

No.A-65011/41/2014-P.II  
Government of India  
Ministry of Environment, Forests and Climate Change

Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi-110003.

Dated: 23<sup>rd</sup> July, 2014

Subject: Nominations for appointment as Central Vigilance Commissioner and  
Vigilance Commissioner in the Central Vigilance Commission-regarding.

A copy of D.O. letter No.399/15/2014-AVD-III dated 21<sup>st</sup> July, 2014 (along with  
enclosures) received from Secretary, Department of Personnel & Training relating to  
appointment as Central Vigilance Commissioner and Vigilance Commissioner in the  
Central Vigilance Commission is forwarded herewith.

*23/7*  
(Anil Sant)  
Joint Secretary (Admn.)

**Encls: As above.**

To

1. Secretary (EF&CC)
2. DGF&SS

Copy to:-

IGF(IFS) for similar action

*399/15/2014-III  
31/7/14*

*pl. obtain a copy of  
encl. PP 21/7*

*A. spec. PP 25/7  
spoken. we may put it in  
the website. 30/7/14*

*PS  
Enclosed  
PS 24/7*

O/o IGF (IFS)  
Dy. No... *2036* ...  
Date... *25.7.14* ...

*US(PS-I)  
31/7/14  
Sh. [Signature] 31/7/14*

डा. एस. के. सरकार

Dr. S. K. Sarkar

सचिव

SECRETARY

Tel : 23094848

Fax : 23094500

E-mail : sarkardk@nic.in



सत्यमेव जयते

भारत सरकार  
कार्मिक और प्रशिक्षण विभाग  
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
नोर्थ ब्लॉक, नई दिल्ली - 110001

GOVERNMENT OF INDIA  
DEPARTMENT OF PERSONNEL & TRAINING  
MINISTRY OF PERSONNEL PUBLIC GRIEVANCES  
AND PENSIONS  
NORTH BLOCK, NEW DELHI - 110001  
Website : <http://persmin.gov.in>

D.O. No.399/15/2014-AVD-III

Dated 27<sup>th</sup> July, 2014

Dear Secretary,

I am writing to you in the context of suggesting names of suitable persons for consideration for appointment as Central Vigilance Commissioner and Vigilance Commissioner in the Central Vigilance Commission vice Shri Pradeep Kumar, CVC and Shri J.M.Garg, VC, who would be completing their tenure on the 28<sup>th</sup> September, 2014 and 7<sup>th</sup> September, 2014, respectively.

2. The guidelines for filling up of the posts of Central Vigilance Commissioner and Vigilance Commissioners in Central Vigilance Commission are annexed for your ready reference.

3. You are requested to sponsor/recommend names of suitable persons. While sponsoring names of persons, it is requested that names of persons of known impartiality and integrity may be forwarded for consideration.

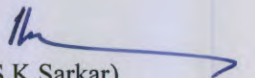
4. No applications will be entertained by the Department of Personnel & Training directly from any applicant under any category. In the event that any person falling under (iii) of the Eligibility Criteria in the Annexure enclosed is required to be considered, the same should be forwarded by the administrative Ministry concerning that field after adequately processing the case.

5. It is clarified that while sponsoring the names, endeavour may be made that names of persons belonging to all the categories, if available, are forwarded.

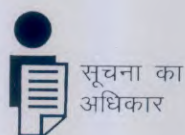
6. It is requested that nominations/recommendations along with full information listed in the Annexure may be forwarded on priority and not later than 8<sup>th</sup> August, 2014. Looking to the urgency and importance of the matter, I shall be grateful if personal attention is given to this

Receipt of this letter may kindly be acknowledged.

Yours sincerely,

  
(Dr. S.K.Sarkar)

To all Secretaries to the Government of India (by name)



Copy for information to:

1. PS to MOS(PP)
2. Joint Secretary to PM ,PMO, New Delhi.
3. Cabinet Secretary, Cabinet Secretariat, New Delhi.
4. Secretary, CVC, Satarkata Bhavan, INA Colony, New Delhi.
5. NIC for uploading on the Department's website.



(M. M. Maurya)

Under Secretary to the Government of India  
Ph. # 23094541

## **ANNEXURE**

### **Sub: Guidelines for filling up of the posts of Central Vigilance Commissioner and Vigilance Commissioners in the Central Vigilance Commission (CVC)**

The procedure for appointment of Central Vigilance Commissioner and Vigilance Commissioners in Central Vigilance Commission(CVC) is laid down in the CVC Act 2003. According to the Section 4(1) of this Act, the Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the President by warrant under his hand and seal:

provided that every appointment under this sub-section shall be made after obtaining the recommendations of the Committee consisting of –

- |     |   |             |
|-----|---|-------------|
| (a) | The Prime Minister                              | Chairperson |
| (b) | The Minister of Home Affairs                    | Member      |
| (c) | The Leader of opposition in the House of People | Member      |

*Explanation* – For the purpose of this sub-section, “the Leader of the Opposition in the House of the People” shall, when no such leader has been so recognized, include the leader of the single largest group in opposition of the Government in the House of the People.

2. Moreover, according to Section 3(3) of the CVC Act, 2003, the Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed from persons -

(a) who have been or are in an All India Service or in any civil service of the Union or in a civil post under the Union having knowledge and experience in the matters relating to vigilance, policy making and administration including police administration; or

(b) who have held office or are holding office in a corporation established by or under any Central Act or a Government company owned or controlled by the Central Government and persons who have expertise and experience in finance including insurance and banking, law, vigilance and investigations:

Provided that, from amongst the Central Vigilance Commissioner and Vigilance Commissioners, not more than two persons shall belong to the category of persons referred to either in clause (a) or clause (b).

3. In Writ Petition No. 348/2010 and 355/2010, the Supreme Court, vide their judgment dated 3rd April, 2011 laid down certain additional guidelines for selection of Central Vigilance Commissioner and Vigilance Commissioners. They, inter alia, directed that -

(i) In future the zone of consideration should be in terms of Section 3(3) of the 2003 Act. It shall not be restricted to civil servants.

(ii) All the civil servants and other persons empanelled shall be outstanding civil servants or persons of impeccable integrity.

- (iii) The empanelment shall be carried out on the basis of rational criteria, which is to be reflected by recording of reasons and/or noting akin to reasons by the empanelling authority.
- (iv) The empanelment shall be carried out by a person not below the rank of Secretary to the Government of India in the concerned Ministry.
- (v) The empanelling authority, while forwarding the names of the empanelled officers/persons, shall enclose complete information, material and data of the concerned officer/person, whether favourable or adverse.
- (vi) The Selection Committee may adopt a fair and transparent process of consideration of the empanelled officers.

4. Based on the statutory provisions of the CVC Act, 2003 and the directives of the Supreme Court, after discussion with Learned Attorney General for India, the Department of Personnel and Training has prepared guidelines and the procedure for filling up the post of Central Vigilance Commissioner and Vigilance Commissioners in the Central Vigilance Commission which are summed up as follows:

**Eligibility Criteria:**

*(As provided for in Section 3(3) of the CVC Act, 2003 and listed in para 2 above)*

- (i) In the case of persons falling under section 3(3)(a) of the CVC Act, such persons must, preferably, have held or is holding the post of Secretary to the Government of India or any equivalent post thereto under the Central Government.
- (ii) In the case of persons falling under the first part of section 3(3)(b) of the Act, the person must have held or is holding the position of Chairman/Managing Director/Chief Executive Officer of a Schedule 'A' Public Sector Undertaking.
- (iii) In respect of persons who have expertise and experience in finance including insurance and banking, law, vigilance and investigations, and falling under the second part of section 3(3)(b) of the Act, such persons must have acquired eminence and have outstanding achievement in the said fields.
- (iv) The person should be of outstanding merit and impeccable integrity.
- (v) The names of only those persons will be considered for selection who will get at least 3 years tenure as Central Vigilance Commissioner or Vigilance Commissioner. (An incumbent remains in office until attaining the age of 65 years or upon the completion of 4 years, whichever is earlier).

**Procedure for obtaining names/applications:**

- (a) The Cabinet Secretary and all Secretaries to the Government of India shall be requested to forward/sponsor the names of persons to be considered for appointment as Central Vigilance Commissioner or Vigilance Commissioners.

(b) No applications will be entertained by the Department of Personnel & Training directly from any applicant under any category. In the event that any person at (iii) of Eligibility Criteria is to be considered, the same should be forwarded by the administrative Ministry concerning that field after the case is adequately processed.

(c) The names of persons of known impartiality should be sponsored and forwarded for consideration. While sponsoring names, endeavor should be made that names of persons belonging to all the categories, if available, are forwarded.

(d) The sponsoring authority shall forward the names with complete details as follows for consideration to the DOP&T -

(i) In respect of serving or retired civil servants falling at (i) of Eligibility Criteria at para 4 above:-

- a. the complete curriculum vitae, including age, educational qualifications and details of all posts held by the officer since the beginning of his/her career;
- b. service record, namely, Annual Confidential Reports;
- c. any additional record indicating conferment of honours/ awards/additional qualifications/outstanding achievement;
- d. details of punishment, if any, awarded in the course of officer's service career;
- e. the Ministries/Departments would also indicate whether there exists any criminal cases/disciplinary proceedings against the officer concerned.
- f. an integrity certificate to be issued by the cadre controlling authority.

(ii) In the case of a person who falls at (ii) of Eligibility Criteria at para 4 above, i.e., who has held or is holding office in a Corporation established by or under any Central Act or a Government Company under or controlled by the Central Government:-

- a. detailed curriculum vitae of the person, including suitable particulars relating to age, academic qualifications and experience;
- b. service record, namely, Annual Confidential Reports;
- c. a list of verifiable achievements, if any;
- d. the administrative Ministry/Department would indicate whether there exist any criminal records /disciplinary proceedings against the officer concerned or whether any punishment has been awarded to him/her.
- e. an integrity certificate to be issued by the head of the administrative Department.

(iii) In respect of such persons who have expertise and experience in finance, including insurance and banking, law, vigilance and investigations or who do not fall under (i) or (ii) above, the following documents would be essential:-

- a. a curriculum vitae of the person concerned, which may contain adequate particulars about the achievements/accomplishments of the person in the field;
- b. a statement from the sponsoring Ministry/Department that there shall be no conflict of interest in the event of the said person being appointed as the Central Vigilance Commissioner and Vigilance Commissioner.

**Scrutiny and Short-listing of names in DOPT:**

- (a) All the applications/names received from the Cabinet Secretary/Secretaries of the Ministries/Departments shall be scrutinized and shortlisted rationally by recording of reasons and/or notings akin to reasons by Secretary, DOPT to be approved by MOS(PP).
- (b) While shortlisting and forwarding the names for consideration of the Selection Committee, complete information and data, whether favourable or otherwise shall be enclosed for finally recommending a panel of 5 names by MOS(PP) for consideration of the Selection Committee. The final 5 shortlisted persons shall be required to furnish a declaration to the effect that he is not facing any criminal investigation or trial. In case one or more candidates shortlisted in the 5 names for submission to the Selection Committee does not furnish the declaration or is found to be ineligible, MOS(PP) may add one or more names from the shortlist submitted by the Secretary, DOPT. This will ensure that the panel of 5 names that goes to the Selection Committee would consist only of such people, who have given the declaration.

**Consideration by Selection Committee:**

The names of 5 persons shortlisted by MOS(PP) shall be placed before the selection committee (as notified under rule 4(1) of the CVC Act,2003) consisting of the following:

- |    |  |       |             |
|----|--|-------|-------------|
| 1. | The Prime Minister   | ....  | Chairperson |
| 2. | The Minister of Home Affairs                               | ..... | Member      |
| 3. | The Leader of the Opposition<br>in the House of the People | ..... | Member      |

*Explanation* – For the purpose of this sub-section, “the Leader of the Opposition in the House of the People” shall, when no such leader has been so recognized, include the leader of the single largest group in opposition of the Government in the House of the People.

**Appointment of recommended person:**

The person recommended by the above committee shall be appointed by the President by warrant under his hand and seal.

-----