

31

-5-

Copy of letter No. 18011/1(S) 75-Estt (B), dated the 1st, August, 1975 from the Director, Government of India, Cabinet Secretariat, Department of Personnel & Administrative Reforms, New Delhi to All Ministries/Departments of the Government of India. etc. etc.

---

Subject:- Verification of Character and Antecedents of candidates selected for appointment to Civil posts under the Govt. of India-Secrecy of police reports and criteria to be observed in determining the suitability.

Attention of the Ministries/Departments is invited to the various instructions contained in the Brochure on verification of Character and Antecedents of Candidates selected for appointment to civil posts under the Govt. of India as also to subsequent instructions laying down the procedure to be followed in this regard and in particular to the Ministry of Home Affairs (now Deptt of personnel & AR) OM NO. 3/8(S)/67-Estt. B, dated 27th September 1967 which inter-alia lays down the criteria to be observed in determining the suitability of candidates to be appointed to civil posts under the Central Government. It has been brought to notice, that in certain cases, the appointing authorities made appointment of candidates without prior verification of Character and Antecedents and later, on receipt of verification reports, failed to observe the prescribed criteria in determining the suitability of candidates for appointment to civil posts under the Central Government. Further, in some cases the contents of the police reports were also made known to the appointees or their attorneys and were also produced before the courts of Law. The termination of service of the appointees with adverse reports in such cases where proper procedure as prescribed was not followed by the authorities concerned has been criticised in certain courts and has also caused various administrative difficulties. The matter has been carefully reviewed in the light of the observations made by the courts and it has been decided that all authorities concerned should in future scrupulously follow the various instructions prescribed in this regard by Government.

2. Instructions already exist that no indication (either orally or in writing) should be given to any candidate who is appointed under exceptional circumstances without prior verification of Character, etc. that the appointment or retention in service is subject to satisfactory verification of character and antecedents. It has also been laid down that in cases where it becomes necessary to terminate the services on account of adverse reports received subsequent to the appointment, the fact that action is being taken on the results of a police report should not be divulged to the employees, nor should the nature or substance of the reports received from the police be communicated under any circumstances to the employee. In this connection attention is invited to MH-A (now Deptt. of personnel & AR) Office Memo No. 56/39/54-Ests (B) dated 1/11/55 (b) dated

3. As regards the criteria to be observed for determining the suitability of candidates Government's service in this regard as brought out in the OM dt. 27th Sept. 1967 referred to in para 1 above is that no person should be considered unfit for appointment solely because of his political opinions but care has to be taken not to employ persons who are likely to be disloyal and to abuse the confidence placed in them by virtue of their appointment. Persons who are actively engaged in subversive activities including members of any organisation, the avowed object of which is to change the existing order of society by violent means, should be considered unfit for appointment under Govt. An individual may be considered unsuitable for public employment only on the ground of his actual participation in or association with any objectionable activity or programme. Specifically, the following shall be considered undesirable for employment in civil posts in the public services:-

- a) those who are, or have been, members of, or associated with, anybody or association declared unlawful after it was so declared or
- b) those who have participated in, or association with, any activity or programme-
  - i) aimed at the subversion of the Constitution
  - ii) aimed at the organised breach or defiance of the law involving violence,
  - iii) prejudicial to the interests of the sovereignty and integrity of India or the security of the State, or
  - iv) which promotes on grounds of religion, race, language, caste or community, feelings of enmity or hatred between different sections of the people.

participation in such activities at any time after attaining the age of 21 years and within three years of date of enquiry should be considered as evidence that the person is still actively engaged in such activities unless in the interval there is positive evidence of a change of attitude. It has also been decided that the above mentioned criteria may be incorporated in the standard covering letter to be addressed to the District Authorities for verification of character and antecedents. Accordingly the proforma of the covering letters as enclosed with this Department's OM No. 3/10/S/72-Ests.B dated 15.9.72 has been revised, and a copy of the revised proforma is enclosed. It is requested that in future the revised proforma may be used while forwarding the particulars of the candidates to District authorities for verification of their character and antecedents. On receipt of the report of the concerned authorities on the verification of character and antecedents of the candidates in question, the appointing authorities should take a decision regarding the suitability of the candidate for appointment to civil posts under the Central Govt. in the light of the observations made in the report, keeping in view the criteria indicated above.