

Vigilance and Disciplinary Proceedings

A Presentation by
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Scheme of Presentation

- General Principles
- Basic Fundamentals of Enquiry
- Departmental Enquiry and Criminal prosecution
- Standard of Evidence
- Departmental Enquiry : Proceedings

General Principles

- Preliminary Fact-finding enquiry
- Disciplinary Authority
- Delegation of power to Subordinate Authority
- Disciplinary Proceedings and Disciplinary Action – Distinction
- Double Jeopardy
- Judicial Procedure need not be followed

Basic Fundamentals of Enquiry

- Charges must be particular and specific, not vague
- To be finalized as expeditiously as possible
- Fair Play – Principles of Natural Justice
- Right of Life includes the Right to Livelihood
- Fair and reasonable opportunity to defend

Departmental Enquiry and Criminal Prosecution

- Delinquent acquitted by Criminal Court on the same charges
- Criminal Case when Departmental Action has already been taken
- Parallel Departmental Enquiry when Case is pending in Court
- Discretion to initiate Disciplinary Proceedings or to Prosecute

Standard of Evidence

- Standard of Proof in Departmental Enquiry
- “Preponderance of Probabilities” vs. “Beyond Reasonable Doubt”
- Hearsay Evidence
- Evidence of Accomplice
- Applicability of Criminal Procedure Code

Departmental Enquiry : Proceedings

- Who can initiate ?
- Charge-sheet – Issuance, Object, Specificity, Validity, Amendments, Punishments proposed, Service
- Statement of Imputations of Misconduct
- Oral Enquiry
- Supply of Copies of Documents

Departmental Enquiry :

Proceedings (Contd.)

- Reply or Written statement of Delinquent
- Appointment of Enquiry Officer
- Appointment of Presenting Officer
- Delegation of his function by the Enquiry Officer
- Engagement of Defence Counsel
- Admission of Guilt

Departmental Enquiry : Proceedings (Contd.)

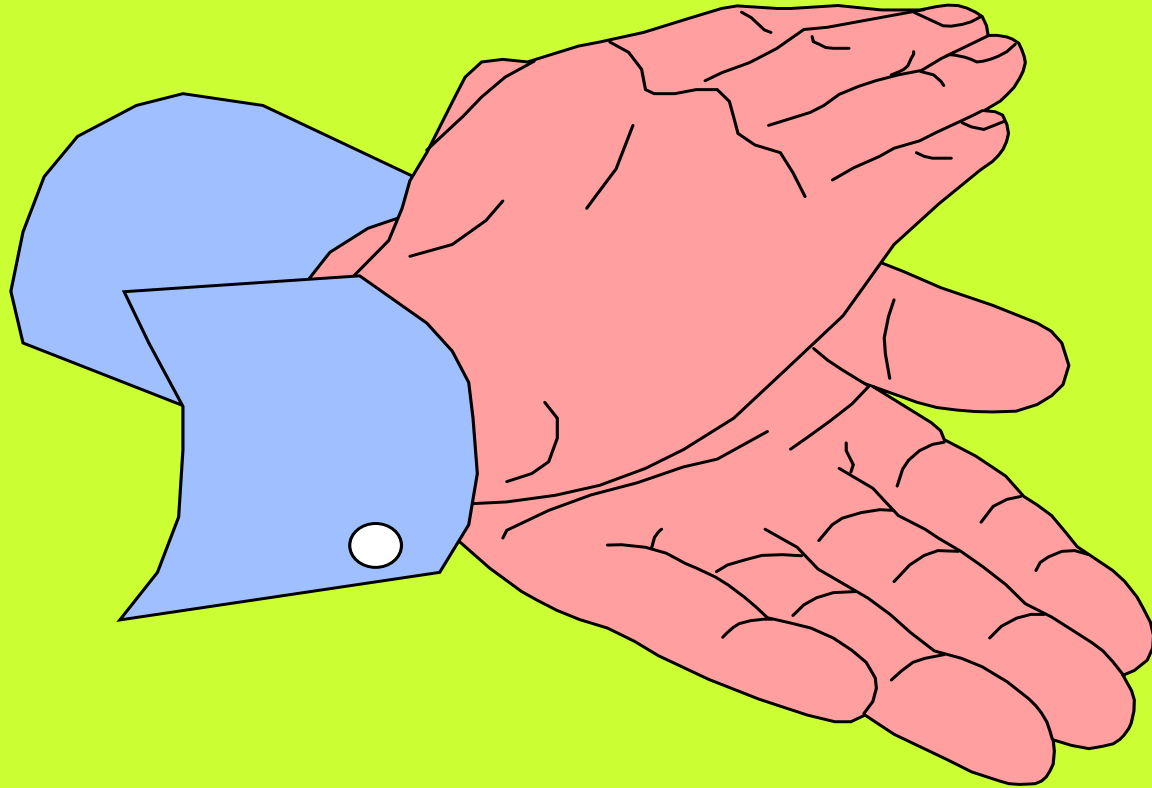
- Evidence – Examination of Witnesses
 - ✓ Rules of Evidence as applicable
 - ✓ Evidence to be recorded in the presence of Delinquent
 - ✓ No one shall be condemned unheard
 - ✓ Recording of Evidence
 - ✓ Cross-examination of Witnesses

Departmental Enquiry : Proceedings (Contd.)

- Additional Evidence
- Examination of Defence Witnesses
- Production of Defence Documents –
Right of Delinquent
- Examination of Delinquent
- Opinion sought to be relied upon
- *Ex parte* Enquiry

Departmental Enquiry : Proceedings (Contd.)

- Enquiry Report
 - ✓ Meaning
 - ✓ Reasoned and based on Evidence
 - ✓ Recommendation of Enquiry Officer regarding penalty – Not needed, unless Rules require so
 - ✓ Charge proved different from Charge framed



Thank You

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