

Copy of letter No. 1449-5GS1-75/6324 dated 17/26-3-75 from the Chief Secretary to Government, Haryana, to all Heads of Departments, etc. etc.

**Subject :—**Rehabilitation of ex-convicts released from Jails; question of making them eligible for appointment under Government.

I am directed to invite a reference to Haryana Government letter No. 6857-5GS-1-72/2756, dated 2nd February, 1973, on the subject noted above, in which instructions were issued to the effect that ex-convicts should be able to obtain employment on their merits after release from Jail. It was further laid down in these instructions that ex-convicts who were convicted of offences involving moral turpitude should not be taken in Government service. A list of offences which involved moral turpitude was also circulated along with these instructions.

2. This matter has been further considered by the Government and it has been decided that instructions issued in para 2 of Haryana Government's letter dated the 2nd February, 1973 referred to above should be modified as follows :—

- (i) Persons who are detained under the Borstal Act or who, after conviction under the offences which do not involve moral turpitude, are released under the Probation of Offenders Act instead of being confined to Jail, should not suffer any disability in respect of obtaining Government service.
- (ii) With regard to the employment of ex-convicts on release from Jail, a uniform policy will not be possible and each case should be considered on its own merits. The appointing authority should, in such cases, make detailed enquiries and satisfy himself fully that the ex-convict has reformed himself after release from Jail and nothing adverse about his conduct has come to notice after his conviction, and he is thus suitable for Government service. The enquiries should invariably be made through the Police Department and, if the Police Department consider it necessary to obtain a report from any other Department, they should proceed to do so.
- (iii) Ex-convicts convicted of offences involving moral turpitude should neither be taken nor retailed in Government service. The following tests should ordinarily be applied in judging whether a certain offence involves moral turpitude or not :—
  - (1) Whether the act leading to a conviction was such as could shock the moral conscience of society in general.
  - (2) Whether the motive which led to the act was a base one.
  - (3) Whether on account of the act having been committed the perpetrator could be considered to be of depraved character or a person who was to be looked down upon by the society.

Decision in each case will, however, depend upon the circumstances of the case and the competent authority has to exercise discretion while taking a decision in accordance with the above mentioned principle. A list of offences which involve moral turpitude is enclosed for your information and guidance. This list, however, cannot be said to be exhaustive and there might be offences which are not included in it but which in certain situations and circumstances may involve moral turpitude.

Yours faithfully,

Sd/-

(VIRINDER NATH)

Deputy Secretary Political & Service,  
for Chief Secretary to Government, Haryana

A copy is forwarded to the following for information and necessary action—

The Financial Commissioner, Revenue, Haryana; All Administrative Secretaries to Government

Sections of the Indian Penal Code concerning serious offences involving moral turpitude.

- 120-A Punishment of criminal conspiracy.
- 121-A Conspiracy to commit offences punishable by section 121.
- 122. Collecting arms, etc., with intention of waging war against the Government of India.
- 123. Concealing with intent to facilitate design to wage war.
- 124. Assaulting President, Governor of Rajpalmukh. etc. With intent to compel or restrain the exercise of any lawful power.
- 160-A Sedition.
- 161. Public servant taking gratification other than legal remuneration in respect of an official act.
- 161-A Giving of bribe.
- 165. Public servant obtaining valuable thing, without consideration, from person concerned in proceeding of business transacted by such public servant.
- 167. Public servant framing an incorrect document with intent to cause injury.
- 181. False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation.
- 182. False information with intent to cause public servant to use his lawful power to the injury of another person.
- 193. Punishment for false evidence.
- 194. Giving or fabrication false evidence with intent procure conviction of capital offence. innocent person be thereby convicted and executed.
- 195. Giving or fabricating false evidence with intent procure conviction of offence punishable with imprisonment for life or imprisonment.
- 196. Using evidence known to be false.
- 197. Issuing or signing false certificate.
- 198. Using as true a certificate known to be false
- 199. False statement made in declaration which is by law receivable as evidence.
- 200. Using as true such declaration knowing it to be false.
- 201. Causing disappearance of evidence of offence or giving false information, to screen offender—  
If a capital offence ;  
If punishable with imprisonment for life ;  
If punishable with less than ten year's imprisonment;  
Giving false information respecting an offence committed;  
Destruction of document to prevent its production as evidence.
- 205. False personation for purpose of act or procedure in suit or prosecution.
- 209. Dishonestly making false claim in Court.

293. Sale, etc. of obscene objects to young person.
302. Punishment for a murder.
304. Punishment for culpable homiciden to amounting to murder.
307. Attempt to murder.
354. Assault or criminal force to women with intent to outrage her modesty.
359. Kidnapping.
362. Abduction.
363. Punishment for kidnapping.
364. Kidnapping or abducting in order to murder.
365. Kidnapping, abducting with intent secretly and strong fully to confine person.
366. Kidnapping, abducting or inducing woman to compel her marriage, etc.
- 366-A Procuration of minor girl.
- 366-B. Importation of girl from foreign country.
367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.
368. Strongfully concealing or keeping in confinement kidnapped or abducted person.
369. Kidnapping or abducting child under ten years with intent to steal from its person.
370. Buying or disposing any person as a slave.
371. Habitual dealing in slave.
372. Selling minor for purposes of prostitution, etc.
373. Buying minor for purposes of prostitution, etc.
376. Punishment for rape.
377. Innatural offences.
379. Punishment for theft.
380. Theft in dwelling house, etc.
391. Theft by clerk or servant of property in possession of master.
392. Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.
- Punishment for robbery.
- Attempt to commit robbery.
- Voluntarily causing hurt in committing robbery.
- Punishment for dacoity.
- Dacoity with murder.
- Robbery or dacoity, with attempt to cause death or grievous hurt.
398. Attempt to commit robbery or dacoity when armed with deadly weapons.

- 399. Making preparation to commit dacoity.
- 400. Punishment for belonging to gang of dacoity.
- 403. Dishonest misappropriation of property.
- 404. Dishonest misappropriation of property possessed by deceased person at the time of his death.
- 406. Punishment for criminal breach of trust.
- 407. Criminal breach of trust by carrier, etc.
- 408. Criminal breach of trust by clerk or servant.
- 409. Criminal breach of trust by public servant, or by banker, merchant or agent.
- 417. Punishment for cheating.
- 418. Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect.
- 419. Punishment for cheating with personation.
- 420. Cheating and dishonestly inducing delivery of property.
- 421. Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.
- 449. House-trespass in order to commit offence punishable with death.
- 450. House-trespass in order to commit offence punishable with imprisonment for life.
- 453. Punishment for lurking house-trespass or house-breaking.
- 454. Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment.
- 455. Lurking house-trespass or house-breaking after preparation for hurt, assault or wrongful restraint.
- 456. Punishment for lurking house-trespass or house-breaking by night.
- 457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.
- 456. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.
- 465. Punishment of forgery.
- 466. Forgery of record of Court or of public register, etc.
- 467. Forgery of valuable security, will, etc.
- 468. Forgery for purpose of cheating.
- 471. Using as genuine a forged document.
- 472. Making or possessing counterfeit seal, etc. with intent to commit forgery punishable under section 467.
- 473. Making or possessing counterfeit seal, etc. with intent to commit forgery punishable otherwise.
- 474. Having possession of document described in section 466 to 467, knowing it to be forged and intending to use as genuine.

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- 476. Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit made material.
- 477-A Falsification of accounts.
- 489-A Countefeiting currency notes or bank-notes.
- 489-B Using at genuine, forged or counterfeit currency notes or bank-notes.
- 489-C Possession of forged or counterfeit currecy notes or bank-notes.
- 489-D Making or possessing instruments or materials for forging or counterfeiting currency notes or bank-notes.
- 489-C Making or using documents resembling currencing-notes or bank-notes.
- 493. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.
- 494. Marrying again during life-time of husband or wife.
- 495. Same offence with concealment of former marriage from person with whom subsequent marriage is contracted.
- 496. Marriage ceremony fraudulently gone through without lawful marriage.
- 497. Adultery.
- 498. Enticing or taking away or detaining with criminal intent a married women.