

Secret

No: 105/1/66-AVD-I  
Government of India  
Ministry of Home Affairs

New Delhi- 1, the 28<sup>th</sup> October, 1969  
6<sup>th</sup> Kartika, 1891

OFFICE MEMORANDUM

Subject:- Scheme for preparation, maintenance and custody of lists of public servants of gazetted status of doubtful integrity.

The undersigned is directed to enclose a copy of the scheme mentioned above with the request that appropriate action may kindly be taken as indicated therein.

2. The revised lists prepared in accordance with the enclosed scheme will supersede the lists circulated to Secretariat by the Director, Central Bureau of Investigation on with his D.O. letter No. 21/7/63-GD, dated the 7<sup>th</sup> May, 1964.

3. The revised lists prepared in accordance with the enclosed scheme will not affect the continuance of the annual agreed lists of suspected officers which are being prepared in accordance with para 6 to 10 of the programme for vigilance and anti-corruption work during 1966 circulated with this Ministry's O.M. No. 130/1/66-AVD, dated the 1<sup>st</sup> May 1966 (as continued from time to time).

4. Receipt of this communication may kindly be acknowledged.

Sd/- R.C.Joshi  
Under Secy. to the Govt. of India

To  
All Chief Vigilance Officers  
of Ministries/Departments.

No. 105/1/66-AVD, dated the 28<sup>th</sup> October, 1969.

- Copy with a copy of the scheme forwarded to:
1. Chief Secretaries of all Union Territories for similar action in so far as they are concerned; and
  2. Director, Central Bureau of Investigation (Shri D.Sen, Joint Director, Special IGP), New Delhi.

Sd/- R.C.Joshi  
Under Secy. to the Govt. of India

SCHEME FOR PREPARATION, MAINTENANCE AND CUSTODY OF LIST OF  
PUBLIC SERVANTS OF GAZETTED STATUS OF DOUBTFUL INTEGRITY

## INTRODUCTION

In accordance with the recommendation made in the statement laid on the Table of the Lok Sabha on the 10<sup>th</sup> August, 1961, and the Rajya Sabha on the 24<sup>th</sup> August, 1961 measures are to be taken to locate officials against whom suspicions exist regarding their integrity amount to moral conviction. It has already been decided that Secretaries to the Ministries and the Heads of the Departments have the duty of locating and suitably dealing with corrupt officials. As a further step in this direction, it has been decided to prepare lists of public servants of gazetted status of doubtful integrity. This scheme gives in detail the purpose of these lists and procedure for their preparation and maintenance.

NOMENCLATURE  
& CRITERIA FOR  
ENTRY IN THE  
LISTS

2. The lists will be termed as the 'list of Public Servants of Gazetted status of Doubtful Integrity'. It will include names of those officers only who, after enquiry or during the course of enquiry, have been found to be lacking in integrity. It will thus include the names of the officers, with certain exceptions mentioned below, falling under one of the following categories:

- i) Convicted in a court of law on a charge of lack of integrity or for an offence involving moral turpitude but on whom, in view of exceptional circumstances, a penalty other than dismissal, removal or compulsory retirement is imposed.
- ii) Awarded departmentally a major penalty.
  - a) on charges of lack of integrity
  - b) on charges of gross dereliction of duty in protecting the interests of Government although the corrupt motive may not be capable of proof.
- iii) Against whom proceedings for a major penalty or a court trial are in progress for alleged acts involving lack of integrity or moral turpitude.
- iv) Who were prosecuted but acquitted on technical grounds, and in whose case on the basis of evidence during the trial there remained a reasonable suspicion against their integrity.

The names of the officers of the following categories should not be included in this list.:

- (a) Officers who have been cleared or honourably acquitted as a result of disciplinary proceedings or court trial.
- (b) Officers against whom an enquiry or investigation has not brought forth sufficient evidence for recommending even a disciplinary case.
- (c) Officers who have been convicted of offences not involving lack of integrity or moral turpitude.
- (d) Officers against whom disciplinary proceedings have been completed or are in progress in respect of administrative lapses, minor violation of Conduct Rules and the like.

PURPOSE OF THE  
LISTS

3. These lists are intended to keep the Ministries/Departments/Undertakings concerned informed about such officers of doubtful integrity to ensure that they are not posted to 'sensitive' assignments and that this fact is given due consideration when deciding administrative matters affecting the service of these officers. These lists would also help the Ministries to know about the officers whose work and conduct need both special attention and closer supervisory scrutiny.

PROCEDURE FOR  
PREPARATION  
OF THE LISTS

4. (i) Vigilance Organisation of Ministries/Departments/Undertakings will prepare a list of public servants of Gazetted status against whom any disciplinary proceedings for a major penalty are in progress or who have been punished in disciplinary proceedings on a charge involving lack of integrity. A copy of these lists will be sent by the vigilance Organisation to the Central Bureau of Investigation every year in the last week of February.
- (ii) As soon as an adverse report against an officer of the nature mentioned in the scheme is received, the Vigilance Officer should bring it to the notice of the Secretary/Head of the Ministry/Department concerned immediately. A decision in regard to the inclusion of the name of such officer in the list should be taken as soon as possible.
- (iii) The Central Bureau of Investigation will suggest addition or deletion of names on the basis of information available with them and return the lists to Secretaries/Heads of Departments concerned.

- (iv) If the Ministry/Department/Public Undertakings concerned does not agree to the inclusion or deletion of any particular name or names, it will be settled by mutual discussion. The decision of the Secretary/Head of the Ministry/Department would be final.

#### ACTION OF THE LISTS

5. The purpose of maintenance of these lists is to also enable the Ministries/Departments to take such administrative action as is necessary and feasible. The following courses of administrative action are open:-

- (1) Withholding Certificate of integrity;
- (2) Transfer from a 'sensitive' posts;
- (3) Non-promotion, after consideration of his case, to a service, grade or post to which he is eligible for promotion.
- (4) Compulsory retirement in the public interest (otherwise than as penalty) in accordance with the orders issued by the Government. This is now permissible on completion of the age of 50 with certain exceptions.
- (5) Refusal of extension of service or re-employment either under Government or in a Public Sector Undertakings.
- (6) Non-sponsoring of names for foreign assignment/deputation.
- (7) Refusal of permission for commercial re-employment after retirement.

6. The orders of Government that provide for these administrative measures under certain conditions are:-

- (i) Papers on measures for strengthening of administration, particularly paragraph 3 (11) of the statement laid in the Lok Sabha on 10 August, 1961 that corrupt officials should be located and action taken to improve them or retire them.
- (ii) Note 1 under article 465-A, Civil Services Regulations, under which Government retain an absolute right to retire certain officers after they have completed 25 years, qualifying service without assigning any reasons.
- (iii) Rule 2(2), Liberalised Pension Rules, permits retirement of an officer who has completed 30 years of qualifying service.
- (iv) M.H.A. O.M. No. 33/18/62-Ests.(A), dated 30-11-62 raising the age of compulsory retirement from 55 years to 58 years which provided that officers who have reached the age of 55 years may be retired after giving three months notice without assigning any reason.

- (v) M.H.A. O.M. No. 41/2/55 (II) Ests.(A) dated April, 23, 1965 provides that officers who do not have a reputation for honesty should not be placed in position where there is considerable scope for discretion.
- (vi) M.H.A. O.M. No. 1/7/64-Ests (D), dt. July 30, 1964 provides that particular attention should be given to integrity when considering officers for promotion. It also provides for the recording of a certificate of integrity when sponsoring a name for promotion.
- (vii) M.H.A. O.M. NO. 33/11/64-Ests (A), dt. September 11, 1964 requires that an officer, who does not have a good reputation for integrity, should not be considered eligible for grant of extension/re-employment in service.
- (viii) M.H.A. letter No. 29/67/66-AIS(II) dt. 5-9-67 regarding premature retirement of A.I.S. officers under Rule 16 (3) of the AIS (D.C.R.B.) Rules.
- (ix) M.H.A. O.M. NO. 20/22/68-Ests (A) dt. 6-5-69 and O.M. No. 33/13/61-Ests (A) dt. 23-6-69.
- (x) M.H.A. O.M. No. 39/17/63-Ests (A), dt. 6-9-69.

7. When the name of an officer has been entered in the list for good and adequate reasons, it will not be removed until a period of three years has elapsed. The period of three years for which the name will be current on the list will count from the date of punishment in disciplinary proceedings or from the date of conviction in a court trial. On the conclusion of this period the cases of such officers may be reviewed by the Ministry/Department concerned in consultation with the Central Bureau of Investigation and if during the intervening period there has been no further complaint or information against the officer touching on his integrity, the name may be removed from the list. If at the time of review, it is proposed to continue the name of an officer on the list, cogent reason for doing so should exist.

#### TRANSFER OF SUCH OFFICERS

8. In the event of the officers being transferred to another Ministry/Department/Undertakings, the Vigilance Officer concerned should intimate to his opposite number in the Ministry/Department/Undertaking the fact of the officer's name being on the list, endorsing a copy to the Central Bureau of Investigation.

#### PERIODICITY OF CIRCULATION BY THE C.B.I.

9. Lists of such officers consolidated by the Central Bureau of Investigation will be circulated to Ministries once every year i.e. in June. While communicating the name of the officer the material

against him should be briefly indicated by the Central Bureau of Investigation. Five copies of the list covering all Ministries/ Departments/Undertakings will be sent to the Ministry of Home Affairs(AVD), four copies for the use of E.O., J.S(E), J.S.(P), J.S.(AIS) and one for record on the AVD communication and references should be directly between the Central Bureau of Investigation and the Ministry concerned.

MAINTENANCE  
& CUSTODY OF  
THE LISTS

10. It will be the duty of the Chief Vigilance Officer/Vigilance Officer of the Ministry/Department/Undertaking to maintain these lists upto date, The list will be treated as 'SECRET' and the Head of the Ministry/Department/Undertaking will be responsible for its safe custody.

11. The lists cannot be and are not meant to be fully exhaustive and these will not fetter the discretion of the Government in any way.