

DISCIPLINE AND VIGILANCE

V.SURESH KUMAR IDSE



WHY D&V IS IMPORTANT

- **HANDLING LARGE AMOUNT OF GOVT FUNDS**
- **BASICALLY ENGINEERS- IGNORANCE OF RULES**
- **ERROR IN D&V MATTERS IRREPEARABLE**
- **COMES UNDER JUDICIAL SCRUTINY**
- **GOVT EXPECT HIGHEST LEVEL OF INTEGRITY**
- **INACTION IS ALSO AN OFFENCE**
- **ERROR IN ACTION HELPS**
 - **CULPRITS TO ESCAPE**
 - **INNOCENT GETS PUNISHED**
- **TO NIP THE PROBLEM IN THE BUD**

WHAT IS D&V

- **CONTINUOUS PROCESS**
 - **REGULAR CLEAR POLICIES**
 - **COUNSELLING**
 - **CAUTIONING**
 - **CONTINUOUS VIGIL**
 - **ADMONITION**
 - **IMPOSITION OF PENALTIES**
 - **CRIMINAL PROCEEDINGS**

BASIC RULES

- **CCS (CONDUCT) RULES 1964**
- **CCS (CCA) RULES 1965**
- **VIGILANCE HAND BOOK BY DOPT**
- **VIGILANCE MANUAL BY CVC**

HOW YOU ARE CONNECTED

- **AS A DISCIPLINARY AUTH**
- **AS AN OFFICER HANDLING DISCIPLINE**
- **AS A PART OF AN INQUIRY**
 - **INQUIRY OFFICER**
 - **PRESENTING OFFICER**
 - **WITNESS**
- **AS A CHARGED OFFICIAL**

DISCIPLINARY AUTHORITY

- **APPOINTING AUTH IS DISCIPLINARY AUTH**
- **ROLE:**
 - **ADVANCE WARNING**
 - **CONSISTENCY**
 - **IMPERSONAL**
 - **IMMEDIATE ACTION**
- **FUNCTIONS**
 - **EXAMINATION OF COMPLAINTS**
 - **DECIDE IO AND PO IN A CASE**
 - **TO DECIDE ON SUSPENSION**

DISCIPLINARY AUTHORITY

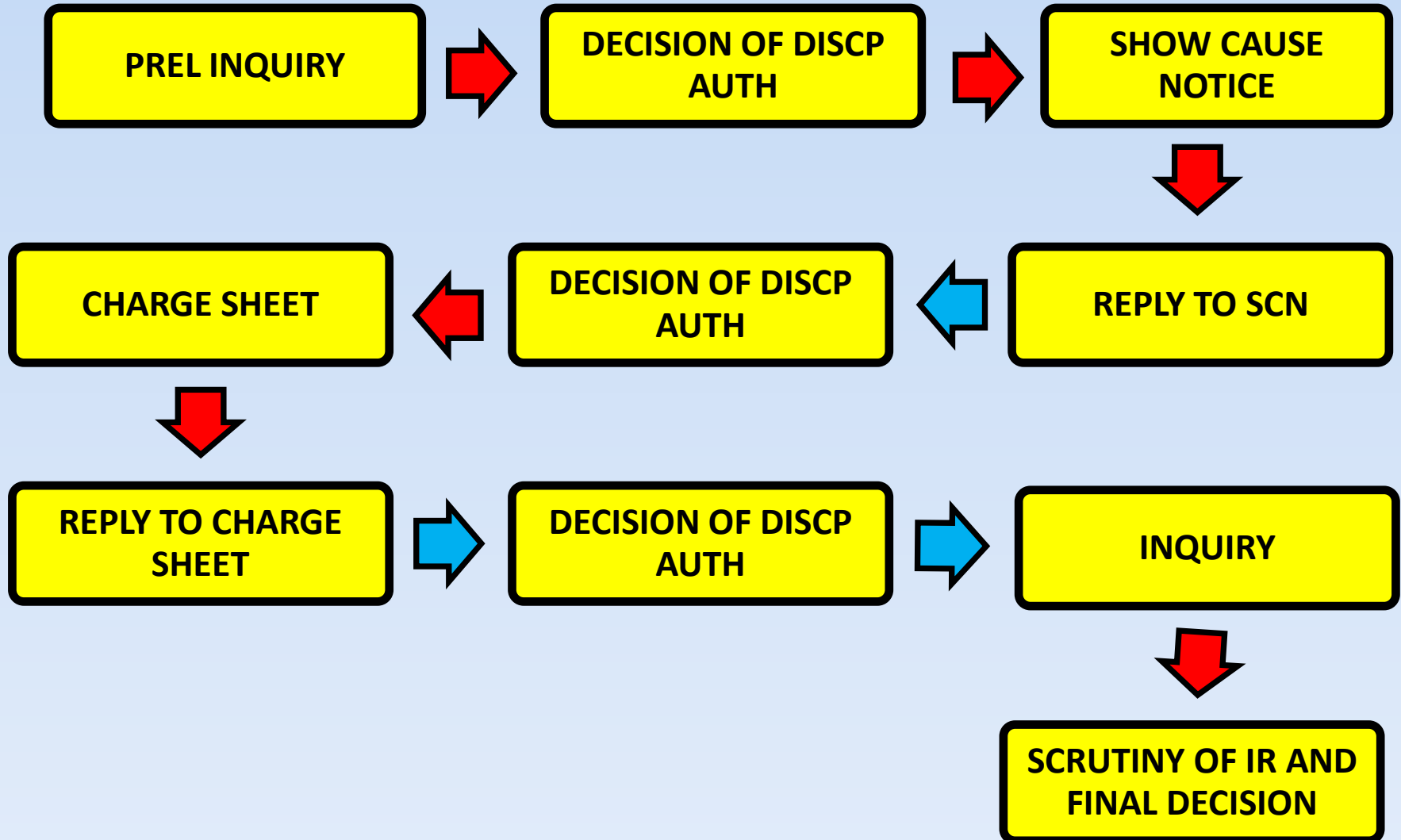
- **FUNCTIONS**

- REVIEW PRELIMINARY INQUIRY REPORT
- WARNING, COUNSELLING
- INITIATION OF DISCP PROCEEDINGS
- CONSULTATION WITH CVC
- ISSUE CHARGE SHEET
- DECIDE PENALTY
- PASSING FINAL ORDERS
- PASSING ANY NEW INSTRUCTION TO AVOID REPETITION

COMPLAINTS

- **COMPLAINTS, REGULAR CHECKS**
- **COMPALINTS: ANY INFO OF MISDEED FROM ANY SOURCE**
 - **ANONYMOUS AND PSEUDONYMOUS COMPLAINTS**
 - **EVEN CVC REFERED COMPLAINT IF PSEUDONYMOUS- REF BACK**
 - **IS THERE A VIGILANCE ANGLE**
 - **ILLEGAL GRATIFICATION**
 - **ABUSE OF OFFICIAL POSITION**
 - **DISPROPORTIONATE ASSETS**
 - **FORGERY, CHEATING, CRIMINAL OFFENCES**
 - **FALSE COMPLAINTS**
 - **COMPLAINTS WITH VERIFIABLE FACTS**

STAGES OF DISCIPLINARY ACTION



STAGES OF DISCIPLINARY ACTION

- **PRELIMINARY INQUIRY/ FACT FINDING INQUIRY/
ONE MAN INQUIRY**
 - NOT MANDATORY BUT PREFERRED
 - TO CHECK VERACITY OF COMPLAINT
 - TO COLLECT EVIDENCE
 - TO PINPOINT NAMES OF RESP PERSONS

PRELIMINARY INV REPORT

- **SHOULD BRING OUT FACTS AND FIGURES**
- **SHOULD CLEARLY SHOW RULES VIOLATED**
- **SHOULD NAME THE PERSONS INVOLVED**
- **SHOULD BRING OUT LAPSES OF EACH PERSON**
- **REASONED CONCLUSION**
- **TIMELY COMPLETION (3 MONTHS)**

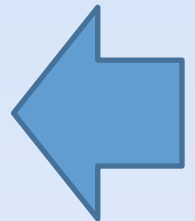
PRELIM REPORT

- INTRO
- GIST OF ALLEGATION
- POINTS NEEDING PROOF
- ACTION TAKEN BY INV OFFICER
- EVIDENCE COLLECTED
- EVALUATION OF EVIDENCE
- VERSION OF THE ACCUSED IF RECORDED
- PEOPLE RESPONSIBLE
- CONCLUSION



ACTION ON PREL REPORT

- **CLOSE THE CASE**
- **ACTION**
 - ADMINISTRATIVE
 - DISCIPLINARY
 - CRIMINAL PROCEEDINGS
 - REF TO CVC
- **ACTION AGAINST FALSE COMPLAINTS**
 - MALICIOUS, VEXATIOUS, UNFOUNDED



SHOW CAUSE NOTICE

- **ISSUE A DETAILED SHOW CAUSE NOTICE**
 - WITH ALL SUPPORTING DOCUMENTS BASED ON WHICH THE CHARGES ARE BEING SUSTAINED
 - SPECIFIC CHARGES WITH FACTS AND FIGURES
 - CHANCE FOR OFFICIAL TO VERIFY DOCUMENTS
 - SPECIFIC TIME – 10 DAYS – MORE IF LARGE VOL OF DOCUMENTS ARE INVOLVED
 - **IF REPLY IS NOT RECD, GIVE ONE MORE FINAL NOTICE**
 - NOT REQUIRED IF THE GOVT SERVANT IS DUE FOR RETIREMENT AND TIME IS NOT SUFFICIENT

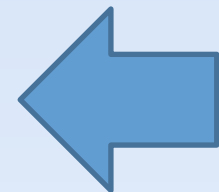


ACTION ON REPLY TO SCN

- **CLOSE THE CASE**
- **ACTION**
 - **MINOR PENALTY UNDER RULE 16**
 - **ISSUE CHARGE SHEET WITH DOCUMENTS**
 - **ALLOW 10 DAYS FOR REPLY**
 - **ALLOW INSPECTION OF DOCUMENTS**
 - **ON GETTING REPLY ISSUE SPEAKING ORDER**

ACTION ON REPLY TO SCN

- **ACTION**
 - **MAJOR PENALTY**
 - **ISSUE CHARGE SHEET.**
 - **ALLOW 10 DAYS FOR REPLY**
 - **ALLOW INSPECTION OF DOCUMENTS**
 - **ON GETTING REPLY EITHER CLOSE THE CASE AND ISSUE ORDER**
 - **OR ORDER AN INQUIRY UNDER RULE 14.**



CHARGE SHEET

- **TO BE ISSUED WITHIN 2 MONTHS OF RECEIPT OF INV REPORT/ ONE MONTH OF CVC ADV**
- **NO TIME LIMIT BETWEEN OCCURRENCE AND ISSUE**
- **CONSIST OF MAIN MEMO**
- **Annexure I- article of charges**
- **Annexure II – statement of imputation**
- **Annexure III- List of documentary evidence**
- **Annexure IV – List of witnesses**

CHARGE SHEET

- **ARTICLE OF CHARGES**
 - EACH ARTICLE TO BE VERY SPECIFIC, QUOTE RULES
 - EACH ACT OF MISCONDUCT TO BE A SEPERATE ARTICLE
 - ONLY THE MISCONDUCT AND RULES VIOLATED TO BE SPECIFIED
- **STATEMENT OF IMPUTATION**
 - FOR EACH ARTICLE ABOVE, DETAILS OF HOW THE MISCONDUCT WAS DONE AND DETECTED
 - SHOULD CONNECT THE EVIDENCES AND WITNESSES LISTED TO EACH CHARGE,

CHARGE SHEET

- **LIST OF DOCUMENTS**
 - **ONLY THOSE DOCUMENTS REQUIRED TO BE SPECIFIED**
 - **ALL DOCUMENTS SPECIFIED SHALL BE AVAILABLE WITH THE DEPT**
- **LIST OF WITNESSES**

CHARGE SHEET

- **IMPORTANT POINTS**

- **BASIS IS PRELIM REPORT**
- **LANGUAGE IS VERY IMPORTANT**
- **CAN BE AMMENDED DURING INQUIRY BUT CANNOT ADD MORE FACTS OR NEW CHARGES**
- **CHARGES TO BE LISTED IN THE ORDER OF SERIOUSNESS**
- **DEEMED TO BE ISSUED ONCE DESPATCHED**
- **IO AND PO – BE APPOINTED ONLY AFTER CO DENIES CHARGES OR DO NOT RESPOND**



WHY INQUIRY IS REQUIRED

- **FUNDAMENTAL RIGHT AS PER CONSTITUTION**
 - **RIGHT TO KNOW THE CHARGES**
 - **RIGHT TO KNOW EVIDENCES LED TO THE CHARGE**
 - **RIGHT TO INSPECT THE DOCUMENT**
 - **RIGHT TO DEFEND AND PROVE INNOCENCE**
 - **RIGHT TO CROSS EXAMINE THE WITNESSES**
 - **RIGHT FOR LEAD EVIDENCE IN DEF**
 - **RIGHT TO BE HEARD- REASONABLE OPPORTUNITY**

WHY INQUIRY IS REQUIRED

- **NATURAL JUSTICE**

- **NO ONE CAN BE CONDEMNED UNHEARD**
- **NO ONE CAN JUDGE HIS OWN CASE**
- **JUSTICE TO BE DONE AND SHOULD APPEAR TO HAVE BEEN DONE**
- **ALL ORDERS SHALL BE SPEAKING ORDERS**

INQUIRY OFFICER

- **SHOULD NOT BE THE IMM BOSS OF CO**
- **TO BE AN OFFR SENIOR TO IO**
- **SHOULD NOT HAVE EXPRESSED AN OPINION IN THE CASE EARLIER**
- **SHOULD NOT HAVE A BIAS**
 - **PERSONAL BIAS**
 - **PECUNIARY BIAS**
 - **SUBJECT MATTER BIAS**

PRESENTING OFFICER

- AN OFFICER FROM DEPT / LEGAL PRACTITIONER
- NOT THE OFFR – OF PRELIM INQUIRY
- ACTIONS BY PO

ACTION BY IO

- **VERIFY APPOINTING ORDER + ACK**
- **CHECK CHARGE MEMO + DOCUMENTS**
- **BRING OUT ANY DISCREPANCY**
- **NOTICE TO CO + PO**
- **DAILY ORDER SHEETS– SERIALLY NUMBERED**
- **PRELIMINARY HEARING WITHIN 10 DAYS**
- **DEFENCE ASST**
- **CHECK REPLY BY CO- CORRECT REF ETC**
- **CAN BRING OUT PATENT ERROR**
- **NO COMMENTS QUALITATIVE/ EVIDENCE/
LOGICAL INACCURACY**

ACTION BY IO

- **PRELIMINARY HEARING**

- QUESTION OF FAITH
- DO YOU ACCEPT ALL THE CHARGES
- INSPECTION OF DOCU– 5 DAYS
- FIX DATE OF INSP
- LIST OF WITNESSES & DOCU BY CO
- IO TO DIRECTLY ASK FOR ADDITIONAL DOCU

- **DEFENCE ASSISTANT**

- LEGAL PRACTITIONER
- GOVT EMPLOYEE FROM SAME HQ /STATION

ACTION BY IO

- **REGULAR HEARING**

- EXAMINATION OF DOCU EVIDENCE

- EXAMINATION OF WITNESSES

- EXAMINATION IN CHIEF

- CROSS EXAMINATION

- RE EXAMINATION

- LEADING QUESTIONS PROHIBITED IN Ex IN Ch

- MANDATORY QUESTION BY IO

- WRITTEN BRIEF BY PO FIRST, THEN CO

- FORM

- FACTS & EVIDENCE

- LOGIC

- LANGUAGE

EVIDENCE

- PROPONDACE OF PROBABILITY
- CLEAR AND CONVINCING
- PROOF BEYOND DOUBT

FINAL REPORT

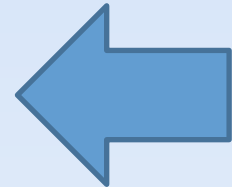
- **INPUT**

- CHARGE SHEET
- DOCUMENTARY PROOF
- STATEMENT OF WITNESS
- STATEMENT OF DEFENCE
- CONCLUDING STATEMENT OF PO
- CONCLUDING STATEMENT OF CO

FINAL REPORT

- **CONTENTS**

- INTRODUCTION
- CHARGES
- CHARGES ADMITTED AND DROPPED
- CHARGES INQUIRED INTO
- STATEMENT OF DOCUMENTS
- STATEMENT OF DISP AUTH
- STATEMENT OF DEFENCE
- POINT FOR DETERMINATION
- ASSESSMENT OF EVIDENCE
- FINDINGS



QUANTUM OF PENALTY

- **MINOR OR MAJOR**
 - **COMMENSURATE WITH THE LOSS TO STATE**
 - **IF INTEGRITY IS IN QUESTION- PENALTY TO BE MAXIMUM**
 - **IF VIG ANGLE IS PROVED- MAX PENALTY**
- **REMEMBER**
 - **THE FINAL ORDER MAY COME UNDER**
 - **APPELATE REVIEW - MERIT**
 - **JUDICIAL REVIEW– LEGALITY & PROCEDURAL**

EVERY SAINT HAS PAST

EVERY SINNER HAS A FUTURE