

The Border Security Force (Deductions From Pay And Allowances) Rules, 1978

UNION OF INDIA

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Rule

THE-BORDER-SECURITY-FORCE-DEDUCTIONS-FROM-PAY-AND-ALLOWANCES-RULES-1978

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321.

In exercise of the powers conferred by sub-sections (1) and (2) of section 141 of the Border Security Force Act, 1968 (47 of 1968), the Central Government hereby makes the following rules, namely : -

1. Short title, application and commencement .-(1) These rules may be called the Border Security Force (Deductions from Pay and Allowances) Rules, 1978.

(2)These rules shall apply to all persons subject to the Act.(3)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

.-In these rules, unless the context otherwise requires, -(a)"Act "means the Border Security Force Act, 1968 (47 of 1968);(b)words and expressions used herein and not defined in these rules but defined in the Act shall have the meanings assigned to them in the Act.

3. Deductions from pay and allowances of officers

.-The following deductions may be made from the pay and allowances of an officer, that is to say:

-(a)all pay and allowances due to an officer every day is absents himself without leave, unless a satisfactory explanation has been given and accepted by the Inspector-General under whom he is for the time being serving;(b)any sum required to make good the pay of any person subject to this Act which the officer has unlawfully retained or unlawfully refused to pay;(c)any sum required to be paid as fine imposed by a Criminal Court or a Security Force Court;(d)any sum required to make good any loss, damage or destruction of public property or property belonging to the Force which, after due investigation, appears to the Inspector-General under whom the officer is for the time being serving, to have been occasioned by wrongful act or negligence on the part of the officer;(e)all pay and allowances forfeited by an order of the Central Government if the officer is found by a Court of inquiry constituted by the Director-General, Border Security Force, in this behalf, to have deserted to the enemy, or while in enemy 's hands, to have served with or under the orders of the enemy, or in any manner to have aided the enemy or to have allowed himself to be taken prisoner by the enemy through want of precaution or through disobedience of orders, wilful neglect of duty or having been taken prisoner by the enemy, to have failed to rejoin his service when it was possible to do so;(f)any sum required by an order of the Central Government to be paid for maintenance of his wife, or his legitimate or illegitimate child or step child or towards the cost of any relief given by the said Government to the said wife or child.

4. Deductions from the pay and allowances of persons other than officer

.-Subject to the provisions of rule 6, the following deductions may be made from the pay and allowances of persons subject to the Act, other than an officer, that is to say: -(a)all pay and allowances for every day of absence either on desertion or without leave, or as a Prisoner of War, and for every day of imprisonment awarded by a Criminal Court, a Security Force Court or an officer exercising authority under section 53 of the Act;(b)all pay and allowances for every day between the date of his recovery from the enemy and his dismissal from the service in consequence of his conduct when being taken prisoner, by or while in the hands of the enemy;(c)any sum required to make good the pay of any person subject to the Act which he has unlawfully retained or unlawfully refused to pay;(d)any sum required to make good such compensation for any expenses, loss, damage or destruction caused by him to the Central Government or to any building or property or any private fund of the Force, as may be awarded by his commandant;(e)any sum required to be paid as fine imposed by a Criminal Court, a Security Force Court or an officer exercising authority under section 53 of the Act;(f)any sum required by an order of the Central Government to be paid for maintenance of his wife, legitimate or illegitimate child or step child or towards the cost of any relief given by the said Government to the said wife or child.

5. Computation of time of absence or imprisonment for the purpose of clause (a) of rule 4

.- (1) No person shall be treated as absent or imprisonment has lasted, whether wholly in one day or

partly in one day and partly in another, for six consecutive hours or upward.(2)Any absence or imprisonment for less than a day may be reckoned as absence or imprisonment for a day if such absence or imprisonment prevented the absence from fulfilling any duty as a member of the Force which was thereby thrown upon some other member.

6. Limit of certain deductions

.-The total deductions from pay and allowances of a person made under clauses (c) to (f) of rule 4 shall not, except where he is sentenced to dismissal, exceed in any month one half of his pay and allowances for that month.

7. Deductions from public money due to person

.-Any sum authorised by these rules to be deducted from the pay and allowances of any person may, without prejudice to any other mode of recovering the same, be deducted from any public money due to him other than a person.

8. Pay and allowances of prisoner of war during the inquiry into his conduct

.-Whether the conduct of any person subject to the Act, then being taken prisoner by, or in hands of the enemy, is to be inquired into under the Act or any other law, the Central Government or the Director-General or any officer authorised by the Director-General may order that the whole or any part of the pay and allowances of such person shall be held, pending the result of such inquiry.

9. Provision for dependents of prisoner of war from remitted deductions

.-In the case of persons subject to the Act, being prisoner of war, whose pay and allowances have been forfeited under clause (e) of rule 3 or clause (a) of rule 4, but in respect of whom a remission has been made under rule 13, it shall be lawful for the proper provision to be made by the Central Government out of such persons, and any such remission shall, in that case, be deemed to apply only to the balance remaining thereafter of such pay and allowances.

10. Provision for dependents of prisoner of war from his pay and allowances

.-It shall be lawful for proper provision to be made by the Central Government or by the Director-General when so authorised by the Central Government for any dependents of any person subject to the Act who is a prisoner of war or is missing, out of his pay and allowances.

11.

Period during which a person is deemed to be prisoner of war for the purposes of rules 9 and 10 and a person shall be deemed to continue to be a prisoner of war until the conclusion of any inquiry into his conduct referred to in rule 8, and if he is dismissed from the service, in consequence of such conduct, until the date of such dismissal.

12. Authority competent to order deductions

.-The following shall be the authorities competent to order deductions from pay and allowances under these rules, namely: -(1)Commandants, in the case of subordinate officers and enrolled persons;(2)Director-General, in the case of officers;(3)Central Government in the case of officers above the rank of a commandant.

13. Remission of deductions .-Any authority superior to the one awarding any deductions under these rules shall be competent to remit the whole or part of the said deductions.

14. Powers to be exercised by a superior officer or authority

.-Any power conferred by the provisions of these rules on an officer may be exercised by an officer or authority superior in command to be first mentioned officer.

15. Transitory provisions

.-Any rule or order applicable to the member of the Force on the date of commencement of these rules shall, unless it is repugnant to these rules, continue to apply unless and until it is abrogated or modified by the Central Government or any other competent authority.