

# Preparation of a professional Inquiry Report



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A presentation by  
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# What is an Inquiry Report

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- It is a running account of various steps taken in a departmental proceedings from the stage of appointment of Inquiring Authority to the stage of drawing of logical conclusions with regard to whether the charges were proved or otherwise.

# Who can be the Inquiring Authority



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- As per the procedures for imposing major penalties (Rule 14 (2)) of CCS (CCA) Rules)

“Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior against a Govt. Servant it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.



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- The Disciplinary Authority may act himself as an Inquiring Authority or may depute someone on his behalf to hold an inquiry into the charges against the Charged Officer. In any case, an inquiry report is required to be prepared, based on which the Disciplinary Authority takes a decision for punishing or exonerating the delinquent official.



# Purpose of Inquiry Report

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- Disciplinary Authority can impose one of the prescribed penalties only for good and sufficient reasons.
- Order of Disciplinary Authority is subject to appeal, revision and review.
- Recording of reasons in support of a decision by a Quasi Judicial Authority is obligatory as it ensures that the decision is reached according to the law and is not a result of caprice, whim or fancy or reached on the grounds of policy or expediency.



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- Disciplinary Authority is required to issue self contained, speaking and reasoned orders in conformity with legal requirements.
- It is submitted by one Quasi Judicial Authority to Disciplinary Authority and again by Disciplinary Authority to another Quasi Judicial Authority to help arrive at a decision in conformity with legal requirements.
- Recording of reasons for any decision by the Disciplinary Authority is a mandatory requirement.

# Stage of writing of Inquiry Report



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- Inquiry Report in a disciplinary proceedings is written by the present Inquiring Authority after completion of regular hearing and on receipt of written briefs by the Presenting Officer and the Charged Official.

# Format of the Inquiry Report



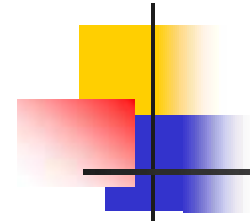
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Format of the Inquiry Report suggested in the CCS (CCA) Rules, 1965 is reproduced below:-

- i. An introductory para, indicating appointment of Inquiry Officer and the dates of hearing.
- ii. Charges that were framed.
- iii. Charges that were admitted or dropped or not pressed.
- iv. Charges actually inquired into.



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- v. Brief Statement of the case of disciplinary authority in respect of the charges enquired into.
  - vi. Brief statement of facts and documents admitted.
  - vii. Points for determination or issues to be decided.
  - viii. Brief statement of the case of the Government servant.
  - ix. Assessment of evidence in respect of each point.
  - x. Finding on each charge.

# Introduction

- Details of appointment order of Inquiring Authority.
  - Who issued the appointment order.
  - For whom it was issued.
  - Under what rule it was issued.
  - Reference No. and date.
- Details of appointment of Presenting Officer.
  - Who issued the order.
  - For whom it was issued.
  - Reference No. & date.

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- Details of appointment of Defence Assistant.
  - For whom the request for appointment of Defence Assistant was received.
  - Observation of Controlling Authority of Defence Assistant if any.
  - Reference No. and date.



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- Details of Preliminary Hearing.
  - Details of date, time and place of hearing.
  - Charge wise acceptance or denied by the CO.
  - Reasons for ex parte proceedings if any.
  - Whether reasonable opportunity was provided to the CO in case of ex parte proceedings.
  - Technical difficulties if any resulting in abnormal delay in completion of PH.
  - Clarification of disputes raised during the inquiry if any by the PO/CO.

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- Inspection of documents.
  - Request letters sent to the custodians of the documents.
  - Difficulties in getting the inspection completed within reasonable time.
  - Steps taken to avoid the delay.
  - Acknowledging the receipt of copies of the prosecution document as well as defence documents.

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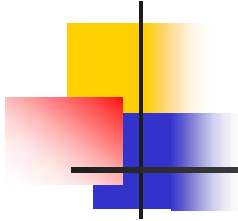
- Details of Regular Hearing.
  - When and where held.
  - Marking of exhibits with observations if any.
  - Recording of depositions.
  - Review of position of witnesses and mention of reasons of witnesses who could not be deposed.
  - Closure of the case by prosecution.

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- Recording of deposition of defence witnesses.
- Examination of CO as witness.
- Closure of case by the Defence.
- Receipt of prosecution brief from PO.
- Receipt of Defence brief from CO.

# Contd.



- Article of Charge
  - Reproduction of article of charge.
- Statement of Imputation.
  - Reproduction
- Case of Prosecution
  - Summary of statement of imputation
  - Summary of prosecution brief.
- Case of the Defence.
  - Summary of Defence Brief.



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- Points for consideration.
  - Splitting the allegations/charges into distinct elements/components for easy assessment.
  - Raising questions/queries and seeking/ searching clarification from evidence on record to arrive at considered conclusions.
  - This approach helps where entire charge involving elements cannot be held proved as a whole and some elements can be held as proved/partly proved.

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- Assessment of Evidence.
  - Assessment should be made article wise.
  - While doing so, arguments of PO should be considered first and thereafter the contention of the CO.
  - The Inquiring Authorities conclusion/ assessment should be considered at the end.
  - Each fact should be checked with corresponding evidence.
  - Reference of exhibits/ depositions should be given.
  - If possible, brief description PW/DW should be given at least for material witnesses.
  - Under each charge, last para should mention whether the charge is held as proved or otherwise after keeping the following in view.

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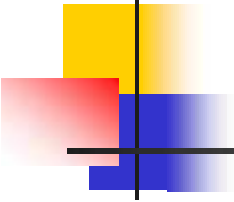
- Acceptance of sworn affidavits only if the person deposes for cross examination or supported by the corroboratory evidence or supported by the totality of evidence on record.
- Acceptance of deposition of hearsay witnesses on corroboration.
- Acceptance of report on forgery only on deposition of its author.
- Brief description of rules and regulations, instructions and guidelines which have allegedly been infringed, with reference.
- Minor inconsistencies in deposition of witness do not render the entire position invalid.
- Failure to non-production of material does not raise an adverse presumption.

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- Approach should be lawful and not legally strict.
- Correct assessment of evidence on an objective analysis based on cost iron logic.

# Basic Requirements for Assessment of Evidence which cannot be whittled down by IA



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- Evidence behind the CO's black is flagrant violation of the Principle of Natural Justice.
- IA cannot rely on his own evidence.
- Use of personal knowledge by IA is a serious irregularity.
- Conclusion/ findings must be rested on the evidence on record and not matters on outside record.
- No misreading of evidence.
- Findings based on conjectures and flight of imagination of IA and Imaginary reasoning would indicate total non-application of mind by the I.A. and cannot be sustained in the Court of Law.

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- Report which is mere reproduction of allegation and summarised version of PO and CO cannot aid the D.A. who requires good and sufficient reasons to impose penalty.
- It is not necessary that whatever PO argues is always correct. Therefore, PO's arguments should be checked/verified with respect to the exhibits/depositions. It is not that whatever CO contends is always wrong. The contentions should be checked/verified with respect to exhibits/depositions.



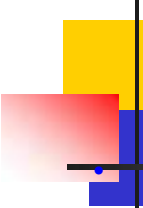
# Findings

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- If assessment under each charge is logical and lucid, then there is no need of summary. In this situation, following conclusion is sufficient.

Article of Charge No.\_\_\_\_ : Held as proved or otherwise.

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- ~~"Law is well settled that in a case of quasi-judicial nature, the findings of the Inquiry Officer and Disciplinary Authority must be specific and pointed. We cannot read into the words used by the inquiry officer and make our interpretation either to support or reject its report. The words used cannot be permitted to be of vague nature which could be open to controversial interpretation". (J.P.Sharma V. U.O.I. GB CB (1987) P. 196: (1987) 4 ATC 716).~~
  - A halting and inconclusive finding serve no purpose at all. IO must reach clear and concluding findings.
  - Interference should be drawn from PROVED FACTS of the case only.



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- If assessment is too lengthy and reader finds it difficult to wean out broad and basic reasons on the basis of which findings have been recorded, it would be advisable to give summary.
- One caution – Summary should not at all give impression that charge has been held/not held proved only on the basis of summary and not detailed discussion in report.
- Brief commentary on Conduct Rules alleged to be infringed and conclusion.



# Concluding the Report

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- At the end of the report, following details should be given:

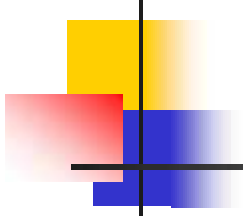
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(Name & Designation of IA )

Place:

Date:



# Thank You