inquiry Officer has to do a detailed inquiry into the Articles of Charge by examination of witnesses both of the Presenting Officer and of the delinquent Government Servant and where relevant documents have to be examined/exhibited for a just decision in the case, the maximum time could be twelve months from the date of service of the Articles of Charge before the case records are referred to the UPSC for advice under Article 320(3)(c) of the Constitution. Hopefully, if the UPSC takes a maximum period of five to six months to give its considered advice, the Disciplinary Inquiry for a major penalty can be concluded within a maximum period of eighteen months from the date of service of Articles of Charge on the delinquent Government Servant till the date of the final order by the Disciplinary Authority, after consultation with the UPSC. (Elsewhere in this Report, we have recommended that the CVC's second stage advice may be dispensed with because of reasons mentioned by us. We would like to leave it to the best judgment of the UPSC to devise methods for reducing the time taken by it in rendering its advice under Article 320(3) (c) of the Constitution.)"

3. The aforesaid recommendation of the Hota Committee was considered by a Committee of Secretaries (CoS) under the chairmanship of Cabinet Secretary. The CoS has, inter alia, taken note of the fact that, vide DoPT's O.M.No.372/19/2011-AVD-III(Pt.I) dated 26th September, 2011, the second stage consultation with the Central Vigilance Commission has already been dispensed with and that it is only in cases where consultation with UPSC is not required as per extant rules/instructions, the second stage consultation with CVC is now necessary. The CoS also took note of the fact that the introduction of a single window system in the UPSC to accept files regarding major penalty proceedings has led to considerable

reduction in time taken to conclude major penalty proceedings. The CoS has accordingly recommended that the recommendation of the Hota Committee in para 48 of its report as referred to above may be accepted. The recommendation has accordingly been accepted by the Government and it has been decided that all Ministries/Departments shall ensure that all major penalty proceedings against government servants under their control are completed and final orders are passed by the concerned Disciplinary Authority within 18 months from the date of delivery of charge-sheet on the delinquent government servant.

4. The above decision of the Government is brought to the notice of all Ministries/Departments for strict compliance.



(V.M. Rathnam)

Deputy Secretary to the Govt. of India

Tel: 23094637