

POLICE



DEPARTMENT

No.D3-7255/2022/PHQ

Police Headquarters,
Thiruvananthapuram

✉ phq.pol@kerala.gov.in

☎ 04712721547

Dated. 07-05-2022

Circular. 14/2022/PHQ

Sub : 'Certificate of Non-involvement in Offences'- U/s 59 of the Kerala Police Act, 2011 in place of the existing Police Clearance Certificates (PCC) issued by the Kerala Police to the Citizens of India for job/other purposes in the State of Kerala- Issuance of revised guidelines -reg.

Ref : 1. Circular No.55/2009 dated 24-12-2009.
2. Executive Directive No.02/2018 dated 31-12-2018.
3. Executive Directive No.07/2018 dated 09-03-2018.
4. PHQ Circular No: 4/2022/PHQ dated: 28/01/2022.
5. Judgment dated 27-08-2021 of the Hon'ble High Court of Kerala in WP(C) No.5930/2018 [Femin Panikkassery Vs. Union of India and others]
6. Government Letter No. G1/239/2021/Home dated 25-09-2021.

The Hon'ble High Court of Kerala, vide judgment 5th cited, had held that no State Government Authority including the State Police department, is authorized to issue Good Conduct Certificate (GCC) to the Citizens for overseas employment to any country, and that, it is the sovereign function of the Union Government to issue all such certificates through its authorised representatives. It was further held that the issuance of a Police Clearance Certificate is one of the "miscellaneous services " under the Passport Rules, 1980.

In view of the above verdict of the Hon'ble High Court of Kerala, it is hereby instructed that no Police Clearance Certificate shall henceforth be issued from the Police Department with regard to foreign affairs/overseas employment, superseding all previous Circulars, Executive Directives and Messages (including references 1 to 4) issued on the subject of Police Clearance Certificates (PCCs), in so far as they relate to overseas employment. The Clearance Certificates issued by the Police Department under section 59 of the Kerala Police Act, 2011 will be titled "**Certificate of Non-involvement in Offences**". Such certificates shall be issued for job/other purposes in the State of Kerala only. The procedure for the issue of the Certificate shall be as detailed below:

1. The application for the issuance of the certificate shall be submitted at the office of the respective District Police Chief / Station House Officer as in Annexure I attached to this Circular or through online means, as detailed below.

2. It is desirable that applicant makes the application himself/herself to obtain the Certificate. However, in cases where this is not possible, the individual/firm, authorized properly by the applicant in writing on his/her behalf, may submit the application to the office of respective District Police Chief / Station House Officer. There is no statutory requirement that the applicant should be present for the issuance of the certificate. In exceptional circumstances



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when it become difficult for the applicant to collect it directly, it can be issued to an authorized person of the applicant, after verifying his identity, on proper acknowledgement.

The application for PCC can also be submitted to DPC or SHO through the THUNA Citizen Portal or Pol-APP after paying the required fee online.

3. The fee for the certificate shall be Rs.500/- (Rupees Five Hundred Only). This fee can be paid in cash at the DPO / Police Station where the applicant/authorized person makes the request, the receipt for which is to be issued in TR 5 form by the Unit Head concerned. The fee can also be paid through online mode of payment as mentioned in Circular No. 13/2022/PHQ dated: 27/04/2022.

4. The application form should be accompanied by the following documents:-

A. **Proof of Address:** Attested copy of any one of the following:

1. Copy of Ration Card
2. Voters ID
3. SSLC Book
4. Aadhar Card

B. **Proof of Identity:** Attested copy of any one of these documents:

1. Identity card issued by the State Govt. or Central Govt. Institution.
2. Aadhar Card
3. Voters ID
4. Driving License

C. Copy of letter/document showing the requirement of Certificate for Non-involvement in Offences (like the copy of advertisement, request from firm etc.)

In case of Online applications, through the THUNA Citizen Portal, the authenticity of the certificate issued can be verified using the QR code.

5. On receipt of a manual application accompanied by documents, the DPC /SHO will collect necessary fees, conduct verification, and issue certificate to the applicant or to an authorized person of the applicant, after verifying his identity, under proper acknowledgement.

6. Applicants can submit the application online from the Kerala Police Website (www.keralapolice.gov.in) or Thuna Citizen Portal (thuna.keralapolice.gov.in) or Official App of Kerala Police (Pol-App) along with copies of the documents mentioned above and authorization, if so required, to a relative or any other person/firm, to receive the certificate. The Instructions and Guidelines issued regarding applying and issuing of Police Clearance Certificate through the new THUNA Citizen Portal and Pol-App vide Circular No. 13/2022/PHQ dated: 27/04/2022 are to be strictly followed.

7. The paper to be used for the certificate shall be of good quality (bond paper to be preferred).

8. The certificate shall be issued in Annexure II attached with this Circular.

9. When it is found that the applicant is involved in a criminal case (other than traffic or petty offences) within the Police Station or in the District/City jurisdiction or elsewhere, as the case may be, and a certificate cannot be issued, a reply shall be issued to the applicant by



the DPC / SHO informing that the certificate cannot be issued due to his/her involvement in the criminal case/cases and the details of the case such as Crime No., Sections of Offence and Date of Occurrence, Present Stage (Under Investigation / Under Trial /Convicted) shall be mentioned in that letter. The certificate can also be denied if the applicant has furnished incorrect information in the application form. Format of the letter is attached as Annexure III.

10. The DPCs / SHOs shall issue the certificate within **Seven days** of receipt of the application in normal circumstances.

11. The DPCs must brief all officers to consolidate and upkeep the record of certificates issued from DPOs / Police Stations on a day to day basis in the District Special Branch. In case anything adverse is noticed by the DPC of the District after the issuance of the certificate, that fact must be brought to the notice of higher office and action taken to rectify the mistake by issuing appropriate orders in that regard. This fact must be communicated to the applicant and the firm concerned.

12. In all other Circulars, Executive Directives, etc. so far issued from this office, which are not related to overseas employment or foreign affairs, the words "Police Clearance Certificate" wherever they occur, shall be construed as "Certificate for Non-involvement in Offences" issued under section 59 of the Kerala Police Act, 2011.



Anil Kant IPS
State Police Chief

To : 1. All DPCs and all SHOs.
2. All officers in List B.
3. CAs to all officers in PHQ/DD, PR.

Copy To : 1. ADGP (Intelligence)
2. Circular Register, Kerala Police Website.

