

CHAPTER VII  
APPOINTMENT OF NON-INDIANS

1. *Standard rule for recruitment to posts under Govt. of India.*

A candidate for appointment to any Central Service or post must be —

- (a) a citizen of India, or
- (b) a subject of Nepal, or
- (c) a subject of Bhutan, or
- (d) a Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India, or
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire, Ethiopia and Vietnam, with the intention of permanently settling in India.

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

Provided further that candidates belonging to categories (b), (c) and (d) above will not be eligible for appointment to the Indian Foreign Service.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Union Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of India.

[DOP&AR OM No. 15014/3(S)/76-Ests(B), dated 1-3-1977 and 15011/1/78-Est(B), dated 19-6-1978.]

2. *General policy regarding appointment of Non-Indians*

2.1 Candidates for employment in Civil posts would have to be ordinarily citizen of India. There are, however, certain exceptions in favour of nationals of some neighbouring countries as also persons of Indian origin who had migrated to some other countries and were returning to India for permanent settlement.

2.2 There is no special dispensation in favour of persons who have acquired citizenship abroad. They are treated as a rule as at present stands, on par with other foreign nationals.

2.3 Appointment of non-Indians to civil posts under the Government of India should be made only in very exceptional circumstances for short periods, in fields where Indian experts are not available. Such appointments would be on contract.

2.4 Whenever it is proposed to appoint a non-Indian to a civil post, simultaneously suitable steps should be taken to train Indians to fill such posts on a regular basis.

[H.D. O.M. No. 20/106/46-Ests(S), dated 4-11-1946 and OM No. 15014/3/(S)/76-Estt. (B), dated 1-3-1977 and OM No. 15011/1/78-Estt(B), dated 19-6-1978.]

2.5 The instructions referred to at 2.3 will, however, apply to :—

(1) Appointment of a person not already in permanent Government service, including confirmation of a temporary employee in the post held by him or his appointment to another post.

(2) Posting of a person in permanent Government service in accordance with a well-recognised system of transfer or promotion, to a post which is filled ordinarily only after considering the claims for appointment of members of the service to which the person belongs.



(3) Appointment otherwise than described at (2) above, of a person in permanent Government service i.e. appointment to a post for which he is not ordinarily entitled to be considered for appointment by promotion or transfer.

[H.D. OM No. 20/106/46-Ests(S), dated 26-11-1946.]

2.6 This decision also governs the appointment of non-Indians to civil posts under the Armed Forces, and posts in Corporations or Organisations, statutory or otherwise, in which Government has a controlling interest. In the latter case, if appointment to any post in such organization is governed by special provisions in the statute setting up the organization or in the rules framed thereunder which render it impossible to follow these instructions, the administrative Department/Ministry should examine amending those provisions suitably.

[H.D. OM No. 20/106/46-Ests(S), dated 16-12-1946 and D.D.U.O. 1241/D-3, dt. 27-1-1947.]

### 3. *Scope of restrictions*

3.1 While the object of Government's policy is eventually to fill all civil posts under Government by Indian Citizens only, it is not their intention to interfere with the posting of a person in permanent Government service in accordance with a well-recognised system of transfer or promotions to a post in the cadre of the service to which the Government servant belongs or to a post which, though not included in that Cadre, is ordinarily filled by members of that service. It has also been decided, after taking all the relevant factors into consideration that the following categories of posts in Indian Embassies abroad, should be exempted from the orders prohibiting appointment of non-Indians :

- (a) Posts of interpreters, translators etc. for which Indians of suitable qualifications are not likely to be available.
- (b) Ministerial posts of a purely temporary nature not lasting for more than a year, and
- (c) Class IV posts, such as messengers and peons, etc.

[MHA OM No. 20/106/46-Appnts, dated 27-7-1948.]

### 4. *Procedure for making appointments*

4.1 Ministries and Heads of Departments are competent to decide cases of appointment of non-Indians to posts under their administrative control subject to the conditions that :

- (i) the orders on the subject issued by the Department of Personnel and Training from time to time setting out the general policy will continue to be followed by the administrative Ministry.
- (ii) the administrative Ministry, in taking a decision will obtain the orders of the Minister-in-charge or of the Deputy Minister.
- (iii) a consolidated single return, in duplicate, in the prescribed format of such appointments in a Ministry/Department, attached and subordinate offices, public Undertakings etc. under their control, should be forwarded to the Department of Personnel and Training by February each year in respect of the period ending 31st December of the previous year.

[MHA OM No. 1/55/CS(C), dated 14-7-1955 and 14030/1/86-Ests(B), dated 3-1-1986.]

4.2 *Security Vetting* : As it is considered necessary from the security point of view to examine, before appointment, whether or not a particular non-Indian is suitable for appointment under the Government of India, the Ministry/Department concerned should furnish sufficiently in advance to the Director, Intelligence Bureau the following information about the person proposed to be appointed :

- (i) Full name and not merely initials.
- (ii) Date and place of birth.



- (iii) Nationality.
- (iv) Parentage.
- (v) Home Address.
- (vi) Present Address.
- (vii) Passport particulars.
- (viii) Such other information as may facilitate fixing his identity.

[MHA OM No. 36/33/49-Appts. dated 14-5-1949 and No. 36/56/CS(C), dated 13-2-1956.]

*Terms to be granted to foreign experts*

4.3 If, in connection with the plans for the industrial development of the country and for other objects, it is found necessary to requisition the services of technical experts and advisers belonging to foreign countries, the terms to be granted to these experts, have, in each case, to be decided with the concurrence of the Ministry of Finance. This is all the more necessary as the grant of unusual terms by Ministries without the prior concurrence of the Finance Ministry may create an awkward precedent in obtaining the services of experts in the future.

[M.O.F. O.M. No. F.5(61)-E IV/55, dated 5-12-1955.]

4.4 Prior concurrence of the Department of Economic Affairs should also be obtained from foreign exchange angle.

[M.O.F. Letter No. 1(69)-EF VII/56 dated 19-9-56 and 8-11-56.]

4.5 The contract of appointment should ordinarily specify that the remuneration and other payments due to the employee will be made in rupee in India, leaving it to him to make his own arrangements for remittance to his home country through banking channels in accordance with normal exchange control regulations. At present foreign nationals are allowed to make a monthly home remittance of Rs. 2,360 or 50% of net emoluments whichever is less; at the time of retirement they are allowed to take :

- (i) Currently remittable assets such as savings in bank, provident fund, gratuity and sale proceeds of personal effects in full.
- (ii) On capital account i.e. sale proceeds of investments, they will be allowed to take Rs. 1 lakh at the time of retirement and the balance in annual instalments not exceeding Rs. 30,000.

Two copies of the contract, when finalised should be sent to the External Finance Division of the Department of Economic Affairs, who will endorse one copy to the Reserve Bank of India to provide necessary remittance facilities, to the employee or on his behalf to the employing body.

[MOF OM No. 1807-E.FI/53 dated 15-4-1953]

4.6 Ministries/Heads of Offices should mention the appointment of non-Indians made by them in the monthly summaries to the Cabinet Secretariat in the following form :

**PROFORMA**

**INFORMATION RELATING TO EMPLOYMENT OF FOREIGN NATIONALS, IN GOVT. AND GOVT. UNDERTAKINGS.**

Min./Deptt. to which report is sent	Month for	Date of apptt.	Duration of Apptt.	Country of origin	Assignment held	Types or Nature of job such as Teachers, Scientists, Doctors etc.
1	2	3	4	5	6	7

[Ref. Cab. Sectt. OM No. 80/3/5/84-Cab. at 22-5-84 and 18-7-86].