

Inquiring Authority & Shri Jamil Baksh, Research Officer (Jr.),
Directorate of Tribal Welfare as a Presenting Officer.

3. And whereas the Inquiring Authority has submitted the inquiry report on 29th December, 2009 holding the charge against the said Govind Ram as not proved. Andaman & Nicobar Islands Administration forwarded the copy of the inquiry report alongwith folders containing list of exhibits, statement of prosecution witnesses, written statement of defence and briefs from both side and daily order sheets and other relevant documents to this Ministry for taking appropriate decision.

4. And whereas the undersigned, being the disciplinary authority, has carefully considered the report of the Inquiring Authority, relevant documents including statements of defence as well as prosecution witnesses and observed that there have been serious omission in the observance of the prescribed procedure relating to conduct of oral inquiry. Smt. M.V. Jayalakshmi (victim), the complainant and Ms. G. Karthika, neighbour of the victim, both State witnesses, did not participate in the inquiry process and no serious efforts were made to reach out both of them. A gender sensitive and victim-oriented approach to the inquiry is completely missing. On the other hand, conclusions have been arrived at on the basis of documents produced by the said Shri Govind Ram and statements made by other witnesses in his favour. Further, a number of contradictions between timings and places of occurrence of the said event in the statements given by the defence witnesses, state witness and the complaint made by the victim have not been analyzed by the Inquiring Authority.

5. Now, therefore, the undersigned, being the disciplinary authority, in view of her above findings, after taking all the facts and circumstances of the case into consideration and in exercise of power conferred under sub-rule (1) of Rule 15 of the CCS(CCS) Rules, 1965; has come to the conclusion that the ends of justice will be met if the case is remitted to the Inquiring Authority with the direction to resume the inquiry afresh