No. 134/7/75-AVD I Confidential

Government of India/Bharat Sarkar
Cabinet Secretariat/Mantrimandal Sachivalaya
Department of Personnel & Administrative Reforms
(Karmik Tatha Prashasnik Sudhar Vibhag)

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New Delhi the 1-6 '76

OFFICE MEMORANDUM

Sub :- Admissibility, during oral inquiry, of statements made by the delinquent officers and the witnesses at the stage of preliminary inquiry/investigation.

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The undersigned is directed to say that the present procedure followed in departmental inquiries held under the Central Civil Services (C.C.& A) Rules, 1965 and other corresponding Disciplinary Rules is to disregard statements made by witnesses during the preliminary inquiry/investigation except for the purpose of contradicting the witnesses and to record the evidence of the witnesses de novo as examination-in-chief by the Inquiring Authority. The question whether statements made by the witnesses during the preliminary inquiry/investigation can be straightway taken on record as evidence in examination-in-chief at oral inquiries has been examined in consultation with the Department of Legal Affairs, the Central Vigilance Commission, and the Central Bureau of Investigation.

2. On considering the observations made by the Supreme Court in certain cases it may be legally permissible and in accourd with the principles of the natural justice to take on record the statements made by witnesses during the preliminary inquiry/investigation at oral inquiries, if the statement is admitted by the witness on its being read out to him . It is felt that by adopting this procedure it should be possible to reduce the time taken in conducting departmental inquiries. It has, therefore, been decided that in future, instead of recording the evidence of the prosecution witnesses de novo, wherever it is possible, the statement of a witness already recorded at the preliminary inquiry/investigation may be read out to him at the oral inquiry and if it is admitted by him, the cross-examination of the witness may commence thereafter straightway. A copy of the said statement should however, be made available to the delinquent officer sufficiently in advance to at least three days before the date on which it is to come up at the inquiry.

3. As regards the statements recorded by the Investigating Officers of the C.B.I., which are not signed, it has been decided that the statement of the witness recorded by the Investigating Officer will be read out to him and a certificate will be recorded thereunder that it had been read out to the person concerned and had been accepted by him.

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4. It is requested that the procedure set out in para 2 and 3 may be brought to the notice of all concerned, so that it is followed in the oral inquiries conducted under the C.C.S. (C.C. &A). Rules and other corresponding Disciplinary Rules.

Rajpati
(R.C. Joshi)
Deputy Secretary to the Govt. of India.

All Ministries/Departments of the Government of India (CVOs by name).

Copy forwarded for information to :-

i.) CVC (Shri U.S. Joshi, Deputy Secretary with reference to Shri V.S. Gupta's d.o. letter No. 6/5/74 -R dated 2nd December, 1975.)

2. C.B.I. (Shri V.P. Lakshminarayanan, Jt. Director).

iii) The Department of Legal Affairs, New Delhi. (Shri P.K. Kartha, Additional Legal Adviser).

iv) All the attached offices of the Department of Personnel and A.R.

v) Administrative Reforms Wing of the Department of Personnel & A.R.

Rajpati
(R.C. Joshi)
Deputy Secretary to the Govt. of India.

Copy to

ESTS (A), MIS III, Ad.I and Ad.II

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