



## Govt Jobs for Acquitted Individuals in Criminal Cases

**For Prelims:** [Indo-Tibetan Border Police \(ITBP\)](#), [Protection of Children from Sexual Offences \(POCSO\) Act, 2012](#), Moral Turpitude, [Indian Penal Code, 1860](#), [Central Armed Police Forces \(CAPF\)](#).

**For Mains:** Consideration of acquittals in cases involving moral turpitude and its impact on employment decisions.

[Source: IE](#)

### Why in News?

Recently, The **Punjab** and **Haryana High Court** directed the Centre to reconsider the appointment of a person from Haryana as a constable in the [Indo-Tibetan Border Police \(ITBP\)](#), given his acquittal in 2019 case under **the** [Protection of Children from Sexual Offences \(POCSO\) Act, 2012](#).

- Order issued by the **Ministry of Home Affairs (MHA)** cancelled the person's appointment on grounds of **moral turpitude**.

### What is the Moral Turpitude?

- The term "**moral turpitude**," as noted by the Supreme Court in the case of **P. Mohanasundaram vs. the President, 2013**, lacks a specific definition.
- It encompasses actions contrary to **justice, honesty, modesty, or good morals**, suggesting a **depraved and wicked character** or disposition of the individual accused of such conduct.

### What is the Concerning Case?

- The constable, appointed on compassionate grounds in 2022, faced the revocation of his appointment after revealing his acquittal in a **2018** criminal case under **Section 4** of the **POCSO Act, 2012**, concerning penetrative sexual assault.
- In addition to this, he faced charges under several sections of the [Indian Penal Code, 1860](#), including offences related to causing harm by poison, kidnapping, and criminal intimidation, among others.
- Despite being acquitted of all charges by a **Kaithal Court (Haryana) in 2019**, he faced the cancellation of his appointment.
  - This action was taken according to a policy issued by the **Ministry of Home Affairs** for appointments in the [Central Armed Police Forces \(CAPF\)](#), for individuals with criminal cases registered, under trial, or under inquiry.
  - **Individuals faced serious charges or moral turpitude in a criminal case**, even if acquitted later due to benefit of doubt or witness intimidation, are generally **deemed**

unsuitable for appointment in the CAPF.

## What Mandates has the Court Set for Appointing Individuals with Criminal Cases in Public Jobs?

- A three-judge bench of the [Supreme Court in Avtar Singh vs. Union of India, 2016](#) dealt with the **appointment of a candidate involved in a criminal case**.
  - It ruled that information given to the employer about a candidate's conviction, acquittal, arrest, or pendency of a criminal case must be true and without suppression or false information.
  - For **conviction in cases that aren't trivial**, the employer may cancel the employee's candidature or terminate his services.
- If an acquittal has occurred in a case involving **moral turpitude or a serious offence on technical grounds**, and it's not a clear acquittal or based on reasonable doubt, the employer can assess all pertinent information regarding the individual's background and make a suitable decision regarding the employee's continuation.
- Supreme Court in **Satish Chandra Yadav vs. Union of India, 2023** case "**acquittal in a criminal case would not automatically entitle a candidate for appointment to the post**" and it would be still open to the employer to consider their antecedents and examine their suitability as a candidate.

## What is the Protection of Children From Sexual Offences (POCSO) Act, 2012?

- **About:**
  - **The POCSO Act** came into effect on **14<sup>th</sup> November 2012** which was enacted in consequence to India's ratification of the [UN Convention on the Rights of the Child in 1992](#).
  - The aim of this special law is to address offences of sexual exploitation and sexual abuse of children, which were either not specifically defined or adequately penalised.
  - The Act defines a child as any person below the age of **18 years**. The Act provides punishment as per the gravity of the offence.
    - The Act was further reviewed and amended in **2019** to introduce more stringent punishment including the **death penalty for committing sexual crimes on children**, with a view to deter the perpetrators & prevent such crimes against children.
    - The Government of India has also notified the **POCSO Rules, 2020**.
- **Features:**
  - **Gender-Neutral Nature:**
    - The Act recognises that both **girls and boys** can be victims of sexual abuse and that such abuse is a crime regardless of the gender of the victim.
      - This is in line with the principle that all children have the right to protection from sexual abuse and exploitation and that laws should not discriminate based on gender.
  - **Ease in Reporting Cases:**
    - There is sufficient general awareness now to report cases of sexual exploitation of children not only by individuals but also by institutions as **non-reporting has been made a specific offence under the POCSO Act**. This has made it comparatively difficult to hide offences against children.

## What is the Indo-Tibetan Border Police Force (ITBPF)?

- **Indo-Tibetan Border Police Force (ITBPF)** is a [Central Armed Police Force](#) functioning under the **Ministry of Home Affairs, Government of India**.
  - The ITBP was raised on **24<sup>th</sup> October 1962** during the [India-China War](#) and is a border guarding police force specialising in high-altitude operations.
  - Presently, [ITBP](#) is deployed on border guarding duties from **Karakoram Pass in Ladakh to Jachep La in Arunachal Pradesh** covering 3488 km of the [Indo-China Border](#).
  - The Force is also deployed for [Anti-Naxal Operations](#) and other internal security duties.

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