

**OFFICE OF THE SUPERINTENDENT OF POLICE :: EAST KHASI HILLS DISTRICT ::
SHILLONG**

**STANDARD OPERATION PROCEDURE FOR CONDUCT OF DEPARTMENTAL
PROCEEDING**

1. OBJECT OF THE SOP

The procedure prescribed under the Assam Services (Discipline and appeal) Rules, 1964 and adopted by the Government of Meghalaya, Rule 66 of the Assam Police Manual and Article 311 of the Constitution of India for imposition of major penalties on "Government servants" of the Meghalaya State, is set out here, for the guidance of the Reserve Officers and the Inquiring officers, who are the primary functionaries dealing with disciplinary cases.

2. CONDUCT RULES

The Meghalaya Services (Conduct) Rules, 1990 lay down principles as to what the Government expects the Government servant to do and not to do, and Rule 3 thereof stipulates that the Government servant shall maintain absolute integrity and devotion to duty and do nothing which is unbecoming of a Government servant. The Rules therein is a potent frequently used provision covering a wide range of misconducts like Absence from Duty etc.

3. GOVERNMENT SERVANT

"Government servant" means a person as defined under clause 2(b) of the Meghalaya Services (Conduct) Rules, 1990 - "Government employee" means any person appointed by the Government to any Civil Service or post in connection with the affairs of the State of Meghalaya.

Explanation:- A Government employees whose service are placed at the disposal of a Company, Corporation, Organisation or a Local Authority by the Government shall, for the purpose of these rules, be deemed to be a Government employee serving under the Government notwithstanding the fact that his salary is drawn from sources other than the consolidating Fund of the State.

4. BASIS FOR DISCIPLINARY PROCEEDINGS

Disciplinary proceedings are instituted commonly on the basis of material secured in what is known as a preliminary enquiry conducted by the department on receipt of a complaint and at times on the basis of a well-documented allegation straight away without conducting a preliminary enquiry. Disciplinary proceedings are not exploratory; prima facie material should be available for their institution. The basis of initiation of disciplinary proceedings cannot be questioned. There is no question of failure to follow procedure as no procedure is prescribed. The Government servant has no right of being heard or any other right during the preliminary enquiry stage. The material secured during the preliminary enquiry cannot be the basis for imposing a major punishment.

5. IMPORTANCE OF PROCEDURE, IN DISCIPLINARY PROCEEDINGS

Disciplinary proceedings lay down the procedure that is required to be followed by the competent authorities for the purpose of establishing the truth or otherwise of an allegation of misconduct leveled against a Government servant, and in the event of the Government servant being held guilty of the charge, to impose on him a prescribed penalty, in strict conformity with the provisions of the Assam Services (Discipline and appeal) Rules, 1964 and adopted by the Government of Meghalaya and Rule 66 of the Assam Police Manual applicable to him. If the departmental authority holds the inquiry in violation of the prescribed procedure, the findings and the decision are liable to be set aside by the departmental authorities and courts. More cases are lost for technical lapses, few for want of proof. It is so, because "some": evidence is sufficient to sustain the charge and judicial review does not interfere with the findings of fact arrived at in disciplinary proceedings and it is confined to examination of the decision-making process. Hence, it is necessary that the Inquiry officer assigned with the task of conducting disciplinary proceedings should equip themselves with a thorough knowledge of the procedural requirements.

6. ARTICLES OF CHARGE

(i) Article of charge is the prima facie proven essence of the allegation setting out the nature of the accusation in general terms, such as obtaining illegal gratification,

acceptance of sub-standard work, false measurement of work executed, execution of work below specification, breach of a conduct rule etc. A charge should briefly, clearly and precisely identify the misconduct/misbehaviour committed and the Conduct Rule violated. It should give the time, place, persons and things involved so that the Government servant has a clear notice of his involvement. It should be unambiguous and free from vagueness.

(ii) The articles of charge should preferably be in the third person.

(iii) A separate article of charge should be framed in respect of each transaction/event or a series of related transactions/events.

(iv) If, in the course of the same transaction, two or more misconducts are committed, each misconduct should be specifically mentioned.

(v) If a transaction/event shows that the Government servant must be guilty of one or the other of misconducts depending on one or the other set of the circumstances, then the charge can be in the alternative.

(vi) Multiplication or splitting up of charges on the basis of the same allegation should be avoided.

(vii) The terms delinquent and accused suggest prejudging the issue and are inappropriate, and terms like public servant, employee or simply Government servant should be used instead.

(viii) Charge should not contain expression of opinion as to the guilt of the Government servant. It should start with the word **“that”** to convey that it is only an allegation and not a conclusion.

(ix) Charge should not relate to a matter which has already been the subject matter of an inquiry and adjudication, unless it involves technical considerations.

(x) There should be no mention of the penalty proposed to be imposed either in the articles of charge or the statement of imputations.

7. DRAWING UP OF CHARGE-SHEET

The Reserve Inspector under the guidance of the Dy. Superintendent of Police(HQ), East Khasi Hills, Shillong on behalf of the Disciplinary Authority shall draw up or causes to be drawn up a charge sheet containing the following :

(i) articles of charge containing the substance of the imputations of misconduct or misbehavior in a definite and distinct form,

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain-

(a) a statement of all relevant facts including any admission or confession made by the Government servant;

(b) a list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained, .

8. DELIVERY OF THE CHARGE SHEET TOGETHER WITH COPIES OF DOCUMENTS AND STATEMENTS OF WITNESSES

The Reserve Inspector on behalf of the disciplinary authority shall deliver the charge sheet or cause it to be delivered to the charged Government servant together with copies of the documents having relevance with the enquiry.

9. SERVING OF CHARGE SHEET

The drawing up and delivery of the charge sheet is a significant land-mark as it marks the commencement of the proceedings. **The best way of serving the charge sheet is personal service by delivering it under acknowledgement.** In the alternative, the charge sheet may be sent to the Government servant by registered post acknowledgment to his last known address, failing which it may be exhibited on the notice board and published in the news papers. Endorsements on postal letters “not found”, “not traceable”, “not known”, “left” do not amount to service, but an endorsement “refused” does. The Supreme Court laid down, in the cases of Delhi Development Authority vs. H.C. Khurana, 1993(2) SLR SC 509 and Union of India vs. Kewal Kumar, 1993(2) SLR SC 554 that charge sheet is issued when it is framed and despatched to the employee irrespective of its actual service on the employee.

10. DAILY ORDER SHEET.

The Daily Order Sheet should be maintained right from the time of initiation of the Inquiry in which should be recorded in brief the day-to-day transaction of business including date, time, venue of inquiry and progress of inquiry. A gist of the representations made and the orders passed thereon should also be recorded therein.

11. EX PARTE INQUIRY

Where the Government servant to whom a copy of the articles of charge has been delivered does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the disciplinary authority, the disciplinary authority may decide to hold the inquiry ex parte or if it considers it necessary so to do, appoint an inquiring authority for the purpose.

Occasions may arise when the charged Government servant fails, omits or refuses to be present during the inquiry proceedings despite proper notice to him. Under such circumstances the inquiry officer is left with no alternative but to hold the proceedings ex parte in the absence of the Government servant. Where the proceedings are held ex parte, the inquiry officer should record the reasons why he is proceeding ex parte.

In ex parte proceedings, the inquiry will have to be held, ie. witnesses and documents should be produced and evidence recorded as in the normal course. Notice of each hearing should be sent to the Government servant and he is at liberty to take part in the inquiry at any stage of the proceedings. If he has not attended the inquiry at a particular stage, it does not take away his right to attend the inquiry at any subsequent stage. It shall not be necessary to recall witnesses examined in his absence or repeat the proceedings conducted ex parte already lawfully.

12. FUNCTIONS AND POWERS OF INQUIRING AUTHORITY

The following are the functions, which an Inquiry Officer will have to discharge, and powers, which he can exercise in the conduct of an inquiry:

(1) There should be a proper order of appointment issued by the Disciplinary authority in respect of the inquiry in his favour and the Inquiry Officer should check up the order to satisfy himself that it is properly worded and signed by the competent authority.

(2) A Government servant (superior in rank), can be appointed as Inquiry Officer.

(3) Inquiry Officer can proceed with the inquiry, except when there is a specific order of stay issued by Court.

(4) Inquiry Officer is a delegate of the Disciplinary Authority.

(5) Inquiry Officer cannot delegate power of conducting inquiry.

(6) Inquiry Officer is not subject to the directions of the Disciplinary authority or his own superior officers in the conducting of the inquiry.

(7) Inquiry Officer should stay the proceedings where bias is alleged against him and await orders of competent authority.

(8) He should check up whether the enclosures to the charge memo and other records are received.

(9) Venue of inquiry should normally be the place where witnesses and documents are readily available, but any other place can be fixed according to the requirements of the case and convenience of the parties.

(10) He should arrange for production of documents required by the charged employee for his defence. He can reject the request to summon documents considered not relevant to the inquiry, and in such a case he should record reasons for rejecting the request.

(11) Inquiry Officer can reject the request to call any witnesses cited by the charged official, if their examination is considered irrelevant or vexatious or causes harassment or embarrassment.

(12) Inquiry Officer may summon defence witnesses and write to the employer and not merely leave it to the charged employee to produce them.

(13) Charged employee can examine himself as a witness in his own behalf in which case he can be subjected to cross-examination on behalf of the disciplinary authority.

(14) The charged employee may be asked whether he would admit the genuineness and authenticity of the listed documents, and admitted documents may be marked as exhibits straightaway. This would obviate the necessity of examining witnesses to prove them.

(15) Depositions of witnesses may be recorded in a narrative form. Wherever considered necessary, question and answer may be recorded. The statement should be read over to the deponent, and corrections if any made in the presence of both sides. The signature of witness should be obtained on each page and the Inquiry Officer should also sign on each page. At the end, the Inquiry Officer should record the following certificate: **“Read over to the witness in the presence of the charged officer and admitted by him as correct/Objection of the witness recorded.”**

(16) During the examination of a witness, the Inquiry Officer should see that the witness understands the question before answering. If he gives evidence in a language other than English, it shall be correctly translated into English and recorded, unless recorded in the language spoken. If the witness deposes in a language other than English and the deposition is recorded in English the deposition should be translated in the language in which it is made and read over to the witness and a certificate recorded as follows: **“Translated and read over to the witness in -- (mention the language) and admitted by him to be correct.”**

(17) Leading questions i.e. questions suggesting answers to the witness should not be allowed in cross examination, unless such questions relate to matters which are introductory or undisputed or which have already been sufficiently proved.

(18) Inquiry Officer may record the demeanour of the witnesses wherever considered necessary and discuss it in his report.

(19) Inquiry Officer may put such questions, as he deems fit, to witnesses for obtaining clarification on any point, but he shall not cross-examine witnesses.

(20) Combined statements of two or more witnesses should not be recorded. Separate statement should be recorded of each witness.

(21) No other witness or outsider shall be allowed during the examination of each witness.

(22) Previous statements recorded during preliminary enquiry, investigation, trial cannot be relied upon, unless those witnesses are produced for cross-examination.

(23) Inquiry Officer should request to the head of the department or office for directing official witnesses to appear before them.

(24) Before the close of the evidence on behalf of the disciplinary authority, the Inquiry Officer may in his discretion call for new evidence or recall and re-examine any witness. In such a case he shall make available to the charged employee a list of the further evidence and allow him to inspect the documents and adjourn the inquiry. He may also allow the charged employee to produce new evidence, if he is of the opinion that production of such evidence is necessary in the interests of justice.

(25) Inquiry Officer should examine the charged employee on the circumstances appearing against him in the evidence on record to enable him to explain them.

(26) Inquiry Officer cannot cross-examine the charged employee or put incriminating questions.

(27) Inquiry Officer is well within his right to regulate the inquiry in such a manner as to cut out delay, but in the process cannot refuse oral or documentary evidence relevant to his case which the charged employee wants to lead in his defence. He can check and control cross-examination of witnesses, if made in irrelevant manner.

(28) Where no Presenting Officer is appointed, Inquiry Officer can discharge the functions of Presenting Officer.

(29) Adjournment may be granted where there are weighty reasons and the Inquiry Officer is satisfied about the genuineness and bonafides of the request. Reasons for rejecting the request for adjournment should be recorded and a mention made in the Daily Order Sheet.

(30) A daily order sheet should be maintained where the day-to-day transaction of business including date and time, venue of inquiry and brief particulars of progress of inquiry should be recorded.

(31) Orders passed by the Inquiry Officer on any issue in the course of the inquiry, are not appealable.

(32) Where, during the course of the inquiry, the Inquiry Officer is succeeded by another Inquiry Officer, the successor shall proceed with the inquiry from the stage at which it was left by the predecessor, unless he considers it necessary to recall and reexamine any of the witnesses already examined.

(33) Inquiry Officer should not take any extraneous material or material not brought on record in the inquiry, into consideration.

(34) Inquiry Officer should not refer to the preliminary enquiry report or report of investigation by the police or any other record or documents, when they are not part of the record of inquiry.

(35) Inquiry Officer should not make any reference to the advice of any legal or other officer, or act on such advice.

(36) Inquiry Officer should not impart his personal knowledge into the inquiry.

(37) For any decision taken and orders passed on any matter in the course of the inquiry, cogent reasons should be given in justification in writing and placed on record.

(38) Inquiry Officer should discuss and assess the evidence, oral and documentary, on record and give reasons for the findings arrived at by him. Mere incorporation of extracts of statements or a summary of evidence does not meet the requirements.

(39) Findings on the charges should be based entirely on the evidence adduced during the inquiry.

(40) Inquiry Officer should give his findings on each charge.

(41) Inquiry Officer cannot recommend penalty.

(42) The approach of the Inquiry Officer in arriving at a decision on any issue should be that of a reasonable man taking a reasonable view of the matter.

13. SUMMONING OF WITNESSES

It is the duty of the Inquiry Officer to take all necessary steps to secure the attendance of witnesses of both sides. The Inquiry Officer, however, would be within his right to ascertain in advance from the charged Government servant what evidence a particular witness is likely to give. If the Inquiry Officer is of the view that such evidence would be entirely irrelevant to the charge against the Government servant and failure to secure the attendance of the witness would not prejudice the defence, he should reject the request for summoning such a witness. The witnesses whom the charged Government servant proposes to examine, other than those who are found not relevant, should ordinarily be summoned by the Inquiry Officer. It is, however, not obligatory for the Inquiry Officer to insist on the presence of all such witnesses cited by the charged Government servant and to hold up proceedings until their attendance has been secured. The inability to secure attendance of a witness will not vitiate the proceedings on the ground that the Government servant was denied reasonable opportunity.

If they are official witnesses, the Head of Department or Head of Office may be approached. The notices addressed to the witnesses will be signed by the Inquiry Officer. Those addressed to witnesses who are Government servants will be sent to the Head of Department/Office under whom the Government servant, who is to appear as witness, is working for the time being, with the request that the Head of Department/Office will direct the Government servant to attend the inquiry and to tender evidence on the date and time fixed by the Inquiry Officer. The notices addressed to non-official witnesses will be sent by registered post acknowledgment due.

14. INQUIRY REPORT—WHAT IT SHOULD CONTAIN?

The report of the Inquiry Officer should contain:

- (i) an introductory paragraph in which reference is made about the appointment of the Inquiry Officer and the dates on which and the places where the inquiry was held;
- (ii) the articles of charge and the statement of imputations of misconduct or misbehaviour;
- (iii) charges which were admitted or dropped or not pressed, if any;
- (iv) charges that were actually inquired into;
- (v) the defence of the Government servant in respect of each article of charge
- (vi) an assessment of the evidence in respect of each article of charge
- (vii) findings on each article of charge. and the reasons therefore.

15 . ARTICLE 311 OF THE CONSTITUTION

The Procedure that is required to be followed in imposing major penalties on civil officials is laid down in Article 311 of the Constitution of India. The Article is extracted below.

311. "Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State :-

(1) No person who is a member of a civil service of the Union or an All-India Service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:

Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed.

(Provided further . . .)

(3) If, in respect of . . ."Government servants (the subject of the study) are "civil officials" mentioned in Article 311 of the constitution, and the constitutional provisions laid down there under would apply to Government servants of the State.

Article 311 of the Constitution, extracted above, lays down that--

- (i) an inquiry should be conducted;
- (ii) the civil official should be informed of the charges against him;

- (iii) he should be given a reasonable opportunity of being heard in respect of those charges;
- (iv) a penalty may be imposed on the basis of the evidence adduced during the inquiry;
- (v) he shall not be dismissed or removed by an authority subordinate to that by which he was appointed.

Explaining the above constitutional provisions, the Supreme Court held that the rules of natural justice require that -

- (i) charged employee should be given notice of the charges he is called upon to explain and the allegations on which those were based;
- (ii) evidence should be taken in the presence of the charged employee;
- (iii) he should be given an opportunity to cross-examine the prosecution witnesses;
- (iv) he should have an opportunity of adducing all relevant evidence on which he relies. No material should be relied against him without giving him an opportunity of explaining such material.

Non-compliance with the constitutional requirements or deviation there from will render the proceedings null and void.

16. COMMON PROCEEDINGS

Where two or more Government servants are concerned in any case, the Government or any other authority competent to impose the penalty of dismissal from service on all the Government servants may make an order directing that disciplinary action against all of them be taken in a common proceedings under rule 24 of the CCA Rules. If the authorities competent to impose the penalty of dismissal from service on such Government servants are different, an order for common proceedings may be made by the highest of such authorities with the consent of the others.

The order should specify—

- (i) the authority which may function as the disciplinary authority for the purpose of such common proceedings;
- (ii) the penalties which such disciplinary authority will be competent to impose;
- (iii) whether the proceedings shall be instituted for a major penalty or a minor penalty.

Common proceedings cannot be instituted if one of the Government servants involved has retired from service. Common proceedings when once commenced can however be continued even if one of the persons retires from service in the course of the proceedings. The proceedings will have to be suspended if one of them dies or is dismissed or removed or compulsorily retired from service.

It will still be advantageous, if the inquires are entrusted to the same inquiry officer.

Where two or more Government servants are involved in a case, it should be the endeavour to deal with them in common proceedings as the advantages are innumerable.

17. TIME LIMITS

The Assam Services (Discipline and appeal) Rules, 1964 and adopted by the Government of Meghalaya, Rule 66 of the Assam Police Manual and Article 311 of the Constitution of India has not fixed any time limits for various stages (**stage of institution of the proceedings, in framing of charges, securing documents and the like**) of action. The proceedings should be conducted expeditiously and granting for extensions of time should be allowed only where justified. Where the charged official fails to comply with the requirements without valid reasons, the disciplinary authority/inquiry officer may pass over to the next stage.

The Inquiry officer should feel responsible and pay adequate attention and take timely action.

18. EVIDENCE ACT

The provisions of the Indian Evidence Act and the Criminal Procedure Code are not applicable to the departmental enquiries. The spirit of these enactments should, however, be followed in departmental enquiries. The Inquiry Officer should afford reasonable opportunity to both sides to present their respective cases including full opportunity for cross-examining witnesses.

19. PRINCIPLES OF NATURAL JUSTICE

The following are the two important basic Principles of Natural Justice:

- (i) No one can be a judge in his own cause
- (ii) Hear the other side.

The first principle means that the disciplinary authority and the inquiring authority should be free from bias. The second principle stipulates that the charged official should be given a reasonable opportunity of being heard and this operates throughout the proceedings from the beginning to the end.

20. STANDARD OF PROOF

The standard of proof required in a departmental oral inquiry differs materially from the standard of proof required in a criminal trial. The Supreme Court has given clear rulings to that effect that a disciplinary proceeding is not a criminal trial and that the standard of proof required in a disciplinary inquiry is that of preponderance of probability and not proof beyond reasonable doubt, which is the proof required in a criminal trial. Thus, material found not sufficient for proof in a criminal trial can be held sufficient in a departmental proceeding, and consequently a fact which is not proved in a criminal trial may be held proved in departmental proceedings.

Sd/-

Shri M. Kharkrang, MPS
Superintendent of Police,
East Khasi Hills District,
Shillong

Memo No. RE/GEN/2014/8257 – 80 - A

Dated Shillong the 21st August, 2014.

**OFFICE OF THE SUPERINTENDENT OF POLICE :: EAST KHASI HILLS DISTRICT ::
SHILLONG**

(Order of Suspension)

No.....

Dt.

ORDER

Whereas a disciplinary proceeding against Shri. (name and designation) is contemplated.

Now, therefore, the undersigned in exercise of Powers conferred under **Rule 6(1)(a) of The Assam Services (Discipline and appeal) Rules, 1964 and adopted by the Government of Meghalaya, read with Rule 66 of Assam Police Manual Part-III, as adopted by the Government of Meghalaya** hereby places Shri.under suspension with effect from.....

It is further ordered that during the period this order shall remain in force and Shri..... shall not leave the headquarters without obtaining the previous permission of the competent authority. During the period of suspension, he shall draw subsistence allowance admissible to him as per **Fundamental Rules 53 and 54.**(Meghalaya FR&SR Rules).

S/d

Shri M. Kharkrang, MPS,
Superintendent of Police,

&

Disciplinary and Punishing Authority
East Khasi Hills, Shillong

Dt.

M/No.....(A)

Copy to-

1. The HA/Acct, for information and necessary action.
2. Shri.(name and designation of the suspended servant).

Superintendent of Police,

&

Disciplinary and Punishing Authority
East Khasi Hills, Shillong

**OFFICE OF THE SUPERINTENDENT OF POLICE :: EAST KHASI HILLS DISTRICT ::
SHILLONG**

(Order Placing an Officer under Suspension when he is detained in custody)

No.....

Dt.

ORDER

Whereas a case against Shri. (name and designation), in respect of a criminal offence is under investigation.

And whereas Shri. was detained in custody on for period exceeding forty-eight hours.

Now, therefore, Shri. is deemed to have been suspended with effect from the date of detention i.e. the in terms of **Rule 6(2) of The Assam Services (Discipline and appeal) Rules, 1964 and adopted by the Government of Meghalaya and Rule 66 of Assam Police Manual Part-III, as adopted by the Government of Meghalaya** and shall remain under suspension until further orders. It is further ordered that during the period this order shall remain in force, Shri..... shall not leave the headquarters without obtaining the previous permission of the competent authority. During the period of suspension, he shall draw subsistence allowance admissible to him as per Rule

S/d

Shri M. Kharkrang, MPS,
Superintendent of Police,
&

Disciplinary and Punishing Authority
East Khasi Hills, Shillong

Dt.

M/No.....(A)

Copy to-

1. The HA/Acct, for information and necessary action.
2. Shri.(name and designation of the suspended servant).

Superintendent of Police,
&

Disciplinary and Punishing Authority
East Khasi Hills, Shillong

**OFFICE OF THE SUPERINTENDENT OF POLICE :: EAST KHASI HILLS DISTRICT ::
SHILLONG**

(Standard form of Order for Revocation of Suspension Order)

No.....

Dt.

ORDER

Where an order placing Shri. (name and designation)
under suspension was made by the undersigned on

Now, therefore, the undersigned which passed the order of suspension, in exercise of the powers conferred **Rule 6(5) of The Assam Services (Discipline and appeal) Rules, 1964 and adopted by the Government of Meghalaya** hereby revokes the said orders of suspension with effect from The period of suspension shall be regularised at the time of disposal of the Enquiry.

S/d

Shri M. Kharkrang, MPS,
Superintendent of Police,
&
Disciplinary and Punishing Authority
East Khasi Hills, Shillong

M/No.....(A)

Dt.

Copy to-

1. The HA/Acct, for information and necessary action.
2. Shri.(name and designation of the suspended servant).

Superintendent of Police,
&
Disciplinary and Punishing Authority
East Khasi Hills, Shillong

**OFFICE OF THE SUPERINTENDENT OF POLICE :: EAST KHASI HILLS DISTRICT ::
SHILLONG**

(STANDARD FORM OF CHARGE- SHEET FOR MAJOR PENALTIES)

No.....

Dt.

MEMORANDUM

1. The undersigned propose(s) to hold an inquiry against Shri. Under Rule 9 of the Assam Services (Discipline and Appeal) Rules, 1964 and adopted by the Government of Meghalaya , U/S 7 of the Police Act, (Act V of 1961) read with Rule 66 of Assam Police Manual Part-III, as adopted by the Government of Meghalaya and Article 311 of the Constitution of India . The substance of the imputations of mis-conduct or mis-behaviour in respect of which the inquiry is proposed to be held, is set out in the enclosed statement of Articles Of Charge (Annexure 1). A statement of the imputations of mis-conduct or mis-behaviour in support of each Article Of Charge, is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the article of charge are proposed to be sustained, are also enclosed at (Annexure III and IV)
2. Shri..... is hereby informed that if he so desires, he can inspect and take extracts from the documents mentioned in the enclosed list of documents (Annexure III) at any time during office hours within seven days of receipt of this Memorandum. If he desires to be given access to any other documents which are in the possession of the undersigned but not mentioned in the enclosed list of documents (Annexure III), he should give a notice to that effect to the undersigned within, ten days of the receipt of this Memorandum, indicating the relevance of the documents required by him for inspection. The disciplinary authority may refuse permission to inspect all or any such documents as are, in its opinion, not relevant to the case or it would be against the public interest or security of the State to allow access thereto. He should complete inspection of additional documents within five days of their being made available. He will be permitted to take extracts from such of the additional documents as he is permitted to inspect.
3. Shri..... is informed that request for access to documents made at later stages of the inquiry, will not be entertained unless sufficient cause is shown for the delay in making the request within the time limit specified above and the circumstances show clearly that the request could not have been made at earlier stage. No request for access to additional documents will be entertained after the completion of the inquiry unless sufficient cause is shown for not making the request before the completion of the inquiry.
4. Shri.....is hereby directed to submit to the undersigned (through RI/RO, Police Reserve, Shillong) a written statement of his defence which should reach the undersigned within 10(ten) days of receipt of this Memorandum, if he does not require to inspect any documents for the preparation of his defence, and within 10(ten) days after completion of inspection of documents if he desires to inspect documents, and also:-
 - (a) To state whether he wishes to be heard in person; and
 - (b) To furnish the names and addresses of the witnesses, if any whom he wishes to call in support of his defence; and
 - (c) To furnish a list of documents, if any, which he wishes to produce in support of his defence.

5. Shri.....is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should therefore, specifically admit or deny each article of charge.
6. Shri.....is further informed that if he does not submit his written statement of defence within the period specified in **Para 5** or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the aforesaid orders/directions issued, the inquiring authority may hold the inquiry ex parte.
7. The attention of Shri.....is invited that he shall not bring or attempt to bring any political or other influence to bear upon any superior authority to further his interest of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect on his behalf from another officer in respect of the matter dealt with in these proceedings, it will be presumed that Shriis aware of such a representation and that it has been made at his instance and action will be taken against him .
8. The receipt of this Memorandum may be acknowledged.

Enclosed:

S/d

Shri M. Kharkrang, MPS,
Superintendent of Police,
&
Disciplinary and Punishing Authority
East Khasi Hills, Shillong

M/No.....(A)

Dt.

Copy to-

1. Shri.(name and designation of the suspended servant).

Superintendent of Police,
&
Disciplinary and Punishing Authority
East Khasi Hills, Shillong

**OFFICE OF THE SUPERINTENDENT OF POLICE :: EAST KHASI HILLS DISTRICT ::
SHILLONG**

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST
SHRI.....(ANNEXURE I)

Article I

That , Shri..... while functioning as
During the period(here enter definite and distinct article of
charge).

Article II

That, during the aforesaid period and while functioning in the aforesaid,
Shri..... (here enter definite and distinct article of
charge).

Article III

That, during the aforesaid period and while functioning in the afore said office,
Shri.....(here enter definite and distinct article of charge).

Superintendent of Police,
&
Disciplinary and Punishing Authority
East Khasi Hills, Shillong

**OFFICE OF THE SUPERINTENDENT OF POLICE :: EAST KHASI HILLS DISTRICT ::
SHILLONG**

STATEMENT OF IMPUTATIONS OF MISCONDUCT(ANNEXURE II)

Statement of imputations of misconduct or misbehaviour in support of the articles of charge framed against Shri.....(name and designation)

Article I

Article II

Article III

Superintendent of Police,
&
Disciplinary and Punishing Authority
East Khasi Hills, Shillong

**OFFICE OF THE SUPERINTENDENT OF POLICE :: EAST KHASI HILLS DISTRICT ::
SHILLONG**

No.....

Dt.

LIST OF DOCUMENTS (ANNEXURE III)

List of documents by which the articles of charge framed against Shri.....(name and designation of the Government servant) are proposed to be sustained.

Superintendent of Police,
&
Disciplinary and Punishing Authority
East Khasi Hills, Shillong

**OFFICE OF THE SUPERINTENDENT OF POLICE :: EAST KHASI HILLS DISTRICT ::
SHILLONG**

No.....

Dt.

LIST OF WITNESSES (ANNEXURE IV)

List of witnesses by whom the articles of charge framed against
Shri.....(name and designation of the Government servant) are proposed to be
sustained.

Superintendent of Police,
&
Disciplinary and Punishing Authority
East Khasi Hills, Shillong

**OFFICE OF THE SUPERINTENDENT OF POLICE :: EAST KHASI HILLS DISTRICT ::
SHILLONG**

(Standard Form of Order Relating to Appointment of Inquiry Officer)

No.....

Dt.

ORDER

Where as inquiry under **Rule 9 of the Assam Services (Discipline and Appeal) Rules, 1964 and adopted by the Government of Meghalaya U/S 7 of the Police Act, (Act V of 1961) read with Rule 66 of Assam Police Manual Part-III, as adopted by the Government of Meghalaya and Article 311 of the Constitution of India** is being held against
Shri..... (name and designation).

And whereas the undersigned consider(s) that an Enquiry Officer should be appointed to inquire into the charge(s) framed against him.

Now, therefore, the undersigned, in exercise of the powers conferred by Rule 9(4) of the said Rule, hereby appoint Shri.....as Inquiry Officer to inquire into the charges framed against Shri.....

S/d

Shri M. Kharkrang, MPS,
Superintendent of Police,
&
Disciplinary and Punishing Authority
East Khasi Hills, Shillong

M/No.....(A)

Dt.

Copy to-

1. Shri.(name and designation of the suspended servant).
2. Name and designation of the Inquiry Officer.

Superintendent of Police,
&
Disciplinary and Punishing Authority
East Khasi Hills, Shillong