

No.99/VGL/69
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block 'A'
GPO Complex, I.N.A.,
New Delhi- 110 023
Dated the 26th February 2001

To

The All Chief Vigilance Officers

Subject: Guidelines to be followed in handling of intimations of acquisition reported by public servants.

The Commission has observed that many cases of possession of assets disproportionate to known sources of income come to naught owing to lack of a standard transparent method in assessing the wealth found in possession of public servants. A study group was set up by the Commission to look into this aspect. The report of the study group accepted by the Commission has also looked into certain allied matters such as the manner in which intimations are to be dealt with.

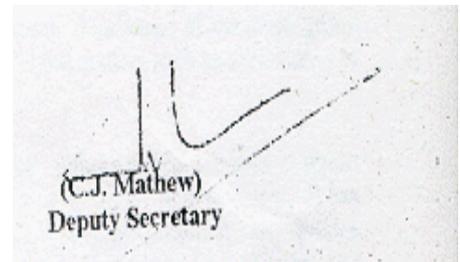
2. The relevant Conduct Rules/Regulations etc. require public servants to report acquisition of moveable property above a fixed value and of all immovable property. It has been observed that there has been a marked tendency in various organizations to raise queries repeatedly on these intimations without ever accepting them. It needs to be noted that this discourages public servants from complying with reporting requirements. It also needs noting that such intimations are made when there is no intention to hide the transaction, i.e. the transaction is a *bona fide* one. Therefore, impediments such as repeated queries demotivate the public servant who is being honest about his transactions. Repeated querying also does not result in uncovering any wrongdoing on the part of the public servant. Acceptance of such intimations does not confer immunity from investigations at a later stage should the need arise; nor is it a reflection on the efficiency or otherwise of the authorities concerned. Mere intimation and its acceptance does not imply that the value declared is to be accepted in the event of an investigation. Separate instructions guide the process of assessing the wealth of public servants in investigation. There is, thus, no worthwhile benefit that accrues from such detailed inquiries at the time of intimation.

3. It has also been observed that there is a tendency to view with harshness the failure to intimate transactions. Failure to intimate transactions could arise out of a desire to suppress transactions generated out of illicit earnings or out of mistake/ignorance etc. Cases of the former type are not likely to be many since such acquisitions would not, normally, be in the name of the public servant and they would be brought to light during an investigation. The latter possibility implies that the acquisition has been financed out of an acceptable source of income rendering it a case of non-compliance with the specific provision of the Conduct Rules etc. without reflecting on the integrity of the public servant. Those cases wherein assets disproportionate to known sources of income have been uncovered would cease to be a mere technical lapse since the issue becomes one of lack of integrity. Visiting harsh punishments on mere technical lapses would not meet the ends of justice since the public servant's integrity is not in question and failure to intimate cannot be equated with possession of disproportionate assets.

4. Taking note of the aforesaid arguments and in order to reduce compliance costs of a large strata of honest officers, the Commission has observed that its punishment policy with regard to intimations would be as follows:-

1. Unnecessary queries may not be raised when officers make intimations. As a general rule, such intimations may simply be noted;
2. If not related to assets, disproportionate known sources of income, failure to intimate should be treated as a technical lapse. Such lapses should ordinarily attract only a censure/administrative warning;
3. Since monetary limits for intimation have not kept pace with inflation, the failure to send intimations of transactions in movable properties should be taken cognizance of only if the value of the movable property dealt in exceeds two months basic pay of the official concerned.

The above policy may be noted for compliance.



(C.J. Mathew)
Deputy Secretary