



ई-मेल/स्पीड पोस्ट
केन्द्रीय विद्यालय संगठन(मुख्यालय)
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एफ. 16061/IV-11/2023/ केविस (सतर्कता)/610-612 दिनांक 30.05.2024

उपायुक्त/निदेशक
केन्द्रीय विद्यालय संगठन,
सभी क्षेत्रीय कार्यालय/जीट

विषय: केन्द्रीय विद्यालय संगठन की शिक्षा संहिता के अनुच्छेद 81 (बी) के प्रावधानों के अन्तर्गत मामलों की कार्रवाई शुरू करने हेतु उठाए जाने वाले महत्वपूर्ण बिन्दुओं के संबंध में।

महोदया/महोदय,

As you are aware, Article 80 of the Education Code for Kendriya Vidyalayas specifies that the Central Civil Services (CCA) Rules, 1965, as amended from time to time, will apply *mutatis mutandis* to all the members of staff of KVS. Further, Article 81(A) provides for an exception to the rules mentioned in Article 80 and Article 81(B) provides for the termination of services of an employee found guilty of immoral behavior towards students. Since the proceedings under Article 81(B) lead to the only penalty of termination of services of the employee, if proven guilty, such cases require the prescribed procedures to be followed in letter and spirit so that the correct conclusion is arrived in such cases. Any lacuna in this regard is likely to be contested by the employee and also might not pass legal scrutiny.

The last detailed guideline was issued by this office on 24.01.2002. However, a need was felt to reissue a fresh set of guidelines keeping in view the deficiencies/lacunae noticed in some of the cases forwarded by the regional offices in the recent past. You are requested to disseminate this fresh set of guidelines to all KVs under your region for strict compliance.

Stages of Action:

Action under the provisions of Article 81(B) i.e., cases of moral turpitude involving sexual offense or exhibition of immoral behaviour towards any student(s), is required to be taken at three different levels, viz.,

- A. Preliminary Enquiry at the Vidyalaya level.
- B. Summary Enquiry at the RO level.
- C. Decision at the HQ level.

Action points to be kept in mind at each of these stages are given below for the information of all the stakeholders.

(A) AT THE VIDYALAYA LEVEL - PRELIMINARY ENQUIRY: -

1. A written complaint be obtained from the student(s)/parent(s).
2. The case be brought to the notice of the Chairman, Vidyalaya Management Committee on receipt of the complaint(s).
3. A Committee be constituted comprising of two or three male/female teachers and a member nominated by the Chairman, Vidyalaya Management Committee to conduct the preliminary inquiry.
4. A Memorandum be issued to the employee giving a gist of the complaint/allegations. In **no case**, a photocopy of the complaint should be given to the employee.
5. The Committee may obtain the statement(s) of
 - (a) the victim student(s) and his/her parent(s)
 - (b) other student(s) who were witnesses to the alleged incident
 - (c) the person to whom (students/teachers) the victim student(s) narrated the incident; and
 - (d) the teacher to whom the student made the complaint initially.
6. The Committee should enquire about the behavior of the accused employee toward other girl students and other teachers and their statements be recorded.

7. The Committee should interact with the accused employee and his statement be recorded (especially with reference to the gist of the complaint/allegation conveyed vide the memorandum issued - as per Sl. No.4 above) with his signature.
8. The Committee should obtain the views of the Principal of the Vidyalaya about the accused employee and consider it while giving its findings.
9. The Preliminary Enquiry Committee should submit a comprehensive report with **clear-cut findings** as to whether the complaint/allegation is found to be true or not and avoid giving vague/ambiguous inferences.
10. All the statements/documents of the preliminary inquiry report should be signed with the date by all the members of the Preliminary Enquiry Committee.
12. The Principal should report such complaints to the local police and lodge an FIR under the POCSO Act 2012.
13. The Principal should then forward the preliminary inquiry report along with all original statements/documents and copies of FIR lodged under the POCSO Act, 2012 to the Deputy Commissioner of the concerned Regional Office.
14. This exercise at the Vidyalaya level has to be completed **within three days** from the date of receipt of such complaints.

(B) AT THE RO LEVEL - SUMMARY ENQUIRY: -

1. Based on the seriousness of the reported incident and the situation prevailing in the Vidyalaya, the Deputy Commissioner of the concerned Regional Office shall decide whether the employee has to be placed under suspension or not.

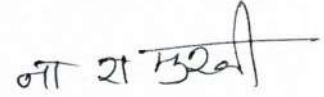
2. The Deputy Commissioner of the concerned Regional Office may send a team/Committee comprising of an Assistant Commissioner, a Principal, and a Senior female Teacher of the Vidyalaya to conduct a Summary Enquiry. (If the Assistant Commissioner is male, then the Principal has to be a female and vice-versa.) However, the female teacher who was part of the Preliminary Enquiry Committee should not be nominated for the Summary Enquiry Committee. As far as possible, the independent NGO member, who is part of the Regional Internal Complaints Committee may also be included in this team to conduct the summary enquiry.
3. The Committee may discuss the issue with the victim student(s)/her(their) parent(s), other girl students, teachers, the Principal of the Vidyalaya, as well as the accused employee separately & record their statements with signature.
4. The Summary Enquiry Committee should then submit a comprehensive report with clear-cut findings of whether the charge/allegation is proved or not against the employee. Also, the findings must be crystal clear as to whether the complaint falls under the category of moral turpitude/immoral behaviour or not.
5. All statements/documents of the summary inquiry report should be signed with the date by the Summary Enquiry Committee.
6. The Deputy Commissioner of the concerned Regional Office should examine the case meticulously and decide whether it warrants action against the accused employee under the provisions of Article 81(B) of the Education Code for KVs or not.
7. If disciplinary action under the provisions of Article 81(B) of the Education Code for KVs is warranted against the accused employee, then the Deputy Commissioner should forward the Preliminary Enquiry report and Summary Enquiry report **in Original** together with all the original documents to the Commissioner, KVS with specific comments/recommendations and bio-data of the accused employee.

At Headquarter Level:

1. Immediately upon receipt of the case file with all the related documents in original, the office shall scrutinize the availability of information and documents as per the prescribed procedure. Discrepancies or shortcomings, if any, shall be communicated to the Regional Office concerned for an appropriate response.
2. The case then shall be considered by the competent authority and in case the decision is to proceed against the employee under Article 81(B), a Show Cause notice shall then be served to the employee along with the gist of the findings of the Summary Enquiry Committee.
3. The response of the employee shall then be considered by the competent authority and the final decision as to whether the employee is guilty or not shall be arrived and the same shall be communicated in the form of a speaking order.

This supersedes this HQ letter No.F.11-40/2001-KVS(Vig) dated 24.01.2002, 08.07.2009, & 30.04.2019 on the subject.

भवदीय



(एन. आर. मुरली)

अपर आयुक्त (शैक्षिक)

एवं मुख्य सतर्कता अधिकारी

प्रतिलिपि :-

सहायक आयुक्त, ई.डी.पी., के.वि.सं. को इस निवेदन के साथ पत्र प्रेषित की इसको मुख्यालय, के.वि.सं. की वेबसाइट में शीर्ष सूचनापट्ट (Announcement) के अंतर्गत अपलोड करें।