

**PART I**  
**ORGANIZATION, CONTROL AND TRAINING**  
**CHAPTER 1**  
**ORGANIZATION**

1. **Composition.**—(a) The Army is composed of those who have undertaken a definite liability for military service, viz., combatant troops, administrative services/departments and enrolled non-combatants.  
(b) The Army comprises—
  - (i) the regular Army,
  - (ii) the Army Reserve, and
  - (iii) the Territorial Army.
2. **Establishments.**—Establishments for peace and war are laid down in "Peace Establishments" and "War Establishments", respectively, which are issued periodically on the authority of Central Government. In addition, units which are raised for a definite purpose will be on special (temporary/interim) establishment.
3. **Distribution.**—The distribution of the Army is shown in the "List of Units".
4. **Control.**—(a) The supreme command of the Armed Forces (of which the Army is a component) is vested in the President of India.  
(b) The Chief of the Army Staff is responsible to the President through the Central Government for the command, discipline, recruitment, training, organisation, administration and preparation for war of the Army.
5. **Army Headquarters.**—(a) Army Headquarters comprises the Chief of the Army Staff and his Secretariat, and all Branches of his staff administered by the Vice Chief of the Army Staff, the Deputy Chief of the Army Staff, the Adjutant General, the Quartermaster General, the Master General of Ordnance, the Military Secretary and Engineer-in-Chief.  
(b) The Staff at Army Headquarters is divided into the General Staff Branch, the Adjutant General's Branch, which includes the Medical Directorate, the Quartermaster General's Branch, the Master General of the Ordnance Branch, the Military Secretary's Branch and the Engineer-in-Chief's Branch. The Engineer-in-Chief is not a Staff Officer but is technical adviser to the Ministry of Defence and the three services on all works and engineering matters.
6. **Commands, Areas and Sub-Areas.**—(a) The Army is organized in commands comprising areas and independent sub-areas as laid down from time to time by the Central Government. Areas are divided into sub-areas as laid down from time to time by the Central Government. The boundaries of each command, area and sub area correspond, as far as possible, with those of the civil administration.  
(b) The staff in subordinate formation is divided into the general Staff, the Adjutant General's Staff and Quartermaster General's Staff. At Command Headquarters there is also a Military Secretary's Branch of the Staff.
7. **Advisers and Officers of Services and Departments**—In addition to the staff there are at Army Headquarters and the Headquarters of subordinate formations officers who are either advisers or officers of services and departments. In the General Staff Branch, Adjutant General's, Quartermaster General's and Master General of the Ordnance Branches these officers are either advisers to the head of the branch for the various arms of the service or representatives of the administrative services and departments.
8. **Commanders**—(a) The higher Commanders of the Army are grouped in the following classes :—
  - (i) General Officer Commanding in-Chief, Command,
  - (ii) Corps Commander.
  - (iii) Divisional/Area/Independent Brigade Group/Independent Sub-Area Commander.
  - (iv) Brigade/Sub-Area Commander.  
(b) The powers assigned to the above Commanders may be exercised by officers acting for them.  
(c) A divisional or brigade commander, in addition to commanding those troops which are allotted to his division or brigade, will command such other field units, except non-divisional artillery, as may be placed under his orders by the GOC-in-C.

(d) Where units of a division or brigade are quartered at a station other than, but in the same command as, their divisional or brigade headquarters, they will be under their divisional or brigade commander for all purposes, except that for purposes of discipline and interior economy where these affect the station, they will be under the OC the station. Where units of a division or brigade are quartered in a command other than that in which their division or brigade is situated, they will be for all purposes, except training, under the GOC-in-C in whose command they are located. For training they will at all times be under the division or brigade to which they belong.

9. **Commanding Officer**—Except where otherwise expressly provided in these Regulations, the Commanding Officer of a person subject to the Army Act is either :—  
(a) the officer who has been appointed by higher authority to be a commanding officer while able effectively to exercise his power as such, or  
(b) where no appointment has been made, the officer who is, for the time being, in immediate command of—  
(i) the unit to which the person belongs or is attached to, or  
(ii) any detachment or a distinct sizeable separate portion of a unit with which the person is for the time being serving,  
and in respect of which it is the duty of such officer, under these Regulations or by the custom of the service, to discharge the functions of a Commanding Officer.

## **CHAPTER II**

### **DUTIES OF COMMANDERS, STAFF, ADVISERS, DIRECTORS AND REGIMENTAL OFFICERS**

#### **SECTION I—DUTIES OF COMMANDERS**

11. **General Officer Commanding-In-Chief.**—(a) The General Officer Commanding-in-Chief is responsible for :—  
(i) the command, discipline, administration, training and efficiency of the troops located in his command;  
(ii) keeping up-to-date the scheme of mobilisation for all troops stationed in or mobilising within his command and all other arrangements for such mobilisation;  
(iii) the Condition of all defence works and preparation of defence schemes;  
(iv) internal security and the safe custody of all army installations in the area of his command;  
(v) ensuring that all ranks are acquainted with their duties on mobilisation and in connection with the defence schemes and that those concerned have such access to the schemes for mobilisation and defence as is necessary for the proper performance of their duties; and  
(vi) completion of units to scale of equipment and vehicles less Category 'A' Establishments. In so far as TD establishments are concerned, completion of units to scale of equipment and vehicles is the responsibility of Army HQ.  
(b) He is also responsible for the discipline, operation and local administration of all Category 'A' Establishments and supervision of all training in addition to discipline and administration of Category 'B' Establishments located in his command. He is responsible for local administration and discipline only, of TD establishments located in command.  
(c) He will prevent interference with or trespass on private property by the troops in his command and will maintain friendly intercourse with civil authorities.  
(d) He is responsible for ensuring that special authorities for appointment of individuals and for rates or scales in cash or kind, whether granted locally or by Army Headquarters are not allowed to remain in force after the circumstances which gave rise to them have so far changed as to render revision necessary. Such revision can usually be secured by arranging that every authority given is brought forward at suitable intervals for reconsideration.

12. **Corps Commander.**—The corps commander is responsible for :—  
(a) the command, discipline, administration, training and efficiency of the troops allotted to his corps;  
(b) keeping up-to-date the scheme of mobilisation for all troops under his command and arrangements for such mobilisation;  
(c) the condition of all defence works and preparation of defence schemes in the corps zone;  
(d) internal security and safe custody of those installations which are directly under his command and within his corps zone;  
(e) ensuring that all ranks are acquainted with their duties on mobilisation and in connection with the defence scheme and that those concerned have such access to the

schemes for mobilisation and defence:as is necessary for the proper performance of their duties; and

(f) preventing interference with or trespassing private property by the troops under his command and maintaining friendly intercourse with civil authorities.

**13. Divisional Commander.**-(a) The divisional commander is responsible for the command, discipline, administration, training and efficiency of the troops of his division. In addition he will command such other troops as may be placed under his orders. He has also under his orders, for the purposes of discipline and interior economy only, the officers and men of services stationed where divisional headquarters are located. On all subjects connected with their technical duties these officers will correspond direct with the heads of services of the command. Divisional commander will thus be able to devote his attention to the training of troops for war.

(b) He is responsible for ensuring that deficiencies in mobilisation equipment held by units under his command are brought to notice and that the mobilisation schemes of such units are kept up-to-date.

**14. Deputy General Officer Commanding (Division).**-(a) The Deputy GOC will assist the Div. Commander in discharging his duties towards operational. administrative and other essential aspect of Command.

(b) He will be Chief of all staff and initiate/endorse ACRs (as applicable) of all staff officers at Divisional HQ.

(c) He will undertake special assignments—operational, training and administrative as and when assigned by the Divisional Commander.

(d) He will deputise for the Divisional Commander while the latter is away from the Headquarters. The officiating Command, where applicable, will devolve on the senior most Brigadier in the formation.

(e) He will be responsible for sports and welfare activities in. the Division and supervise the functioning of Division/Station Mess, Canteen,Cinema,School and other institutes being run by the Division.

(f) He will exercise financial powers on behalf of the Divisional Commanders, as authorised to him by the Divisional Commander under Rule 65 of the Financial Regulations Part I..

(g) He will be OC of the Divisional Headquarters.

(h) He will be Station Commander, wherever tenable by officer of this rank

(j) He will not be an additional link in the chain of Command in so far as the Brigades and the Units of the Brigades are concerned.

**15. Independent Brigade Commander.**—The duties of an independent brigade commander are analogous to those of a divisional commander.

**16. Area Commander**—(a) An area commander is responsible for:-

(i) command, discipline, administration and training of all static headquarters, units and installations placed under his command and of all training centers and depots located in his area except those commanded by a Lt Gen or equivalent;

(ii)discipline and local administration of all category 'A' establishments and technical development establishments located in his area except those commanded by a Lt Gen or equivalent;

(iii)ensuring that any deficiency in personnel, equipment, clothing and accessories held at training centers or depots for mobilisation purposes is brought to his notice and made up expeditiously;

(iv) carrying out any operational task or exercising operational command and control on any field formation placed under his command;

(v) carrying out any tasks specifically assigned to him by higher headquarters from time to time;

(vi) providing local administration to field formations and units within the jurisdiction of his area;

(vii) raising new units as given in the mobilisation plan pertaining to his area;

(viii) providing logistic, operational and other assistance to field formations passing through his area of responsibility during mobilisation;

(ix) security of all logistic installations placed under his command for local administration;

(x) prevention of interference with or trespass on private property by troops under his command;

(xi) taking preventive measures to check encroachment over defence land and property and maintaining interaction with civil authorities;

- (xii) maintenance of correct image of the Armed Forces within his jurisdiction and prudently dealing with State Govt(s), the Press and other media and agencies;
- (xiii) dealing with State Govt(s) on all matters concerning the Army, the serving personnel and ex-servicemen;
- (xiv) ensuring proper functioning of all institutions including hospitals, Army Public Schools and Kendriya Vidyalayas, directly or through subordinate formation commander;
- (xv) ensuring that all works are sanctioned as per procedure and from within the funds allocated and having plans for construction of OTM and other accommodation for future expansion under his jurisdiction; and
- (xvi) effective rationalisation of second and third line transport placed under him as per overall command plans.
- (b) He is responsible for all actions of communication zone.
- (c) He is responsible for maintaining close liaison with civil authorities of the respective States and coordinating aid to civil authority within his area.
- (d) In the event of war he is also responsible for requisition or impressments of civil transport, if required. He will conduct periodic exercises in peace time to ensure smooth requisition and de-requisition of civil transport.

**17. Deputy General Officer Commanding (Area).—**(a) The Deputy GOC will assist the Area Commander in discharging his duties towards the command, discipline, administration and training of all training centers, depots located in his area or any other unit (s) which may be located in his command and other essential aspects of command. He will assist the Area Commander in carrying out his responsibility for ensuring that any deficiency in personnel, eqpt. clothing and accessories held at training centers/depots for mobilization purposes are brought to notice, the mobilization schemes of training centers/depots are kept up-to-date, all internal/security arrangements are complete and all army installations in his area are in safe custody.

(b) He will be Chief of all staff and initiate/endorse ACRs (as applicable) of all staff officers at Area HQ.

(c) He will undertake special assignments—mobilization plans, training and administrative as and when assigned by the Area Commander,

(d) He will deputise for the Area Commander while the latter is away from the Headquarters.

(e) He will be responsible for sports and welfare activities in the Area and supervise the functioning of Area/Station Mess, Canteen, Cinema, School and other institutes being run by the Area.

(f) He will exercise financial powers on behalf of the Area Commander as authorized to him by the Area Commander under Rule 65 of the Financial Regulations Part I.

(g) He will be OC of the Area Headquarters.

(h) He will be Station Commander, wherever tenable by officer of this rank.

**18. Independent Sub Area Commander.—**The duties of an independent sub area commander are analogous to those of an area commander.

**19. Brigade Commander —**(a) The duties of a brigade commander are analogous to those of a divisional commander. His relations with officers and men of the services stationed where brigade Headquarters are located are as described in para 13.

The commander of a war brigade, units of which are located in the area of another commander, has authority to visit such units in order to acquaint himself with their progress and state of efficiency.

(b) The brigade commander is responsible for the training of all units of his brigade and also the training, other than technical training, of Arty, Engr, Sig and EME units affiliated to his brigade, wherever located.

(c) Where units are located in stations other than that at which brigade Headquarters is located, the brigade commander will deal with the station commander on matters connected with internal security or of purely local importance. In all other matters he will deal with units direct.

**20. Deputy Brigade Commander.—**(a) The Deputy Commander will assist the Brigade Commander in discharging his duties towards operational, administrative and other essential aspects of Command.

(b) He will be Chief of all staff and initiate ACRs (as applicable) of all staff officers of Brigade Headquarters.

(c) He will assist the Commander in planning, coordinating and conduct of training in the Brigade. He will undertake special assignments —operational, training and administrative — as and when assigned by the Brigade Commander.

- (d) He will officiate as the Brigade Commander when the permanent incumbent is away from the Headquarters.
- (e) He will act as the Chairman/President of the Brigade Mess Committee, Canteen, Cinema, School and any other institutes being run by the Brigade.
- (f) He will exercise financial powers on behalf of the Brigade Commander as authorised to him by the Brigade Commander under Rule 65 of Financial Regulations Part I.
- (g) He will act as Officer Commanding for all officers forming part of Brigade Headquarters and exercise disciplinary powers over them.
- (h) In case of Artillery Brigade, he will also act as Divisional Deployment Officer and act as Officer-in-Charge Fire Direction Centre.
- (j) He will not be in the ACR channel of COs of Regiments/Infantry Battalions of the Brigade.

21. **Brigade Area Commander.**—The duties of brigade area commander will be the same as the combined duties of brigade and sub area commander.

22. **Sub Area Commander.**—The duties of a sub area commander are analogous to those of an area commander.

23. **Station Commander.**— An OC station is responsible for : —

- (a)(i) the command, local discipline and training of all troops in the station subject to the limitation laid down in para 19;
- (ii) measures necessary for ensuring the security of the station including the safe custody of all army installations and in the event of any disturbance, for taking, in consultation with the local authorities, whatever action he considers necessary to deal with the situation;
- (iii) the administration including classification and allotment of residential accommodation to officers and housing of troops in the station;
- (iv) measures necessary for the maintenance of health of those in the station;
- (v) the co-ordination of such staff work as may arise between units and detachments in the station;
- (vi) the collection and distribution of correspondence addressed to the units in the station;
- (vii) distribution/dispatch of ordnance stores by economy wagons;
- (viii) detailing station audit boards to check the public accounts with cash balances as well as to audit regimental funds of all units in the station at the end of each quarter;
- (ix) control of station transport and supplies; and
- (x) maintenance of station stores.

(b) in stations where an OC station is not authorised, the senior combatant officer, other than the commandant of a Category 'A' Establishment, assumes the duty of OC station and becomes responsible for the administration of Station HQ and supervision of its accounts. He will carry out all the duties of a station commander except that he will not be responsible for the training and administration of units other than his own located in the station nor will he be concerned with the collection and distribution of correspondence.

The commandant of a Category, 'A' Establishment will not perform the duties of a station commander except on the recommendation of the General Officer Commanding in Chief concerned and with the sanction of Army Headquarters, which will be accorded only where there is no suitable officer available to perform these duties.

(c) In a station where an area or sub area HQ is located, the area or sub area commander himself will be responsible for the command of the station, the SSO of which will be attached to his staff. When both the area and sub area commanders are located in the same station, the General Officer Commanding in Chief command will decide who is to command the station. No deviation from this rule will be made without reference to Army HQ.

24. **Administrative Commandant.**—(a) the duties of an administrative commandant will be the same as those of an OC station except that he will not command or be responsible for the training of the troops located in the station.

(b) He will also be responsible for movement control duties at stations where a movement control staff does not exist, In this respect he will deal direct with Army Headquarters.

25.

## **SECTION 2—DUTIES OF THE STAFF, ADVISERS AND REGIMENTAL OFFICERS**

26. **The Staff at Army Headquarters, (a) General. Staff Branch.**—Is responsible for military policy, organisation and distribution of the Army (including the Territorial Army), operations, intelligence, staff duties, military training (including training publications), education, war regulations, weapons and equipment, operational research, armoured

corps, artillery, signals, infantry, mechanised infantry, defence security, military survey, financial planning and management information systems,

(b) **Adjutant General's Branch.**—Is responsible for peace organisation, mobilisation and demobilisation of the Regular Army, the Territorial Army and the Regular Reserve, raising and reorganisation of HQ formations and miscellaneous units, laying down the policy regarding records and documentation, control of record offices, custody and disposal of estates of deceased officers. Standing Committee of Adjustment, the issue of Army Orders, maintenance of records of non-medical officers, ceremonial, interior, economy, discipline, pay and allowances, pensions and gratuities, claims for compensation on account of traffic accidents, loss of private property and so on due to wrongful act of troops, regimental funds, terms of service, leave, accounting, welfare, amenities, morale, honours and awards, recruiting and selection of personnel. The Directorate General of Medical Services, the Judge Advocate General's Department and Provost Marshal are attached to the Adjutant General's Branch.

(c) **Quartermaster General's Branch.**—Is responsible for supply and transport, food inspection, canteen services, movement and quartering, remounts and veterinary services, military farms, postal services, pioneer corps and administration and control of establishments connected with the above duties.

(d) **Master General of the Ordnance Branch.**—Is responsible for:-

(i) formulation of policy in consultation with General Staff, and Implementation of policy, regarding scales and types of all items of ordnance supply, for their provision, procurement, storage, upkeep and issue, salvage and disposal;

(ii) recovery, maintenance and repair of all ordnance equipment; and

(iii) supervision and administration of the AOC and the EME.

(e) **Military Secretary's Branch.**—Is mainly responsible for the administration of officer cadre. It is also responsible for the grant of all types of commissions, postings, transfers, promotions, retirement of officers and honorary ranks. It handles all confidential reports, maintains the personal records of officers and provides secretariat for selection boards which judge the fitness of officers to hold higher ranks. It also deals with all gallantry and distinguished service awards.

27. **The Staff.**—The duty of the staff is firstly to assist their commander in the execution of the duties entrusted to him, to transmit his orders and instructions to subordinate commanders and to administrative services and departments, to make the necessary arrangements in connection therewith and to see that these orders and instructions are carried out.

The second duty of the staff is to give every possible assistance to the fighting troops and to the administrative services and departments in the execution of their tasks.

Staff Officers, as such are not vested with any military command. Although they are responsible for the issue of orders, every order which they issue is given by the authority and on the responsibility of the authorised commander.

Technical staff officers are responsible for promoting and maintaining the technical and equipment efficiency in the Army by advice, guidance and direction in relation to equipment, investigations, development and usage.

28. **Officers Attached to Staff.**—Officers employed at various headquarters holding appointments other than command appointments are staff officers. Officers attached to or employed temporarily in staff at various headquarters and in administrative services and departments are not staff officers.

29. **The Engineer-in-Chief.**—(a) The Engineer-in-Chief is the head of the Corps of Engineers and of the Military Engineer Services. He is the Head of Engineer-in-Chiefs Branch at Army Headquarters.

(b) He is the technical adviser on all engineer matters to the Chief of the Army Staff and the PSOs. He takes the orders of the Central Government and the Chief of the Army Staff through :—

(i) The VCOAS on the siting and constructions of fortifications and defence of strategic roads and railways.

(ii) The QMG on the policy, finance and execution of all engineer works and services, relating to the Army.

(c) He is the technical adviser to the Ministry of Defence on all works and engineer services relating to ordnance factories and such projects as are directly controlled by the Ministry of Defence and takes the orders of the Central Government through the Ministry on these matters.

(d) He is the technical adviser to the Chief of the Naval Staff on all works and engineer services relating to the Indian Navy and takes the orders of the Central Government and the Chief of the Naval Staff on these matters, through the Vice Chief of the Naval Staff.

(e) He is the technical adviser to the Chief of the Air Staff on all works and engineer services relating to the Indian Air Force and takes the orders of the Central Government and the Chief of the Air Staff on these matters through the Air Officer in Charge Administration,

(f) (i) The Engineer-in-Chief is responsible for the technical training of all engineer units and personnel (except Survey) through Chief Engineers in commands. He advises the General Staff on the engineer aspects of GS policy. operational planning and intelligence and on the organisation, training, allocation and employment of engineer units (except Survey) and on the provision and allocation of engineer resources.

(ii) He advises the QMG on planning, intelligence, organisation, operation and development of transportation agencies, railways, ports and inland water transports and is responsible for liaison with the Railway Board and Ministry of Transport on matters connected with transportation.

(iii) He is responsible to the Vice Chief of Army Staff and the Quarter-master General for the procurement, holding and distribution of Engineer Stores (including transportation of stores) of engineer supply.

(iv) He advises the Master General of Ordnance on the research, design and development of engineer equipment of ordnance origin, demolition explosives, mines and mine detection equipment.

(v) As head of the Military Engineer Service, an organised engineering service, he is responsible to the Ministry of Defence for the administration and personnel management of all civilian personnel for the Military Engineering Service. This includes terms and conditions of service, postings, promotions, discipline and cadre review.

(vi) He is responsible to see that constant study of engineering practice and research, with a view to their application to the special needs of the Corps of Engineers and the Military Engineer Services, is carried out.

(g) He is responsible for liaison with other Ministries of the Central Government and with civil engineer professional bodies on engineering subjects.

**30. The Director of Medical Services,—**(a) He is technical adviser of the Chief of the Army Staff on all matters of health affecting the Army. In that capacity he will have the right of direct access to the Chief of the Army Staff. The DMS, on behalf of the AG, will issue the orders of the Chief of the Army Staff to GOsCinC Commands and to area/div commanders and will decide all technical questions pertaining to the medical services submitted to Army HQ that do not require reference to the Government. He will be responsible for the preparation of all vital statistics and health reports to the Army. He is charged with the distribution and allotment, to the various commands, of the entire personnel of the medical services for the Army that is at the disposal of the Chief of the Army Staff. He will inspect such stations and portions of the medical services for the Army as he considers necessary.

(b) He is responsible for the professional training of AMC and AD Corps personnel. He will keep the DGAFMS, informed of all general policy decisions and directives issued by the Chief of the Army Staff in so far as they affect medical services for the Army and planning of hospitals, laboratories, pathological institutions and developments in preventive medicine and research. He will also endorse to him copies of all letters on matters of policy and Medical Administrative Instructions issued by him.

**31. The Director of Dental Services.—**(a) The Director of Dental Services is the technical adviser to the Director of Medical Services (Army) on all matters relating to the dental service of the Army and will make such recommendations to the DMS as he may consider essential for the efficiency of the service. He is empowered by the Director of Medical Services to sign, on his behalf all communications regarding matters affecting Army Dental Corps. He is also the technical adviser to the Director General Armed Forces Medical Services on matters pertaining to the officers of Army Dental Corps such as recruitment, terms and conditions of service, training and other similar matters deal with by the Director General Armed Forces Medical Services.

(b) Duties.—(i) He will undertake such tours of inspection as the Director of Medical Services (Army) may authorise and visit formations and units to ensure technical efficiency of Dental Centres.

(ii) He will give technical advice on scales of dental and other equipment considered necessary for the Dental Services and for the standardisation of dental equipment.

(iii) He will advise on all matters related to the training of personnel and the holding of Trade Testing Boards.



(iv) He will compile an Annual Summary and Annual Report of the work of the Dental Services.

(v) He will be responsible for the preparation of technical instructions to AD Corps Officers, with a view to standardising dental treatment in the Army.

**32. Director Nursing Services.**—(a) The Director Nursing Services is appointed on the staff of the Director of Medical Services (Army). She will advise the Director of Medical Services on all matters relating to the Military Nursing Service and to nursing of patients in hospitals. She is also the technical adviser to the Director General, Armed Forces Medical Services on matters pertaining to the officers of the Military Nursing Service such as recruitment, terms and conditions of service, training (including the training of probationer nurses), basic documentation, confidential dossiers and other similar matters dealt with by the Director General, Armed Forces Medical Services.

(b) Duties— She will, by periodical visits, keep herself informed of the administration of nursing service and the nursing of patients in hospitals. She will be responsible for maintaining service records of Military Nursing Service Officers. In addition she will perform such other duties as may be allotted to her from time to time.

**33. The Judge Advocate General.**— The JAG is the legal adviser to the Chief of the Army Staff in matters of military, martial and (in its fighting service aspect) international law. He also assists the Adjutant General in matters relating to discipline involving application of military law.

Judge Advocate General is the “Nodal Legal Agency” for single point contact with the institutionalized judicial system as well as advise on all legal matters pertaining to Army. The legal matters in addition to those covered by the Army Act, Regs for the Army, Special Powers Act, International Laws and Conventions agreed by the Govt of India for the Indian Army and special laws invoked by the Govt for the Army also includes Charter of Trades and Tariff Laws formally agreed upon by the Govt pertaining to the Army. The legal advice will be within the framework of the Constitution of India and its amendments there of as on the date and day of promulgation”.

(Auth : Army HQ JAG New Delhi letter No B/80137/JAG dated 05 Aug 2003).

**34. The Provost Marshal.**— His duties are as follows : —

(a) Provost policy, planning, organization, manpower, administration and co-ordination.

(b) Inspection of CMP establishments, units and Military Prisons and to ensure their technical efficiency in working and training.

(c) Advise MS Branch regarding postings and transfer of officers with the Corps of Military Police.

(d) Responsible to the Adjutant General for the efficiency, morale and esprit-de-corps of CMP.

**35. The Directors.** — (a) The head of an administrative service or department at Army Headquarters is styled a Director. He is responsible for the control of his service or department in accordance with the policy of the Chief of the Army Staff communicated to him by the PSO or head of the branch concerned. He is the adviser to the staff on all technical matters connected with his work. He is responsible for administration (other than discipline and interior economy) and distribution of the personnel and material of his service or department and communicates direct with his representatives on all matters of technical detail connected with his service or department. The responsibility for the discipline and interior economy of all personnel of administrative services or departments with the exception of the interior economy of the Remounts and Veterinary Corps and Military Farms Services rests with the commander of the formation or area in which the unit is serving,

(b) Apart from the officers mentioned in (a) above there are certain officers at Army Headquarters who are also styled Directors but are in fact staff officers under the PSOs.

(c) The Director of Movements besides being the head of monument control Organization is also a staff officer under the Quartermaster General.

(d) In a subordinate formation, the senior officer of the service or department of the particular branch in that formation is the representative of the director concerned. Where there is no such officer, the branch of the staff concerned is responsible.

(e) The Directors and their representatives will keep the staff informed of any instructions they may issue. When a director or his representative wishes to refer the question for the decision of the Chief of the Army Staff or a subordinate commander he will do so through the principal or senior staff officer concerned.



(f) Detailed instructions, as to the duties of advisers and directors at Army HQ and their representatives in lower formations will be laid down by Army HQ.

**36. Officer-in-Charge Records—** (a) An officer -in-charge records is responsible for the custody and maintenance of the records of JCOs, OR, civilians, non-combatants enrolled and unenrolled personnel of their respective regiments/ corps and affiliated TA units, The locations are shown in the List of Units.

(b) Under such instructions as may be issued from Army HQ an officer-in-charge records is responsible for the administration of the personnel, other than officers, of the regiment/corps whose records are in his charge as regards posting, promotion, appointment, extension of service, transfer to reserve and retirement. He will also ensure that the WEs/PEs of the units are adhered to. His decisions in these matters are final subject only to their being reversed on appeal to Army HQ. Such appeals will be forwarded to Army HQ by the officer-in-charge records concerned, who will send the views of the unit commanders in full together with his own remarks on the case.

(c) He is under the direct control of Army HQ for all matters connected with records, documentation and allied questions on which he is authorised to correspond direct with Army HQ. In other matters he will deal with the local commander.

(d) He will carry out the duties as laid down from time to time in connection with pay and allowances, family allotments, gratuities and pensions.

(e) He is responsible for guiding the units in the correct publication of Part II orders and for ensuring that documentation is correctly done. He may visit units of his regiment/corps to assist them in documentation.

(f) He is responsible for reporting to Army HQ, AG's Branch, all battle casualties and subsequent changes or additional details regarding them as well as for informing the next of kin.

(g) He will publish DO Pt. II in respect of allotment of army numbers, initial mustering, pay, increments of pay, good service and good conduct pay, and promotions/reversions on the corps roster for personnel of the regiments/ corps. He will also publish DO Pt. II in respect of individuals whose units have been disbanded or are not known.

(h) In the case of units in field areas where no 2nd Echelon is functioning, the OIC Records will carry out the duties of 2nd Echelon e.g., maintaining unit documents and publishing DO Pt. II.

(j) He will be the CO of all non-effective personnel and deal with all appeals from them.

(k) He will also be responsible for custody of records of disbanded units and their eventual destruction.

(l) Corrections to the Army List in so far as JCOs are concerned will be initiated by him.

**37. Officer Commanding A Unit.—**(a) A commanding officer is responsible for the maintenance of discipline, efficiency and proper administration in the unit under his command. He is also responsible for its training and readiness for war.

(b) Officers will pay particular attention to the preservation of the health of the troops as advised by the army medical authorities. A commanding officer will ensure that all men of his unit, including those employed in stores and offices, or on other special duties, are paraded for medical inspection when required. The responsibility for efficient supervision and for the remedying of sanitary defects rests on commanding officers, who will incur grave responsibility if such advice is neglected without adequate reason.

(c) A CO will supervise and control all duties performed by those under his command, and will be held accountable for, and be responsible for the security and condition of, all public buildings, armaments, equipment and stores, of whatever description, appertaining to or on charge of his unit, corps or establishment.

He will ensure that the stores and equipment are complete and serviceable and in accordance with the latest pattern and scale, from which no deviation is allowed without the sanction of Army Headquarters or other appropriate authority. He will bring to the notice of his superior commander all losses, damages and defects which he is unable to rectify. He will also encourage all ranks under his command to take particular interest in the design, efficiency, and upkeep of all their equipment and stores.

(d) A CO is responsible that officers whose services are being terminated for any cause whatsoever, hand in all returnable items of equipment including their service pistols, revolvers, before leaving their units.

(e) It is the duty of a CO to see that no officer, JCO, WO, OR, non-combatant or civilian employee under his command who is unfit to perform his duties is retained in the service.

(f) He will ensure that no delay occurs in publishing/reporting for publication of casualties affecting an individual's service or pay and other entitlements. He will be responsible for initiating casualty returns (IAFF3010) for officers serving under his command to Army HQ

for eventual publication in Part II Orders. He will also ensure that documents of soldiers held in his custody are maintained up-to-date.

(g) A CO is responsible for the correct receipt, issue, accounting and Stock taking of all supplies, stores and equipment received or issued by the unit. He will ensure that daily issues are inspected and weighed in the presence of an officer or a Junior Commissioned Officer.

(h) A CO, who is not himself the imprest holder will at least once a quarter :—

(i) check the cash held against the balance shown in the cash book and at the same time, where the imprest holder is also responsible for other accounts, he will also check the cash held in respect of these other accounts against the balances shown in the relevant cash books;

(ii) ensure that cash, drafts, cheques and postal orders, are kept in safe or in a locked receptacle which is proof against theft, that the keys are only held by the officer/JCO responsible and that current regulations regarding the safe custody of cash are being obeyed;

(iii) ensure that no NCO, OR or subordinate civilian employee has access to public money, drafts, cheques or postal orders, except in the course of his duties under the direct supervision of the responsible officer/JCO; and

(iv) check that action has been taken upon any observations relating to the accounts which have been received from the pay or audit authorities.

(j) (i) A CO is responsible for the proper application of all public and regimental funds. He will supervise and control the committees formed for their management.

(ii) The CO will ensure that all public fund accounts, the accounts of the officers' mess, band, JCO's mess, regimental institute and all other unit funds are made available for quarterly audit by the station Audit Board detailed for the purpose by the OC station. The CO is responsible for obtaining from the bank each quarter a certificate of the balance held on each account at the close of business on the last day of each quarter. This certificate will be handed direct to the president of the audit board to assist the board in their *check*, and will subsequently be attached to the proceedings.

(k) A CO will cause every order issued for general information to be either republished in unit orders or circulated to all under his command whom it may concern. He will afford his officers and JCOs facilities for becoming acquainted with changes in the regulations and orders for the Army. The publication of unit and standing orders will be as directed in para 584.

(1) An officer in temporary command of a unit will not issue any standing orders, or alter those which are at the time in force, or authorise the application of regimental funds to any purpose other than the ordinary current expenditure, without reference either to the permanent CO or to the commander under whom the unit is serving. An officer, while absent from, and not in the exercise of, his command, cannot issue regimental or other orders relating to such command.

(m) A CO is responsible for the systematic and efficient instruction of officers under his command, in all professional duties and for their due preparation for examination for promotion. A general staff officer of a command, division or area will, under the orders of the General Officer Commanding, advise and assist a CO in these educational tasks, and a general officer, at his annual inspection, will inquire into the methods of instructions and report on the results achieved.

(n) A CO will often direct field officers and captains to take command on parade and to exercise the unit. He will encourage subaltern officers to qualify for the duties of adjutant, both in the field and in the orderly room, and will afford them every facility for so doing.

(o) It is the duty of a CO to bring specially to the notice of the inspecting officer any officers distinguished for proficiency in their duties. He will also bring to notice those who, from incapacity or apathy, are deficient in knowledge of their duties, do not afford him that support which he has a right to expect or conduct themselves in a manner injurious to the efficiency or credit of the unit. This action will be additional to any report that the CO may have made on the officers in question.

(p) A Commanding Officer will exercise all such powers and perform all such duties as are laid down in the Army Act, the Rules made hereunder or these Regulations.

38. OC Regimental Centre.—(a) In addition to the duties laid down for the OC a unit, the OC a regimental centre is, under the Sub Area Commander, responsible for the training of recruits. He is also responsible to the Sub Area Commander that the personal equipment, clothing and accessories of reservists who rejoin on mobilisation are held ready for issue, and that complete arrangements are made for dealing with reservists on mobilization in accordance with the Mobilisation Regulations.

(b) He is also responsible for the periodical training of the reservists as laid down from time to time.

(c) He will render assistance in training to the TA units affiliated to the Regiment and to other TA units specified by Army HQ.

(d) He is ex-officio O i/c Records and responsible for the efficient working of the Record Office.

39. **Second-In-Command.**—(a) The duties of a Second-in Command are :-

(i) to act for and take over the place of his CO whenever necessary; and

(ii) to be the CO's chief assistant in the training and administration of his unit.

(b) He should normally be responsible for administrative work such as the control of the Regimental Institutes, Officers' and JCO's messes.

40. **Squadron, Battery and Company Commander.**—(a) A squadron, battery or company commander is responsible for the training, discipline, administration and pay of his command. He should make himself thoroughly acquainted with the professional ability and acquirements of all officers, JCOs and NCOs placed under his command.

(b) He is responsible to his commanding officer for the correct accounting of the arms, ammunition, public clothing, equipment and all other public stores and furniture on charge of his squadron, battery or company.

(c) He is responsible for the efficient functioning of the men's messes.

(d) He will pay attention to the cleanliness of the men of his squadron, battery and company and their clothing, arms, accoutrements and barracks or quarters.

(e) He is responsible for taking charge of all money received on account of his squadron, battery and company and is responsible for the safe custody of such money and for its being expended in conformity with regulations and with due regard to the interests of his men. He will ensure that a proper account of money received and expended is maintained.

(f) He will hold kit inspection of his company as he may consider necessary.

(g) The visiting or inspection of barracks, stables, will not, except in case of necessity, be performed on holidays. The holding of parades will, as far as possible, be avoided on holidays.

41. **Adjutant.**—The adjutant is a regimental staff officer whose duties are to assist the CO in the training, administration and maintenance of discipline in the unit.

42. **Quartermaster.**—The quartermaster is a regimental staff officer. He is charged with the receipt and issue of equipment, clothing and stores, the provision of rations, the conservancy and cleanliness of the lines and bazaar and the supervision of the regimental shops and establishments.

43. **Troop and Platoon Commander.**—A troop or platoon commander is responsible to his squadron, battery or company commander for the training, discipline and administration of his command, and will keep him acquainted with all occurrences that affect it.

44. **Other Regimental Officers.**—(a) Every officer is expected, if he has been two years in the service, to be capable of commanding and exercising a company etc., in every situation, and to be perfectly acquainted with its interior management, economy and discipline and if he has been two years in the rank of captain, to be competent in every respect to undertake the duties of a field officer

(b) Every subaltern is expected to make himself well acquainted with the orderly room duties as well as with the routine of the Quartermaster's office. He is also expected to acquire a practical knowledge of all the arms in his unit.

45. **Training Centres/Establishments and Schools of Instruction.-Chain of Responsibility.**—(a) All schools, training formations, training units and training establishments are under the command of General Officer Commanding in Chief of Commands for discipline and local administration purposes, except where specific orders to the contrary have been issued.

(b) All schools and training establishments listed in Appendix 'A' to these regulations and commonly referred to as Category 'A' Establishments will be under General Officer Commanding in Chief of Commands for discipline and local administration, but for all other purposes including operations, they will be directly under and controlled by Army Headquarters, excepting Armed Forces Medical College which will be directly under the control of DG AFMS.

(c) All training establishments listed in Appendix 'B' to these regulations and commonly referred to as Category 'B' Establishments will be under General Officer Commanding in Chief of Commands' for supervision of all training, in addition to discipline and administration, provided that in the case of centres where courses for officers, Junior Commissioned Officers and non-commissioned officers are held in addition to the normal training of recruits, all matters in connection with such courses will be dealt with in accordance with the policy laid down for Category 'A' Establishments. In the case of training establishments of which record offices form an integral part, the latter may correspond direct with Army Headquarters on matters concerning their functions.

(d) The chain of responsibility as between Army Headquarters, General Officers Commanding in Chief Commands, and officers commanding the schools and training establishments listed in Appendices 'A' and 'B' is defined in detail in each appendix.

(e) Channels of communication will be :—

(i) Units shown in Appendix 'A', school or training establishment directly with Army Headquarters (Directorate concerned) except on matters referred to in sub-paras (a) and (b) above.

(ii) Units shown in Appendix 'B' through normal channels to the General Officer Commanding in Chief concerned.

(i) Regimental matters, e.g., the private funds of corps, corps or regimental journals etc., will be controlled directly by heads of corps.

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### CHAPTER III OFFICERS

51. **Duties of Officers.** -The Chief of the Army Staff will allocate to subordinate commanders and administrative authorities the duties to be carried out by them but in cases of grave emergency nothing will absolve the senior officer present from his obligation to assume control under the conditions laid down in [para 52](#). In such cases where timely communication with higher authorities is impracticable, responsibility for deciding whether or not the situation is such as to require his intervention rests with the officer himself,

52. **Command** -(a) Command will be exercised by the senior officer, irrespective of the branch of the service to which he belongs but subject to the conditions specified in sub paras (b) to (1). Exceptions may be made when an officer is specially placed in command.

(b) The power of command to be exercised by officers of the President's Body Guard, the Armoured Corps, Regiment of Artillery, Corps of Engineers, Corps of Signals, Infantry, Army Service Corps, Army Ordnance Corps and Electrical and Mechanical Engineers will, save as otherwise provided in sub para (c) and (d) be the power of command over all officers junior in rank or in seniority in such corps over all officers of the corps, referred to in sub paras (c) and (d) and over all other ranks in any corps.

(c) The power of command to be exercised by officers [except those referred to in sub para (d)] belonging to the corps other than those mentioned in sub para (b), will extend over all officers junior in rank or in seniority in their own corps, over all officers referred to in sub para (d) in their own corps and over all other ranks in any corps. It will also extend over such officers of any corps, junior in rank or in seniority, as may be attached for duty to, or specially placed under the command of officers of the Corps included in this sub para. In the case of officers of the Army Medical Corps and the Army Dental Corps, it will further extend over all ranks who are patients in military hospitals, or are on the sick list and are under their professional care in quarters or elsewhere. An officer of the Army Medical Corps will also have power of command over officers of the Military Nursing Service when such officers are engaged in the nursing of patients under his professional care or when serving in a unit of which he is in command.

(d) The power of command to be exercised by officers specified below will be power of command over all officers of their own category, junior in rank or in seniority, and over all other ranks in any corps. It will also extend over any such officers of any corps as may be specially placed under their command and as provided in sub para (e): —

(i) Officers of the Special List (e.g. Quartermaster, Record Officers. Technical Officers).

(ii) Officers of the Army Service Corps (Postal).

(iii) Officers employed in posts, not paid from Defence Services Estimates (e.g. Survey).

(iv) Officers employed as Military Advisers/Attaches.

(e) Subject to the exceptions mentioned in sub paras (c) and (d), officers referred to there in will not exercise any military command outside their respective services, save only in circumstances of exceptional emergency when exercise of military command by such officers is essential to the safe conduct of military operations. In such cases only, they may be called upon by the senior officers present of the corps referred to in sub para (b). to assume command of troops other than those belonging to their own corps.

(f) Officers of the rank of Colonel and above will retain the power of command pertaining to the corps from which they are promoted.

(g) An officer employed in a civil employment, on the staff of a Governor of a State, under a foreign government or in a special extra regimental employment, will not be entitled by virtue of his military rank, to assume any military command in the regular army unless called out for military duty. He will be liable, in case of necessity, to serve on courts-martial, or to perform such military duties as Army Headquarters may direct.

(h) Military officers will have power of command over such officers and all other ranks of the Territorial Army as may be specially placed under their orders from time to time by any superior military or Territorial Army authorities. Conversely, officers of the Territorial Army will have power of command over such military officers and soldiers as may be specially placed under their orders from time to time by any superior military authority. In no case the superior military authority or the superior Territorial Army authority will be of the rank below field rank.

(j) In relation to a person subject to the Army Act serving under conditions prescribed in [Army Rule 188](#), an officer of the Indian Navy or Indian Air Force has the same powers of command and punishment as an officer of corresponding rank belonging to the regular army.

(k) When units or detachments of different corps are employed together on any duty, each unit and detachment will, subject to the orders of the officer commanding the whole body, act under the immediate authority of its own commander in matters of a purely regimental character.

(l) When officers or soldiers become prisoners of war, the ordinary military relations of superior and subordinate, and the military duty of obedience, remain unaltered. Any such prisoner who is guilty of insubordination or other breach of discipline in respect of his superior, will be required to answer for his conduct when released.

**53. Command During Temporary Absence of Permanent Commander.** -When formation commanders are temporarily absent from their commands for periods which do not involve vacation of command, officiating incumbents will be appointed and such appointments notified in the formation orders concerned. In such cases, legal powers subject to the terms of the court-martial warrants held, will be exercised by the officer who is in actual fact commanding at the time.

In similar circumstances, in the case of a unit commander who is absent, the appointment of the officer on whom the command devolves, will be published in unit orders. His legal powers, subject to the limitations of the Army Act, will be the same as those of the unit commanders.

**54. Command During Temporary Absence of An OC Unit.** —When an OC unit becomes sick or is temporarily absent, the conduct of his duties devolves on the Second-in-Command whose appointment as officiating OC will be published in unit orders. His legal powers subject to the limitations of the Army Act, will be the same as those of the unit commanders.

First Appointment, Grading, Posting and Transfers

**55. Commencement of Service.** —Unless specially provided for otherwise, an officer's service commences from the date of his first commission. All appointments, whether permanent or temporary, transfers, promotions, retirements and removals will be published in the orders of the sanctioning authority and in the absence of any specified date, will take effect from the date of the order in which they appear. The grant of first commission and promotion to substantive rank and conferment of local rank will be notified in the Gazette of India.

**56. Grading.** -Officers will be graded in the gradation list and in the corps in which they are permanently appointed according to the dates of their substantive rank in the Army, or when these are identical according to the dates of their last substantive rank.

The departmental seniority of an officer in the JAG's Department will be regulated by the date of appointment to the grade he holds in that department.

57. Appointments to The Regular Army.-Permanent commissions in the Regular Army may be given to the following categories of personnel subject to the conditions laid down by Government from time to time: —
- (a) Cadets who successfully complete a course of training at the Indian Military Academy, Dehra Dun.
  - (b) Officers holding short service commissions in the Regular Army.
  - (c) JCOs and OR of the Regular Army.
  - (d) Civilians with technical qualifications.
58. **Appointments to The Military Nursing Service.**-Permanent commissions in the Military Nursing Service may be granted to: —
- (a) Members of the Military Nursing Service (Short Service Commission).
  - (b) Civilians who possess the prescribed qualifications.
59. **Appointments to The Army Medical Corps (Non-Technical).**—(a) Permanent Commission in the AMC (Non-Tech) may be granted to the following categories of serving personnel: —
- (i) Officers holding Short Service Commission in AMC(NT) are eligible to apply for grant of Permanent Commission after completion of 3 years AMC/SSC(NT) service and before completion of 8 years commissioned service. They are entitled to avail 3 chances for the same during this period.
  - (ii) JCOs/OR of the AMC serving on a regular engagement.
- (b) Short Service Commission in the AMC (Non-Tech) may be granted to the following categories of serving personnel: —
- JCOs/OR of AMC who have served in AMC for a period of 5 years are eligible for grant of Short Service Commission in AMC (Non-Tech). Number of chances to be availed of by such JCOs/OR is restricted to three.
60. Appointments to The Special List of Officers—Officers may be appointed to the Special List: —
- (a) by transfer of permanent commissioned officers who apply and are accepted for appointment to the List; and
  - (b) by the grant of permanent commissions (SL) to serving officers holding commissions other than permanent commissions, JCOs and NCOs,
61. **Eligibility For Appointment** —Personnel who have more than one wife living shall not be eligible for enrolment/appointment in the Army unless specifically exempted by the Central Government,
62. **Grant of Ante-Date of Commission.**-An ante-date for purposes of seniority, promotion and increments of pay will be granted as indicated below to officers who are granted permanent commissions provided that they possess technical qualifications prescribed for the purpose: —
- (a) **Corps of Engineers, Signals and Electrical and Mechanical Engineers, Regiment of Artillery. Armoured Corps and Infantry.** —The ante-date will be 2 years, which will, however, be restricted to the date following that from which an officer of the normal regular course who passed out of the Indian Military Academy approximately two years before him, takes his seniority; subject to the proviso that in no case shall the ante-date granted be less than one year and eleven months.
  - (b) **Army Medical Corps.**—(i) An officer who has continuously held an approved whole-time appointment in a recognised civil hospital for a period of not less than six months will be eligible for an ante-date of six months. No ante-date will be permissible for a hospital appointment which forms part of compulsory internship for the basic or post-graduate qualification.
  - (ii) A candidate will be eligible for the grant of an ante-date not exceeding 12 months if he, at the time of appointment, is in possession of a post-graduate diploma in any branch of medical science recognised by the Indian Medical Council, provided that the candidate had to attend a course of instruction in a recognised institution for at least 12 months to qualify for such diploma.
  - (iii) At the time of appointment a candidate will be eligible for grant of ante-date not exceeding 2 years in respect of higher qualifications obtained prior to appointment. This will normally be granted for qualifications such as Doctor of Medicine, Master of Surgery. Fellow of the Royal College of Surgeons, Member of the Royal College of Physicians or an equivalent qualification obtained by examination from recognised Universities and Colleges.
  - (iv) In the case of a candidate who is eligible for an ante-date under more than one of the preceding sub -paras, the maximum period of antedate will be limited to 2 1/2 years.



(v) Previous commissioned service in a non-medical Corps or service in the IMD will not count for purposes of increment of pay, promotion and seniority, but full pay commissioned service as a medical officer, provided the candidate was in possession of a medical qualification as prescribed from time to time, will count for the purposes of pay; and such service less the period of service rendered as an internee before the date of eligibility for permanent registration will count for the purpose of promotion. However, in all cases periods of service forfeited by sentence of court martial or by summary award under Section 84 of Army Act, 1950 will be deducted from the total service reckonable for seniority and/or promotion as the case may be.

(vi) An officer who was granted Emergency Commission directly into the AMC under Army Instruction 114/43 and subsequently granted Permanent Commission after obtaining recognised registrable medical qualifications through the Register created under AI 25/S/46 will be eligible for ante-date equal to the total period of actual full pay commissioned service less 2 years. This ante-date will count towards seniority for pay and promotion but will not carry back pay.

(vii) An officer who was granted Emergency Commission in the IMS in the rank of Lieut and subsequently granted Permanent Commission after obtaining the registrable medical qualifications will be eligible to count his entire full pay commissioned service in the Emergency Cadre of the IMS/AMC towards seniority for pay and promotion. The period of ante-date will not carry back pay.

(c) Army Dental Corps. —(i) A dental surgeon after having been granted full registration by the respective State Dental Councils (after having qualified the BDS degree examination or equivalent) is eligible for six months ante-date on commissioning subject to the following: —

(aa) He should have held continuously a paid full time appointment as a house officer, resident, demonstrator, lecturer or clinical assistant for a period not less than six months, or

(ab) he should have been a first year post graduate student or should have held a house job which is a pre-requisite for registration for a post graduate diploma or degree in an approved civil dental hospital/dental college in India or abroad for a period not less than six months,

(ii) Dental surgeons who join State or Central Govt. Services after full registration and have rendered whole time paid continuous service for one year or more are eligible for six months ante-date on commission. However, this will not be in addition to the ante-date granted under sub sub para (i) above as these doctors will not be entitled for any ante-date for their State/Central Govt. Service if they claim ante-date for housemanship under sub sub para (i).

(iii) A dental surgeon will be eligible for the grant of an ante-date not exceeding eighteen months, if he at the time of commission has qualified for the award of a post-graduate diploma recognised by Dental Council of India having attended as a whole time houseman/ equivalent as stated in sub sub para (i) for one year and as whole time post-graduate student for another academic year and passed the prescribed final examination for the same.

A person with a post-graduate diploma is not entitled for any additional ante-date for housemanship vide sub sub para (i) above, those candidates who are exempted from one year housemanship and permitted to register straightaway for diploma course of one academic year are entitled, on qualifying for post-graduate diploma, ante-date for 12 months only.

(iv) A dental surgeon will be eligible for the grant of an ante-date not exceeding thirty months if he at the time of commissioning has qualified for the award of a post-graduate degree recognised by Dental Council of India, having attended as a whole time post-graduate student for three years or worked as a whole time houseman/equivalent as stated in sub sub para (i) for one year and as a whole time postgraduate student for two academic years and passed the prescribed final examination for the same. Those candidates who are exempted from one year housemanship and permitted to register straightaway for post-graduate degree course of two academic years on qualifying for post-graduate degree are entitled to only 2 years ante-date.

(v) Dental surgeons who obtain post-graduate diploma/degree from Foreign universities will be entitled to the same ante-date depending on the prescribed course of study as mentioned in sub sub paras (iii) and (iv) subject to these being recognised by the DG AFMS.

(vi) In case of a candidate who is eligible for an ante-date under more than one of the preceding sub sub paras, the maximum period of ante-date will be limited to thirty months.

(vii) An officer (after obtaining the registrable Dental qualification) who was granted a Short Service Commission in the Army Dental Corps and subsequently granted permanent commission will be eligible to count his entire full pay commissioned service in



the SSC cadre of Army Dental Corps towards seniority for pay and promotion. This period of ante-date will not carry any back pay.

**63. First Appointment.**—(a) On first appointment to a permanent commission in the Regular Army, officers will be allocated to different corps. They will be required to do such basic training or attachment as may be prescribed from time to time for each corps, by Army HQ.

An officer has no claim to a particular corps or to a particular unit of the corps. However, an officer may submit an application in writing to serve with a particular corps or a unit, which will be given due consideration subject to the requirements of the service.

(b) An officer on joining a unit will report himself personally to the CO.

**64. Transfers.**—(a) Transfer of officers within the Regular Army will be carried out under the orders of the Chief of the Army Staff.

(b) An application from an officer for transfer from one regiment or corps to another regiment or corps or a unit within the same corps will be forwarded to the Military Secretary through the proper channels. The application will show the officer's reasons for transfer and will be accompanied by the recommendations of the CO, who will certify that the transfer recommended does not originate from any case affecting the honour, character or professional efficiency of the officer.

**65. Substantive promotion by time-scale upto and including the rank of Major.**—Irrespective of availability of vacancies, substantive promotion upto and including the rank of Major, for officers of all arms and services will be by time scale.

Officers will be eligible for substantive promotion after the completion of periods of reckonable commissioned service as given below, subject to their being found fit in all respects for such promotion and after qualifying in prescribed examinations/courses:

(a) All Officers (other than Military Nursing Service, Army Medical Corps, Army Medical Corps (Non-Technical), Army Dental Corps, Remounts and Veterinary Corps, Military Farms and Special List): —

To Lieutenant ..... 2 years

To Captain.....5 years

To Major.....11 years

(b) Military Nursing Service: —

To Captain..... 6 years

To Major.....13 years

(c) Army Medical Corps: —

To Captain, on entry (post internship)

From the date of eligibility for permanent medical registration on completion of prescribed period of internship/date of commission, whichever is latter.

To Major..... 5 years reckon able service as captain.

(d) Army Medical Corps (Non-Technical): —

To Lieutenant..... 2 years

To Captain..... 6 years

To Major.....13 years

NOTE

Short Service Commissioner Officers of AMC and AMC (Non-Technical) are eligible for time scale promotion to the rank of quasi-substantive Major after completion of period of reckon able service as given below, subject to their being found fit in all respects for such promotion and after qualifying in prescribed examinations /courses: —

AMC/SSC.....5 years reckonable service as Captain.

AMC (Non-Tech)/SSC..... 13 years reckon able commissions service.

(e) Army Denial Corps: —

To Lieutenant..... On commission.

To Captain..... On completion of 2 years reckonable service

To Major.....On completion of 7 years reckonable service

(f) Remount and Veterinary Corps: —

(i) Remount Officers; —

To Lieutenant..... 2 years

To Captain.....6 years

To Major.....13 years

(ii) Veterinary Officers (Veterinary Graduates): —

To Lieutenant..... On Commission

To Captain.....2 years

To Major.....8 years

(g) Military Farms: —  
 To Lieutenant.....2 years  
 To Captain .....6 years  
 To Major.....13 years  
 (h) Special List Officers: —  
 To Lieutenant.....2 years  
 To Captain.....6 years  
 To Major.....13 years

66. **Substantive Promotion By Time Scale To the Rank of Lt-Col**—(a) All officers (other than Military Nursing Service, Army Medical Corps, Army Medical Corps (Non-Tech), Army Dental Corps, Remounts and Veterinary Corps, Military Farms and Special List):—

(i) Substantive promotion, to the rank of Lt Col, of officers not promoted by selection against the authorised establishment of Lt. Cols, may be made, subject to their being considered fit in all respects, by time scale on completion of 21 years, reckonable commissioned service but not more than 26 years reckon able commissioned service provided they have not become due for retirement on the basis of the age of superannuation prescribed for the rank of time scale Lt Col. Officers so promoted will not be reckoned against the authorised establishment of Lt Cols but will be held in a separate 'non-selection' list. The number of officers held on the 'non-selection' list will count against the authorised establishment of officers in the rank of Major.

(ii) An officer already holding the appointment of a Lt Col. by virtue of having been selected for and granted that rank in an acting capacity, before completion of 21 years reckonable commissioned service may also be made substantive under this rule on completion of 21 years reckonable commissioned service. However, such an officer will continue to be held against the authorised appointment of a Lt Col.

(b) **Military Nursing Service.**—Substantive promotion to the rank of Lt Col. of officers not promoted by selection against the authorised establishment of Lt Cols, may be made, subject to their being considered fit in all respects, by time-scale, on completion of 21 years' reckonable commissioned service provided they have not become due for retirement on the basis of the age of superannuation prescribed for the rank of time scale Lt Col. Officers so promoted will not be reckoned against the authorised establishment of Lt Cols, but will be held in a separate non-selection list. The number of officers held on this non-selection list will. count against the authorised establishment of officers in the rank of Major.

(c) Army Medical Corps. —An officer of AMC is eligible for promotion to the substantive rank of Lt Col on completion of 14 years reckonable service or on completion of 14 years from the date of eligibility for permanent medical registration, whichever is later.

(d) Army Medical Corps (Non-Technical). —Substantive promotion to the rank of Lt Col of officers not promoted by selection against the authorized establishment of Lt Cols may be made, subject to their being considered fit in all respects, by time scale on completion of 21 years reckonable commissioned service, provided they have not attained the age of compulsory retirement. Officers so promoted will not be reckoned against the authorised establishment of Lt Cols, but will be held in a separate 'non-selection' list, except that an officer selected to act as Lt Col before completing 21 years service and made substantive under this rule on completing 21 years service, will be held against an authorised Lt Col's appointment. The number of officers held on the non-selection list will count against the authorised establishment of officers in the rank of Major and below.

(e) Army Dental Corps.—Substantive promotion to the rank of Lt Col will be granted after completion of 16 years of reckon able commissioned service provided that the officer is recommended for such promotion.

Remount and Veterinary Corps. —. (i) Remount Officers,

(aa) Substantive promotion to the rank of Lt Col will be made by selection to fill vacancies in the substantive cadre and subject to the officer having to his credit a minimum of 18 years reckonable commissioned service and being fit in all respects.

(ab) Officers not selected for promotion under (aa) above may be promoted to the substantive rank of Lt Col by time scale, subject to their being considered fit in all respects, on completion of 24 years reckonable commissioned service provided they have not attained the age of compulsory retirement. Officers so, promoted will not be reckoned against the authorised establishment of Lt Cols but will be held in a separate non-selection list except that an officer selected to act as Lt Col before completing 24 years service and made substantive under this rule on completion of 24 years service will be held against an authorised Lt Col's appointment. The number of officers held on the non-selection list will count against the authorised establishment in the ranks of Major and below.

(ii) Veterinary Officers (Veterinary Graduates)

To Lt Col 18 Years

(g) **Military Farms** —Substantive promotion to the rank of Lt Col. of officers not promoted by selection against the authorised establishment of Lt Cols may be made, subject to their being considered fit in all respects, by time-scale, on completion of 24 years reckon able commissioned service provided they have not attained the age of compulsory retirement. Officers so promoted will not be reckoned against the authorised establishment of Lt Cols but will be held in a separate 'non-selection' list except that an officer selected to act as Lt Col before completing 24 years service and made substantive under the rules on completing 24 years' service, will be held against an authorised Lt Col's appointment. The number of officers held on the 'non-selection' list will count against the authorised establishment of officers in the rank of Major and below.

(h) **Special List Officers.** —Substantive promotion to the rank of Lt Col. of officers not promoted by selection against the authorised establishment of Lt Cols, may be made, subject to their being considered fit in all respects, by time scale on completion of 21 years reckon able commissioned service but not more than 26 years reckon able commissioned service provided they have not become due for retirement on the basis of the age of superannuation prescribed for the rank of time scale Lt Col. Officers so promoted will, not be reckoned against the authorised establishment of Lt Cols, but will be held in a separate 'non-selection' list. The number of officers held on the 'non-selection' list will count against the authorised establishment of officers in the rank of Major.

67. **Substantive Promotion by Selection.**—(A) All officers (except officers of Military Nursing Service, Army Medical Corps, Army Medical Corps (Non-Technical), Army Dental Corps, Remount and Veterinary Corps, Military Farms, Jag's Department Special List and officers permanently seconded to Research & Development and Inspection Organisations): —

(a) Substantive promotion to the rank of Lieutenant Colonel (by selection) and above will be made to fill vacancies in the substantive cadre. provided the, officer has to his credit the following minimum period of reckon able commissioned service and satisfies the conditions of medical fitness as laid down below: —

To Lieutenant Colonel..... 16 years

To Colonel.....20 years

To Brigadier..... 23 years

To Major General.....25 years

To Lieutenant General.....28 years

To General.....No restriction

(b) Substantive promotion by selection to the rank of Lt Col and above will be subject to the medical fitness of the officer concerned for active service and the permanent medical classification of an officer not being other than S1 H1 A1 P1 E1, S1 H2 A1 P1 E1 or S1 H1 A1 P1 E2. An officer whose permanent classification is S1 H1 A2 P1 E1, S1 H1 A1 P2 E1 or S1 H2 A1 P1 E2 may also be considered for promotion provided the following conditions are fulfilled: —

(i) Such promotion would be in the public interest.

(ii) In the opinion of a Medical Board: —

(aa) the officer is capable of performing the normal active service duties of the rank to which he is, being promoted, in his present medical category.

(ab) any defect, disability, or disease, from which the officer is suffering, is not likely to be aggravated by service conditions, provided he is employed on duties compatible with this medical category and within the restrictions placed by the Board.

(c) In exceptional cases, an officer in medical classification lower than the above, may also be considered for promotion, provided that:

(i) "S" (Psychological) factor grading is not lower than 1 (One);

(ii) the conditions in (b)(i) and (ii) are satisfied; and

(iii) he is considered specially suitable and efficient.

(d) A Major who has not been selected for the substantive rank of Lieutenant Colonel till the expiry of the calendar year during which he completes 24 years reckonable commissioned service will not be eligible for substantive promotion by selection to the rank of Lieutenant colonel.

(e) When an officer who has completed the appropriate minimum service limit mentioned in clause (c)(i) above is approved for substantive promotion to the rank of Lieutenant Colonel (by selection) or above, the date of substantive promotion will be one of the following, which ever is the latest: —

(i) Date of completion of the minimum service limit for promotion to the higher substantive rank;

(iii) Date of assumption of the higher appointment;

(iii) Date of occurrence of a vacancy in the substantive cadre of that  
On promotion, the seniority of the officer (without effect on pay and pension) will be counted from the date of promotion, or any earlier date, as may be determined by Government.

(f) Reckonable commissioned service for the purpose of these rules is as defined in para 69 of these Regulations.

(B) **Military Nursing Service.**— Substantive promotion to the rank of Lt Col and above will be by selection, subject to the officer being found fit in all respects and having to her credit the following periods of reckonable service; —

To Lt Col	18 years including at least one year in the substantive rank of Major.
To Colonel	20 years including at least one year in the substantive rank of Lt. Col.
To Brigadier.	22 years including at least one year in the substantive rank of Colonel.
To Maj Gen.	No limit, but must have held the substantive rank of Brigadier for at least one year.

(C) Army Medical Corps. —Substantive promotion to the rank of Colonel and above will be by selection to fill vacancies in the cadre as authorised from time to time and subject to the officer being found fit in all respects and having to his/her credit the following periods of reckonable commissioned service: —

To Colonel .....	20 years. This is equally applicable for promotion of officers governed by P&A Regs (Officers) Army, Old pay Code, 1955 to the rank of Col (non-Admin), Col. (Admin).
To Brigadier.....	22 years
To Maj Gen.....	24 years. This will be 23 years, in the case of officers governed by P&A Regs (Officers) Army, Old Pay Code, 1955
To Lt Gen.....	No limit

(D) Army Medical Corps (Non-Tech). —Substantive promotion to the rank of Lt Col and above will be by selection.

(E) Army Dental Corps. —Substantive promotion to the rank of Colonel and above will be by selection to fill vacancies in the cadre as authorised from time to time and subject to the officer being found fit in all respects and having to his credit the following periods of reckonable commissioned service: —

To Colonel.....	21 years
To Brigadier.....	23 years
To Major General.....	25 years

(F) Remounts and Veterinary Corps. —For promotion to the rank of Lt Col and above for Remount Officers and Colonel and above for Veterinary Officers, by selection, officers will be eligible after minimum reckonable service as shown below, subject to their being found fit in all respects: —

(a) Veterinary Officers

To Colonel.....	22 years
To Brigadier.....	24 years

(b) Remount Officers

To Lt Colonel.....	18-1/2 years
To Colonel.....	22 years

(G) Military Farms. —Substantive promotion to the rank of Colonel and above and of Lt Col (except as provided in para 66(g) above) will be by selection to fill vacancies in the substantive cadre and subject to the officer being found fit in all respects and having to his credit the following minimum periods of reckonable commissioned service: —

To Lt Colonel.....	16 years
To Colonel.....	20 years
To Brigadier ...	23 years

(H) JAG's Department. —Substantive promotion to the rank of Lieutenant Colonel (by selection) and above will be made to fill vacancies in the substantive cadre, provided the officer has to his credit the following minimum period of reckonable commissioned service and satisfied the prescribed conditions: —

To Lieutenant Colonel.....	16 years
To Colonel.....	20 years
To Brigadier.....	22 years
To Major General .....	24 years

(I) Officers Permanently Seconded to Research & Development and Inspection Organisations. —Substantive promotion to the rank of Lt Col and above will be by

selection to fill vacancies in the substantive cadre and subject to the officer having to his credit the following minimum periods of reckonable commissioned service: —

To Lt Colonel.....	16 years
To Colonel.....	20 years
To Brigadier.....	23 years
To Maj Gen.....	25 years
To Lt Gen.....	28 years*

\*Research and Development only.

Substantive promotion by selection to the rank of Lt Col and above will be subject to the medical fitness of the officer concerned as laid down by Govt from time to time.

**68. Effective Date of Substantive Promotion.** —Substantive promotion to the rank of Colonel and above, and of Lt Col by selection, will be from the date an officer was passed fit in all respects for such promotion, provided a vacancy existed in the substantive cadre of that rank on that date. Should the date of assumption of the higher appointment be later than the former date, then the date of actual assumption of appointment will reckon for pay, pension and tenures. But for purposes of seniority the date will be as notified in the Gazette.

**69. Reckonable Service for substantive promotion.** —(a) For substantive promotion, service will reckon from the date of an officer's permanent commission, or date of seniority for promotion fixed on grant of that commission, including any ante-date for seniority and promotion granted under the rules in force from time to time. Periods of service forfeited by sentence of court-martial or by summary award under the Army Act will not, however, reckon as service for promotion.

The period of absence without leave will also not reckon for promotion.

(b) The following periods are reckonable under sub para (a) above:-

(i) Periods during which furlough rates of pay are drawn.

(ii) Period of captivity on Prisoners of War rates of pay.

**NOTE**

Substantive promotion by time-scale up to the rank of Major or Lt-Col as the case may be, will be admissible to officers during the period of leave pending retirement provided they are eligible in all other respects but it will not be admissible in cases of premature voluntary retirement,

(c) An officer who has lost service qualifying for substantive promotion under the rules in consequence of his having been granted leave without pay, will if otherwise qualified, be promoted to the next higher rank, but without the pay and allowances thereof, with effect from the date on which he would have qualified by service if he had not been granted leave without pay. On completion of the prescribed period of qualifying service on full pay, the officer will become entitled to the pay and allowances of his higher rank.

**70. Claims for Promotion.**—Officers will normally be considered for promotion in the order of seniority in their Corps but an officer whose early advancement is in the interest of service may be specially selected for promotion to fill a vacancy whatever his seniority in the rank at the time. The cases of officers who are superseded for promotion will be kept under review in accordance with the existing instructions.

**71. Retarded Promotion.** —The promotion of an officer who fails to pass the prescribed professional examination for promotion within the time limit allowed, will be retarded as provided for in [para 79](#). The subsequent promotion of such officers will be governed by the provisions of [paras 65, 66](#) and [67](#).

**72. Brevet Promotion.** —Specially meritorious service in peace or war was performed by officers of the rank of captain, major and Lt-Col either at regimental duty or on the staff, may be recognised by the grant of brevet promotion to the next higher rank.

**73. Promotion in Exceptional Circumstances.** —Promotion, irrespective of establishment may be conferred on an officer of the rank of Lt-Col or above during a period of war for distinguished service in the field or for distinguished exceptional service other than in the field. General officers so promoted will be supernumerary until the date on which they can be absorbed into a vacancy on the establishment. Promotion to the rank of Colonel under this rule will be by brevet.

**74. Removal from the Cadre of a Regiment/Corps/Unit.** —An officer will be removed from the cadre of a regiment/corps/unit on being promoted to the rank of Brig or above. The officer will, however, continue to be in the same stream as of the Corps he was

commissioned into for purposes of promotion to the selective ranks of Brigadier and above, unless on the basis of his record? profile and merit as well as other eligibility conditions, he is considered fit by the competent authority for Induction into General Cadre.

**75. Tenure admissible in the substantive rank of Brigadier and above and Rules governing them.**—The tenure admissible and the conditions attached thereto will be as follows: —

(a)Officers of Armoured Corps, Infantry, Artillery, Engineers, Signals,**Army Service Corps, Army Ordnance Corps, Electrical and Mechanical Engineers and Pioneer Corps —(i) General.** - The tenure will be three years. The officer will retire on attaining the age of superannuation specified in [para76](#) below or on completion of the tenure whichever is earlier.

(ii) The tenure in the appointments of Army Commanders, VCOAS (Lt Gen), and Heads of Arms and Services namely Director General of Artillery, Engineer in Chief, Signal Officer in Chief, Director General of Supplies and Transport, Director General of Ordnance Services, Director General of Electrical and Mechanical Engineers and the Director of Pioneer Corps will be four years irrespective of the rank or ranks in which held and whether the rank held is acting or substantive. These officers will retire on attaining the age of superannuation specified in [para76](#) below or on completion of the tenure, whichever is earlier.

(b) Officers of Army Education Corps, Judge Advocate General's Department and Military Farms.—The tenure of Additional Director General in the Army Education Corps, Judge Advocate General in the Judge Advocate General's Department and Deputy Director General in Military Farms will be four years, irrespective of the rank or ranks in which held and whether the rank held is acting or substantive. These officers will retire on attaining the age of superannuation specified in [para76](#) below or on completion of the tenure, whichever is earlier.

(c) Military Nursing Service—Maj Gen. —The tenure will be four years. The officer will retire on attaining the age of superannuation specified in para 76 below or on completion of the tenure, whichever is earlier.

(d) Army Medical Corps.—There shall be no tenure in the substantive ranks of Maj Gen and below. Officers holding the rank of substantive Lt Gen will serve in that rank for one tenure of 4 years or upto the age of compulsory retirement, whichever is earlier. But an officer holding the appointment of DGMS (Army)/DMS (Air)/Chief Consultant/Commandant, AFMC in the rank of Lt Gen will, in the event of his being appointed as DGAFMS, serve for a combined tenure of 5 years or upto the age of compulsory retirement whichever is earlier.

(e) Remount and Veterinary Corps. —The tenure of Additional Director General in this Corps will be four years irrespective of the rank or ranks in which held and whether the rank held is acting or substantive. The officer holding this appointment will retire on attaining the age of superannuation specified in para 76 below or on completion of the tenure, whichever is earlier.

(f) Special List Officers.—The tenure of inspector of Records and Director Army Physical Training Corps will be four years irrespective of the rank in which held and whether the rank held is acting or substantive. These officers will retire on attaining the age of superannuation specified in para 76 below or on completion of the tenure, whichever is earlier.

**76. Age limits for compulsory retirement of officers.**— Compulsory retirement in the respective substantive ranks will be on attaining the age limits given below, or on completion of tenure granted under para 75, whichever is earlier: —

(a)Officers of Armoured Corps, Artillery, Engineers,Signals, Infantry, ASC, AOC, EME and Pioneer Corps: —

General.....	60years
Lt General.....	58 years
Major General.....	56 years
Brigadier.....	54 years
Colonel.....	52 years
Lt Colonel (Selection).....	52 years *
Lt Colonel (Time Scale).....	51 years**
Major and below.....	50 years**
(b)Officers of Army Education Corps, JAG's Department and Military Farms: —	
***Lt General.....	58 years
****Major General.....	57 years
Brigadier.....	56 years

Colonel and below.....55 years  
(c) Officers of Intelligence Corps: —  
\*\*\*Lt General.....58 years  
Major General.....56 years  
Brigadier .....54 years  
Colonel and below,.....52 years  
(d)Special List (Quartermasters, Technical Officers and Record Officers) and Army Physical Training Corps (Master at Arms)  
\*\*\*Lt General.....58 years  
\*\*\*Major General.....57 years  
Brigadier.....56 years  
Colonel and below.....55 years  
(e) Remount and Veterinary Corps: —  
Major General.....57 years  
Brigadier.....56 years  
Colonel and below.....55 years

#### NOTE

1.The ages of retirement shown above for Int Corps, AEC, JAG's Dept and Military Farms will apply to all officers commissioned on or after 26 Jul 85, all officers who have opted for these ages of retirement and to all officers who have not given any option till 25 Jan 86. Officers who have opted for the ages of retirement prevailing before 26 Jul 85. will continue to be governed by the old terms.

[2.the ages of retirement shown above for RVC will apply to officers commissioned on or after 26 Jul 84, all officers who have opted for these ages of retirement and to all officers who have not given any option till jul 91 . officers who have opted for the ages of retirement prevailing before 26 jul 84 will continue to be governed by the old terms.]<sup>1</sup>

(f)Service Officers permanently seconded to Research & Development and Inspection Organisations: —

Lt General.....58 years or on completion of four years tenure as substantive Lt Gen, whichever is earlier.

Maj Gen and below.....57 years, subject to reviews at the ages of 52 and 55 years.

\* 55 years in the case of Lt Col (Selection) of Food Inspection Organisation,

\*\*52 years in the case of officers of ASC (including Food Inspection Organisation), AOC, EME and Pioneer Corps.

\*\*\*As and when authorised.

\*\*\*\*In the case of Military Farms — as and when authorised.

(g) Military Nursing Service: —

(i)The normal minimum age of retirement for officers of the following substantive ranks will be as shown there against: —

Major General.....58 years

Brigadier ..... 57 years

Colonel and below..... 55 years

Provided that a substantive Colonel, Brigadier and Major General shall normally be permitted to complete 26 years. 28 years and 30 years of qualifying service for pension respectively subject to the age of compulsory retirement mentioned in (ii) below.

(ii)In no case shall an officer be retained in service beyond the age of retirement specified below in the rank held by her: —

Major General .....59 years

Brigadier.....58 years

Colonel.....57 years

Lt Col and below.....55 years

(h) Army Medical Corps: —

(i) The normal minimum age of retirement for officers of the following substantive ranks will be as shown there against: —

Major General....58 years

Brigadier ..... 57 years

Colonel and below.....55 years

Provided that a substantive Colonel, Brigadier and Major General! shall normally be permitted to complete 26, 28 and 30 years of qualifying service for pension respectively subject to the age of compulsory retirement mentioned in (ii) below

(ii) In no case shall an officer be retained in service beyond the age of retirement specified below in the rank held by him; —

Lt. General..... 60 years

Maj. General.....59 years

Brigadierl.....58 years



Col.....57 years

Lt. Col and below.....55 years

(j) Army Medical Corps (Non-Tech): —

Officers of all ranks.... .....55 years

( K) Army Dental Corps: —

(i)The normal minimum age of retirement for officers of the following substantive ranks will be as shown there against: —

Major General.....58 years

Brigadier .....57 years

Colonel.....55 years

Provided that a substantive Colonel, Brigadier and Major General shall normally be permitted to complete 26, 28 and 30 years of qualifying service for pension respectively subject to the age of compulsory retirement mentioned in (ii) below.

(ii) In no case shall an officer be retained in service beyond the age of retirement specified below in the rank held by him: —

Major General.....59 years

Brigadier .....58 years

Colonel.....57 years

Lt Colonel and below.....55 years

**77. Retention in Service.**—(a) General. — Retention in service in respect of all officers granted commission in the Army will be determined on the recommendations of their commanding officers in two consecutive Annual Confidential Reports within the first three years of service, each covering a period of NOT less than six months. Such officers as have not been recommended for retention will be called upon to resign their commission and on refusal to do so will be gazetted out of service as per provisions of Army Rule 15.

(b) Basic Young Officers (BYO's) Course.—All commissioned officers, including Short Service Commissioned Officers, are required to attend and pass the BYO's Course of their respective arm or service within the first four years of service. Those officers who fail on or are unable to complete the BYO's Course for the first time will be given a second chance to qualify on it. The officers who cannot attend their present arm/service BYO's Course on medical grounds may be transferred by the Military Secretary to another arm/service, where they can be usefully employed and can attend and qualify on the BYO's Course of the new arm/service. An officer who cannot be usefully employed in any arm/service because of his medical category or cannot qualify on BYO's Course in a total of two chances allowed, will be called upon to resign his commission and on refusal to do so, will be gazette out of service as per provisions, of Army Rule 13A. The following categories of officers are exempted from attending a BYO's Course: —

(i)Special List Officers

(iii) Military Nursing Officers.

(iv) Regimental Commissioned Officers.

**78. Regimental Language Examination.**—Officers granted permanent commissions in the Regular Army are required to pass the Lower Standard Examination in the language or one of the languages spoken by the men of the regiment/unit to which they are posted. The syllabus for the examination and rules for its conduct and other details are laid down in Language Regulations, Chapter IV.

**79. Promotion Examinations**—(a)All commissioned officers of the Army, unless otherwise exempted, are required to pass promotion examinations for substantive ranks of Major before they have completed the prescribed length of service for substantive promotion to these ranks as given in para 65. Some terms and conditions governing the examinations are given in Appendix 'C.

(b) The promotion examinations are mandatory and will be held once a year under orders of Directorate General Military Training (MT-2),Army Headquarters.

(i) For promotion to substantive rank of Major: —

(aa) Part A—Practical, applicable to officers commissioned after 25 Sep.82.

(ab) Part B—Written, applicable to all officers.

(ii) For promotion to substantive rank of Major: —

(k) Part C-Practical Applicable to all officers.

(l) Part D-Written

(c)The subjects,tests and pass levels for the promotion examinations and their syllabi will be prescribed by Army Headquarters.

(d) Qualifying In an examination —An officer who passes in any of the practical tests or written examination subjects will be deemed to have passed such tests or subjects on the

first day of the commencement of the examination, He would be deemed to have finally qualified in an examination when he clears its last test or subject.

(e) Loss of Seniority—Officers who do not pass the promotion examinations within the prescribed length of service for promotion to the substantive ranks of Major as given in para 65 will lose seniority to the extent of extra time taken by them to pass the requisite examination.. Any period of service forfeited for promotion as a result of a disciplinary award will not be excluded in computation of the prescribed time limits.

(f) Termination of Service —The services of an officer who does not pass the promotion examinations for substantive promotion to the rank of Captain or Major within the maximum prescribed time limits of service will be terminated " as per provisions contained in Army Rule [13A](#).

80. Promotion Examination On Transfer From one Corps To Another. — When an officer previously qualified for a substantive promotion is transferred from one arm/service to another arm/service before his substantive promotion, he will be required to pass the practical test of the Promotion Examinations Parts A and C as applicable, and the Special to Corps paper of the Promotion Examination Part D as applicable to the corps into which he is transferred, before being considered qualified for promotion. In case such an officer is

Amended Vide [A/16516/GS/MT-2/431/D\(GS-II\)](#) transferred within two years of the date upon which he becomes due for substantive promotion he will be promoted on the due date and confirmed on passing the prescribed test and subject for which he will be allowed a period of two years from the date of his transfer to the new Corps without effect on his seniority. If he does not pass the specified examinations in the two years, the penalties outlined in para 78(e) and (f) and in Army Rule 13A will be imposed.

81. **Exemptions From Passing The Promotion Examinations.** -Officers from the under mentioned Arms/Services are exempted from taking Promotion Examinations as mentioned against each: —

(a) Arm/Service Category of officers Exemption

(i) ENGRS	Officers seconded to the Survey of India	Parts A, B, C and Tactics and Special to Corps paper of Part D,
(ii) AMC, ADC and MNS	Medical Officers, Dental Officers and Nursing Officers	Parts A, B, C and D
(iii) RVC	Graduate Veterinary Officers	Parts A and B Test(a) of Part C', Tactics & Military History paper of Part D.
(iv) MF.	All Officers	Tactics Paper of Part D. Test (a) of Parts A and C, Tactics Paper of Part D.
(v) AEC	All Officers	Parts A and C, Tactics paper of Part D.
(vi) JAG	Officers Commissioned in/Permanently transferred to JAG's Dept.	Parts A. B. C and D
(vii) All Arms and Services.	Regimental Commissioned Officers.	Parts A. B. C and D
(viii) Special List Officers	All categories less EMAE(SA) Officers.	Parts A, B and C. They are required to pass only in Administration in Peace and Military Law Paper of Part D.
(ix) EMAL (SA) Officers		Parts A. B. C and D.

(b) Officers granted Permanent Commission for service with Defence Production Organisation and the Research and Development Organisation exclusively, or those who are permanently seconded to these organisations will be exempted from passing the whole Promotion Examinations Parts A and C and Tactics paper of Promotion Examination Part D.

(c) Special List Officers who have passed Promotion Examination Part D for regular officers prior to their transfer from Regular to SL Cadre are exempted from Part D Examination of SL Cadre.

(d) Officers who subsequently revert from the Survey of India, Defence Production Organisation and the Research and Development Organisation to the Army for general employment, before having been granted the substantive rank of Major, will be required to pass all examinations i.e., Parts C and D with subjects and tests as applicable to their new arm or service within two years from the date of their reversion or upto the

completion of 11 years service, which ever is later, without any adverse effect on their seniority.

**82. Transfer To The Judge Advocate General's Department.** —(a) Eligibility. Permanent commissioned officers of all Arms and Services of the rank of Major and below, who hold a Bachelor's degree in law from a recognised university are eligible for transfer to the Judge Advocate General's Department. Special List and Non-Technical Army Medical Corps commissioned officers whose employ ability is restricted are not eligible.

(b) Attachment and posting,—(i) Eligible officers may apply through proper channel to the Judge Advocate General, Army Headquarters, to be attached to the office of Deputy Judge Advocate General at Command Headquarters for a period not exceeding 6 months in the first instance. No such application will be withheld by any intermediate authority and volunteers found suitable for attachment in all respects shall be made available by the Directorates of Arms and Services concerned.

(ii) On completion of the attachment, the Judge Advocate General may, on the basis of performance report to be issued by the office where the officer was attached, recommend his posting to the Department on Extra Regimental Employment for a period not exceeding 3 years.

(iii) In exceptional cases, officers with experience in legal work may be posted to the Judge Advocate General's Department direct without undergoing any attachment, if recommended by the Judge, Advocate General.

(c) Judge Advocate General's Departmental Examination. —(i) Judge Advocate General's Departmental examination will be held twice a year provided adequate number of candidates apply to take the examination.

(ii) Regular officers from other Arms and Services must qualify in the examination before they are considered for transfer to the Judge Advocate General's Department.

[(iii) Officers granted short Service Commission (Non Technical) in Judge Advocate General's Department will be required to appear in the examination in the third and fourth from the date of Commission. An officer who fails to qualify in a total of two chances or does not take two such chances within fourth year of his/her service will not be entitled for grant of permanent commission and his/her services may be terminated in accordance with the provisions of Army Rule 13 A.]<sup>1</sup>

(iv) The syllabi and other details of the examination will be published in Army Orders

(v) Officers from other Arms and Services eligible for transfer to the Department, whether serving with the Department on Extra Regimental Employment or not, may apply through proper channel to the Judge Advocate General, Army Headquarters for permission to appear at the examination.

(vi) An officer will not be allowed to take the examination on more than two occasions, provided that the Judge Advocate General may, at his discretion, allow a third chance in exceptional cases to an officer from other Arm or Service, whom he considers to be deserving.

(vii) To qualify in the examination a candidate must obtain a minimum of 65% marks in each paper and 80% marks in the aggregate including the viva voce.

(viii) An officer who passes the Departmental examination will receive a reward of Rs.1,000/- vide Para 338, Pay and Allowances Regulations for officers of the Army 1954. Qualified officers of the Department [other than Short Service Commission (Non-Technical) officers recruited direct into the Department] will also be eligible to qualification grant as per existing instructions.

(ix) The venue and exact date of examination will be communicated to all candidates before the commencement of the examination.

(d) Transfer to the Department.—(i) Candidates qualifying in the Departmental examination will be transferred to the Judge Advocate General's Department if recommended by the Judge Advocate General.

(ii) Qualifying in the Judge Advocate General's Departmental examination will not automatically entitle officers from other Arms and Services to be transferred to the Department or the Short Service Commission (Non-Technical) officers to be granted permanent commission.

(e) Judge Advocate General's Departmental Promotion Examination. —

(i) Judge Advocate General's Departmental Promotion Examination will be held once a year. The syllabi and other details of the examination will be published in Army Orders.

(ii) Regular officers of the rank of Captain and Major who have been permanently transferred to or granted permanent commission in the Judge Advocate General's Department will be eligible to appear for the promotion examination.

(iii) An officer must qualify in the promotion examination before he is either granted the substantive rank of Major or considered for promotion to the rank of Lt Col by selection.

[(iv) An officer must qualify the promotion examination before completing 11 yrs of reckonable commissioned service. He will be permitted to appear and qualify in the promotion examination upto 20 years of commissioned service after which his service will be liable to be terminated under AR-13A.

Provided that the period of service forfeited for promotion as a result of a disciplinary award will not be excluded in computation of 11 years of period mentioned above. ]1

[(v) Notwithstanding that the officer from other Arms or services transferred to the JAG's department has already passed the qualifying examination for grant of substantive rank of Major as applicable in his parent Arm/Service, he, or his officer who had been commissioned directly into the JAG's Department, shall forfeit seniority for the purpose of promotion to the extent of extra period taken by him upto 20 years of commissioned service passing JAG's Deptt. Promotion examination, from the date of completion of 11 years of reckonable commissioned service or when eligible to appear, the date when first such examination is held, whichever may be the case.

(vi) These provisions shall come into effect from the date of issue of these orders. Officers who have appeared in the promotion exams but failed to qualify so far will have an option to elect to be either governed by the earlier provisions or by the amended Regulation Para. Such option once exercised shall be final. ]2

(f) General—(i) Service rendered in the Judge Advocate General's Department shall be deemed to be judicial service and shall reckon as such for all purposes.

(ii) The age of retirement for officers of the Judge Advocate General's Department will be as laid down in Army Rule [16-A](#).

Rank And Precedence

**83. Relative Precedence.** —Officers holding permanent or local ranks will take precedence among themselves according to their permanent or local ranks. Local rank carries with it the same advantages of precedence and command as permanent rank, and will have effect so long as the officer is holding the appointment for which it is given.

**84. Retention of Rank after Resignation.**—Officers resigning their commissions will not retain any military rank, except by special authority of the President,  
Appointment —Regimental

**85. Colonels and Colonel Commandants**—The appointments, duties and privileges of Colonels of armoured/infantry regiments and Colonel Commandants of Corps/Services will be governed by regulations as outlined in the succeeding paragraphs.

(a) Authorization

There will be one Colonel for each infantry regiment. The remainder regiment/corps/services will be authorized Colonels/Colonel Commandants as follows :

(i) Armaured Corps .....As sanctioned from time to time

(ii) Artillery .....5

(iii) Engineers.....5

(iv) Signals.....4

(v)ASC .....4

(vi) AMC .....3

(vii)AOC.....2

(viii) EME .....4

(ix) RVC.....1

(x) MF.....1

(xi) AEC.....1

(xii) Int Corps.....1

(xiii) CMP.....1

(xiv) APTC.....1

(xv) Pioneer Corps.....1

(xvi) APS.....1

(xvii) DSC.....1

(b) Eligibility

(i) A serving-officer of the rank of Brigadier and above will be eligible for appointment as Colonel or Colonel Commandant.

(ii) The Chief of the Army Staff will be Honorary Colonel of the Brigade of the Guards in an ex-office capacity during his tenure.

(iii) Save in exceptional circumstances, an officer will hold only one appointment either as Colonel or Colonel Commandant.

(c) Selection

(i) To maintain regimental/corps traditions and esprit-de-corps an officer nominated for the appointment of Colonel or Colonel Commandant should, as far as practicable, be an

officer who has himself served in the particular regiment/corps or has at least been closely associated with the regiment/corps over a considerable period,

(ii) When a particular regiment or corps does not possess a sufficiently senior officer with past service or association with that regiment/corps, the officer nominated should be an officer of seniority and standing so that both he and the regiment/corps benefit; he from the honor and prestige which the appointment confers on him and the regiment/corps from his counsel and guidance.

(d) Appointment

(i) Commanding Officers of armored regiments, Centre Commandants in the case of infantry or Heads of Corps will forward the name of an officer with the consent of units/regiments/corps, and the officer nominated to fill a vacancy. The appointment will be made on the recommendation of the Chief of the Army Staff and with the approval of the Government of India.

(ii) Commanding Officers of regiments, Centre Commandants or Heads of Corps will ensure that recommendations for the nomination of a Colonel/Colonel Commandant or for the grant of an extension of the existing incumbent is received by the Military Secretary, Army Headquarters, six months before expiry of the tenure.

(e) Tenure

(i) Officer will hold the appointment of Colonel or Colonel Commandant for a maximum period of ten years or till they are placed on the retired list, whichever is earlier, unless they wish to relinquish the appointment of their own before completion of tenure.

(ii) Extension of tenure in the appointment of Colonel/Colonel Commandant, beyond the date of retirement may be granted to the officers by the COAS with the approval of the Government, at the request of the Regt/Corps, provided suitable officers with requisite qualifications/experience are not available to replace them.

All officers who were appointed Colonels/Colonel Commandants prior to 29 Dec 69 will continue to be governed by the rules issued vide this HQ letter No. 30368/II/ME(X) dated 12 Aug 59.

(f) Honorary Colonel/Colonel Commandant

(i) An officer promoted to the rank of General will on completion of his tenure be allowed to continue in the capacity of Honorary Colonel/Colonel Commandant of his specific regiment/Corps till he attains the age of 62 years.

(ii) An Honorary Colonel/Colonel Commandant will not assume the normal responsibilities of a Colonel/Colonel Commandant but if requested may be associated in advising on regimental/Corps funds, charities and organisations.

(iii) An Honorary Colonel/Colonel Commandant will be authorised to visit regimental/corps Centers once a year and to attend regimental/Corps re-unions as and when held under the same terms and conditions as admissible to Colonels/Colonels Commandant.

(g) Duties of Colonel/Colonel Commandant

(i) Be a "father figure" for the regiment/Corps and look after the interests of the regiment/Corps.

(ii) Foster esprit-de-corps in the regiment/Corps.

(iii) Act in an advisory capacity to Commandants of the Regiment/ Training Centre and Officers Commanding of Units of the Regiments/Corps on purely regimental matters.

(iv) Advise Army Headquarters on matters on which he has been consulted (in case there is more than one Colonel Commandant, the agreed advice of the Colonel Commandants of the Corps should be represented).

(v) Recommend to Army Headquarters or civil authority the case of any individual of the regiment/Corps requiring assistance. No recommendation for promotion or pertaining to a disciplinary case will be made by a Colonel/Colonel Commandant to Army Headquarters.

(vi) Advise on welfare activities for both serving and retired personnel of the regiment/Corps. His advice should be obtained in regard to any major utilisation of regimental funds, as quantified by the regiment/Corps. Sanction for expenditure of funds will be obtained from formation commanders as provided for in SAO 9/S/76 and AO 197/77.

(vii) Advise on regimental/Corps memorials, historical matters, customs, dress, colors, titles and similar matters,

(viii) Maintain close contacts with different units including Territorial Army units of the regiment/Corps.

(ix) Encourage contacts with former officers and men, advise in organising Regimental Corps re-unions and maintain liaison with Honorary Colonels.

(h) Privileges

Visiting Units: When visiting units of their regiments or Corps in the capacity of Colonel/Colonel Commandant they would be authorised following privileges : —

(i) **Quarter Guard** — "Turning Out" by unit quarter guards.

(ii) **Guard of Honour** — A guard of Honour of 50 ranks and file within unit lines.

- (iii) Ceremonial Parade—May take salute at a ceremonial parade held within unit lines.
- (iv) Badges of Rank and Uniform—When a General Officer or a Brigadier who is Colonel/Colonel Commandant visits a unit of his regiment/corps in the capacity of Colonel/Colonel Commandant, it is a matter of his choice whether he wears the uniform of his rank or alternatively regimental uniform with rank badges of a Colonel, regimental badges, shoulder titles, buttons, flashes or other regimental or Corps embellishments. The rank of badges of a General officer and forget patches will not, however, be worn, with regimental uniform nor the rank badges of a Colonel with the uniform of a General officer.
- (v) Star Plates—Retired officers, in their capacity as Colonel or Colonel Commandant of regiments or Corps are permitted to display appropriate star plates, while proceeding to and returning from units they are visiting. However, they will not fly flags on cars
- (vi) **Number of visits to units during each financial year :**
  - (a) **Colonel of an Armoured Regiment :** One visit to the regiment.
  - (b) **Colonel of an Infantry Regiment**
    - (aa) The Colonel of an Infantry regiment having twelve or less battalions in his regiment is authorised six visits during a -financial year but without any constraints regarding the number of visits to a unit in that year.
    - (ab) The Colonel of an Infantry regiment having more than twelve battalions in his regiment is authorised visits is a financial year to the extent of 50 percent of the number of battalions in the regiment but without any constraints regarding the number of visits to a unit in that year. Such visits, however, will not exceed 8 in a financial year.
    - (ac) In addition to the visits authorised in paras (aa) and (ab) above, a Colonel of an infantry regiment is authorised to visit the Regimental Centre of his Regiment once in each financial year.
  - (c) Colonel Commandants of Arty, Engrs, AMC, Sigs, ASC, AOC, EME, CMP, Pnrs, Int, Corps, RVC—Six visits.
  - (d) Colonel Commandant AEC—One visit to AEC Trg College and Centre, Pachmarhi.
  - (e) Colonel Commandant of APTC—One visit to ASPT and APTC Depot, Pune.
  - (f) Colonel Commandant Military Farms—Four visits.
- (vii) **Correspondence**—Colonels/Colonel Commandants may correspond direct with the Army Headquarters on matters of purely regimental or Corps interest. This will exclude matters. pertaining to promotion or discipline.
- (viii) **Honorary Colonel/Colonel Commandant**—The privileges of Honorary Colonels/Colonel Commandants will be by and large as at para (fa) above except for number of visits as at para (h) (vi). Visits of Honorary Colonels /Colonel Commandants will be governed by the provisions of para (f) (iii).
- (ix) **Seniority**—The seniority of Colonels/Colonel Commandants and honorary Colonel/Colonel Commandant will be determined as follows :
  - (a) Seniority of serving Colonels/Colonel Commandants will be determined by their inter se seniority in the service while or retired officers it will be determined by the date of appointment and not by rank.
  - (b) At regimental / Corps functions, a Colonel/Colonel Commandant will always take precedence over a Honorary Colonel/Colonel Commandant.
  - (c) The Chief of the Army Staff, in his capacity as the Honorary Colonel of the GUARDS, or after retirement when holding the appointment of a Honorary Colonel/Colonel Commandant will, however, take precedence over other Colonel/Colonel Commandants.
- (x) TA/DA Entitlement—As per rule 152 of Travel Regulations (1976) Edition.
- (j) Queries—The channel of correspondence for queries, if any, will be as under :-
  - (i) MS Branch MS(X)—For Authorisation, tenure, appointment, selection and duties.
  - (ii) AG's Branch/CW-I—For privileges.
  - (iii) QMG's Branch (Q Mov C)—For TA/DA entitlement.
- (k) Supersession—This supersedes this HQ letters No 30368/II/MS(X) dated 26 Mar/5 Apr70, 30368/II/MS(X) dated 04 Aug76 and 81482/AG/PS6 dated 2/14 Apr 70,

86. Removal from an Appointment.—No officer can be removed from a regimental appointment except by the next higher authority to that which appointed him or by the Army HQ.

87. **Officiating Appointments.**—The appointment of an officer to officiate in a higher appointment (Staff/Regimental/ERE) will be sanctioned by an authority prescribed from time to time by the Chief of the Army Staff.

88. **Local Ranks.**—Local ranks appropriate to the appointments held may be granted to officers if considered necessary in the interest of service.

89. Vacation of Appointment.—An officer will not be required to vacate his appointment in consequence of leave granted for any disability or wound contracted on field or quasi-field

service even though he may actually complete the tenure of his appointment during the period of such leave. This provision will, however, not be applicable if the officer is due for retirement after completion of his tenure.

90. **Temporary Replacements.**—When an officer holding an appointment of limited tenure proceeds on field service, the vacancy so caused as well as the chain of vacancies occasioned by his replacement will be temporary. Temporary appointments to such vacancies will be sanctioned by the authority competent to make permanent appointments.

91. **Selection for Staff and Extra Regimental Employment.**—Captains will not be posted to Staff/Extra Regimental duty appointments outside the unit unless they have successfully qualified on the mandatory courses as laid down from time to time and have rendered at least five years of commissioned service in their respective units/regiments, However for posting to the appointment of ASDC to a Military Dignitary and Instructor Commando Wing at the Infantry School, the service limit will be three years. For posting to the appointment of ADC to a Civil Dignitary, the service limit will be five years. The tenure of appointment as ADC will be strictly for two years in the case of civil dignitary unless extended by Government under exceptional circumstances. An ADC, after completion of his authorised tenure should generally be reverted to regimental employment in terms of Para 91 of DSR and, therefore, cannot normally be considered for another Staff/ERE tenure in conjunction with his tenure as an ADC.

92. **Reversion to Regimental Duty.**—After completion of the "tenure of a staff appointment, an officer will return to regimental duty for a period of normally not less than two years.

93. **Attachment to The Staff.**—Officers may be temporarily attached to or employed on the staff of Army HQ, Inter Services Organisations,command,corps,div/area or other formation headquarters, for periods not exceeding six months at a time. They will not be replaced in their units, nor will they be entitled to any extra pay.

94. **Personal Staff Appointments.**—The authorised personal staff appointments are shown below. They are seconded appointments except where otherwise indicated and are subject to revisions of PE/WE, as the case may be.

	One MS
	One Dy MS (Army)
The President	One Comptroller of Household
	Six As DC's
	Two JCO AsDC
	One of the two AsDC on the personal staff of the Governors from Defence Services unless relaxed by the Govt in individual cases on merits on account of special circumstances prevailing in a State (Auth : Min of Home Affairs letter No. 2 S/76-State dated 24 Sep 76)
State Governors	
	One MA
COAs	One Dy MA
	One officer ADC
Permanent or temporary	One officer ADC (Unseconded)
	One MA
VCOAS	One Dy MA
	One officer ADC and One JCO ADC
	One officer ADC
GOC-in-C Permanent or temporary	One JCO ADC
	One Officer ADC
GOC, HQ Corps Permanent or temporary	One JCO ADC
	One Officer ADC
GOC. HQ Div/Areas Permanent or temporary	One Officer ADC



95. **Assumption and Relinquishment of Charge.**—An officer on the personal staff of a State Governor will be governed, for purposes of assumption and relinquishment of charge, by the rates of the State Government under which he is employed.

96. **Assumption and Vacation of Command.**—The Chief of the Army Staff may assume command and relinquish/resign it at any place in India. The Chief of the Army Staff may also direct an officer of the staff of Army HQ to join or relinquish appointment at a place other than his HQ station when, in the public interest, such a course is necessary. A GOC-in-C, a corps/division/area or a brigade/sub-area commander may assume charge of his duties anywhere within the area of his administration. He will vacate his appointment : —

- (a) on completion of his tenure of service or tenures of service if a second tenure is admissible and is granted or on attaining the prescribed age of compulsory retirement laid down for his rank,, whichever is earlier,
- (b) if removed from his command, on the date following the receipt of the official order at the formation HQ concerned ; and
- (c) if selected for any other appointment, from the date of making over command.

98. **Honorary ASDC to the President.**—The appointment of Chiefs of Staff as Honorary AsDC to the President will be ex-officio terminable on the relinquishment of office. The appointment of other Service Officers as Honorary AsDC on the personal staff of the President will be made by the President from among officers of the three Services of the appropriate ranks. These appoint-

-ments will be for a period of five years, but will terminate earlier on the holder's demise, demotion, discharge, retirement from service or on the officer taking up appointment elsewhere while on leave preparatory to retirement or demission of office by the President. The Services appointments including the Chiefs of Staff will be designated as under :—

(a) Those held by Chiefs of Staff :—

Chief of Army Staff . . . Principal Honorary Army ADC.

Chief of Naval Staff . . . Principal Honorary Naval ADC.

Chief of Air Staff . . . . Principal Honorary Air ADC.

(b) Those held by others:—

Army	Honorary Army AsDC (Officers of the rank of Major General and above).
Navy	Honorary Naval ASDC (Officers of the rank of Captain and above).
Air Force.	Honorary Air ASDC (Officers of the rank of Air Commodore and above).
Territorial Army	Honorary ADC (TA) (Officers of the rank of Lt. Colonel and above).

The total number of Honorary ASDC to the President from the Services will be as follows :—

Honorary Army AsDC	7 (including Chief of the Army Staff but excluding Honorary ADC(TA).
Honorary Naval AsDC	3 (Including Chief of the Naval Staff).
Honorary Air AsDC	5 (Including Chief of the Air Staff).
Honorary ADC (TA)	1

When a President relinquishes office, the appointments of Honorary AsDC on the personal staff will lapse with effect from that date.

From among the officers selected as Honorary AsDC the President will nominate the First and Principal ADC who would normally be the senior-most officer among the AsDC and with a distinguished record of service.

Officers of the Army Medical Corps may be appointed Honorary Surgeons to the President.

99. **Appointments Outside Ministry of Defence.**—Subject to the approval of Ministry of Defence, Chief of the Army Staff, may place the services of Army Officers at the disposal of other Ministries of Central Government and civil administration.

100. **Tenure of Appointments.**—(a) Nothing in these regulations constitutes authority for the creation of a new appointment.

(b) The tenure of appointments will be as laid down by Army HQ from time to time.

101. **Tenure of Personal Appointments.**—The tenure of appointment to the personal staff of a high official terminates when the official ceases to hold office. except where

otherwise specified. An officer may, however, be reappointment to the personal staff of his successor, subject in the case of reappointment to the personal staff of a Governor, to the concurrence of the GOC-in-C command.

**102. Refusal of Employment**—An officer is not at liberty to decline any employment in the Army for which he may be selected, nor can he throw himself out of employment by resignation of his appointment.

Removal, Resignation and Retirement

**103. Undesirable Officers.**—An officer will not be permitted to remain in the service, if at any time during the first three years from the date of his commission his retention is considered to be undesirable.

**104. Retirement And Resignation.**—(a) The President may call upon any officer to retire or resign his commission at any time without assigning any reason.

(b) The Central Government may call upon any officer to retire or resign his commission at any time subject to the provisions of the rules in this behalf, as made under the Army Act.

(c) No authority other than that specified in sub-paras (a) and (b) above, may call upon an officer to retire or resign his commission or exert any pressure on him to do so.

(d) An officer will not be relieved of his duties until receipt of intimation that his application to retire or resign has been accepted. An officer whose application to retire or resign has been accepted may apply to the Central Government for his application to be cancelled. In the case of officers who have once proceeded on leave pending retirement, permission to withdraw such applications will only be granted in exceptional circumstances. The decision of the Central Government on all applications to retire will be final.

(e) An officer of the Army who resigns from the service, vacates any civil appointment under the Central Government that he may be holding, unless the Central Government otherwise directs.

**105. Application for Resignation/Retirement**—(a) Application of officers of the Army to resign their commission or to retire from the service will be forwarded through the prescribed channels to Army HQ. The applicant need not give a prospective date from which it is desired that the retirement/resignation should take effect as it may not be administratively convenient for the competent, authority to take a decision by a desired date. However, if an applicant desires to retire from a specified date for any valid reasons, such as commutation of pension or higher rate of pension, he may indicate a prospective date in his application and submit his application not less than 4 months before that date. In the case of retirement with requisite qualifying service for pension, the applicant will also state where he wishes to draw his pension.

(b) In forwarding an application, the OC unit, when it is the result of misconduct or any thing affecting the honour of the officer or his character as a gentlemen, will state all the circumstances and particulars of the case. The authority responsible for forwarding the statement to Army Headquarters will ensure that it gives a complete account of the case before forwarding it. The OC unit will also state whether all regimental claims have been paid if he is aware of any outstanding claims, and if there is any objection to the resignation or retirement being sanctioned.

(c) In the case of an officer resigning his commission or retiring with gratuity, a provisional no demand certificate (IAFA-4500), clearly endorsed as such, will be obtained from the CDA(O) and forwarded with the application.

(d) When an officer proceeds or is about to proceed on retirement/resignation or leaves his unit or appointment on retirement/resignation, his commanding officer will prepare IAFA-4500, complete it in so far as regimental and public, claims are concerned, and clearly endorse as a final no demand certificate in respect of any demand outstanding. This form will be submitted to the CDA(O) who will check it and amend it where necessary. The CDA(O) will endeavour to ensure that this Certificate accompanies the last pay certificate, when the latter has to be issued. When the CDA(O) has reasons to believe that a public demand is outstanding against an officer who is about to retire with gratuity, he will report the matter to CDA(P), Allahabad and Army Head quarters by telegram if necessary, in order that portion of the gratuity may be withheld to meet demand.

(e) Every Officer desirous of leaving the Army Service by resigning or retiring prematurely should apply only after weighing the pros and cons of premature retirement/resignation because requests for withdrawal of such requests subsequently, when the same are at advanced stages of considerations cause administrative difficulties. The applicant officer should, therefore, resort to premature retirement/resignation as a last resort when no other practical alternative is available to him. If he has any grievances with regard to

posting, adverse remarks in ACR, punishment and so on, he should first seek redressal through prescribed channels and submit his application only when he finally decides to leave the service unconditionally. While making an application, he should give an undertaking that he will not withdraw his request after it has been accepted.

[(f) The applications of premature retirement or resignation of officers upto the rank of Colonel except in the case of officers of AMC, ADC and MNS, will be examined to Army HQ and submitted to the Military Secretary. The cases of officers of AMC, ADC and MNS upto the rank of colonel will be submitted to Adjutant General. However, the applications for premature retirement or resignation of all the categories of officers of the rank of Brig and above will be submitted to the Chief of the Army Staff. The Chief of Army Staff or Military Secretary or Adjutant General, as the case may be, may, if he considers appropriate, recommend the acceptance of premature retirement or resignation of the applicants to the Central Government. However, they may reject an application submitted to them. If it is not based on adequate and justifiable reasons at their level itself without referring it to the Central Government. In case, the officer feels aggrieved by the decision of the Chief Of Army Staff or Military Secretary or Adjutant General, as the case may be, he can if he so chooses, submit a statutory complaint under the provisions of Section 27 of the Army Act. The decision of Central Government on the application will be final.]<sup>1</sup>

(g) Where the Central Government are satisfied that the officer's continuance in service for a specified period is necessary to meet exigencies of service and alternative arrangements cannot be made, they may order holding the retirement/resignation order in abeyance.

(h) If an officer is forced to seek withdrawal of his application due to unforeseen reasons after acceptance of his request for premature retirement resignation but before he is retired, he may apply to the Central Government and his request may be granted at the discretion of the Central Government.

**106. Confidential Reports.**—Confidential reports on all officers will be initiated as per the laid down procedure, and for special purposes in accordance with the instructions issued by the Chief of the Army Staff from time to time.

**107. Interviews with the Military Secretary Army HQ.**—Officers of all ranks on the active list may interview the Military Secretary on personal questions relating to appointments, promotions and allied matters. Officers desirous

Of an interview may write direct to the Military Secretary for an appointment. The application for interview should embody any points which the officers wishes to raise at the interview unless the matter is domestic or strictly personal.

Officers may also interview the Military Secretary in connection with representations against their confidential reports or superior officers, but applications for such interviews must be submitted through staff channels. Applications will be accompanied by a brief resume of the points the officer wishes to discuss. Every commander in the chain will investigate the points raised in the application and comment before forwarding it to the next higher authority. An application for an interview with Military Secretary will not be withheld by an intermediate authority; it may however, be withdrawn by the officer himself at any stage.

Interview will be granted by the Military Secretary or his authorised representative including when on tour. Whilst on tour, interviews may be granted by Military Secretary or his authorised representative provided a resume of the case is prepared for the touring officer in accordance with the prescribed form and is handed over to him with the comments of the officers commanding officer and the immediate formation commander.

Officers of the Army Medical Corps, Army Dental Corps and Military Nursing Service will be granted an interview by the DMS (Army) or his authorised representative instead of Military Secretary. Officers from the Establishments of DG AFMS will interview the DG AFMS, or his authorised representative.

**108. Constitution and Duties of Selection Boards.**—Selection Boards (for officer other than Army Medical Corps, Army Dental Corps and Military Nursing Service) are constituted as required under the order of the Chief of the Army Staff. Their composition and duties are given below :—

(a) Composition

Presiding Officer Chief of the Army Staff or any other senior officers as directed by him according to the importance of the Selection Board.

Members . . . As directed by the Chief of the Army Staff from time to time in accordance

with the nature of their duties.

Secretary MS/Addl MS/Dy MS

(b) Frequency of Meeting : As required by the Chief of the Army Staff.

(c) Duties.—(i) Assessment of officer for promotion to Lt Col and above, in accordance with the criteria laid down for selection.

(ii) Any other matter which the Chief of the Army Staff may direct the Board to consider.

(d) The assessment of the Selection Board shall be recommendatory in nature and not binding until approved by the competent authority viz the COAS or the Central Govt as the case may be.

(e) The Central Government or COAS have the inherent power to modify review, approve with variation or repeal recommendations of the selection Boards.

**109. Constitution And Duties of Selection Boards (Medical).—**The Director General, Armed Forces Medical Services is responsible for convening Promotion, Appointment and Regular Commission Boards, as under :—

(a) Selection Board No.1.—For the appointment of DGAFMS and selection for promotion of other appointments in the rank of Lt Gen (or equivalent) of the Armed Forces Medical Services.

Chairman Chairman, Chiefs of Staff committee

Members The other two Chiefs of Staff

Member Secretary DGAFMS

Quorum Not considered necessary.

(b) Selection Board No. 2.—For promotion of officers of AMC/AD Corps/MNS to the rank of Brig and Maj Gen (and equivalent) and their screening for retention in service beyond the minimum age of retirement, and selection for appointment of DsMS in the rank of Maj Gen (and equivalent).

Chairman Chairman, Chiefs of Staff Committee.

Members The other two Chiefs of Staff, DGAFMS DMS (Navy) and DMS (Air)

Member Secretary DMS (Army)

Quorum Two Chiefs of Staff (the senior in tenure being the Chairman), DGAFMS

(c) Selection Board No. 3.—For promotion of officers of AMC/AD Corps/MNS to the rank of Colonel (and equivalent) and their screening for retention in service beyond the minimum age of retirement.

Chairman DGAFMS  
AG, Army HQ  
COP, Naval HQ  
AOA, AirHQ  
DMS (Army)  
DMS (Navy)  
DMS(Air)  
Chief Consultant

To be coopted as members when officers belonging to their service/specialist cadre are considered One Senior Consultant  
DDS  
DMNS

Secretary Dy DGAFMS

Quorum DGAFMS, one of the three PPOs (AG

COP and AOA), Chief Consultant/DMS

(Army), Senior Consultant when

Chief Consultant is not present

(for specialist officers only), DDS

(for Dental officers only) and

DMNS (for Nursing officers only)

(d) Selection Board No.4.—For promotion of MNS and AMC (Non- Tech) officers to the rank of Lt Col.

Chairman .DMS (Army)

Members Representative of AG—not below the rank of Brigadier

DMS (Navy) or their representatives not below

DMS (Air) the rank of Surgeon Commodore/Air Commodore

DY DG AFMS

DMNS (For Nursing officers only)

Secretary An officer of DGAFMS

Quorum Chairman, DMS (Navy), DMS (Air) and one more member DMNS (For Nursing officers only)

#### Boards For Commissioning

(e) Selection Board No.5.—For selection of candidates for grant of Short Service and Permanent Commission in the AMC and Permanent Commission in the AMC (Non-Technical)/AD Corps and MNS.

Chairman DGAFMS (in the absence of DGAFMS, senior most Member will preside)

Members AG or their representatives, not below the rank;

DMS (Army) of Brig, equivalent.

DMS (Navy)

DMS (Air)

DGHS (or his representative)

DMNS (for Nursing officers only)

DDS (for Dental officers only).

Secretary . An officer of DGAFMS

Quorum . Chairman, AG/DMS (Army) or representative

DMS (Navy)/DNfS (Air) or representative

DMNS (for Nursing officers only)

DDS (for Dental officers only).

(f) Selection Board No.6.—For selection of candidates for grant of Short Service- in the AD Corps.

Chairman . DDS.

Members Representative of AG (not below the rank of Brig) DDMS (Army)

JDMS (Navy)

JDMS (Air)

Secretary DDDS

Quorum . DDS, Representative of AG, DDMS (Army),

JDMS (Navy)/JDMS (Air)

**110. Medical Board Proceedings.**—(a) Invaliding Medical Board.—When an officer is reported as permanently unfit for service, a medical board will be assembled to carry out further examination.

When an officer is declared by a medical board to be permanently unfit; for any form of military service the proceedings of the medical board will be submitted through departmental channels to the DMS (Army), for acceptance. If the findings of the board are accepted by the DMS (Army), the board proceedings will be disposed of under the normal administrative instructions in force.

(b) Sick leave Medical Board.—When an officer is recommended sick leave, the findings of the medical board will be reported immediately to the administrative authority at Army HQ, and the normal leave sanctioning authority may, on the recommendation of the medical board, grant leave without waiting for information from Army HQ.

**111. Disposal of Officers Declared Permanently Unfit for any Form of Military Service.**—Officers declared to be permanently unfit for any form of military service by a medical board will be invalided out of the Army under the provisions of Army Rule [15A](#) on the proceedings of the said Medical Board being accepted by DMS (Army).

**112. The Regular Reserve of Officers.**—Regular officers who retire on pension or with a gratuity before attaining the age of compulsory retirement for their respective rank except those who retire on account of mental or phy-

An officer shall not be appointed to this Reserve in a rank higher than what he holds or was granted on retirement.

An officer of the Reserve may with his own consent and the sanction of the Government be employed on Army Dental Corps duties at any time.

An officer of the Reserve will take seniority in his rank from the date of recall or employment and be placed junior to all regular officers holding similar ranks on that date. Inter-se seniority of officers will be on the basis of the date of promotion to the substantive rank held.

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CHAPTER IV

JCOs, WOs,OR AND NON-COMBATANTS (ENROLLED)

131. **The Bank, Appointment And Order of Precedence,**—The rank, appointment and precedence of persons subject to the Army Act (other than officers) are set forth below. The grant, under authority, of any appointment therein detailed confers on the holder the rank specified. Those bracketed together rank with one another according to their date of promotion or appointment. The corresponding ranks in the Indian Navy and Indian Air Force are also shown.

	Army	Indian Navy	Indian Air Force
	(a) Risaldar Major		
	Subedar Major		
	Subedar Major Clerk		
	(b) Risaldar		
	Risaldar Clerk		
	Risaldar Cl. I RVC		
	Subedar		
	Subedar Clerk		
	(c) Risaldar Cl. II RVC		
	(d) Naib Subedar/Naib		
	Risaldar		
	Naib Subedar Clerk/Naib		
	Risaldar Clerk		
	Naib Subedar		
	Bandmaster/		
	Naib Risaldar Bandmaster		
	Warrant Officer Cl. II		
	(i)Dafadar		
	Havildar	No	Master
(A) JCOs—	(a) Regimental Dafadar	Equivalent	Warrant
(B)WOs	Major	Chief Petty	Officer
(C) NCOs-	Regimental Havildar	officer	Junior
	Major	Petty officer	Officer
	Havildar Major Armament		Sergeant
	Artificer		
	Regimental QM Dafadar		
	Regimental QM Dafadar		
	(Mechanical)		
	Regimental QM Havildar		
	Battalion Havildar Major		
	Battalion QM Havildar		
	Farrier Dafadar Major		
	Squadron Dafadar Major		
	Squadron QM Dafadar		
	Battery Havildar Major		
	Battery Havildar Major		
	(fitter gun)		
	(b)Battery QM Havildar		
	Company Havildar Major		
	Company QM havildar		
	QM Dafadar		
Army	Indian Navy	Indian Air Force	
(c) Dafadar			
Dafadar Mechanist			
Dafadar Clerk			
Artificer Havildar			
Gunner Havildar			
Havildar			
Armourer Havildar			

Havildar Clerk  
 Band Havildar  
 Dafadar Dresser  
 Dafadar Rider  
 (ii)L/Dafadar, Naik  
 Lance Dafadar Leading Seaman Corporal  
 and equivalent  
 ratings (but junior to  
 Army ranks)  
 Lance Havildar  
 Lance Dafadar Rider RVC  
 Lance Dafadir Dresser RVC  
 Naik  
 Artificer Naik  
 Gunner Naik  
 Naik Clerk  
 Band Naik  
 Farrier Lance Dafadar  
 (D) Sowars,  
 Gunners, (a) Acting Lance Dafidar  
 Drivers, Lance Naik Able Seaman Leading  
 Aircrafts man  
 Sappers,  
 Signalmen, (b) Sowar  
 Sepoys and Gunner  
 Riflemen Driver  
 Sapper  
 Signalman  
 Sepoy or Rifleman  
 Sepoy Clerk  
 Armourer Ordinary Seaman  
 Air crafts man 1st Class  
 Trumpeter  
 Bugler  
 Piper  
 Drummer  
 Bandsman  
 Air crafts man 2nd Class  
 Signaller  
 Rider RVC  
 Dresser RVC  
 Farrier  
 Craftsman  
 Enrolment ,Attestation And Service

132. **Recruitment**—The Chief of the Army Staff is vested with the entire executive control over the recruitment of all personnel included in the sanctioned establishment of the Army. All personnel will be enrolled into corps and not into any special unit of that corps. For the Infantry (including Gorkha regiments) the corps is the Regiment. Personnel who have more than one wife living shall not be eligible for enrolment/appointment in the Army unless specifically exempted by the Central Government.

133. **Enrolment**,—Combatants will be enrolled on IAFK-1162.

134. **Terms of Service**.—(a) The minimum periods of colour service and the Reserve liability will be as follows :—

(i) **Group I**.—17 years service with the colours and 2 years in the reserve or till the attainment of 40 years of age, whichever is earlier.

Arm or Service Trade and Category

(1) (2)

All Arms and Services Driver (MT)

Driver Special Vehicle

Storehand GD

Storehand Technical

Armoured Corps Driver AFV



Gunner AFV  
Operator Wireless AFV  
Sowar GD  
Sowar Horsed Cavalry  
Sowar President's Body Guard  
Artillery Driver Mule MA  
Driver Operator  
Driver SP Arty  
Engine Attendant  
Gunner Driver SP Arty  
Gunner GD  
Gunner Operator SP Arty  
Operator Excavating Machinery Arty  
Operator Radio Arty  
Plotter  
Technical Assistant  
Engineers Block Inspector  
Boiler Maker  
Bricklayer Checker  
Concreter  
Driver AFV  
Driver Crane Tn  
Driver Plant and MT  
Draughtsman. Railway  
Electrician Engineers

Arm or service  
(1)

Trade and Category  
(2)  
Engine Artificer  
Engine Driver Steam  
Engine Fitter  
Fireman  
Fitter  
Fitter Loco  
Fitter Railway Signals  
Guard Railway  
Gunner AFV  
Instrument and Blockman  
Lighterman  
Mason  
Machinist Engineers  
Oilman  
Operator Excavating Machinery  
Operator Radio (Engineers)  
Platelayer  
Printer and Compositor  
Riveter  
Sapper Survey  
Sawyer  
Stevedore  
Surveyor Field  
Surveyor Railway  
Traffic Points man  
Wagon Erector  
Well Borer  
Despatch Rider  
Operator Keyboard and Line  
Operator Radio and Line  
Operator Switchboard and Line  
Lineman Field  
Lineman Permanent Line  
Line Test Recorder  
Infantry Soldier  
Driver (AT)  
----  
Ambulance Assistant Bricklayer

Signals

Infantry  
ASC  
APSC  
AMC

AOC	Operator Mechanical Handling Equipment Textile
EME.	Repairer
RVC	----
AEC	Dresser
Intelligence	Rider
CMP	----
Pioneer	Infantry Soldier
APTC	Military Policeman
	Pioneer GD
	----

(ii) Group II.—20 years service with the colours and 3 years in the reserve or till the attainment of 46 years of age. whichever is earlier,

Arm of Service Trade and Category

1 2

All Arms and Services Bandsman

Barber

Blacksmith

Bugler

Carpenter

Carpenter and Joiner

Clerk Store

Clerk GD

Cook

Cook Mess

Cook Special

Drummer

Equipment and Boot

Repairer

Kennelman

Masalchi

Painter

Painter and Decorator

Piper

Saddler

Storekeeper Technical

Sweeper

Syce

Tinsmith

Tin and Coppersmith

Trumpeter

Tailor

Waiter Mess

Washerman

Armored Corps Saddler and Harness Maker

Saddle Tree Maker

Artillery Assistant instructor in Gunnery

Fitter Gun

Fitter Vehicle

Observer Operator

Operator

Fire Control

Regt Surveyor

Surveyor Artillery

Technical Instructor

Fire Control

Engineers Artificer Excavating machinery

Driver Marine IC

Driver Marine team

Driver Railway Engine

Arm or Service Trade and Category

(1) (2)

Draughtsman Air Survey

Draughtsman Estimating

and Design

Draughtsman Field

Draughtsman Lithographical  
Draughtsman Mechanical  
Draughtsman Topographical  
Grainer and Guillotine Operator  
Hello Worker  
Lino/Mono Operator  
Litho Machine Minder  
Lithographic Machine Erector  
Lithographer Prover  
Mechanist E and M  
Moulder  
Overseer B and R  
Pattern Mater  
Permanent Way Inspector  
Photographer Cartographic  
Photo Writer  
Refrigeration Mechanic  
Saw Doctor  
Secunny  
Serang  
Shipwright  
Surveyor Topographical  
Surveyor Trigonometrical  
Traffic Operator  
Welder  
Signals Draughtsman Signals  
Electrical Fitter Signals  
Operator Cipher  
Operator Rado Keyboard  
Operator Special  
Radio Mechanic  
Telegraph Mechanic  
Infantry -----  
ASC Clerk GD (SD)  
Baker  
Butcher  
Dipper Checker  
Fitter petroleum  
OR Catering  
Personal Assistant -ASC  
APSC Packer  
Postman  
AMC Blood Transfusion Assistant  
Dental Hygienist  
Dental Operating Room Assistant  
1 2  
Dental Technician  
Laboratory Assistant  
Laboratory Technician  
Mental Nursing Assistant  
Nursing Assistant  
Operating Room Assistant Pharmacist  
Physio Occupational Therapy Assistant  
Radiographer  
Sanitary Assistant  
Special Treatment Assistant  
X-Ray Assistant  
AOC Ammunition Technician  
Operator Boot Repair Machine  
Operator Laundry Plant  
Saddler and Harness Maker  
EME Armourer  
Driver Recovery  
Draughtsman Mechanical  
Electrician (AFV)  
Electrician (MV)

Engineer Equipment Mechanic  
 Fitter  
 Instrument Mechanic  
 Limb Maker  
 Machinist  
 Metal Smith  
 Moulder  
 Operator Tyre Repair plant  
 Pattern Maker  
 Refrigeration Mechanic  
 Telecommunication Mechanic  
 Tool Maker  
 Turner  
 Upholster  
 Vehicle Mechanic (AFV)  
 Vehicle Mechanic CMV  
 Watch Maker  
 Welder  
 RVC Army Dog Trainer  
 Farrier  
 AEC Instructor AEC  
 Intelligence Intelligence Personnel

(b) All personnel discharged from service at their own request before completion of the colors service referred to above will also carry reserve liability for a period of 2 years or till attainment of 40 years of age in the case of Group I categories and 46 years of age in the case of Group II categories, whichever is earlier.

**135. Medical Examination of Recruits.**—(a) All recruits will prior to enrolment or engagement, subjected to a medical examination in the prescribed manner,

(b) Medical examination of all recruits for enrolment by ROs will be carried out by Recruiting Medical Officers or at the nearest Military Hospital Medical examination of recruits for enrolment at unit HQ will be carried out at the Military Hospital located in the same station.

(c) Whenever a Recruiting Medical Officer is in doubt as to the nature of a disability, he may refer the recruit to a Specialist for examination and opinion as to his suitability for enrolment in the Army. This will be done only when the recruit is fit in all other respects, and a reasonable doubt exists regarding the disability or disabilities in question.

A recruit, who is referred to a Specialist for medical examination and opinion as mentioned above, will be provided where necessary, conveyance by rail on warrant to the nearest Military Hospital where the Specialist is available, and back to the place of recruitment.

(d) The medical re-examination (immediately) on arrival at his unit of a recruit enrolled by a RO and passed fit By a Recruiting Medical Officer is not permissible. Only in exceptional cases, where the medical officer in charge of the case considers it unlikely that a recruit will make an efficient soldier, will he be medically boarded before undergoing training.

(e) When a recruit breaks down while undergoing training or is to be suffering from a disability likely to prevent him becoming an efficient soldier he will be medically boarded, and, if found unfit discharged under Arm) Rule 13(3) item IV.

**136. Determination of Age on Enrolment-** (A) The age recorded in the enrolment form of a person enrolled under the Army Acts shall be in conformity with the date of birth given in the certificates mentioned below : —

(a) in the case of those who have passed Matriculation or equivalent examination.—

(i) The Matriculation (or equivalent) certificate, if it shows, the date of birth or exact age on any particular date.

(ii) Where the date of birth or the exact age is not shown in the Matriculation or equivalent certificate, the following certificates in the order shown :—

(aa) A certificate in original, from the Headmaster of the School from where the candidate matriculated or which he first attended, showing the date of his birth or his exact age as recorded in the school admission register ; or

(ab) School Leaving or School Transfer Certificate, in original,- if the date of birth or exact age on any particular date is shown in it : or

(ac) a certified extract from the Municipal or Village birth register, or in the case of Christians, the original Baptismal certificate.

(b) In the case of those who have attended some school but have not passed Matriculation or equivalent examination—The certificates mentioned in clause (a)(ii) above in the order shown

(c) In the case of those who have not attended any school and have not passed Matriculation or equivalent examination—The certificate mentioned in clause (a)(ii) (ac) above.

(B) The Higher Secondary School Certificate if produced by any candidate shall be accepted in lieu of the Matriculation (or equivalent) certificate for the purpose of determining his correct date of birth.

(C) If a non-Matriculate or an illiterate recruit is not in possession of any of the certificates mentioned in sub-para (A) (a)(ii) above, his apparent age shall be assessed by the Enrolling Officer in consultation with the Medical Officer concerned. For purposes of calculating the date of birth in such cases it should be assumed that the candidate has completed the assessed apparent age on the date of enrolment e.g. if a person is enrolled on 1st August 1957 and if, on that date, his apparent age was assessed as 17 years, his date of birth should be taken as 1st August 1940. In cases in which year and month in which the individual is born are known but not the actual date, the latter will be taken as the 16th of the month.

(D) An affidavit or a horoscope will not be accepted as an evidence of age or date of birth.

**137. Determination of Age on Re-Enrolment.**—in assessing the age of an individual who presents- himself for re-enrolment, Enrolling Officer and Recruiting Medical Officer will refer to the individual's discharge certificate in order to ascertain the age assessed on original enrolment, before entering the apparent age on the enrolment form. In all cases his age in years and days will be calculated from the age as assessed on his original enrolment.

**138. Alteration of Age.**—(a) The date of birth or apparent age recorded at the time of enrolment shall be held to be binding and no alteration or amendment thereto will be carried out except with the prior sanction of—

(i) the Chief of the Army Staff in all cases of other ranks and in such of the cases of JCOs wherein change or alteration becomes necessary due to clerical error, involving no re-adjustment of pay and allowances ; and

(ii) the Government in cases other than those referred to in sub-para (a)(i) above, Unless requests for the alteration of date of birth/apparent age are made within two years of the individual's enrolment, these shall not be considered, No requests made at the time of or after discharge/release/retirement will be entertained.

(b) In cases where the age of re-enrolment has not been correctly assessed by the enrolling officer or recruiting medical officer the age in the new enrolment form will be amended to conform to that recorded in the original one. Such an alteration will be made on the authority of a DO Pt II and signed both by the officer carrying out the amendment and the soldier concerned. In cases where the correctness of age shown in the enrolment form relating to first enrolment is challenged by an OR and documentary proof is furnished in support of the representation, the case will be submitted to Army Headquarters through the audit authority concerned with the following documents/certificates for obtaining the sanction of the Government or Chief of the Army Staff as the case may be :—

(i) Original and new enrolment form (IAFK-1162/1165).

(iii) Certificate from the Unit Medical Officer showing the present apparent age.

(iii) School or Birth Certificate in original.

(iv) Certificate from the CO that the school/birth certificate produced by the individual appears to be genuine and he recommends the alteration to the age recorded in the enrolment form.

(v) Explanation from the individual for not disclosing the correct age at the time of original enrolment.

Unless requests for the alteration of the date of birth/apparent age are made within two years of the individual's re-enrolment, these shall not be considered.

(c) In the case of personnel who have passed Matriculation or equivalent examination prior to the date of their enrolment, the date of birth as given in the Matriculation or equivalent certificate will invariably be entered in the enrolment form. Where the date of birth recorded in the enrolment form is different from that shown in the Matriculation or equivalent certificate, Record Office concerned will, irrespective of whether or not an individual had applied for a change in date of birth, take action to carry out necessary amendment in the enrolment form after obtaining the approval of the competent authority, to record the date of birth in conformity with that of the Matriculation/equivalent certificate, provided that no cognisance shall be taken of the certificate of Matriculation/equivalent examination produced by an individual two years after his enrolment.

In the case of personnel who pass Matriculation (or equivalent) Examination subsequent to their enrolment, the OC unit will ensure that the date of birth entered by the individual in the Admission Form for the Matriculation (or equivalent) Examination conforms to that recorded in the enrolment form.

Matriculation certificate obtained for having passed Matric Examination subsequent to enrolment will not, however, be recognised for purposes of alteration of age/date of birth recorded in the enrolment form.

**139. Verification of Character.**—The character and antecedents of all persons enrolled under the Army Act will be verified in accordance with the instructions on IAFK-1152. Verification Roll (IAFK-1152) shall be initiated by the enrolling officer immediately after enrolment. On completion of verification, the Verification Roll will be retained with the man's Sheet Roll.

Verification of character and antecedents in respect of Gorkha recruits from NEPAL will be carried out in accordance with instructions issued to Recruiting Officers separately. No verification Roll will, under any circumstances be forwarded to the Nepal Government or to the Indian Embassy at NEPAL.

**140. Attestation.**—(a) All men enrolling as combatants will be attested both in peace and in war.

(b) Personnel given direct commissions as JCOs or appointed direct as WOs will be neither enrolled nor attested. All JCOs, including those personnel, are subject to military law by virtue of their position as such in accordance with AA Sections 2(l)(a) and 3(xii).

(c) Attestation of persons will be carried out after their successful completion of basic military and technical training. This will be effected in the manner laid down in the Army Act and the Rules made there under, provided their character and antecedents have been verified and proved satisfactory.

Attestation will be carried out by the commander of the unit, detachment or formation with which the person to be attested is serving, or by any other officer provided on his behalf in the Army Rules or by a Magistrate. The relevant portion in the Enrolment Form (IAFK-1162) will be duly completed and corresponding entries made in the Sheet Roll (IAFK-1155) and the Service and Casualty Form (IAFF-958) on the authority of a Part II Order,

**141. Enrolment of Boys.**—The sons of serving and ex-service personnel (orphan children receiving preference), who are over fourteen years and under fifteen years of age except where otherwise provided and are likely to develop into effective soldiers may be enrolled against vacancies of boys as authorised in the establishment. They will not be transferred to the ranks or attested until they are seventeen years of age, The OC may discharge a boy recruit for misconduct, unsuitability, or at his own request.

On attaining the age of seventeen, the boys will be medically examined to ascertain whether or not they have attained or are likely to attain the physical standards prescribed for 'man recruits' for various Arms/Corps. Those who, in the opinion of the medical officer, have attained or are likely to attain the prescribed physical standards within one year, will be re-mustered as 'man recruits' and transferred to Arms/Corps for which they are considered suitable. If they do not attain the necessary physical standard by the age of eighteen years, they will be discharged by the OC. Boys, who on medical examination at the age of seventeen are found to be not likely to attain the prescribed physical standards of any of the Arms/Corps, will be brought before a Medical Board and discharged under normal rules.

Boys, who are under treatment in a hospital at the time they attains the age of 17 years, cannot be considered as physically fit and will not be re-mustered as recruits till such time as they are discharged from the hospital and are found physically fit. They must be present with the unit at the time they are to be re-mustered as recruits.

**142. Re-Enrolment After Discharge.**—An ex-serviceman is permitted to re-enrol in accordance with the following conditions provided his military character has been assessed 'good' or above :—

(a) He must declare his previous service at the time of his second and subsequent engagement, and definitely state whether he wishes to count his previous colour service towards the completion of the total combined colour and reserve service and towards pension or gratuity, good service pay and for increments of pay. If he elects to count his previous colour service towards the completion of the total combined colour and reserve service on regular engagement for which re-enrolled, the benefit of former service for pension and gratuity will be allowed in accordance with the provisions of Rule 126 Pension Regulations for the Army Part I. No relaxation to this rule will be permitted.

(b) If he does not elect to count his previous colour service towards the completion of combined colour and reserve service for which re-enrolled, nor for pension or gratuity, he will for purposes of transfer to the reserve, discharge, pay, pension and gratuity, be treated as a fresh enrolment without involving any reference to his previous engagement, (c) If he elects to count his previous colour service towards the completion of combined colour and reserve service for which he re-enrolled, and provided any gratuity received on discharge is refunded in not more than thirty-six monthly installments from his pay, he will be governed by the following conditions :—

(i) If he had completed, on his former engagement, the period of colour service prescribed for the arm of the service in which re-enrolled, he will, if permitted to remain with the colours, forthwith be required to extend his colour service for either one or two years, at the discretion of his CO.

(ii) On completion of this extended period of colour service, he will be liable to be transferred to the reserve in accordance with the terms of his re-enrolment.

(iii) If transferred to the reserve, he will be discharged there from on completion of his total period of combined colour and reserve service, except that in cases where a refund of gratuity already drawn is involved, he will be permitted to extend his colour service for a period not exceeding three years to enable him to refund the gratuity without hardship.

(iv) Any service in the reserve under a former engagement will be ignored.

**143. Re-Enrolment of EX-SERVICEMEN Medically Boarded Out,—**(a) Ex-Servicemen, who are in receipt of disability pension, will not be accepted for re-enrolment in the Army,

(b) Ex-Servicemen, medically boarded out without any disability pension" or those whose disability pensions have been stopped because of their disability having been re-assessed below 20% by the Re-Survey Boards, will be eligible for re-enrolment, either in combatant or non-combatant (enrolled) capacity in Use Army, provided they are re-medically boarded and declared fit by the medical authorities. If such an ex-serviceman applies for re-enrolment and Claims that he is entirely free from the disability for which invalided, he will be medically examined by the Rtg MO and if he considers him fit, the applicant will be advised to apply to officer-in-charge, Records Office concerned, through the recruiting officer for getting himself re-medically boarded. The officer-in-charge, Records Office concerned, on receipt of the application, will arrange for his medical examination at a Military Hospital nearest to his place of residence. The individual concerned will have to pay all his expenses, including that on accommodation and journey to and from the place of medical examination.

If the individual is found fit and re-enrolled on regular engagement, he will be enlisted for the full period of combined colour and reserve service, subject to the following conditions :—

(i) If he had not previously completed the minimum period of colour service after which he could be transferred to the reserve, he will rejoin the colours and his previous colour service will count towards the "minimum service required for transfer to the reserve.

(ii) If he had previously completed the minimum period of colour service required for transfer to the reserve and is fully trained and suitable in all other respects, he may be re-enrolled, provided a vacancy in the reserve exists, and be immediately transferred to the reserve.

(c) The counting of former service for pension or gratuity is governed by the provisions of Pension Regulations.

**144. Continuance In The Service.—**(a) When an OR completes his colour engagement and has not applied for his discharge, he may be allowed to continue to serve with the colours so long as it is desirable and he is within the prescribed age limit. Such continuance in the service does not require formal sanction. The relevant portion in the Enrolment Form (IAFK-1162) will be duly completed.

(b) On completing the prescribed colour service, OR will be subjected to a strict medical examination. Only those personnel whom it is desirable to retain in the interest of service will be permitted by the competent authority to continue in service upto the maximum prescribed age limit. The relevant portion of the Enrolment Form (IAFK-1162) will be duly completed. Those who subsequently become unfit may be discharged from service and transferred to pension establishment at any time during the extended period of service.

**145. Completion of Colour Service.—**An enrolled person will normally be required to complete his prescribed colour engagement before he is transferred to the pension establishment, with reserve liability. Those who seek discharge before completion of prescribed colour service on compassionate grounds, will also have reserve liability. The relevant portion of the enrolment form (IAFK-1162) will be duly completed. Normally



releases/retirements, including those of JCOs, NCOs and WOs, will take place on the last date of the month in which due, except in case of compassionate discharges on medical grounds and removal/ dismissal on disciplinary grounds, in whose case the date of release/retirement will be the date of sanction of such release or discharge or dismissal or removal.

**146. Compulsory Retention in Service.**—A man enrolled for contractual period of engagement who has completed prescribed service or age limit applicable for his rank, and does not wish to extend it, may be retained in service compulsorily for so long as a war is imminent or existing or the establishment to which he belongs is 10 percent below strength or in other cases if the exigencies of service so require. A formal extension of colour service is not necessary in such cases.

Promotion, Appointment And Tenures

**147. Appointment As Lance Naik And Promotion to Non-commissioned Rank of Naik or Equivalent.**—(a) All appointments as Lance Naiks and Lance Havildars and promotions to the non-commissioned rank of Naik and equivalent will be made, within the authorised establishment by OsC units concerned with the following exceptions :—

(i) Engineers Units.—OsC units for appointment to Lance Naik and Lance Havildar, and Commandant Engineer Group concerned for promotion to non-commissioned rank of Naik.

(ii) Corps of Signals.—OC unit for appointments to Lance Naik and Lance Havildar, and O i/c Signals Records for promotion to non-commissioned rank of Naik,

(iii) ASC—O i/c Records concerned

(iv) AMC/AD Corps—O i/c AMC Records.

(v) AOC—OC unit for appointment of Lance Naik and O i/c Records for promotion to Naik on corps roster,

(vi) RVC—O i/c RVC Records.

(vii) EME—OC unit for appointment as Lance Naik and O i/c EME Records for promotion to Naik on corps roster.

(viii) CMP—O i/c CMP Records.

(b) The notification of every promotion, every grant or deprivation of acting rank and every appointment or removal therefrom will be published in unit Part II Orders.

(c) In addition to the authorised number of each rank laid down in Peace Establishment, COs are permitted to appoint unpaid Lance Naiks and equivalent at their discretion provided such appointments are considered essential in the interest of efficiency. Appointments to or relinquishments of such rank will be published by units in Part I Orders and entries recorded in individual's IAFsF-958. Where, however, an individual is deprived of such appointment on disciplinary grounds (but not for inefficiency), the casualty will be published in Part II Orders,

**148. Promotion to the Non-Commissioned Rank of Havildars or Equivalent.**—(a) A non-commissioned officer will not be promoted to the rank of Havildar or equivalent until he has successfully completed the prescribed cadre course laid down by the COAS from time to time.

(b) While the successful completion of the cadre course will qualify a NCO for promotion it does not automatically entitle him to such promotion.

(c) The provisions of sub-para (a) above do not apply to direct entry Havildars,

**149. Promotions —JCOs.**—(a) NCOs except those given in sub para (b) below will not normally be promoted to the rank of JCO if over 42 years of age or with more than twenty-Four years' service.

(b) NCOs of the under mentioned categories will not be promoted to JCO rank if over 44 years of age or with more than 25 years of service :—

(i) Clerks GD, GD (SD) and Store.

(ii) Storekeeper (Storeman Technical).

(iii) Ammunition (Technicians) Examiners.

(iv) Personal Assistants (ASC).

(v) Instructors AEC.

(c) The age and service limits given in sub-paras (a) and (b) above may be waived in very exceptional cases with the permission of the COAS.

(d) Before a NCO is promoted to Junior Commissioned Officer rank, or a probationary JCO is confirmed in his rank he must successfully complete the prescribed cadre course laid down by the COAS from time to time.

(e) The recommending authority for the grant of commission in each case will be as under :—

Bodyguards units and Commandant AC Regt. Centre.  
 Armoured Corps Regiments  
 The Regiment of Artillery Artillery Promotion Board/OC Unit  
 Corps of Engineers . . . Commandant Engr, Gp, concerned.  
 Corps of Signals . . . Officer Incharge Signals Records.  
 Infantry . . . OC unit.  
 ASC Officer Incharge ASC Records.  
 AMC/An Corps . . . Officer Incharge AMC Records.  
 AOC Comdt. AOC Centre and Records.  
 EME . . . Officer Incharge EME Records.  
 RV Corps . . . DRVS  
 AEC . . . officer AEC Records.  
 CMP . . . Officer Incharge CMP Records.

(f) Recommendations for Promotions.—(i) Except in the case of the ASC', AOC, EME and RVC, recommendations for promotion to JCO rank will be submitted along with a draft gazette notification TO Army Headquarters.

(ii) In case of the ASC, AOC, EME and RVC, recommendations for promotion to JCO rank will be submitted on IAFY-1925, along with a draft gazette notification, by the Central Record Office to the Director concerned at Army Headquarters.

**150. Direct Commissions as JCOs.**—In very exceptional cases, direct commissions as JCOs may be granted under the specific orders of the Government on terms and conditions of service to be laid down specifically for them.

**151. Commissions and Warrants.**—Commissions as JCO, honorary commissions as officers and warrants for WOs are granted by the President. Replacement of a parchment commission is permissible only where it is established that the loss occurred in circumstances beyond the owner's control. (Various forms of Commissions and Warrants are given in Appendix 'D').

**152. Tenure of Appointment—JCOs.**—(a) The tenure of appointment of Risaldar Majors and Subedar Majors is 4 years. This tenure includes the total time spent in the rank specified and cannot be exceeded even if posted to another unit in the same capacity. If, therefore, an individual is posted to another unit, the combined service in the rank of Risaldar Major/Subedar Major must not exceed the limit mentioned.

(b) Service in the acting rank counts towards completion of this tenure.

(c) Broken periods of service in the appointment of Risaldar Major/Subedar Major will reckon towards completion of tenure. Such periods will not, however, so count in cases where reversion is due, to a reduction in an authorised establishment or disbarment of a unit. Reversion and re-promotion of a Risaldar Major/Subedar Major in such cases will, however, be governed by the Risaldar Major/Subedar Major in such cases will, however, be governed by the

(d) The tenure of appointment of JCO Adjutant and JCO Quartermaster in training units is laid down in Training Regiment and Infantry Regimental Centre Manuals. In other units the tenure of appointment of JCO Adjutant is four years but the JCO Quartermaster may be retained for a longer period. In exceptional circumstances Naib Subedars may be retained in their appointments after promotion to Risaldar or Subedar for a period of one year or until completion of tenure, whichever is less, with the sanction of Div/Area commander. There is, however, no fixed tenure of appointment of JCO Adjutants in Supply, AT and MT units.

Duties of JCOs

**153. Duties of The Senior JCOs.**—The Risaldar Major, Subedar Major or Senior JCO of a unit occupies the position of confidential adviser to the OC unit and is responsible for keeping him acquainted with every occurrence, circumstance, or condition among the JCOs and other ranks which may be prejudicial to the general good feeling or interests of the unit. The excuse, that matters had not come to his knowledge, can never be accepted. He will be selected for his uprightness of character and personal influence.

**154. Duties of Platoon Commanders.**—A troop, platoon or group commander is responsible to his squadron or company commander for the training, discipline and administration of his command, and will keep him acquainted with all occurrences that affect it. The senior troop, platoon or group commander present is responsible that no unauthorised persons remain in the lines of the squadron or company.

**155. Duties of The JCO Adjutant And JCO Quartermaster And Education JCO.—**OsC units and training and educational establishments will appoint. Naib Subedars/Subedars as JCO Adjutant and JCO Quartermaster where such appointments are authorised. The JCO Adjutant is responsible for the duty roster and for the list of strangers temporarily residing in the lines. He will assist the adjutant and will inform him of every circumstance affecting the discipline of the unit. The JCO Quartermaster will inspect and distribute rations and will assist the quartermaster in the performance of his duties. The education JCO will be provided by the Army Educational Corps. His duties in a unit are to assist the CO in the educational training of the men. When attached to formation headquarters he will assist AEC officers in carrying out their duties.

Seconding And Transfer.

**156. Extra Regimental Employment,—**JCOs and OR of any regiment or corps posted to fill a vacancy within the authorised establishment outside their own regiment or corps will, in circumstances in which they cannot be transferred, be treated as extra regimentally employed. JCOs and OR returning from ERE will be adjusted as under :—

(a) Substantive JCOs/OR will be borne supernumerary in their own units until absorbed.

(b) Acting JCOs/NCOs will be absorbed immediately against the authorised establishment of their units and the surpluses so created adjusted by reverting the junior most individuals in that rank.

(c) Individual(s) reverted vide sub-para (b) above will be held supernumerary in their substantive ranks in their own units until re-promoted in the first available vacancies.

**157. Posting to an Administrative Unit/Corps.—**JCOs and OR. Except JCOs/OR of AOC, posted to an administrative unit or service will, at the end of three months, either be transferred to that corps of service or returned to their parent units. They will not be seconded in their units. Other ranks recommended for transfer to the RV Corps will be borne unseconded on the establishment of their parent units for a period of six months during which period they may be returned to their units. On completion of the six month's probationary period they will be transferred to the RV Corps and their terms of service adjusted in accordance with para 134.

**158. Posting to Departments Not Under The Ministry of Defence.—**JCOs and OR deputed for service under a department of the Central Government, other than the Ministry of Defence, or under any other Government, may be seconded in their units at the discretion of the Central Government on completion of three months duty away from their units. Those who are so seconded will on return to their units, remain supernumerary in their ranks until absorbed, but in the case of those returned before completing the tenure of their appointments, the borrowing government or departments will have to bear all charges in connection with them until the termination of their tenure, or until they are absorbed in the authorised strength of their units, whichever is earlier.

**159. Training And Educational Establishments.—**All personnel employed against the authorised strength of training establishments are seconded and are supernumerary to the establishment of their parent units. Personnel employed on educational establishments of units are provided from the Army Education Corps.

**160. Garrison Duty.—**An individual will not be seconded when he is employed on detached, regimental or garrison duty.

**161. Transfers of Other Rank—**(a) Subject to any restriction imposed by the Chief of the Army Staff, a man may be transferred from his Regt/Corps to any other Regt/Corps. In case of volunteers, the authorities empowered to carry out such transfers will be as given in the following table :—

Arm/Corps from which Authority for carrying out transfers transferred

Armoured Corps . Officer Incharge

Armoured Corps Records

Artillery . . . Officer Incharge

Artillery Records

Corps of Engineers . Officer Incharge

Engineer Group

Records concerned

Corps of Signals . Officer Incharge

Signal Records

Infantry . . Officer Incharge	
Records of the regiment concerned	
ASC . . Officer Incharge	
ASC Records Concerned	
Arm/Corps from which transferred	Authority for carrying out transfers
AMC/AD Corps	Officer Incharge
	AMC Records
APS	Officer Incharge
	APS Records
AOC	Officer Incharge
	AOC Records
EME	Officer Incharge
	EME Records
RVC	Officer Incharge
	RVC Records
AEC	Officer Incharge
	AEC Records
JNTC	Officer Incharge
	JNTC Records
CMP	Officer Incharge
	CMP Records
APTC	Officer Incharge
	APTC Records
Pnrs Corps	Officer Incharge
	Pnrs Corps Records
Depts	The local head of Dept.

(b) When a soldier applies for transfer to another Regt/Corps his CO will send a descriptive roll (IAFZ-2058) through his own Regt/Corps Record Office to the Officer Incharge Records of the Regt/Corps to which the individual is proposed to be transferred. If the latter agrees, an indication to this effect will be recorded on IAFZ-2058 and the same returned to the Officer Incharge Records of the man's original Regt/Corps. Thereafter action to transfer the soldier and his service documents to the new Regt/Corps will be taken. The Centre Commandant who is ex-office Officer Incharge Records is the final authority for carrying out such transfers.

(c) Change in terms and conditions of service due to transfer of a soldier from one Arm/Corps to another for absorption, in the same trade/category or for remustering him into deficient trade/category will be carried out as under :—

(i) After the individual has undergone conversion course successfully/ qualified himself for the new trade/category into which he is to be re-mustered, the portion relating to "Variation of conditions as to discharge" of the enrolment form (IAFK-1162) will be duly completed.

(ii) In cases where change of category/re-mustering is not involved, but the period of engagement is to be changed to conform to the terms of service of the new arm/service, the portion relating to "Variation of conditions as to discharge" of the enrolment form, will be completed as soon as the transfer of the individuals to the new arm/corps is accepted.

(iii) Re-mustering/variation of terms and conditions of service will be notified in the Part II Orders and entries made in all service documents of the soldier i.e. the Sheet Roll (IAFK-1155), the Service and Casualty Form (IAFF-958), and the Soldier's Personal Book (IAB-64). Retirement, Resignation, Dismissal, Discharge and Reduction

162. Retirement: JCOs/OR Found Medically Unfit At The Time of Release.—Individuals who are under treatment in a hospital on the day they are due for discharge/release from the service on completion of their age/tenure/service limits or engagement with the Army will be brought before a medical board and released from the service on the due date. This board will record the clinical condition of the individual, assess the percentage of disablement and express an opinion regarding attributability /aggravation of the disability. The medical board will, however, assess the percentage of disablement of the individual for a period of six months. They will, then continue to be given free medical treatment until medical/ surgical finality is reached and they are fit for discharge from the hospital. Before final discharge from the hospital they will again be brought before a re-survey medical board which will record its findings on the clinical condition of the individual and assess the percentage of disablement at that time.

163. **Retirement. —JCOs.** —(a) Retirement of JCOs of all Arms of the Services, who opted for revised terms operative from 01 Dec 76, is compulsory on completion of the following service, tenure or age limits: —

- (i) Nb Ris/Nb Sub. 26\* years pensionable service or 50 years of age, whichever is earlier.
- (ii) Ris/Sub . 28 years pensionable service or 50 years of age, whichever is earlier.
- (iii) Ris Maj/Sub Maj 32\* years pensionable service, 4 years tenure or 52 years of age, whichever is earlierst.

NOTE

Ris/Sub, Nb Ris/Sub Clerks GD, GD (SD) and Store, Nb Ris/Nb Sub Storeman Technical, Nb Ris/Nb Sub Ammunition Examiner, Nb Sub Personal Assistant ASC, Nb Sub Instructor AEG Mid Nb Ris/Nb Sub Bandmaster who did. not opt for the new terms and still governed by old. terms will be retired on completion of 28 years pensionable service or 55 years of age, whichever is earlier,

(b) The JCOs enrolled prior to 25 Jan 65 still serving on old terms will be retired on completion of following service or age limits: —

- (i) Nb Ris/Nb Sub. .24 years pensionable service or 55 years of age, whichever is earlier,
- (ii) Ris/Sub . 28 years pensionable service or 55 years of age, whichever is earlier.
- (iii) Ris/Sub, Nb Ris/Nb Sub Clerks 28 years pensionable service or , 55 years of age whichever is earlier.

GD, GD (SD) and Store Nb

Ris/Nb Sub Storeman Technical,  
Nb Ris/NbSub Ammunition Examiner,  
Nb Sub Personal Assistant ASC,  
Nb Sub Instructor AEC and Nb Ris/Nb  
Sub Bandmaster.

(iv) Ris Maj/Sub Maj... 32 years pensionable service, 5 years tenure or 55 years of age, whichever is earliest.

(c) The JCOs enrolled on or after 25 Jan 65 still serving on old terms will be retired on completion of following service or age limits: —

- (i) Nb Ris/Nb Sub . 24 years pensionable service or 50 years of age, whichever is earlier.
- (ii) Ris/Sub . .28 years pensionable service or 50 years of age, whichever is earlier.

Nb Sub Storeman Technical, Nb Ris/  
Nb Sub Ammunition Examiner, Nb  
Sub Personal Assistant ASC, Nb  
Sub Instructor AEC and Nb Ris/Nb  
Sub Bandmaster,

(iv) Ris Maj/Sub Maj 32 .....years pensionable service, 4 years tenure or 50years of age, whichever is earliest.

NOTE 1

Extension beyond the specified service limits in respect of above categories of JCOs (except Ris Maj/Sub Maj) may be sanctioned by the Chief of the Army Staff in very exceptional circumstances and that too if these are in the interest of service. The cases of Ris Maj/Sub Maj will require Gov. sanction. Such extension will in no case exceed two years.

NOTE 2

For the purpose of this rule, pensionable service will include all former pension or gratuity earning service regardless of the capacity in which it was rendered, but provided the pension or gratuity was payable from Indian Revenues.

[164. (a) Personnel enrolled under the revised terms operative from 01 Dec 76 and subsequently promoted to NCO rank; NCOs enrolled under old terms and subsequently opted for the revised terms operative from 01 Dec 76; and personnel enrolled under old terms and subsequently promoted to NCO rank on or after 01 Dec 76; will retire on completion of the following services /age limits:-

- (i) Nk - 22 years service with colours or 47 years of age, whichever is earlier subject to screening.
- (ii) Hav – 24 years service with colours or 47 years of age, whichever is earlier subject to screening.

Note:- The reserve liability will be for a period of two years or attainment of 47 years of age, whichever is earlier .

(b) Personnel enrolled prior to 25 Jan 65 still serving on old terms and not opted for any reserve liability will be retired compulsorily on completion of following limits.

- (i) Nk – 20 years service.

(ii) Hav – 21 years service.

(c) Personnel enrolled prior to 25 Jan 65 still serving on old terms but opted for reserve liability, will be retired on completion of following service.

Limits:-

(i) Nk - 20 years service and 2 years in the reserve.

(ii) Hav - 21 years service and 2 years in the reserve.

(d) Personnel enrolled prior to 25 Jan 65 and opted for revised terms operative from 01 Dec 76 but not opted for reserve liability, will be retired on completion of the following service limits:-

(i) Nk - 22 years service with colours or 47 years of age, whichever is earlier subject to screening.

(ii) Hav – 24 years service with colours or 47 years of age, whichever is earlier subject to screening.

(e) Personnel enrolled between 25 Jan 65 and 31 Jan 76 not opted for revised terms (operative from 01 Dec 76) and reserve liability, will be retired on completion of following service limits:-

(i) Nk - 20 years service.

(ii) Hav - 22 years service.

(f) Personnel enrolled between 25 Jan 65 and 31 Jan 76 opted for revised terms (operative from 01 Dec 76) and reserve liability, will be retired on completion of following service limits:-

(i) Nk - 22 years service with colours or 47 years of age, whichever is earlier subject to screening.

(ii) Hav – 24 years service with colours or 47 years of age, whichever is earlier subject to screening.]<sup>1</sup>

NOTE

Compulsory retention of NCOs beyond their contractual period of engagement, as entered in the Enrolment Form, will be regulated under the provisions of Para 146 of the Regulations for the Army, where necessary.

**165. Resignations—JCOs.**—A JCO including one on probation applying for permission to resign his commission will state his reasons. The application will be forwarded to the Div/Area Commander who will transmit it to the AG for the orders of the Chief of the Army Staff.

**166. Dismissal or Discharge—Procedure.**—(a) Recommendations for dismissal under Army Rule [17](#) or discharge under Army Rule [13](#) of any person subject to the Army Act will be made on IAFY 1948A on which the authority authorising dismissal or discharge will endorse the necessary order to which the OC unit of the person concerned will give effect.

(b) Recommendation for the compulsory discharge of a JCO under Army Rule [13](#) will be submitted on IAFY-1948A to the authority competent to sanction the discharge through the authorised channels. Recommendation for dismissal of a JCO under Army Rule [17](#) will be submitted on IAFY-1948A to the Chief of the Army Staff through the authorised channels. It will be accompanied by the confidential Dossier of the JCO containing his annual confidential reports (IAFI 1153) and a full report of the grounds on which the recommendation is based and a report from CDA(P) regarding the pension or gratuity admissible. Successive forwarding officers will add a definite recommendation and any observation likely to assist in a final decision being reached.

(c) A JCO or OR sentenced to death by court-martial or civil court will not be discharged or dismissed, but will be struck off the strength of his unit or corps on the date on which the sentence is carried out.

(d) Discharge will be carried out with all convenient speed in accordance with the terms of Army Rules [11](#) and [13](#).

**167. Part II Orders Notifying Discharges.** —When persons enrolled under the Army Act but governed by Civil Service Regulations for pensionary purposes are discharged under item IV of the table annexed to Army Rule [13](#)—"Services no longer required"—the reason for the discharge will be included in the Part II Orders notifying it; e.g., misconduct, insolvency, inefficiency not due to age, or failure to pass a prescribed examination.

**168. Discharge Certificate and Recommendation For Civil Employment.** — (a) All JCOs, OR and NCs(E) who are discharged or dismissed will be given IAFY 1964 (Combined Certificate of Discharge or Transfer to the Reserve and Recommendations for Civil Employment) which will be completed in Hindi and English. This certificate will be issued to all personnel irrespective of the length of service and character assessed on discharge, (See Appendix 'E'). In the case of personnel who die whilst in service and/or



are killed in action, a certificate showing particulars of the deceased soldier (IAFY 1940) will be issued to the next of kin.

(b) In the case of individuals who are demobilised, the cause of discharge to be entered in the discharge certificate will be "reduction of the Army on demobilization".

(c) In the case of individuals who are dismissed, "NOT eligible for further employment in Government Service" will be entered in the margin.

(d) In the case of individuals invalided out of service, the following procedure will be followed while completing the discharge certificate: —

(i) The cause of discharge in the Discharge Certificate will be shown as 'on medical grounds'. (No mention whatsoever will be made of the disease for which the individual has been medically boarded out of service. )

(ii) In cases, where the disability is of such a nature as will NOT affect the efficient performance of duties in civil life, the invaliding medical board will arrange to prepare a slip with the stamp of the Military Hospital and the Medical Officer's signature, containing details of minor disability and stating that the disability is NOT likely to affect the performance of normal duties in civil life. This slip will be pasted by the Record Office/Regimental Centre concerned against the appropriate column of discharge certificate before the individual concerned is discharged.

(iii) In cases where the original disability, assessed at the time of discharge, subsequently decreases or ceases to exist, resulting in the disability pension being stopped, a suitable endorsement to that effect will be made by the Officer-in-Charge Records against item 3 at page 2 of the discharge certificate of the individual, while notifying the discontinuance of disability pension.

(e) In cases where an individual is discharged under items III(v) and IV of the table annexed to Army Rule [13](#) the particular cause of discharge e.g. irregular enrolment or unlikely to become an efficient soldier, will be clearly stated in the discharge certificate.

(f) The following procedure will be followed in filling the distinctive marks in the discharge certificate under item 2 of page 1 thereof: —

(i) In the case of personnel invalided out of service or those who are released/discharged after earning a pension, identification marks, as shown in the Descriptive Roll (IAFA-369) will be entered in the discharge certificate.

(ii) In the case of personnel released/discharged for reasons other than those mentioned in sub para (f)(i), identification marks will be filled in with the help of the Enrolment Form (IAFK-1162). Steps will, however, be taken to ensure that the marks in question still, exist. In cases, where the original marks are found to have disappeared, any new marks of identification, noted at the time of release/discharge will be entered in the discharge certificate.

(g) To avoid the possibility of opium addicts being re-enrolled in the Army, the fact that an individual is an opium addict will be clearly stated against item 2 of the discharge certificate.

(h) The discharge certificate (IAFY-1964) will be issued to a soldier only once i. e. at the time of his discharge from the first enrolment. In the case of an ex-serviceman securing re-enrolment in the Army, the discharge certificate in his possession will be withdrawn from him and kept along with his service documents. When he is discharged from the subsequent enrolment, the discharge certificate withdrawn from him, will be re-issued to him with the portion relating to re-enrolment duly completed.

(j) In the case of an ex-soldier who has lost his original discharge certificate and secures re-enrolment by producing IAFY-1949-A (used in substitution of a lost discharge certificate), the latter will also be withdrawn as laid down in sub para (h) above and re-issued to the soldier when he is discharged, with the particulars of service relating to re-enrolment duly completed.

(k) The discharge certificate will be serially numbered immediately on receipt from the Forms Store/Stationery Depot. A register of such certificates issued will be maintained and will show Army/Personal number, rank, name, date of discharge or dismissal and serial number of the certificate.

**169. Duplicate Discharge Certificates.**—Duplicate Discharge Certificate will never be issued in case the ex-serviceman is already in possession of the original one. Should the Discharge Certificate be lost, the Officer-in-Charge Records may, if he is satisfied as to the cause of its loss, issue IAFY-1964-A in lieu Next of kin of an ex-serviceman, who had died after discharge, requesting for a Duplicate Discharge Certificate, having lost the original one, will be issued a certificate showing particular of the deceased ex-serviceman on IAFY-1940.

Ex-servicemen applying for change of home address will send their discharge certificates to the Officer-in-Charge Records for filing with their service documents. They will be issued instead a substitute discharge certificate (IAFY--1964-A) incorporating the change.



170. **Assessment of Character.**—(a) (i) On discharge the OC unit/records will enter on the discharge certificate the man's military character while serving with the colours. The entry will be exemplary, very good, good, fair, indifferent bad or very bad as the case may be,

(ii) An assessment of exemplary character is the highest that can be given to any soldier and is to be awarded only to a soldier whose period of service has enabled his conduct to be thoroughly tested. It will therefore be reserved for soldiers who have served at least five years with the colours. The OC unit/records is the sole judge whether a soldier is to be granted an exemplary character, the grant being discretionary and not obligatory.

(iii) In assessing a soldier's character, only entries in the Regimental Conduct Sheet will be taken into account.

(iv) In the case of soldiers who had served as boys, entries which they may have incurred in their Regimental Conduct Sheets prior to attaining the age of 17 years will not be taken into account in assessing their military character.

(v) A bad character will not be awarded to a NCO.

(b) The following are the minimum standards required in each grade before a soldier's military character can be assessed: —

(i) **Exemplary** —(aa) At least five years service with the colours on the current employment,

(ab) No award of imprisonment by a civil court which has been undergone.

(ac) No award of imprisonment, detention or field punishment.

(ad) No reduction in rank or grade for an offence under the Army Act,

(ae) No conviction for drunkenness during the last five years of service,

(ii) **Very good.**—(aa) At least one year's service with the colours on the current engagement.

(ab) No award of imprisonment by a civil court which has been undergone.

(ac) Not more than 28 days of service spent in RI, detention or field punishment in the aggregate.

(ad) No reduction in rank or grade for an offence under the Army Act.

(iii) **Good.** —(aa) At least one year's service with the colours on the current engagement.

(ab) No award of imprisonment by a civil court which has been undergone.

(ac) Not more than 56 days of service spent in RI, detention or field punishment in the aggregate.

(ad) Not more than one reduction in rank or grade for an offence under the Army Act.

(iv) **Fair.** —(aa) No award of imprisonment exceeding two years by a civil court which has been undergone.

(ab) Not more than 18 months of service spent in RI, detention or field punishment in the aggregate.

(ac) Not more than, two reductions in rank or grade for offences under the Army Act.

(v) **Indifferent.** —(aa) No award of imprisonment exceeding two years by a civil court which has been undergone.

(ab) Not more than 3 years of service spent in RI, detention or field punishment in the aggregate.

(vi) **Bad.**—Not more than four years of service spent in RI.

(vii) **Very Bad.** —Nil.

#### NOTE

For purpose of assessment of character, service record of an individual during the past 5 years of service immediately preceding his retirement on the basis of the entries made in his service documents/conduct sheets will be taken into consideration. This will apply in the clause where no period of scrutiny has been laid down.

(c) (i) The OC will not normally award an assessment lower than that to which the soldier is entitled unless there are very strong reasons for doing so; in such a case the assessment will not be lowered beyond one grade.

(ii) In very exceptional cases where a soldier has merited consideration for the grant of exemplary character by meritorious gallantry act of a high order but has served for more than one and less than five years and where the other conditions laid down in sub-para (b)(i) above are satisfied the following assessment will be awarded: —

"Qualified by his conduct for 'exemplary' but is ineligible for it because his service fails short of five years. He is accordingly awarded '-----' ".

(iii) The following special provisions will apply to soldiers who are discharged or released before they have completed twelve months, service: —

(aa) A soldier with less than six months, service will not be awarded an assessment of conduct. His documents will be endorsed "No assessment. Less than six months' service".

(ab) A soldier who has completed six months, but less than twelve months' service, whose conduct merits a higher award than that of "Fair", may be awarded an assessment of—"Qualified by his conduct for 'Good' but ineligible, having only..... months' service". No variation in the wording of this assessment is permitted and the terms "Very Good" or "Exemplary" will on no account be used.

(d) The character of an ex-serviceman may be re-assessed at any time by an officer superior in command to the officer who originally assessed his character. The Officer-in-Charge Records will be deemed to be a superior authority for the purpose.

**171. Reduction of an Inefficient NCO.** —When a person subject to the Army Act who was promoted to non-commissioned rank by reason of his selection for an appointment carrying that rank, see [para.131](#) above, is removed from his appointment and is not in every respect fully qualified to perform the ordinary duties of his equivalent rank, application will be made to the proper authority for the reduction under the provisions of Army Act, Section [20\(4\)](#).

**172. Voluntary Reversions.** —NCOs. —A NCO may, with his CO's consent revert to a lower rank. He will not be allowed to do so in order to escape trial by court-martial without the sanction of an officer not below the rank of Brigadier. An entry of the fact will be made in his attestation and signed by him and his CO. Seniority in the rank to which he reverts will count from the date of his original promotion to that rank.

Pensions

**173. Pension.** —The rules for the grant of pensions to personnel of the Army, the rates admissible and the procedure to be followed in dealing with pensionary claims, are laid down in Pension Regulations for the Army.

**174. Special Family Pensions—**'Investigation of Claims, —(a) For investigation of family pension (including children allowance) claims in respect of JCOs/OR/NCs(E), the procedure detailed in the succeeding paragraphs will be followed except in the case of claims for division of family pension which will be got investigated and verified through the Recruiting Organisation with the assistance of the civil authorities specified in sub para (c) below. However, if the heirs are residing within the jurisdiction of the Military Branch of the Indian embassy, Nepal, the claims for division will be investigated by the Assistant Military Attache (Records), Embassy of India in Nepal or the Officer-in-Charge Pension Paying Offices, POKHRA/DHARAN as the case may be.

(b) As soon as a report is received regarding the death of a serving or & pensioner JCO, OR or NC(E), the Officer-in-Charge, Record Office concerned will take action to complete the form as per Appendix 'F' and simultaneously forward two copies of the claim form as per Appendix 'G' together with its annexure to the heir nominated for family pension, or where there is no nomination, to the heir standing highest in the list of eligible heirs contained in Regulation 216 Pension Regulations Part I (1961), for completion.

(c) The claim form (Appendix 'G') will be completed by the eligible heir and returned to the Record Office concerned after attestation by any one of the following: —

(i) Sarpanch of a village.

(ii) Any serving or retired gazetted officer, civil or military, including a JCO/WO.

(iii) Sub Postmaster,

(iv) Qanungo or Patwari.

(v) Sub Inspector of Police.

(vi) Member of Municipal Corporation or Committee or of a Zila Parishad District Board.

(vii) Panchayat President/Village Munsif/Patel/Village Officer/Panchayat Executive Officer.

(viii) Member of Parliament/Member of Legislative Assembly/Member of Legislative Council.

(ix) Oath Commissioner/Notary Public.

(x) Diplomatic or Consular Representatives of Government of India in cases where claimants are residing outside India.

**NOTE**

In cases where it is not possible for a claimant residing outside India to secure two witnesses as required vide Appendix 'G' special orders of the Govt, of India will be necessary to relax this condition.

(d) On receipt of the claim form duly completed by the claimant, the Record Office will check all the particulars in respect of the claimant and children of the deceased and compare them with those recorded in the Kindred Roll portion of the Sheet Roll of the deceased soldier. In case of any discrepancy, a further reference will be made to the claimant for the rectification thereof. Cases in which there is a doubt or dispute regarding

the claimant's title to family pension, will be referred to the Recruiting Officer of the area in which the claimant resides, for investigation.

(e) The claim form thus completed, and countersigned, together with the particulars of service and next of kin (as per Appendix 'F') will be forwarded to the Controller of Defence Accounts (Pensions), Allahabad, in duplicate, for sanction of family pension/children allowance, (f) In the matter of determining eligibility of heirs of JCOs, OR and NCs (E) to family pension and children allowance, reliance will largely be placed on the particulars of such heirs as recorded in the sheet roll during the life time of the soldier and the nomination made by him for the purpose of family pension.

(g) For the purpose of special family pension in respect of personnel below officer rank, they need not make any nomination unless they intentionally want to change the order of eligibility given below: —

- (i) Widow, lawfully married.
- (ii) Son, actual and legitimate (including validly adopted) upto the age of 21 years.
- (iii) Daughter, actual and legitimate (including validly adopted) and unmarried.
- (iv) Father,
- (v) Mother.

(h) It will be permissible for him to change the nomination in favour of another eligible heir at any time during his service or after discharge. In the event of such a change, a fresh nomination on Appendix 'H' will be submitted. The nomination will be attested by the Officer Commanding unit, if the soldier is serving, or by a responsible person referred to in sub-para (c) above, if he is a pensioner and will be forwarded to the Record Office concerned for retention in the Sheet Roll of the individual.

(J) All changes in the family of a soldier during his service on account of birth/death/marriage will be declared by him in writing, and his declaration witnessed by two persons and countersigned by his Commanding Officer. It will then be forwarded to the Record Office for making necessary entries in the Kindred Roll portion of the Sheet Roll of the individual.

(k) The nomination proforma (Appendix 'H') and the declaration forms referred to in sub-paras (h) and (j) above will be raised in triplicate, a copy being kept with the unit copy of the sheet roll and the remaining two copies being forwarded to the Record Office concerned.

(l) Family pension claim forms in respect of the personnel whose heirs are residing in Pakistan will be got completed by the individuals concerned themselves through the Govt of Pakistan.

(m) Family pension claims in respect of the personnel whose heirs are residing in Nepal will be forwarded for investigation as under: —

- (i) Claims within the jurisdiction of Recruiting Officer for Gorkhas. Kunraghat/DRO for Gorkhas, Ghoom, will be forwarded to them for disposal;
- (ii) Claims within the jurisdiction of the Military Branch of the Indian Embassy, Nepal will be forwarded to the Record Officer, Indian Embassy, Nepal, who will if necessary, refer it to the Officer in Charge Pension Payment Offices or to the Assistant Military and Air Attache as and when he is out in the Ulterior operating pension camps;
- (iii) Claims investigated by Dy/Asstt Recruiting Officers and Record Officers for Gorkhas will be countersigned by the Recruiting Officer for Gorkhas.

(n) However, family pension claims forms of insane claimants will be completed by the person or the agency in whose custody such a claimant is held. A certificate from a Magistrate certifying that the claimant is an insane person will be obtained and attached to the claim forms. The thumb and finger impressions or signatures on the claim form will, however, be obtained by the Pension Disbursing Officer if and when the pensioner on regaining sanity, comes to draw his/her pension.

(o) Claims to monetary allowance in respect of gallantry awards to which monetary allowances are attached will also be verified on IAFA 366(e) in similar manner.

**175. Reservists Pension.—**In the case of reservists who become due for discharge or to pension while away from their units, their attendance at the unit or military hospital should be obviated by taking their specimen signature if they are literate enough to sign their names in Hindi, English or any official language, or, if otherwise, their thumb and finger impressions during their last training, or by sending IAFA-369 and IAFY-1948A to the nearest Magistrate or the Deputy Commissioner or Collector of the district in which the men lived. COs may, however, if they are satisfied that the requirements of the case will be equally met, send the forms to District Soldiers', Sailors' and Airmen's Boards where such are available. Similar action will be taken as regards completion of page showing statement of account of Sheet Roll (IAFK-1155). For this purpose, instead of forwarding the form, a manuscript copy, in duplicate, of the statement of accounts on discharge from

the reserve will be forwarded alongwith the pension documents. On return, a copy will be pasted in the Sheet Roll.

The signature or thumb and finger impression of the reservists will be attested by the OC unit, the civil authority or the Secretary of the DSSA Board, as the case may be.

**176. Forfeiture of Pension.**—An order for the withholding or forfeiture in whole or in part of pension/gratuity of a pensioner below officer rank or restoration thereof to him/her in whole or in part, under the provisions in the relevant rules in Pension Regulations will be notified by the competent authority to the Controller of Defence Accounts (Pensions) and in case of Gorkha pensioners residing in NEPAL, both to the Controller of Defence Accounts (Pensions) and the Officer-in-Charge of the pensioner's Record Office.  
Honorary Ranks and AsDC

**177. Honorary Officers.**—(a) JCOs who have rendered specially distinguished service, and who are serving, in the Regular Army, may be granted commissions as honorary officers in the rank of Captain or Lieutenant.

b) Nomination for the grant of commissions as honorary officers and. For promotion to Captain of JCOs holding the commission of honorary officer with the rank of Lieutenant will be made by the Chief of the Army Staff.

(c) The ratio of honorary commissions for each Republic Day and Independence Day will be:

(i) Hony Cpts—1 for every 4 Hony Lieuts.

(ii) Hony Lieuts—12 for every 1000 JCOs.

**178. Status** —(a) The status of a JCO as such is not affected by the grant to him of the honorary rank of Lieut., or Captain, nor does the commission granting him that rank confer on him any additional powers of command.

(b) Such honorary commissioned officers will take rank according to their Junior Commissioned Officers rank and will accordingly be junior to all officers. No promotion to or in, the cadre of JCOs will be made in the place of a JCO granted a commission as honorary officer.

(c) Similarly, the seniority of a Naib Subedar Head Clerk will not be affected by the grant of honorary rank as a Risaldar or Subedar.

**179. Honorary Ranks on Retirement.**—(a) A step of honorary rank on retirement with the title of honorary Risaldar Major, Subedar Major, Risaldar, or Subedar may be bestowed on JCOs who are recommended by the Chief of the Army Staff, as specially deserving of the honour.

(b) In very exceptional cases JCOs who have served with special distinction, and who have attained the rank of Risaldar Major or Subedar Major or have held the appointment of ADC to the President, a Governor or the Chief of the Army Staff, or GOC-in-C command, on who have been awarded the PVC/ VC/MVC or VrC/MC may be granted the honorary rank of Captain or Lieutenant on retirement, if recommended for the honour.

**180. Honorary Rank of Naib Subedar on Retirement.**—The following are eligible for the grant of honorary rank of Naib Subedar, on retirement: —

(a) Dafadar and Havildar clerks (including those employed in recruiting offices) with twentyeight years' pensionable service.

(b) Dafadars and Havildars (other than clerks) who have not less than 21 years' meritorious pensionable service and have served for two years in the rank of Dafadar/Havildar in a substantive capacity.

(c) Individuals in (a) and (b) above whose pensionable service is not sufficient to qualify under those clauses but who have rendered specially meritorious service.

**181. Honorary Rank of Dafadar/Havildar.**—Honorary rank of Dafadar/ havildar will be bestowed to 20% of Naiks retiring annually in the last year of their colour service.

**182. Honorary Rank of Naik.**—Honorary rank of Naik will be bestowed to 20% of Sepoys retiring annually in the last year of colour service.

**183. AsDC to the President, COAS and GOC-in-C Commands.** —Junior Commissioned Officer AsDC to the President will be selected from amongst serving Risaldar/Subedar-Majors and the JCO AsDC to the COAS and the GOC-in-C Commands from amongst the serving Risaldars/Subedars and above of the Regular Army with long and distinguished service. They will be seconded in their units.

The tenure of appointment and retirement of Risaldars/Subedars and above, seconded as AsDC to these dignitaries; will be as under: —

(a) A JCO will have his appointment as ADC terminated—

(i) on completion of the prescribed age or service limit of the rank ie for Risaldar/Subedar—28 years pensionable service or 50 years of age, whichever is earlier, and for Risaldar Major/Subedar Major—32 years pensionable service or 52 years of age, whichever is earlier; or

(ii) on vacation of the appointment of the President/COAS/GOC-in-C Command; or

(iii) on completion of his tenure as ADC which will be 5 years in the case of ADC to the President and 4 years in the case of ADC to the COAS and GOC-in-C Command;

which ever occurs first.

(b) The fact that a JCO ADC has held the rank of Risaldar Major/ Subedar Major for a period of 5 or 4 years, as applicable, will not necessitate the termination of his appointment as ADC which will be effected only under (a) above.

(c) When a JCO ADC to the President relinquishes office as per (a) (ii) above, he will normally be re-appointed to the incoming President's Staff in order to enable him to complete his tenure.

(d) If on termination of their appointment as AsDC, the JCOs have not completed the prescribed age or tenure or sendee limit of their ranks, as applicable, inclusive of the service as ADC, they will be reverted to normal duties until they complete one of these limits, whichever occurs earlier. However, those who complete any of these limits including service as ADC, will be retired from service immediately without reverting to normal duties.

(e) If the JCO ADC completes the prescribed age or service limits of his rank, as applicable, while holding the appointment of ADC, he will retire from service immediately. Instead of completing his full tenure as ADC.

(f) On vacation, JCO AsDC to the President will be appointed honorary AsDC to the President for life.

The tenure of appointment of unseconded ADC to the Chief of the Army Staff is until retirement. This JCO will be called up for duty when required, On vacation he will be appointed as honorary ADC for life.

#### 184. **Awards**—Honorary Commissions And Honorary Ranks Procedure. —

(a) The grant of honorary commissions to JCOs under para 177, a step of honorary rank to JCOs under para 179, the honorary rank of Naib Risaldar/ Naib Subedar to Dafadars/Havildars under para 180, the honorary rank of Dafadar/Havildar to Naiks under para 181 and the honorary rank of Naik to Sepoys under para 182 will be made twice a year i.e. on the Republic and Independence days.

(b) The recommendations for the grant of honorary commissions as officers to JCOs will be submitted on IAFZ-2018. No specific form has been prescribed for submission of recommendations for honorary ranks to OR. In the latter cases only detailed statements of service of the individual with recommendations are required.

(c) Recommendations for the award in respect of deserving individuals, including JCOs serving in operational areas or extra regimentally employed, will be initiated by units, after having the particulars of service verified from the respective Record Offices to the Command HQ in which the individual is serving. The latter will forward the recommendations as finally approved by the GOC-in-C to Army Headquarters. The following particulars must be correctly shown in the recommendations: —

(i) Exact date of transfer to pension establishment.

(ii) Previous pensionable service, if any, with the relevant authority.

(iii) Number and date of Gazette Notification of the grant of honorary commission/rank already held.

(iv) Authority for the grant of gallantry /non-gallantry awards.

(d) Dafadars/Havildars recommended for the grant of honorary rank of Naib Risaldar/Naib Subedar on retirement under para 180 should be in possession of the meritorious service medal. In cases, where meritorious service medal has not been awarded, the recommending authority must clearly state that the individual has rendered meritorious service which should be countersigned by an officer not below the rank of a Brigadier. The recommendation must also clearly show the pension admissible to him under the normal rules.

(e) Recommendations for honorary ranks, on retirement, in case of individuals who retired before the date of previous submission of recommendations will not normally be submitted except when deserving cases have been overlooked. Reasons for delay in the submission of their names will be stated,

(f) The particulars of the casualties among holders/non-holders of the Honorary Commission will be reported immediately to Army Headquarters.

[185. **Date of Retirement/Discharge of Service Personnel.**—Service personnel becoming due for retirement/discharge on completion of their engagement period/service tenure or attaining the age of superannuation, shall retire/be discharged from service with effect from the afternoon of the last day of month in which their date of retirement/discharge falls.]<sup>1</sup>

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## **CHAPTER V RESERVE FORCES**

201. **Regulations For Reserve Forces.**—The Indian Reserve Forces Act, 1888, and the Indian Reserve Forces Rules, 1925, are the authority for the governance, discipline and regulations of the Reserve Forces of the Army.

202. **Composition of the Reserve.**—(a) The reserve is composed of JCOs, NCOs and Sepoys of all Arms and Services (including Gorkhas) transferred to the reserve by virtue of their reserve liability. The reserve liability for various ranks is as under: —

(i) JCOs on release/discharge from the regular Army Carry a reserve liability for five years or till attainment of fifty years of age, whichever is earlier.

(ii) Those NCOs who were enrolled in the regular Army prior to 01 Feb 76 and opted to be governed by the revised terms also carry the same reserve liability as those who were enrolled in the regular Army on or after 01 Feb 76 and were discharged in a substantive NCO rank.

(iii) Sepoys on completion of the colour service are transferred to the reserve for two years or till attainment of 40 years of age, whichever is earlier, in the case of Group I categories and for three years or till attainment of 46 years of age, whichever is earlier, in case of Group II categories.

(b) JCOs and OR will be transferred to the reserve in the substantive rank held by them at the time of transfer.

(c) Personnel discharged from service at their own request before completion of terms of engagement will also carry reserve liability for the periods specified for their respective ranks.

203. **Responsibility For Effecting Transfer to the Reserve.**—OsC reservists are responsible for maintaining the establishment of reservists. Transfers to the reserve will be effected by OsC units in consultation with OsC reservists or Officer-in-Charge Records. Once a man has been transferred to the reserve he comes under the administration and disciplinary orders of the OC Reservists.

204. **Standards.**—All men transferred to the reserve must bear good character and be physically fit for field service.

205. **Certificates.**—Every person on transfer to the reserve will receive a Reservists Certificate (IAFY-1953). He will also be issued, if in need of civil employment, with an Introduction Card (X-32) to register his name with Employment Exchange, (See Appendix 'E').

206. **Reserve Centres.**—The following list shows the Reserve Centres for the various branches of reservists: —

Branch of Reserve Reserve Centre

Armoured Corps Armoured Corps Centre and

School, Ahmednagar.  
 Regiment of Artillery . Artillery Centre, Nasik Road, Camp.  
 Corps of Engineers . Madras Engineer Group, Bangalore Bengal Engineer Group, Roorkee  
 Bombay Engineer Group, Kirkee  
 Corps of Signals . Signal Training Centre, Jabalpur  
 Infantry . . Infantry Regimental Centres.  
 Army Service Corps All AT personnel and ASC Centre  
 MT Drivers residing in the North North) Gaya  
 All supply personnel ASC Centre  
 and MT drivers (South) Bangalore  
 residing in the South  
 Army Medical Corps Army Medical Corps Centre, Lucknow.  
 Army Ordnance Corps. Army Ordnance Corps Centre,  
 Secunderabad,  
 Corps of Electrical and Mechanical EME Centre, Secunderabad.  
 Engineers.  
 Remount and Veterinary Corps . RVC Centre and School, Meerut.  
 Intelligence Corps . Intelligence Trg. School and Depot,  
 Pune.  
 Corps of Military Police . CMP Centre and School, Bangalore.  
 Pioneer Corps . . Pioneer Corps Training Centre, Bangalore.  
 Army Education Corps. AEC, Trg. College and Centre,  
 Pachmarhi.  
 Army Physical Training Corps APTC Centre and Depot, Pune  
 APS Corps . . . APS Corps Centre, Kamptee.

207. **Address.**—A reservist will be instructed to report without delay any change in the address to the OC Reservists.

208. **Training.** —On a reservist being recalled to active service, if the training centre commandant feels the necessity of a short duration refresher training and time is available for such training the same may be organised before these personnel are despatched to the units or reinforcement camps.

209. **Failure to Attend When Called Up**—When a reservist fails to attend when called up for service or muster the OC reservists will institute enquiries. Unless a satisfactory explanation is forthcoming the man will be struck off the effective strength of the reserve. He will not be discharged from the service and may, if subsequently apprehended, be tried by court-martial or by the civil authorities for an offence under the Indian Reserve Forces Act, 1888, Section 6. Should his absence be due to a cause which renders his retention in the reserve undesirable, the OC reservists will take steps for his immediate discharge under the appropriate item of the table annexed to Army Rule [13](#). Should his absence be due to sickness, the OC reservists will arrange for him to be medically examined at the military hospital or reserve centre whichever is nearest his home in accordance with the Indian Reserve Forces Rules, 1925, Rule 8. If the reservist is found to be unfit for field service he will be brought before a medical board for discharge under the appropriate- item of the table annexed to Army Rule [13](#). A reservist who has been ordered to attend for medical examination and fails to do so, will be struck off the effective strength of the reserve. He will not be discharged from the service and may, if subsequently apprehended, be tried by court-martial or the civil authorities for an offence under the Indian Reserve Forces Act, 1888, Section 6.

210. **Medical Examinations.**—A medical examination will be carried out when a man is transferred to the reserve, also when a man is transferred from the reserve to the colours. The medical examination will be limited to ascertaining his fitness for further duty according to the reservist's length of service. Reservists will not be rejected for minor disabilities but only men who are physically and mentally fit for field service will be retained in the reserve.

211. **Equipment**—Training centres/units concerned will demand from ordnance depots personal arms/equipment and public clothing in accordance with the scales laid down in Complete Equipment Schedule/Equipment Table Schedule and Clothing Regulations respectively in sufficient time for these to be in position before the arrival of reservists. Items of personal clothing and necessaries as listed in Clothing Regulations which the individual leaves with training centres/units at the time of transfer to reserve vide



paragraphs 194 to 200 of Clothing Regulations and relevant Army Instructions issued from time to time will not be demanded from ordnance. Furniture and tentage as per normal OR scale is authorised for the reservists.

212. **Books.**—The OC reservists will maintain such of the books, laid down in para 610 as are appropriate, and in addition the following unit documents of a reservist: —  
Service and Casualty Form . . (IAFF—958)  
Field Conduct Sheet . . (IAFF—3013)  
Primary Medical Examination Report . (AFMSF—2A)  
Dental History Card . . .(AFMSF—12)  
Soldier's Personal Book . . . (TAB—64)

213. **Documents.** —When a man is brought on to the strength of the reserve establishment, his unit documents will be sent to the OC Reservists centre IAFZ-2039 being used.

214. **Re-Transfer From The Reserve To Army Service.** —A reservist may be recalled to Army Service on mobilisation. Reservists on recall will generally be employed as under: —  
(a) With training establishments and other static units and establishments,  
(b) to replace low medical category personnel.  
(c)with active units to provide reinforcements or make up existing deficiencies,

215. **Provision of Staff And Instructors.** —Additional staff for the purpose of administration of reservists, which will be authorised permanently on the establishment of the centres concerned will be calculated as per the following uniform scales and will be based on the total number of reservists held: —

(a) Scale for reservists governed by pre-Feb 1976 engagement terms

Staff to be authorised

Reservists

held  
JCO  
Hav Maj  
QM Hav  
Hav Clerks  
Nk clerks  
Nk  
Storemen  
L/Nk- Store men  
L/N- Kot  
Sep GD  
Total

1

2  
3  
4  
5  
6  
7  
8  
9  
10  
11

1—500  
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1  
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501—1000  
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1001—3000  
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1  
1  
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2  
2  
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7

3001—5000  
1

(Nb Sub)  
1  
1  
1  
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1  
1  
1  
2  
1  
10

5001-and above  
1  
1  
1  
1  
1  
1  
2  
2  
3  
4  
15

Instructional staff will be drawn from active units at the following scales: —

- (i) Basic military subjects and non-technical trades  
1 Instructor to 12 trainees under Training at any one time.
- (ii) Technical trades  
1 Instructor to 10 trainees under training.
- (iii) Rank structure  
1 Hav; 2 Nks; 2 L/Nks.
- (iv) Engineer groups will, in addition, be authorised, the following: -  
  
1 Hav per platoon (M and D).  
  
1 Nk/Lancenaik per 10 trainees/per shop (trade training).  
  
3 L/Dfrs will be authorised to the RVC Centre for additional administrative and instructional commitment.

(b)Scale for reservists governed by post-Feb 1976 engagement terms

Reservists strength  
Staff to be authorised

Hav  
  
Clerks  
Naik clerks  
Naik  
  
Storemen  
L/Nk- Store men  
Naik Kot  
L/NK Kot  
Total

1  
2  
3  
4  
5  
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8

1-250  
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251-500  
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3	
501-1500	
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1	
1	
1	
1	
5	
1501-2500	
1	
1	
1	
1	
1	
1	
2	
7	
2501 and above	
1	
2	
1	
1	
1	
2	
8	

Note: —Storemen and Kot Staff to be authorised only in case of mobilisation.

216.Recall on Mobilization. —On mobilization reservists will be recalled to the colours under the procedure laid down in Mobilization Regulations. The method of recall will be made known clearly to a soldier at the time he is

transferred to the reserve. OsC reservists will ensure that reservists are at all times aware of the locality to which they are to proceed and the officer to whom they are to report on being called up for service.

217- **Reservists Accepting Civil Employment**—Before accepting civil employment a reservists must state that he is borne on the strength of the reserve.

218. **Reservists Leaving India.**—Reservists are not permitted to leave India except with the previous written permission of their OsC. No such permission will, however, be required in case of Gorkha reservists from Nepal who wish to return to that country. Failure to return to India in time will render them liable to trial by court-martial.

219. **Discharge of Army Reservists for Permanent Civil Employment and on Extreme Compassionate Grounds.**—The authority competent to authorize discharge may discharge individuals due to following reasons:—  
(a) Any reservists who is accepted for permanent civil employment or employed in a firm, in exceptional circumstances.  
(b) On extreme compassionate grounds.

220. **Discharge Certificate.**—On discharge, a reservist will give up his Reservist's Certificate (IAFY-1953) and an entry regarding Ms discharge from reserve service will be made in the Discharge Certificate (IAFY-1964) by the OC reservists (centre).  
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## CHAPTER VI MILITARY TRAINING AND EDUCATION

251. **Training Directives**—Before the beginning of each training year, the Chief of the Army Staff issues a General Training Directive to General Officers Commanding in Chief. This directive lays down the policy which is to govern training throughout the Army during the ensuing year.

252. **Training Publications**.—There are eight categories of general staff publications affecting military training: —

Category 1 ,,,. Higher Direction of War.

Category 2 ,.... Conduct of Operations.

Category 3 ..... Staff Duties

Category 4 . .... Leadership, Fighting Efficiency and Physical Training.

Category 5 ..... Administration of Training,

Category 6 ..... Training Memoranda.

Category 7 ..... Education.

Category 8 ..... Corps Training Manuals.

In addition to the above publications, training notes for the guidance of formation and unit commanders are issued from time to time.

253. **Responsibility For Training**.—Overall responsibility for the Army's training is vested in the Director of Military Training at Army Headquarters. The Military Training Directorate can call upon the directorates of corps for advice on matters particular to the various corps, but the ultimate responsibility for training is that of the Military Training Directorate.

254. **Control of Army Schools and Joint Service Establishments**. —The control and general administration of the Defence Services Staff College and all Army Training Establishments and Schools is the responsibility of the Military Training Directorate advised if necessary by the Directorates of Corps. In the case of Joint Service establishments, like the National Defence Academy controlled by Army Headquarters, the Director of Military Training is responsible to the Chief of Staff Committee, through the

Joint Training Committee, for all matters of command, general administration, and Joint Service training.

**255. Training of Personnel of Medical, Dental and Nursing Service.** —The Director General, Armed Forces Medical Services is responsible for the professional training of officers of Army Medical Corps, Army Dental Corps and Military Nursing Service. The Director Medical Services is responsible for the professional training in respect of all other ranks of the above mentioned corps/ service.

**256. Training of Remount and Veterinary Service Personnel.** —The Director of Remount and Veterinary Services is responsible for the professional training of all ranks of the corps.

**257. Division of Training Year.** —The training year is normally divided into 10 months of individual training and two months collective training.

**258. Authorised Training and Educational Establishments.**—All training establishments authorised for the Army are divided into category 'A' and category 'B' establishments. Category 'A' establishments are those which are under the command of GOs C in C Commands for discipline and local administration but for all other purposes are directly under the control of Army Headquarters, Category 'B' establishments are under GOs C in C of Commands for supervision of all training in addition to discipline and administration. In the case of centres where courses for Officers, Junior Commissioned Officers, Warrant Officers and Non-Commissioned Officers are held, in addition to the normal training of recruits, all matters in connection with such courses will be dealt with in accordance with the policy laid down for category 'A' establishments. The lists of these two categories of establishments are given below: —

(a) Category 'A' Establishments —

(i) College of Combat, Mhow

(ii) College of Defence Management, Secunderabad

(iii) Defence Services Staff College. Wellington

(iv) National Defence Academy, Kharakvasla

(v) Indian Military Academy, Dehra Dun (including ACC Wing)

(vi) Officers Training School, Madras

(vii) High Altitude Warfare School, C/o 56 APO

(viii) Armoured Corps Centre and School, Ahmednagar (in so far as the school is concerned)

(ix) School of Artillery, Devlali

(x) College of Military Engineering, Pune

(xi) Heavy Bridging Training Camp, Marve

(xii) Military College of Telecommunication Engineering, Mhow

(xiii) Infantry School, Mhow

(xiv) Counter Insurgency and Jungle Warfare School, C/o 99 APO

(xv) ASC School, Bareilly

(xvi) Armed Forces Medical College, Pune (Army HQ control is delegated to the DGAFMS)

(xvii) AMC Centre and School, Lucknow (in so far as the school is concerned)

(xviii) AOC School, Jabalpur

(xix) EME School, Baroda

(xx) Military College of Electronics and Mechanical Engineering, Secunderabad

(xxi) RVC Centre and School, Meerut Cantt (in so far as the school is concerned)

(xxii) Remount Training School and Depot, Saharanpur

(xxiii) Remount Training School and Depot, Hempur

(xxiv) Military Farms School and Research Centre, Meerut

(xxiv) AEC Training College and Centre, Pachmarhi (in so far as the college is concerned)

(xxvi) Military Intelligence Training School and Depot. Pune (in so far as the. school is concerned)

(xxvii) CMP Centre and School, Bangalore

(in so far as the school is concerned)

(xxviii) Army School of Mechanical Transport, Bangalore

(xxix) Army School of Physical Training, Pune

(xxx) Army/Air Transport Support School, Agra

(xxxi) Army Clerks Training School, Aurangabad

(xxxii) Rashtriya Indian Military College, Dehra Dun

(xxxiii) Institute of National Integration, Pune

(xxxiv) Chail Military School, Chail

- (xxxv) Belgaum Military School, Belgaum
- (xxxvi) Aimer Military School, Ajmer
- (xxxvii) Bangalore Military School, Bangalore
- (xxxviii) Dholpur Military School, Dholpur

**(b) Category 'B' Establishments —**

- (i) AC Centre and School, Ahmednagar (excluding the school)
- (ii) Artillery Centre, Nasik Road
- (iii) Artillery Centre, Hyderabad
- (iv) Madras Engineer Group and Centre, Bangalore
- (v) Bengal Engineer Group and Centre, Roorkee
- (vi) Bombay Engineer Group and Centre, Kirkee
- (vii) All Bridging Training Camps
- (viii) No 1 Signal Training Centre, Jabalpur
- (ix) No 2 Signal Training Centre, Panaji (Goa)
- (x) Mechanised Infantry Regimental Centre, Ahmednagar
- (xi) All Infantry Regimental Centres
- (xii) ASC Centre (North), Gaya
- (xiii) ASC Centre (South), Bangalore
- (xiv) Army Postal Service Centre, Kamptee
- (xv) AMC Centre and School, Lucknow (excluding the school)
- (xv) AMC Centre and School, Lucknow
- (xvii) 1 EME Centre, Secunderabad
- (xviii) 3 EME Centre, Bhopal
- (xix) RVC Centre and School, Meerut Cantt (excluding the school)
- (xx) AEC Training College and Centre, Pachmarhi (excluding the college)
- (xvi) CMP Centre and School, Bangalore (excluding the school)
- (xxii) Pioneer Corps Training Centre and Records, Bangalore
- (xxiii) Defence Security Corps Centre and Records, Cannanore (Kerala)
- (xxiv) Military Intelligence Training School and Depot, Pune (excluding the school)

**259. Courses of Instruction.**—(a) Army courses, including refresher courses, run under the specific orders of Army Headquarters at any category 'A' or 'B' establishments mentioned in para [258](#), will be treated as authorised courses.

(b) Details regarding the aim of the courses and precourse standards required are given in 'Courses of Instruction Handbook Category 'A' Training Establishments, 1978' as amended from time to time.

(c) Detailed instructions regarding the date, duration and capacity of the courses of instruction to be run at the category 'A' or 'B' establishments are published in Army Orders from time to time. Orders regarding final selection of students' names on certain courses and allotment of vacancies on others also issued by Army Headquarters.

**260. Training Establishments.**—Detailed information regarding the functions of the training establishments except those mentioned in paras [261](#) to [265](#), is given in the 'Courses of Instruction Handbook Category 'A' Training Establishments, 1978' as amended from time to time.

**261. Defence Services Staff College.** —The aim of this college is to train officers for the second grade or equivalent staff appointments and to fit them with further experience for command and staff appointments. The duration of the course is 45 weeks. Students attending the course have to appear for an entrance examination, the details of which are published in Army Orders from time to time.

**262. National Defence Academy.**—Admission to the National Defence Academy (NDA) is made on the basis of a qualifying written examination conducted by the UPSC twice every year, followed by an interview before a Services Selection Board. The NDA course at Kharakvasla is of 3 years' duration for cadets of all the three Services. On completion of the NDA course, Naval and Air Force Cadets proceed to their respective Service Training Establishments for advanced training, while the Army Cadets proceed to the Indian Military Academy at Dehra Dun for further training before they are granted commission in the Army.

In addition to the ex-NDA Cadets, the Indian Military Academy caters for the direct entry civilian candidates of graduate standard, technical graduates, - NCC and Service (including TA) personnel of the Army. Admission of the direct entry civilian candidates is made on the basis of a qualifying examination held by the UPSC followed by an interview



before a Services Selection Board. The other categories of personnel do not go before the UPSC but have to appear before the Services Selection Board before they are selected for admission to the Indian Military Academy. A small percentage of vacancies at the Indian Military Academy has been reserved for NCC, and Service (including TA) personnel of the Army

**263. Armed Forces Medical College, Pune.** —The college is an Inter Service institution under the Director General of Armed Forces Medical Services designed to meet the needs of the integrated Medical Services of the Army, Navy and Air Force. It comprises Post Graduate Wing and College of Nursing. Departments of all Medical. Disciplines including allied specialities are functioning under the overall command of the DGAMFS through Commandant AFMC. The college is affiliated to Pune University for all medical degrees/diplomas and with Bombay University for the degree/diploma in Dental discipline.

The college caters for various courses for all Medical and Dental officers of three services i.e. professional, refresher and other fields of medical/dental education. The college curriculum provides training for officers in the specialities of the medical profession. JCOs/OR and equivalents of Navy and Air Force are also given training in different technical trades such as Radiographer, X-Ray Asstt, Pharmacist, Health Asstt, Blood Transfusion Asstt, Technician Lab/Lab Asstt, Dental Hygienist/Technician and Dental Operating Room Asstt.

The institute also undertakes basic and applied research work for solution of health problems of the Armed Forces.

(a) Graduate Wing, AFMC -Every year 130 students (including 25 girls) are admitted to the Graduate Wing of the College. The admission is based on competitive entrance examination held all over India at various centres followed by an interview of candidates declared qualified in the written, test. Interview of the qualified candidates is held at selected centres. AS students admitted to the college have service liability and are commissioned in the Army Medical Corps on successful completion of the MBBS course of AFMC. All male students and 5 girls students have permanent commission liability. Remaining 20 girls have short service commission liability.

(b) College of Nursing-College of Nursing is an integral department of the Armed Forces Medical college Pune. It conducts undergraduate training in Nursing which is of four years duration. The training is designed to prepare graduate nurses to assume responsibility in the promotion of health prevention of diseases and care of patients in hospitals. and other community health agencies. On successful completion of the programme, the graduate nurses are awarded BSc Degree in Nursing and they are commissioned in the Military Nursing Service to meet the integrated nursing services requirement of the Armed Forces Hospitals.

The college also caters for two specialist courses. These are post-certificate courses for nursing officers of the permanent cadres in the following specialities: —

(i) Orthopaedic Nursing Course of 11 months duration to prepare nursing officers to work in orthopaedic units in Armed Forces Hospitals to render specialised care.

(ii) Operation Theatre Nursing class I Course of two years duration, the 10 weeks theoretical foundation part whereof is conducted at AFMC and the remaining part consisting of lectures and practical experience is conducted at service hospitals in Pune complex.

**264. Military Schools.**—Military Schools are located at Chail (Simla Hills), Ajmer, Belgaum, Bangalore and Dholpur and are residential institutions run on Public School lines. They prepare students for the All India Senior School and Secondary School Examinations of the Central Board of Secondary Education and also for the Entrance Examination to the National Defence Academy. Military Schools at Ajmer, Beigaum, Bangalore and Dholpur commence their school term in July and the Military School at Chail in March. The maximum boarder strength of each school is 300 except Bangalore Military School which has an authorised strength of 350. The vacancies in the schools are distributed as under:

(a) Entitled Boys.—These are sons of serving and ex-service JCOs and OR of the Army and their equivalent Ranks in Navy and Air Force. 67% of the vacancies are reserved for them in the ratio of 40: 60.

(b) Non-Entitled Boys. —These are sons of Service Officers and Civilians. 33% of the strength consists of these.

(c) Scheduled Castes/Tribes.—15% and 7-1/2% seats are reserved for Scheduled Castes and Scheduled Tribes in Military Schools regardless of their position in the merit list.

265. **Rashtriya Indian Military College.**—The Rashtriya Indian Military College is a feeder institution to the NDA and prepares boys for the qualifying examination conducted by the UPSC for admission to the NDA. A privileged rate of fee is charged from cadets, who undertake to choose the defence services as their career by taking the qualifying examination held by UPSC. There are two terms at the college—1st term commences on 20 January and 2nd on 1<sup>st</sup> August. Admission to the College is made twice a year and is open to boys who are between the age of 11 and 12 on the dates of the commencement of the term and who qualify at an entrance examination which is held in February and August each year throughout the country. This examination is conducted by the Army HQ under the auspices of the Ministry of Defence. Vacancies to the States are allotted on population basis for cadets who qualify in the examination and are found medically fit. Cadets at the College are also prepared for the Indian School Certificate Examination. Information regarding conditions of admission and other details about the College is given in the prospectus for the Rashtriya Indian Military College, DEHRA DUN which can be obtained on payment from the Commandant of the College.

266. **Local Courses.**—Local courses are run under the orders of the GOC-in-C Commands. Headquarters Commands will ensure that the number of local courses run by lower formations is kept to the minimum necessary. Local courses should be organised only when it is not possible for units to undertake a particular training themselves. The provision of personnel to run such local courses must not be allowed to dislocate unit training.

267. **Courses of Instruction Outside India,**—A certain number of selected officers, JCOs and NCOs are sent abroad annually to attend courses of instruction. The aim of sending students abroad is to keep in touch with the latest developments and teachings in other countries and to make use of facilities for training which may not exist in India. The types of courses and the number of vacancies is decided annually by the VCOAS and these are notified to lower formations and Headquarters Commands after obtaining Government's sanction.

268. **Visits of Senior Officers.** —General Officers Commanding in Chief Commands or Senior Staff Officers deputed on their behalf, division/area and brigade/sub area commanders may visit training and educational establishments and training centres from time to time in order to keep in close touch with the methods of instructions employed. The same individual commanders may not visit any one school more than once in a year. Prior application will be made to the DCOAS for Ms approval if the school or centre is situated outside the command in which the visiting officer is stationed.

269. **Duration of Qualified Period for Instructions.**—An instructor, after the successful completion of a recognised course of less than 6 months duration at, a category 'A' establishment, will be considered suitable to instruct in that subject for a period of 4 years. After this period, if considered necessary, and if he is still to be employed as an instructor, he may attend the same course again.

270. **Training of Officers,**—The post commission training of regular officers of all corps/arms before they attain the rank of lieutenant colonel is to be carried out in accordance with the instructions, contained in the pamphlet 'Post Commission Training of Regular Officers—1954', as amended from time to time.

271. **PT and Games.**-All PT and exercises, including PT games, carried out as part of a soldier's training during parade hours under a PT instructor or a platoon or company commander are compulsory. Games and sports out of parade hours are not compulsory, but if organised by or with the approval of military authorities will be regarded as PT. Injuries sustained by officers, JCOs, WOs and OR including NCs(E) taking part in such parades, games and sports, or deaths arising from these injuries will be considered to have occurred while on duty.

272. **Army Physical Training Corps.** —The Army Physical Training Corps is a departmental Corps administered by the Director of Military Training. The Director, Army Physical Training Corps at Army Headquarters is the adviser to the DMT on all matters relating to physical and recreational training.

At each Command Headquarters there is one officer namely Supervising Officer Physical and Recreational; Training for supervising physical and recreational training, who is the adviser to Commanders and Staff at all levels on all; matters relating to physical and recreational training. APTC personnel are attached to the establishments,

Regimental/Corps Training Centres and para units to assist commanders in the planning, organisations and conduct of PT within the framework of the policy laid down by Army Headquarters.

#### Educational Training

**273. Personnel of the Army Educational Corps.** —The Army Educational Corps is administered by the Director of Army Education. AEC Staff are attached to headquarters formations, units and establishments to assist commanders in the planning and organization of educational training within the frame work of the policy laid down by Army Headquarters. They are also responsible to impart and supervise instruction in units, formations and training establishments.

**274. Training in Music.** —Initial Training (to young bands-men) and advanced training in military music in the Army is imparted at the music wing attached to Army Educational Corps Training College and Centre. Various categories of musicians are given initial and refresher training and band NCOs are prepared for duties as Bandmasters. The Music Wing also aims at producing Indian music for adoption by Military Bands.

**275. Languages.**—All regulations relating to the study of, and tests in, foreign languages are contained in 'Language Regulations for the Armed Forces,

**276. Provision and Control of Libraries.** —(a) There are two types of government libraries in existence viz. libraries at category 'A' establishments and libraries at formations headquarters and regimental centres.

(b) The libraries will be managed by a committee of officers including an AEC officer.

(c) All libraries will be surveyed annually by a board of officers of which an AEC officer will be a member.

(d) The rates of Library Grant for the libraries at category 'A' establishments, formations headquarters and regimental centres are fixed by Army Headquarters with the approval of the government and are reviewed from time to time.

(e) Name of the library, number of the book and the station will be cited in all requisitions and accounts and on labels which will be pasted on the inside of every book, showing the catalogue number, cost price and date of purchase. In addition to the proper ledger book, each, library will be in possession of an issue and receipt book and a suggestion book which will be inspected at the annual survey. A scale of fines will be laid down by the commander for loss, damage through unfair wear and tear, and for keeping books longer than the time allowed. The money so collected or from the sale of unserviceable books will be credited to the library account.

(f) Library grant will be used for purchase of new books, periodicals, connected accessories of a library and for the repair and binding of old books done on the recommendations of the library committee and orders of the commander,

(g) Whenever a non static formation moves to an operational area the library may be left in charge of the OC Station who will detail an officer to take over the account and ledgers with books and accessories from the formation.

(h) Transfers of surplus books in government libraries from one formation/establishment to another will be made only after approval of Army Headquarters has been obtained through the HQ Command concerned.

#### Annual Inspection of Units

**277. General.**— All army units/installations/establishments will be inspected at least once every year as per detailed instructions issued by the Chief of the Army Staff.

#### NOTE

Instructions governing annual inspection of Inter Service Organisations will be issued after the same have been duly approved.

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## **CHAPTER VII EMPLOYMENT OF TROOPS ON DUTIES IN AID OF CIVIL AUTHORITIES**

**301. Types of Duties and Approval of the Central Government.** -(a) Troops may be called upon to perform in aid of the civil authorities any of the following duties: —

- (i) Maintenance of law and order.
  - (ii) Maintenance of essential services.
  - (iii) Assistance during natural calamities such as earthquakes and floods,
  - (iv) Any other type of assistance which may be needed by the civil authorities.
- (b) When the services of troops are required by the civil authorities, the local military commander will first obtain, through the authorised channels, the approval of the Central Government to their employment. In cases of emergency, when reference to Central Government would entail delay, hazardous to life or property, the local military authorities will comply immediately, as far as possible with the demand, reporting their action at once through the authorised channels for confirmation.

**302. Maintenance of Essential Services During Strikes or in an Emergency.—**Troops can lawfully be commanded to maintain essential services during strikes or in an emergency under the following conditions: —

- (a) if and in so far as some military object, purpose or proceedings is affected; or
- (b) if, in the opinion of the Central Government, the maintenance of a particular service is declared of vital importance to the community by a notification under the provisions of the Armed Forces (Emergency Duties) Act, 1947. The notification declaring a service as essential does not ipso facto imply that the State Government can requisition Army assistance without explicit sanction of the Central Government.

**303. Maintenance of Law and Order—Written Requisition.** —Every requisition made on an officer in command of troops, in writing or by telegram, by a civil authority for military aid for maintenance of law and order will be complied with immediately. The strength and composition of the force, the amount of ammunition, arms and equipment to be taken and the manner of carrying out the operations are matters for the military authorities alone. As regards a magistrate's request for dispersal of an unlawful assembly, instructions in para [305](#) below are to be complied with.

**304. Liaison Officer.** —(a) To ensure that the military authorities immediately concerned have the earliest possible opportunity of gauging the probable requirements of the situation, the military commander on receipt of a warning by the civil authorities that troops may be required in aid of the civil authorities will despatch a military liaison officer to get into personal touch with the civil authority in the affected area. The liaison officer will furnish reports regarding the situation.

(b) Until the services of the troops are no longer required by the civil authorities the liaison officer will maintain close touch with the local civil and police authorities, and with the OC troops employed. He will be under the orders of the OC troops during the presence of the latter at the scene of action, if that officer is senior to him. Alternatively, should the liaison officer be the senior, he will automatically be in military command unless specially ordered to the contrary by the officer who detailed him. It would, however, be preferable, if it can be so arranged, that the liaison officer is of such rank that he will not have to take command of the troops.

(c) On the withdrawal of the troops, or if it is decided that they need not be called out, the liaison officer will submit a written report to the officer who detailed him. The report will comprise a brief narrative of events and a brief summary of his observations and his appreciation of the cause of the trouble. The liaison officer will remain in the disturbed

area until ordered to rejoin his unit. The report will be forwarded to Army HQ through the authorised channels.

**305. Dispersing of an Unlawful Assembly—**(a) The Civil authority who can require the dispersing of an unlawful assembly by military force is the magistrate of the highest rank who is present. (See Cr. P. C. Sec 130). The request by the magistrate should preferably be in writing, but if made verbally, the OC troops should ask the magistrate to repeat the request in the presence of two military personnel

(b) The requisition will be complied with immediately.

(c) The strength and composition of the force, the amount of ammunition to be taken and the manner of carrying out the task are matters for the decision of the military authorities alone.

**306. Firing on an Unlawful Assembly.—**(a) When the OC troops is required by a magistrate under the Code of Criminal Procedure, Sec. [130](#) or decides that it is necessary, under Sec. [131](#) *ibid.*, to disperse an unlawful assembly by force, he will, before taking action, adopt the most effective measures possible to explain to the people concerned that the fire of the troops will be effective.

(b) All orders to the troops will be given by their commander. They will on no account fire except by his word of command. If it becomes necessary to order them to fire, he will exercise a humane discretion in deciding both the number of rounds and the object to be aimed at. If the commander is of the opinion that a slight effort will attain the object, he will give the command to one or more selected soldiers to fire. If a greater effort be required, he will give the command to one of the sections to fire; the fire of each of the other sections, if required, will only be given on the regular word of command of the commander. If it is necessary for more sections than one to fire at a time, the commander will clearly indicate to the troops which subordinate commander is to order any of the sections to fire. The order to any one or more selected soldiers or to a particular section to fire will be given only by the commander indicated.

(c) If it becomes necessary to fire, officers and soldiers have a serious duty, which they must perform with coolness and steadiness and in such manner as to be able to cease-fire the instant it is no longer necessary.

(d) Care will be taken to fire only on those persons who can be seen to be implicated in the disturbance. To fire over the heads of a crowd has the effect of favouring the most daring and guilty, and of sacrificing the less daring, and even the innocent. Fire should be for effect but should be aimed low the idea being to injure and incapacitate rather than to kill. It would be borne in mind that the amount of force, both as regards the number of rounds used as well as the damage done, should be the minimum required to disperse the unlawful assembly or to perform the task indicated. Officers should also bear in mind that they are legally protected if they act in good faith which is held to mean "with due care and attention". Firing with blank ammunition is forbidden.

**307. Report of Demand for Troops.—**When military assistance is called for by the civil authorities, the officer responsible for sending troops in aid of the civil authorities will report immediately by telegram to the Military Operations Directorate, Army HQ. A further telegraphic/signal report will be submitted on the withdrawal of troops called out in aid of the civil authorities.

**308. Embodiment and Discipline, Territorial Army.—**The rules regarding the calling out, embodiment and discipline of the Territorial Army are contained in regulations for the Territorial Army, 1948.

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**PART II**  
**DISCIPLINE**  
**CHAPTER VIII**  
**DISCIPLINE GENERAL**  
**SECTION 1—GENERAL**

**316. Responsibility of an Officer.—**An officer is at all times responsible for ensuring that good order and discipline of the service are maintained and the rules and instructions

are complied with; he will afford the utmost aid and support to his CO and immediate superior officer in this regard. It is his duty to notice, repress, and instantly report any negligence or impropriety of conduct on the part of junior officers, JCOs, WOs and OR including personnel of paramilitary forces placed under command of army and those becoming subject to Army Act under Section 2(l)(i) whether on or off duty, and whether the offenders do or do not belong to his own unit,

**317. Obligation to Bring Dishonesty to Notice.**—It is the obligatory duty of every person in military employ to bring at once to the notice of his immediate superior, or the next superior where the immediate superior officer is involved, any case of dishonesty, fraud or infringement of orders that may come to his knowledge.

**318. Security.**—A general or other officer commanding is responsible for ensuring that all persons under his command are acquainted and comply with the provisions of the Official Secrets Act, 1923, together with the paras of these regulations bearing on the same subject, and with the instructions issued by the Government or Army Headquarters for the security of military establishments, offices and official documents, and for regulating admission to national defence and other prohibited places, as required by the above Act and regulations.

**319. Official Documents, Breach, of Trust.**—(a) Official reports or correspondence, or copies thereof, will not be furnished to any person not officially entitled to receive them, without the special sanction of superior military authority,

(b) The publication of official documents, or communicating their contents by any means or using them for any private purpose without due authority, will be treated as a breach of the Official Secrets Act, 1923. .

**320. Production of Official Documents in a Court.**—(a) A Government servant summoned by a Court to produce an official document is bound to produce it personally or to cause it to be produced by one of his subordinates, unless:—

(i) the document is not in his custody; or

(ii) the document is of a privileged class,

(b) All official records are normally to be regarded as in the custody of the head of the department or the head of the office, as the case may be. In special circumstances, however, an official document may be in the custody of a Government servant other than the head of the department or, as the case may be, the head of the office.

(c) If the document required to be produced in the Court is not in the custody of the Government servant who has been summoned, he should inform the Court or in the case of a High Court or the Supreme Court, the Registrar of the court accordingly by an official letter as in Appendix 'I' and also send a copy of that letter to both parties to the proceeding in which the production has been required.

(d) Where the summons has been served on the head of the department or on a Government servant who has the custody of the document in any special circumstances, it should be determined, first, whether the document is of a privileged class under section [123](#) or [124](#) of the Indian Evidence Act, 1872 (reproduced below). A document would be privileged if—

(i) it is an unpublished official record relating to any affairs of States; or

(ii) it contains any communication made to a public officer in official confidence;

provided that in either case the disclosure of the document would cause injury to the public interest.

**Sec. 123**—No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of States, except with the permission of the officer at the head of the deptt. concerned, who shall give or withhold such permission as he thinks fit.

**Sec. 124**—No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

(e) If the Government servant summoned is not the head of the department and is either of the opinion that the document belongs to a privileged class, or has any doubt in the matter, he should refer the question to the head of the department, unless the document falls under (ii) in clause (d) and is addressed to the Government servant himself. In the latter case, the Government servant has himself to take a decision whether the public interest would suffer by the disclosure of the document. If he decides that injury to the public interest would be caused by the disclosure of the document, he should claim privilege under section 124 of the Evidence Act in the manner hereafter stated. If the Government servant has any doubt, he may seek the advice of the head of the department.



(f) If the head of the department or office or the Government servant having the custody of the document(s) required to be produced finds that within the time available according to the summons for production of the document(s) in court it is not possible to comply after considering the question, as to whether the document is privileged under section 123 or 124 of the Evidence Act and whether such privilege should be claimed, and the court should be requested to grant further time, it will not be appropriate to make the request by a letter addressed to the court; in any such case, the officer concerned should instruct the Government Pleader and authorize him by proper Vakalatnama, if necessary, to appear in the court on the date fixed for production of the document(s) and apply either orally or in writing, if required, for the grant of adequate further time for compliance with the summons or making a claim of privilege. In the meanwhile, the Head of the Department or the Head of Office or other Government servant who has received the summons should proceed to consider the question of privilege or seek instructions regarding thereto,

(g) Where the document required to be produced has emanated from some other authority, e.g., a State Government or a foreign Government, or is one respecting which there has been correspondence with a State Government or a Government, the head of the department should be consulted before the production of the document, unless it is intended for publication though not yet published, or is of a purely routine or formal nature. The head of the department should, when consulted, consider the desirability of obtaining the consent of concerned Government or authority to the production, of the document.

(h) The expression 'head of the department' in section [123](#) of the Indian Evidence Act, 1872, means both the Minister incharge of the Department, who is its political head, and the Secretary or other officer who is its administrative head. Ordinarily, in the case of Ministries or departments and their attached and subordinate offices, the administrative head would be the Secretary, or, in his absence the Additional Secretary or Joint Secretary who is in-charge. In the case of a Union territory he would be the Administrator and not any of the Secretaries.

(i) Where it is desired to claim privilege for an official document under section 123, the first question to be considered by the head of the department is whether the document is an unpublished official record relating to any affairs of State. This question is ultimately for the decision of the Court. If the Court holds that the document does not belong to this class then, subject to any revision application that may be made, the document has to be produced. It should be noted, however, that where a claim is made that a particular document relates to affairs of State the court is not entitled, in view of the provisions of Section [162](#) of the Indian Evidence Act, 1872 reproduced below to inspect the document, although it must, notwithstanding the objection, be taken to the Court; the Court has only power to take other evidence to assist it in determining the nature of the document and may for this purpose require the officer who makes the claim of privilege to appear for cross-examination.

162. A witness summoned to produce a document shall if it is in his possession or power bring it to court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the court.

The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence; and if the interpreter disobeys such directions, he shall be held to have committed an offence under section 166 of the Indian Penal Code.

(j) Documents of a political or administrative character relating, for instance, to national defence, public peace and security, diplomatic relations are no doubt included in the class of documents relating to affairs of State. Documents which it is the practice to keep secret for ensuring the proper functioning of the public service are also included in that class and it is not essential that their contents should be such that their disclosure would be harmful to the public interest; such documents are privileged because the freedom and candour of expression of opinion in the determination and execution of public policy would be materially affected by their disclosure. Among the documents belonging to this class are notes and minutes by officers and Ministers on files, proceedings of Government, reports of public officers, opinions expressed by public officers, records of official decisions reached in the course of determination of questions of policy.

(k) Besides the above mentioned categories, documents relating to commercial or other activities of the State even may in proper cases be embraced within the category of documents relating to affairs of State if the disclosure of their contents would come injury to the public interest,

(1) If, upon consideration in the light of the preceding observations, the head of the department comes to the conclusion that the document is an unpublished official record



relating to affairs of State, he should consider next whether its disclosure would cause an injury to the public interest. It is not sufficient justification for claiming privilege, however, that the head of the department does not wish the document to be produced or that its production would adversely affect litigation to which Government is a party or produce any undesirable impact on the department or provoke public criticism or censure in Parliament. The head of the department will be justified in withholding the document only if its production would cause injury to public interest. His decision that such injury would be caused is not liable to be questioned by the Court.

(m) Where, upon consideration by the head of the department, as explained above, it is decided to claim privilege under section [123](#) of the Indian Evidence Act, 1872, and the summons is only for production of the document, a subordinate officer should be deputed to attend the Court; but if the head of the department or other officer having custody of the document has also been summoned to give oral evidence, he should attend personally. In either case, the Government servant attending the Court should take an affidavit in the Form at Appendix J which should be sworn by the administrative head of the department unless it is considered fit in view of the special circumstances or nature of the case or the Court directs that the affidavit be sworn by the Minister. The Government servant should also take along with himself in a sealed cover the document(s) which is (are) required to be produced.

(n) An affidavit claiming privilege under section [123](#) of the Evidence Act must show on its face that each document for which privilege is being claimed has been carefully read and considered and that the deponent is satisfied upon such consideration that in the case of each of the documents in respect of which the claim of privilege is made, its disclosure would cause injury to the public interest. The affidavit must indicate, consistently with the necessity of safeguarding the public interest, the reason(s) in brief why it is apprehended that the public interest would be injured by the disclosure of the document. The reason(s) given must not be vague or indefinite, and separate reasons should be given in respect of each of the documents in respect of which the privilege is claimed.

(o) When called upon to produce the document the Government servant attending the Court should present the affidavit and explain, that he is not at liberty to produce the document or give any evidence derived therefrom. The question whether any Counsel should be engaged in cases in which Government is not a party to urge the claim for privilege would be considered in suitable cases in consultation with the Ministry of Law. If the claim is rejected, he should make an application in the Form at Appendix 'M'. If production is insisted upon, the document should be produced in a sealed cover and it should be submitted that the head of the department had instructed him to state that he would desire to consider whether the High Court should be moved in revision and that, if the Court sees no objection, the document may be kept in sealed cover pending the decision of the High Court. The Government servant should then abide by such orders as the Court may make.

(p) The second class of privileged documents consists of documents containing communication made to a public officer in official confidence when the public officer to whom such communication has been made considers that the public interest would suffer by the disclosure,

(q) Privilege under section [124](#) of the Indian Evidence Act must be claimed by the public officer to whom the communication has been made in official confidence. Such officer is competent to waive the objection and allow production. For deciding whether privilege should be claimed or waived, the officer should consider the effect of production on the public interest. If he finds that the public interest would suffer by the disclosure, he should make an affidavit in the Form at Appendix 'L'. Therein he should set out the reasons in respect of each of the documents. If he is summoned to give oral evidence, he should attend personally and when called upon to produce the document or give any evidence relating to the communication contained therein claim privilege by filling the affidavit. If summoned to produce the document and not to give oral evidence, he may depute a subordinate officer to attend the Court with the document (in a sealed cover) and the affidavit. The Court, it should be noted, is entitled to inspect such documents for the purpose of determining the claim of privilege. If the claim is rejected, and it is considered advisable to move the High Court, an application in the Form at Appendix 'M' should be made. If production is still insisted upon, the document should be produced in a sealed cover and it should be submitted that time may be given to the public officer to consider whether the High Court should be moved in revision and that in the meantime, if the Court sees no objection, the document may be kept in a sealed cover. The Government servant should then abide by such order as the Court may make in the matter.

(r) Affidavits have to be sworn before a person authorised to administer oath, eg. a Magistrate, Judge, Oaths Commissioner (or Notary Public).

(s) The head of the department or the public officer summoned should in all cases abstain from entering into correspondence with the presiding officer of the Court in regard to the claim of privilege.

(t) The privilege recognised by section [123](#) of the Evidence Act extends not only to the production of the document but also to the giving of any other evidence as to their contents or as to the facts derived therefrom. No person, whether a Government servant or not, may give such evidence. When a public officer summoned as a witness to give oral evidence is asked in the course of his examination as a witness any question concerning a matter which has come to his knowledge from any unpublished official record relating to affairs of State, if no summons has been issued to the head of the department for production of the document and his prior permission to give evidence derived therefrom. has not been obtained, he should decline to answer the question until such permission is given. If the witness be the head of the department himself, he should object to the question on the ground that it relates to the contents of a privileged document. If the question is pressed and allowed by the Court, he should claim privilege after considering the document in the light of the preceding instructions. If an affidavit is required, he should request for time to file it. If the witness is not himself the head of the department and the question is allowed by the Court, he should pray that the head of the department may first be summoned to produce the document and decline to answer the question until it is produced.

(u) Where a witness is asked a question relating to facts derived from a document containing communications made to a public officer in official confidence, he should, if he is not the public officer to whom the communication was so made, decline to answer the question unless the document is first produced by the public officer concerned. If the witness is the public officer to whom the privileged communication was made, he should decline to answer the question on the ground that it relates to the contents of a privileged document. If the question is pressed and allowed by the Court, he should consider the document and claim privilege. If an affidavit is required, he should ask for time to file it.

(v) All the foregoing instructions apply as well to the cases in which Government is a party to the case as others. They also apply to summons from other tribunals such as arbitrators, etc.

(w) Cases requiring permission to give evidence derived from unpublished official records relating to any affairs of State in a Court under section [123](#) of the Indian Evidence Act, 1872 will be referred to the Branch/Section concerned at Army Headquarters for necessary action in accordance with the above instructions.

**321. Appearance as Expert Witnesses in Private Law Suits.**—(a) An officer, JCO, WO or OR is forbidden to accept invitations to appear as an expert witness in private law suits for the purpose of giving evidence on matters of which he has acquired knowledge in the course of, and in connection with, his official duties.

(b) Any officer, JCO, WO or OR who receives such an invitation should reply that he is precluded by regulations from giving such evidence. If, however, after replying in these terms, he is subpoenaed to appear as an expert witness, he should report the matter to his CO, who will refer it through the usual channels to the Govt. of India when instructions will be issued as to the further action to be taken.

**322. Communication to the Press, Lectures.**—Applications for obtaining permission of the Central Government to publish a book or letter or an article or deliver a lecture or wireless address as mentioned in Army Rule [21](#) will be submitted to the Vice Chief of the Army Staff (MI-11) through staff channels together with two copies of the book, letter, article, lecture or address and of any enclosure, sketch or photograph relating thereto, and will be accompanied by a statement from the authority under whom the applicant is immediately serving that such authority has no objection to the application.

This, however, does not apply to the publication of articles in regimental or service journals, which do not refer to political or controversial issues, and lectures on professional subjects in service associations which are not reported to the press,

**323. Mutual Power of Command in the Three Services.**—(a) Officers of the regular Army and the Navy are empowered to exercise command over persons subject to the Air Force Act, 1950, when such persons are attached to or are serving in :—

(i) Army Units or Naval Ships or Establishments;

(ii) Air Force Units commanded by such officers. (Ministry of Defence Notification No SRO 124 dated 16 April 1962).

(b) Members of the regular Army and the Air Force are empowered to exercise command over members of the Indian Navy or Indian Naval Reserve Forces under certain

conditions. These conditions are set out in Ministry of Defence Notification No SRO 80 dated the 24th February, 1961.

(c) Officers of the Air Force and the Navy are empowered to exercise command over persons subject to Army Act, 1950, in the circumstances set out in Army Rule, [188](#), and when such persons are attached to or are serving in—

(i) Air Force Units or Naval -Ships or Establishments;

(ii) Army Units commanded by such officers.(Ministry of Defence Notification No SRO 34 dated 19 January, 1963).

**324.Officers And Men to Acquaint Themselves With Orders.**—Officers will acquaint themselves with Regulations and Orders. Ignorance of published Orders will not be admitted as an excuse for their non-observance. JCOs, WOs and OR will be held personally responsible for making themselves acquainted with such Orders as are published in accordance with para 37(K) and para [584](#), and such details of duties as are posted in quarters, as directed by para [1155](#).

**325.Responsibility of Commanding Officers to Prevent Crime.** -A CO will use every effort to prevent crime and to suppress any tendency to screen its existence. For first offences, not of an aggravated character, admonition is the most suitable treatment. Other punishment should be resorted to only when admonition has failed to have effect. Quantum of punishment must be commensurate with the crime committed.

**326.Treatment of Subordinates.**—Officers, JCOs, WOs and NCOs will adopt towards subordinates or equal and junior ranks such methods of command and treatment as will not only ensure respect for authority, but also foster the feelings of self-respect and personal honour essential to military efficiency. They will avoid intemperate language or an offensive manner.

**327. Reproof.**—(a) Reproof may be verbal or in writing or both.

(b) In no circumstances should reproof take the form of insult or abuse. It may be strong but should be directed to the actual fault committed and the language used should not be intemperate or offensive. A reproof should not be administered in the presence of subordinates unless, for the purpose of making an example, it is necessary that the reproof be public.

(c) Warning, a minor censure, may take the form of reproof and be administered verbally or in writing to service personnel by the officer commanding or by an authority superior in command to the officer commanding. A warning will not be recorded in the service documents of the person concerned.

(d) It should be ensured that before administering reproof by way of a warning or otherwise the competent authority applies its mind to the case and comes to a conclusion that ends of justice would be met by closing the case with reproof. Once a decision has been arrived at and the case closed by administration of a reproof by a competent authority, no superior authority can reopen the case.

**328. Public Reception in Honour of Members of the Army.**—Circumstances may arise when a senior officer of the Army is invited to accept a public reception. Before accepting such a reception the officer concerned will ensure that :—

(a) the reception is not in any way connected or organised by any political or communal body;

(b) no form of personal presentation is received by him except articles of trifling value; and

(c) the prior sanction of the next superior officer not below the rank of GOC-in-C in the Army is obtained or, where necessary, the sanction of Government, When attending such a reception, the officer concerned in his reply, if any, will confine himself to an expression of thanks on his own behalf and on behalf of the troops he commands and an appreciation of the co-operation received from the local civil authorities.

**329. Praising and Censuring of Superiors.**—Deliberations or discussions by officers, JCOs, WOs and OR with the object of conveying praise, censure or any mark of approbation towards their superiors, or any others in Government service, are prohibited. The publication of laudatory orders regarding an officer quitting a station or relinquishing an appointment is forbidden. No subscriptions for testimonials in any shape to a superior on quitting the services or on being removed from his corps or vacating his appointment, are permitted except with the prior sanction of the officer next superior to the officer quitting the services or being removed from the corps or vacating his appointment. The superior sanctioning any subscription should discourage any extravagant presentation. Subscriptions where sanctioned shall be purely on a voluntary basis.



**330. Applications by Officers to Army Headquarters**—Testimonial Not to be Attached.—All ranks are forbidden to forward testimonials relating to their services or character, with any application that they may make to any higher formation. In the event of an officer wishing that the opinions of officers under whom he has served should be brought to notice, he will submit their names, so that, if necessary, they may be referred to. The giving of testimonials by Service personnel is equally forbidden.

**331. Posting and Promulgation of Certain orders.**—The officer commanding a unit is responsible that all ranks are acquainted with the purport of AA, Sections [18](#) to [20](#), [22](#), [23](#), [26](#), [28](#) to [32](#), [34](#) to [78](#), [80](#) to [82](#), [89](#) and [91](#) inclusive and paras [333](#) and [354](#) of these regulations. The provisions of these sections will be explained to JCOs, WOs and OR and NCs(E) at three successive roll calls at least every three months'. They will also be explained to recruits on first joining so as to preclude the possibility of ignorance on their part of the additional offences and punishments to which a person renders himself liable by becoming subject to military law.

**332. Observance of Religions Customs.**—Religious customs and prejudices will be respected. Officers will take special care that none of their acts, or of their subordinates, wounds the religious feelings of a person or violates the sanctity of any place held sacred.

**333. Plural Marriages.**—(A) The Special Marriage Act 1954 and Hindu Marriage Act 1955 lay down the rule of 'Monogamy' that is, neither party has a spouse living at the time of marriage, these Acts also provide for decrees, of nullity of marriage, restitution of conjugal rights, judicial separation and divorce and also orders for alimony, and custody of children. The Hindu Marriage Act applies to all Hindus, Budhists, Jains and Sikhs and also applies to all other persons (with certain exceptions), who are not Muslims, Christians, Parsis or Jews by religion. Christians, Parsis and Jews are also prohibited under their respective personal laws from contracting a plural marriage. Thus no person who has solemnised or registered his/her marriage under the Special Marriage Act or who is a Christian, Parsi or Jew or to whom the Hindu Marriage Act 1955 applies, can now remarry during the life time of his or her, wife or husband. Sub-para (C) (a) to (c) below apply to such persons only. A Muslim or such other person to whom the Hindu Marriage Act does not apply and whose personal law does not prohibit Polygamy or Polyandry can marry during the life time of his or her, wife or husband and sub-para (B) (a) to (h) below apply to such persons only.

(B) Plural Marriage by persons in whose case it is permissible :—

(a) No person subject to the Army Act except Gorkha personnel of Nepalese domicile can marry again within the life time of his wife without prior sanction of the Government, The circumstances under which such Gorkha personnel can contract a plural marriage are :—

(i) When the wife suffers from incurable insanity (madness),

(ii) When there is no birth till ten years of marriage,

(iii) When the wife is paralysed and cannot move,

(iv) When the wife becomes blind of both the eyes.

(v) When the wife is suffering from an infectious incurable sexually transmitted disease.

(b) An individual may, during the life time of his wife apply for sanction to contract a plural marriage on any one or more of the following grounds :—

(i) his wife has deserted him and there is sufficient proof of such desertion;

(ii) his wife has been medically certified as being insane;

(iii) infidelity of the wife has been proved before a court of law; and

(iv) any other special circumstances which in the opinion of the brigade or equivalent commander would justify contracting a plural marriage.

(c) Applications will state the law under which the subsisting marriage was solemnised, registered or performed and will include the following details where applicable :—

(i) Whether the previous wife will continue to live with the husband;

(ii) if the previous wife does not propose to live with the husband, what maintenance allowance is proposed to be paid and in what manner; and

(iii) name, age and sex of each child by previous marriage and maintenance allowance proposed for each in case any such child is to live in the custody of the mother.

In all the cases, the applicant will render a certificate to the effect that he is not a Christian, Parsi or Jew by religion, that he had not solemnised or registered his previous marriage under the Special Marriage Act 1954 and that the Hindu Marriage Act 1955 is not applicable to him.

(d) Applications will be forwarded through normal channels and each intermediate commander will endorse his specific recommendations. Such recommendations will be signed by the commander himself or be personally approved by him. Before making his

recommendations a commander will satisfy himself that the reasons given for the proposed plural marriage are fully supported by adequate evidence.

(e) An individual whose marriage is alleged to have been dissolved according to any customary or personal law but not by a judicial decree will report, immediately after the divorce, the full circumstances leading to and culminating in dissolution of the marriage together with a valid proof of the existence of the alleged custom or personal law. The existence and validity of the alleged custom or personal law, if considered necessary, will be got verified from civil authorities and if it is confirmed by the civil authorities action will be taken to publish casualty for the dissolution of the marriage. The individual thereafter will not be required to obtain sanction for contracting the second marriage.

(f) An application which is not recommended by the Commanding Officer and an authority superior to him need not be sent to Army Head quarters, but may be rejected by the GOC-in-C of the Command concerned.

(g) Cases where it is found that an individual has contracted plural marriage without obtaining prior Government sanction as required in clause (a) above will be dealt with as under :—

(i) Cases of officers will be reported through normal channels to Army Headquarters (AG/DV-2) with the recommendations as to whether ex-post-facto sanction should be obtained or administrative action should be taken against the individual.

(ii) Cases of JCOs and OR will be submitted to the GOC-in-C Command who will decide whether ex-post-facto sanction should be obtained or administrative action should be taken against the individual. In cases, where it is decided that administrative action should be taken against the individual, his service will be terminated under orders of the competent, authority.

When reporting cases to higher authorities, intermediate commanders will endorse their specific recommendations with reasons thereof. Here too recommendations will be signed by the Commanders themselves or be personally approved by them. Also, an opportunity to 'show cause' against the order of termination of service will always be given to the individual concerned.

(h) In no circumstances will disciplinary action by way of trial by Court Martial or Summary disposal be taken against an individual who is found to have contravened the provisions of clause (a) above.

If, however, the individual is also found to have committed another offence connected with his act of contracting a plural marriage, disciplinary action for the connected offence may be taken and progressed in the normal manner.

(C) Plural Marriage by persons in whose case it is not permissible—

(a) An individual whose marriage is alleged to have been dissolved according to any recognised custom or special enactment under the provisions of Sec 20(2), read with Sec 3 (a) of the Hindu Marriage Act, but not by a judicial decree will report immediately after the divorce, the full circumstances leading to and culminating in dissolution of marriage together with a valid proof of the existence of the alleged recognised custom or special enactment. The existence and validity of the alleged custom or special enactment will be got verified from civil authorities and if it is confirmed by the civil authorities that the divorce is valid, action will be taken to publish the casualty for the dissolution of the marriage. The individual thereafter will not be required to obtain sanction for contracting the second marriage.

(b) A plural marriage solemnised, contracted or performed by any such person is null and void and may, on a petition presented to a court of law by either party thereto, be so declared by a decree of nullity. Not only is the plural marriage void but the offence of bigamy is also committed. This offence is, however, triable only on a complaint made to the civil authority by an aggrieved party. The punishment for the offence of a bigamy is prescribed in Sections [494](#) and [495](#) of the Indian Penal Code,

(c) When it is found, on receipt of a complaint from any source whatsoever, that any such person has gone through a ceremony of plural marriage, no disciplinary action by way of trial by Court Martial or Summary disposal will be taken against him, but administrative action to terminate his service will be initiated and the case reported to higher authorities in the manner laid down in sub-para (B) (g) above. In cases where cognisance has been taken by civil court of competent jurisdiction the matter should be treated as sub judice and the decision of the court awaited before taking any action. When a person has been convicted of the offence of bigamy or where his marriage has been declared void by a decree of court on grounds of plural marriage, action will be taken to terminate his service under AA Section [19](#) read with Army Rule [14](#) or AA Section [20](#) read with Army Rule [17](#) as the case may be. No ex-post-facto sanction can be accorded as such marriages are contrary to the law of the land.

**334. Aliens in Military Quarters or Establishment.**—No alien will live in any military quarter or establishment during peace time unless the approval of the Chief of the Army Staff has been obtained.

This restriction applies to houses, hired, leased or appropriated by Government for use by military personnel and civilians paid from Defence Services Estimates, and to buildings; owned, hired or appropriated by Government and used as defence works or for storage, repair or manufacture of military material.

Application for approval will be submitted through the usual channels'.

**335. Government Servant Desiring Other Government Employment.**—No government servant whether permanent or temporary may seek other government without the approval of his immediate superior.

**336. Private Tutions in Military subject.**—All ranks are forbidden, except with the prior sanction of Army Headquarters to assist private tutors or tutorial establishments in preparing candidates for examination in military subjects.

**337. Borrowing and Lending Money.**—No officer, JCO, WO or OR will lend or borrow money to or from any person belonging to the Forces or any regimental institutions run by civilian contractors or engage in any transaction whereby he will become in a private capacity a debtor or a creditor to any person belonging to the Forces or the civilian contractor. However, in exceptional cases where the borrowing or lending takes place between real blood relations or between spouses it may be permitted with the prior sanction of Army Commander in respect of officers and Div Commander in respect of others. Sanction in respect of Officers, JCOs, WOs and OR not serving under an Army Commander will be granted by Adjutant General, Army Head quarters.

Officers are warned against extravagance and money lenders. An officer, JCO, WO or OR who takes a legitimate loan from a bank or any other agency is obliged to repay it as per the terms and conditions laid down in the loan contract within the stipulated period.

**338. Gambling.**—Gambling is strictly prohibited in garrisons, camps or cantonments. There is no objection to tambola being organised in units/officers messes on profit basis provided it is confined entirely to members of the units/mess and the stakes are nominal.

**339. Business Appointments : Serving Personnel.**—(a) No officer, JCO, WO or OR is permitted, without the sanction of the Govt. of India, to accept a directorship (except as a nominee of the Government) in any public, industrial or other company or firm, or to, assist or advise any such company or firm in questions relating to their plant, processes of products. They are also forbidden to act directly as agents for any" company, firm or person, or themselves to engage in trade.

(b) Except as hereinafter stated, no contract, whether for the purchase or sale by the Ministry of Defence, or by units/formations of the Army, of goods or services, will be entered into with an officer, JCO, WO or OR, or any partnership of which such officer, JCO, WO or OR is a member (apart from a corporation in which he is a shareholder), or any company of which he is a director (except as a nominee of the Government), unless prior permission has been obtained from the Govt. of India.

(c) In no circumstances may an officer, JCO, WO or OR who, in his private capacity is a principal or shareholder in a firm or company, deal in his official capacity with any negotiation or arbitration in any matter affecting a contract with, purchase from, or sale to, that firm or company.

(d) No officer, JCO, WO or OR, will be permitted to purchase at Government auction sales. Nor will any officer, JCO, WO or OR be permitted to tender for Government stores or in any other way make purchases from, or sales to, any Government department, except:—

(i) Transactions occurring in the ordinary course of public business e.g., the purchase of Government priced publications, National Savings Certificates, postage stamps, money orders, etc.

(ii) Purchase from Ministry of Defence sources of provisions, clothing, officers' chargers in accordance with army regulations.

(iii) Purchase of old Government stores, at fixed prices (available to the public).

(iv) On behalf of a recognized military organisation, where the stores are definitely for regimental or unit requirements and not for individual or commercial purposes; the authority of Army HQ will be obtained in each case.

(v) In exceptional circumstances, the authority of the Govt. of India being necessary in each case. The fact that the stores are required for personal requirements and not for

commercial purposes will not be regarded as sufficient justification for any such exemption.

(vi) Within the limits authorised by the Govt. of India from time to time for the sale of goods and performance of services by :—

Army vocational training centres; infantry pioneer and similar workshops; and schools and training establishments and similar establishments.

(e) Sub-paras (b) and (d) above do not apply to contracts for the purchase, sale, letting or hiring of lands, or of buildings in situ, whether such contracts are made at public auction or otherwise.

**340. Civil Employment While on Leave.**—(a) No serving officer, JCO, WO, or OR will accept any private employment while on casual leave, annual leave or furlough.

(b) The permission of the Government will be necessary for acceptance of the following types of civil employment, while on leave preparatory to retirement or resignation of commission or release :—

(i) Employment under Foreign Government.—This will include employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India. Permission for acceptance of such employment is required to be obtained by all commissioned officers irrespective of their rank.

**NOTE**

Permission will not be given to any officer for accepting employment with a foreign mission in India.

(ii) Civil Government employment.—The term 'civil Government employment' will include post under the Central or a State Government or a body corporate owned or controlled by Government. All officers of the rank of Colonel and above who retire prematurely (i.e. other than retirement on completion of normal tenure of service or on invalidation on grounds of ill-health or physical disability), will be required to obtain the permission of the Government for accepting such civil government employment during the leave preparatory to retirement.

(iii) Commercial employment.—This includes employment in any capacity including that of an agent under a company, firm or individual engaged in trading, commercial, industrial, financial or professional business and shall include also a directorship of such company and a partnership of such firm. All officers of the rank of Colonel and above will have to obtain prior permission of the Government for accepting such commercial employment during the leave preparatory to, retirement,

(c) Applications for obtaining government permission for accepting employment under the provision of (b) above will be forwarded to the following authorities :—

(i) DGAFMS, Min of Def In the case of officers of the MC/ADC/MNS,

(ii) Military Secretary, Army HQ . in the case of all other officers.

(iii) Directorates concerned in the case of personnel other than officers.

The applications should give full particulars in respect of the employment in question.

**341. Acceptance of Employment by Army Officers Who Are Granted Pension, Gratuity or Any Other Benefit.**—(a) An officer, irrespective of the type of Commission held by him/her, who is granted any pension, gratuity or other benefit in respect of his/her Army Service or who is likely to receive any pension, gratuity or other benefit, shall obtain the permission of the President before accepting any employment under a Government outside India at any time after his/her Army Service has ceased. An officer of the rank of Colonel or above—whether the rank is held in substantive capacity or otherwise—who is granted a pension, gratuity or other benefit in respect of his/her Army Service or who is likely to receive any pension, gratuity or other benefit shall also obtain such permission prior to accepting employment before the expiry of two years from the date his/her Army Service ceases in the following cases :—

(i) Commercial employment in private undertakings ;

(ii) Employment in a civil post under the Central or State Government or an Union Territory Administration/Government, or in a post under a Body Corporate owned or controlled by Government if the officer had been allowed to retire prematurely at his/her own request. Such permission will not, however, be required if the officer had retired from Army Service in the normal course on completion of the standard service prescribed for his/her rank or if he/she had been invalided from Army Service on grounds of ill health or physically disability. Such permission will also not be necessary in cases where due to

## NOTE

2 The term "Commercial Employment" shall mean employment in any capacity including that of an agent under a Company, firm or individual engaged in trading, commercial industrial financial or professional business and shall also include a directorship of such company and a partnership of such a firm. It may, however, be pointed out in this connection that no permission is necessary by Service Officers for staffing their own business/professional career after retirement.

(c) No service or disability pension or other recurring benefit shall be payable to an officer who accepts an employment in contravention of the provisions of sub-para (a) above, in respect of any period for which he/she is so employed or for such longer period as the President may direct. Gratuity where due but not already paid, shall also be liable to be forfeited in part or in full as the President may decide.

Military Secretary, Army  
Headquarters. In case of other officers.

**342. Employment of Sons/ Daughters/ Dependents of Officers in Private Firms Enjoying Patronage**—(a) Whenever the son/daughter/other person wholly dependent on

(b) Where, however, the acceptance of such employment cannot await prior permission from the competent authority, or the matter is otherwise extremely urgent the officer will report the matter to Army HQ, Adjutant General's Branch (DV-2) through normal staff channels and allow the son/daughter/dependent to accept the employment provisionally subject to the approval of the competent authority.

343. **Movable/Immovable Property.**—All ranks are forbidden to acquire or dispose of any movable and immovable property by lease, mortgage, purchase sale, gift or otherwise either in their own names or in the name of any member of the family (term 'family' includes, in relation to a male, his wife or child or any other person wholly dependent on him whether or not residing with him, and in relation to a female, her husband residing with or dependent on her, her child or any other person wholly dependent on her) except with the prior permission of the superior military authority. However, when the transaction is carried out through a reputed dealer, it may be reported after it has been carried out. The prescribed monetary limits for this purpose, separately for movable and immovable property, will be approved by the Government and laid down in Army Orders and may be revised from time to time as considered necessary.

344. **Acceptance of Gifts/Presents by Army Personnel.**-(a) No person subject to the Army Act shall directly or indirectly accept, without the consent of the Government any gift, gratuity or reward for any act performed in his official capacity, nor shall he accept any gift, gratuity or reward from any person, to whom he can, directly or indirectly, show favour or disfavour in the exercise of his official functions, or in circumstances where such



acceptance might place him in an embarrassing position or affect the correct discharge of his duties.

(b) To fulfil the spirit of this regulation, Army/Personnel are responsible for ensuring that their families also do not accept gifts which are likely to or may be construed to have as their object the influencing of the Army Personnel in the discharge of his official duties. Furthermore, gifts to Army Personnel from relatives or personal friends likely to have such an object must be refused.

(c) The fire-arms and ammunition described in category I of the Schedule of the Arms Rules, 1962 are not generally allowed to be imported into the country for private use. Officials should not therefore, accept arms and ammunition in the prohibited category. The gift should politely be declined explaining the import restrictions imposed by the Government of India,

II. Gifts from Indian Nationals, Organisations etc.—(a) Army Personnel may accept gifts of trifling value with the prior sanction of the GOC-in-C Command concerned when attending public receptions. A gift not exceeding Rs, 50/- in value shall be regarded as a gift of trifling value.

(b) Gifts, whose value is more than Rs. 50/- will be reported to Army HQ (CW Dte) for obtaining sanction of the competent authority for the acceptance and retention of the gift by recipient.

III. Acceptance of Gifts from foreign dignitaries.—(a) Army Personnel are required to obtain the prior permission of the competent authorities before accepting gifts from foreign dignitaries either in India or abroad. When an individual is not in a position to decline the gift and accepts it without the prior sanction of the competent authority for want of time or for reasons beyond his control, it is incumbent on him to report immediately to his commanding officer or appropriate superior authority in respect of each and every gift received by him irrespective of its value in the form given at Appendix 'O'. The recipient will also indicate in this report whether he wishes to retain any or all of the gifts received. The responsibility for reporting the gifts/presents to the competent authority and for obtaining their orders for retention primarily devolves on the recipient and anyone failing to do so will lay himself open to disciplinary action.

(b) The recipient is also responsible for the correct evaluation of the gifts/presents received by him. The value will be the value of the article in the country of the manufacture.

(c) The report should give details of gifts/presents received, the name of the donor or donors, the occasion for such presentation and the estimated value (excluding customs duty in case of gift/present received overseas while on duty/private visits) of each gift/present. Customs duty payable should also be indicated separately.

(d) While sending the reports, complete description of the items of the gift/present, as far as possible, should be given, as for example :—

In case of a watch

- (i) Make i.e. name of the manufacturer,
- (ii) Whether Steel, chrome, rolled gold or gold or custom made etc.;
- (iii) number of jewels;
- (iv) any specialties like day-date, calendar, alarm etc.; and
- (v) any other descriptive details which may be supplied.

In the case of a Camera

- (i) Make i.e. name of the manufacturer, whether reflex camera or otherwise;
- (ii) nature and power of lens;
- (iii) whether cine or ordinary or otherwise.

These examples are only illustrative but the items of gifts/presentations may vary from ordinary tie-pin and cuff-links to any costly material.

(e) Pending decision regarding retention of the gift, the recipient shall deposit it, for safe custody, with his Commanding Officer or Appropriate Superior officers.

(f) On this report, the Commanding Officer or the superior authority will take the following action for evaluation of the gift, where the estimated value of the gift received from the dignitary at one time exceeds Rs, 3000/-.

(i) **Gifts received by Army Officers and Personnel posted in Delhi/New Delhi.**—The value of the gift should be got assessed by the Toshakhana of the Ministry of External Affairs through the appropriate Directorate of the Army Headquarters.

(ii) **Gifts received by Army Officers and Personnel stationed at places other than Delhi/New Delhi.**—The gift should be got evaluated by the nearest local customs officer. A reference to the customs authorities should be made by the Commanding/appropriate superior officer and not by the recipient himself.

(iii) **Gifts received by Army Officers and Personnel stationed outside India.**—The gift received by Army Officers and Personnel posted abroad should be evaluated by the Head of the Mission concerned or by a suitable agency under his orders.

(g) In all the cases irrespective of the estimated value of the gift, the evaluation report and the request of the recipient for permission to retain some or all the gifts should be sent to the Army HQrs for disposal who will obtain the orders of the competent authority and intimate them to the recipients.

(h) In cases where the gifts are assessed by the recipient themselves at Rs.3000/- or less and the competent authority prescribed in para [342](#) of those regulations feels that further enquiries in this report should be made, he may get the gifts/presents evaluated by the Toshakhana/Customs Authority.

(j) In the cases of gifts received in India no customs duty will be payable in cases where the value of the articles does not exceed Rs. 3000/-.

(k) In the cases of gifts received abroad, officers will normally have to pay customs duty on them at the time of importing them into India at the port of disembarkation, if such gifts are not eligible for exemption under the provisions of Passengers (Non-Tourist) Baggage Rules, 1978 (framed under the Sea Customs Act) 1962 as amended from time to time, which are applicable to the categories of persons in question.

(l) When visiting foreign countries as guests of foreign Government /organisations, Army Officers and Personnel may be offered by the foreign Govt/Orgns, cash gifts by way of 'expense money' in addition to being paid for transport, hotel and similar bills. Such gifts are not to be accepted.

IV. Acceptance of gifts from foreigners (other than foreign dignitaries) :—

(i) Gifts from foreigners (other than foreign dignitaries) should invariably be politely declined by the Army Officers and Personnel, explaining that the regulations preclude them from accepting such gifts. In cases where Army Personnel or their spouses or dependents are unable to decline the gift, the Army Personnel concerned should submit a report, to the Army HQrs. through their superiors and the Army HQrs should refer all such cases irrespective of the value of the gifts to Ministry of Defence for decision.

(ii) In the case of gifts offered by commercial firms, save in exceptional circumstances, no permission will be granted for acceptance of gifts made to members of the Army by firms, foreign or indigenous, with whom the officer concerned, has had or has or is likely to have dealings by virtue of his official position. Permission will also not normally be granted for acceptance of gifts by members of the Army from firms which are contracting firms with the Govt. of India, even if the contract is entered into by other Ministry or Department. The question of grant of permission for acceptance of gifts from a foreign firm would therefore, normally arise only in those cases where the foreign firm concerned is neither a firm contracting with the Govt. of India, nor one with which the officer concerned has had or has or is likely to have official dealings and that there is no reason to doubt the bonafides of the gifts made by foreign firm. In such cases where it is proposed to grant permission for acceptance of the gifts made by a foreign firm, the procedure indicated regarding retention of gifts made by foreign dignitaries will be followed. Apart from the gifts, Army personnel should neither accept nor be permitted to accept offers of the cost of passage to foreign countries/and/or hospitality by way of free board and lodging if such offers are made by foreign firms contracting with Govt. either directly or through their agents/representatives in India, except in respect of training abroad offered by foreign firms (who obtain reimbursement from the foreign Govt. concerned) as part of aid programme.

**V. Acceptance of gifts by spouses and dependants of Army Personnel**—The wives and dependants of Army Personnel should also try to decline gifts offered by foreign dignitaries/foreigners. If, in any case, a gift cannot be refused the instructions applicable to Service Personnel will apply to them also and the report about acceptance and request for retention or otherwise should be made by the Service Personnel concerned.

**345. Competent Authority for permitting retention of gifts / presents**,—(a) Army Personnel may be permitted by the competent authority to retain gifts received by them from foreign dignitaries, if the value of such gift (s) received from one dignitary at one time is Rs.3000/- or less. The value will be the value of the article in the country of its manufacture. The competent authority for issuing the orders regarding retention of gifts/presents in respect of the various categories of cases is as follows:—

Category of cases

Competent Authority

(i) All gifts received by the Chief of Army staff.

Ministry of Defence

(ii) Gifts received by other Army officers and Personnel where the total assessed value of gifts received from one dignitary at one time is more than Rs. 1500/—

Ministry of Defence

(iii) Gift as at (ii) above where value is Rs.1500/— or less.

The Chief of Army staff or by an authority in Army HQrs authorised by

the COAS

The competent authority may permit retention of gifts such as awards, ceremonial robes etc. which are of symbolic nature.

(b) Army Officers and Personnel may be permitted by the Ministry of Defence to retain gifts valued at more than Rs. 3000/- received from one dignitary at one time, in case the recipient is prepared to pay an amount equal to the assessed value of the gifts plus the customs duty payable thereon minus Rs.3000/-.

(c) In case where an Army Officer/Personnel receives several presents from a donor, the total value of which is more than Rs. 3000/-, he may be permitted by the Ministry of Defence to retain such of the presents, the total value of which does not exceed Rs. 3000/- in all and directed to surrender the remaining articles to the Toshakhana in India or to the Indian Mission in the country in which he may be posted, subject, however to the condition that the articles retained by the recipient do not form an essential part or accessories of the articles surrendered. If however, the individual desires to retain presents above the value of Rs.3000/-, he will be required to pay an amount equal to the total value of the gifts retained plus customs duty payable on all the articles retained minus Rs.3000/-.

(d) In case a Military Adviser/Attache, on termination of his assignment in a country receives from his colleagues in the Diplomatic Corps or from the Head of State in the Government of that country, any souvenir gifts such as silver salver or cigarette box, he may be allowed by the Ministry of Defence to retain such gifts without any payment even though the value of such gift exceeds Rs.3000/-. This concession, will however, not be applicable to gifts which are not strictly souvenirs, such as jewellery and other expensive presents.

(e) Where a particular gift is not allowed to be retained by the recipient, the competent authority may permit the gift to be presented to an Establishment/Unit in the Defence Organisation. Details of such gifts will be entered by the concerned Unit in relevant records and the articles will be accountable like other articles possessed by the Unit/Establishment. In other cases, the gifts should be despatched to/deposited in the Toshakhana, Ministry of External Affairs at state expense. The recipient can, if he so desires, purchase the articles deposited by him in accordance with the Toshakhana Rules. In the case of officers/Personnel posted abroad, the gifts if not retained/purchased by the recipient should be kept at the residence of the Head of the Mission/Post as an exhibit piece or an object 'D' art.

(f) Permission for retention of gifts will not, however, be given as a rule. Each case will be decided by the competent authority on merits.

(g) Where a particular gift is not allowed to be retained by the recipient, the competent authority may permit the gift to be presented to an Establishment/Unit in the Defence Organisation. Details of such gifts will be entered by the concerned unit in relevant records and the articles will be accountable like other articles possessed by the Unit/Establishment. In other cases the gifts should be despatched to/deposited in the Toshakhana of the Ministry of External Affairs, at State expense. The recipient can if he so desires, purchase the articles deposited by him in accordance with the Toshakhana Rules.

(h) In the case of officers posted abroad, the gifts if not retained/purchased by the recipients should be kept at the residence of the Head of Mission/ Post as an exhibit piece or as an object 'D' art.

**346. Dealing With Contractors.**--(a) No private financial transactions of any nature are permitted between an officer or subordinate and contractor, departmental servant, or other persons employed either by Government or regimen tally.

(b) Officers, JCOs, WOs and OR must at all times guard against being placed in such a position as may lay them open to the suspicion of being influenced, in the discharge of their duty, by other than purely public considerations. They must be scrupulously careful in their relations and must have no private dealings with army contractors, their agents or employees. They are also bidden to furnish testimonials to any company, firm or person in respect of the quality of commodities supplied for military purposes.

(c) If they have occasion in the course of their duty, to come into contact with any matter concerning a business organisation in which they have an interest, they will disclose that interest to their superior officer and ask that some other person may deal with the case. They should not be permitted to deal with the case without the sanction of Army Headquarters.

**347. Employment of Government Servants or Property For Private Purposes.**—The employment of any government servant, animal, vehicle or stores for private purposes is prohibited except where such employment is specifically authorised. Officers authorised

may sanction the execution of private work on payment in military workshops, other than those of regimental and corps units, for government servants only, within the limits laid down, on the understanding that the sanction is confined to work for which convenient facilities do not exist elsewhere. The procedure for carrying out such work is laid down in the departmental regulations concerned. The authorities competent to sanction various types of such work will be as notified from time to time,

**348. Officers Charged With a Criminal Offence's) Arrested/Released on Bail by Civil Courts And Subsequently Discharged/Acquitted/Convicted.**—Every officer whose character or conduct as an officer and gentleman has been impugned or who has been charged with a civil offence(s) or is arrested/released on bail by a civil court must intimate full facts of the case, as are known to him, within a reasonable time to his CO, or other competent military authority, irrespective of any report which may be made by the civil authorities. The facts with regard to his subsequent discharge, acquittal or conviction by the civil court will also be reported by him.

**349. Suspension or Arrest of an Officer.**—An officer may be suspended from duty (independent of arrest) by his OC or any other superior authority, not only when he himself submits his case for investigation, but also in any case in which his character or conduct as an officer and a gentleman is impugned. An officer arrested by the civil authorities on a criminal charge may be suspended from duty from the date of his arrest, depending upon the nature of the offence and the extent of his involvement.

While under suspension, an officer will be placed under the same restrictions as an officer in open arrest, but will be shown as effective on the first day of each month. He may be permitted to wear plain clothes.

The suspension or arrest of an officer, his removal from suspension or release from arrest and his again being placed under suspension or arrest will be immediately reported by signal to Adjutant General's Branch (DV 1), Army Headquarters, for taking action with regard to the issuing of orders for withholding his pay and allowances or cancelling such orders. In cases where an officer is charged with an offence involving fraud, dishonesty or culpable negligence, resulting in financial loss to the State, and is suspended from duty or placed under arrest (open or close), recommendations for withholding his pay and allowances, wholly or partially, will be forwarded through normal staff channels without delay by the CO of the officer or the authority who ordered his suspension from duty or arrest.

**350. Employment of Officers Financially Embarrassed.**—An officer known to be financially embarrassed will not be employed in a position necessitating the handling of public or regimental funds.

**351. Soldier 'Running Amok'.**—When an armed soldier has broken loose in the manner commonly known as "running amok" and is at large threatening or purposing to kill any one in particular or all or any in general, it is the duty of all ranks to take steps to effect his capture and to prevent him carrying his threats or purpose into execution. In doing this they are entitled to take such measures of force as may be necessary in the circumstances of the case, and may take the life of the offender if there be no other reasonable means of preventing him carrying his threats or purpose into execution. If, however, it appears from the offender's action, for example the laying down of his arms, that he intends to surrender, he should be arrested in the ordinary way and dealt with in due course. It is not necessary for them before taking measures of force, to go up to the man who is 'running amok' and demand his surrender if by doing so they would incur imminent risk of losing their own lives.

An order to shoot down the offender in such cases given by an officer, JCO, WO or NCO is a lawful command and will be obeyed.

**352. Intoxicating Liquor in Barracks.**—It is forbidden to introduce intoxicating liquor into any part of barracks or bunkers other than institutes, messes, officers' quarters, married quarters and dining rooms, unless specifically authorised by OC unit on organised functions.

**353. Unauthorised Punishments.**—An officer will not introduce or adopt any system of punishment that is in any respect at variance with the Army Act and Army Rules or these regulations.

**354. Concealment of Sexually Transmitted Diseases.**—In every unit there will be a standing order directing that a person subject to the Army Act who is suffering from

sexually transmitted disease will report himself sick without delay. This order will be communicated to all ranks of the unit at three successive roll calls at least every three months. Care will also be taken that the order is specially brought to the notice of all recruits on joining their units.

**355. Contraction of Sexually Transmitted Disease.**—The following principles will be observed in dealing with OR including reservists and non-combatants, who contract sexually transmitted disease :—

(a) The actual contraction of sexually transmitted disease is not a military offence and cannot be punished as such. Nor must the failure to attend a prophylactic treatment room, for treatment, within a specified period after exposure to venereal infection, be treated as an offence against discipline. It is, however, perfectly legitimate to debar men suffering from sexually transmitted disease from sharing privileges granted to other personnel such as shooting passes, short leave of absence, and the like, while they may be called upon to take part in extra parades solely for the purpose of restoring their physical fitness, or their efficiency, if either has suffered through their absence from duty.

(b) OR including non-combatants, who are undergoing treatment for sexually transmitted disease will not ordinarily be granted furlough, or leave, until the treatment is completed. If not completed, furlough or leave will be granted only after reference to the medical authorities, in consultation with whom the period of furlough or leave should be fixed, due regard being paid to the date on which patients may be required for resumption of treatment.

(c) So long as the standing order enjoining the reporting of sexually transmitted disease has been published by the unit concerned, concealment, of sexually transmitted disease is a breach of discipline, and may be dealt with under AA, Section [42\(e\)](#).

(d) In all cases of admission to hospital on account of sexually transmitted disease the stoppages under P&A Regulations/Regulations for the Medical Services of the Army in India will be enforced.

(e) A NCO is not to be reduced to the ranks solely on account of having contracted sexually transmitted disease. If, however, he has been absent from duty on account of sexually transmitted disease for a total period of four months, whether continuous or not, his case may be brought to the notice of the authority empowered summarily to reduce him, for consideration as to whether any reduction in rank for inefficiency should be approved.

(f) An OR is not to be discharged from service solely on account of his having contracted sexually transmitted disease. If, however, he has been absent from duty on account of sexually transmitted disease for a total period of four months, whether continuous or not, his case may be brought to the notice of the authority empowered to order his discharge from the service, for consideration as to whether he should be discharged from the service under table annexed to Army Rule [13](#) item III if attested, and under item IV if not attested.

(g) Notwithstanding the instructions contained in sub-para (f), an OR suffering from soft cancer, gonorrhoea or syphilis must not be discharged from the service until he has been declared non-infective and shows no active signs of the disease. In the case of syphilis, he should, where practicable, be further retained in the service until he has completed the entire course of treatment laid down for his case.

These instructions also apply in the case of a man who is found to be suffering from sexually transmitted disease on the completion of his colour service. Such a man will not be transferred to the reserve or discharged from the service until he has been declared non-infective and shows no active signs of the disease. The extra time for which he is retained with the colours will be deducted from his period of service with the reserve.

(h) In the event of a man, suffering from sexually transmitted disease, refusing to undergo such curative treatment as may properly be classed a surgical operation, for example, urethrovessical irrigation, prostatic massage, etc., his discharge may be ordered forthwith.

(j) As regards reservists see para [218](#).

**356. Dealing With Civilians.**—(a) A CO should impress on all under his command the propriety of courtesy in intercourse with all ranks and classes of society, and should particularly caution them to pay deference and respect to civil authorities.

(b) When in a civil court, an officer, JCO, WO or OR (except when on duty under arms or escort inside the court), not being a Sikh, will remove his head-dress while the judge or magistrate is present.

**357. Assistance to Civil Authorities in Criminal Cases.**—An OC unit will afford the civil authorities every assistance in his power in the execution of criminal proceedings against any person under his command.

358. **Escort For Soldier in Civil Custody.**—A unit commander will comply immediately with an application from the civil authorities for an escort for a soldier in civil custody.

359. **Strength of Escorts For Prisoners.**—The strength of an escort for soldiers will be decided by the officer who despatches it, and will depend on the number, offences and characteristics of the prisoners and the duration of the journey.

360. **Exemption From Statutory Labour.**—Soldiers, reservists and pensioners are exempt from the compulsory statutory labour which is authorized by the Madras Compulsory Labour Act, 1858, Act VIII of 1873 (Northern India Canal and Drainage Act), and the Bombay Irrigation Act, 1879.

361. **Eradication of Bribery And Corruption.**—In cases of fraud, misappropriation, bribery, corruption and other malpractices involving military personnel, services of the Special Police Establishment may be sought with a view to the investigation of the cases, by officers commanding units/establishments through the sub-area/equivalent commander. Such requests should be made only in cases where it is apparent that the case requires expert police investigation. Once a case is referred to and accepted by the SPE or they commence inquiry/investigation on their own initiative subject to the instructions issued in this connection from time to time, full cooperation at all levels will be given to them.

362. **Publicity of Cases Resulting in Conviction/Departmental Action.**—(a) Names and other particulars of all Army personnel convicted either by civil or military courts for corruption, fraud, misappropriation and other malpractices will be published in Army Orders. In cases investigated by the Central Bureau of Investigation, two copies of the Army Orders will be sent to the Director, CBI, Ministry of Home Affairs. Names and other particulars of officers dismissed or cashiered on account of all offences involving moral turpitude will also be published in Army Orders.

(b) Results of all courts martial along with names and other particulars of Army personnel will be published in the orders of formations in which the notice of the convening of the court appeared. Such results will also be published in the orders of the unit in Part I Orders in the case of officers and in Part II in the case of soldiers.

363. **Black-Listing of Dishonest And Corrupt Contractors.**—On the recommendation of the Director, Central Bureau of Investigation, the names of dishonest and corrupt contractors will be black-listed.

## **SECTION 2—COMPLAINTS, PETITIONS AND APPEALS**

(The following Para 364 has been reconstructed by **DRAFT AMENDMENT TO REGULATIONS FOR THE ARMY REVISED EDITION, 1987 02736/DV1/7777/D(AG)**)  
Para 364 of Defence Service Regulations, Regulations for the Army, Revised Edition 1987, is reconstructed as under:

**[364. COMPLAINTS-General** (a). Complaints may be of two kinds:-

(a) Statutory Complaints. These are made under the provision of Army Act Section 26 and 27 by the following:-

(i) Any person subject to the Army Act other than an officer who deems himself wronged by any superior or other officer.

(ii) Any officer who deems himself wronged by his commanding officer or any other superior officer.

(iii) Any person subject to the Army Act against the decision of an authority disposing of a case under Army Act Section 80, 83, 84 or 85, as the case may be.

(iv) An officer or a JCO who deems himself wronged by the award of censure (recordable or non recordable).

Note: A petition against the findings and sentence of a court martial will be submitted under Army Act Section 164 read with Para 365 of these regulations and not under Army Act Section 26 or 27 read with this Para.

(b) Non-Statutory complaints:- these can be made under the authority of the Army Order on the subject when the complainant considers himself wronged by any authority other than those mentioned in sub-para (a) above and is not covered under Army Act Section 26 and 27.

Statutory complaints



2. Number And Extent :- an officer has the right to complain only to the COAS and not to the Central Government. This right can be exercised only once. A second complaint to these authorities will be allowed only if fresh facts and circumstances have come to light necessitating reconsideration of the case.

Procedure For Submission and  
Channel To Be Followed

3. Statutory complaints will be addressed to the following authorities:

- (a) The central Government by officers.
- (b) The COAS by JCOs, WOs and OR.

4. All statutory complaints will be made through proper channel as given in Para 5 below. In order to facilitate all intermediary formations and Army Headquarters to closely monitor the progress of statutory complaints.

Commanding officer of the complainant shall forward an advance copy of the complaint to all the intermediary formation headquarters and concerned Branches or directorates and CAB (in respect of officers only) at Army Headquarters immediately. Advance copy of complaints on DV matters will not be endorsed to CAB but only to D&V Dte (DV-4), Army Headquarters. The complaint must desist from writing directly to Army Headquarters or the Central Government with regard to progress of the case. However, if the final decision on the statutory complaint with or without accusation against any superior officer as mentioned in sub para (9) below, is not taken within a period of 12 months or 9 months respectively, from the date such a complaint is submitted, the complainant will have a right to represent directly to Army Headquarters or the Central Government as the case may be after informing his Commanding Officer.

5. The following channels will be followed while forwarding statutory complaints:-

- (a) Company Commander or other immediate superior.
- (b) Commanding Officer.
- (c) Brigade Commander or Sub-Area Commander.
- (d) Divisional Commander or Area Commander.
- (e) GOC Corps, where applicable.
- (f) GOC-in-C Command.
- (g) Central Government (in case of officers only)

6. Statutory complaints from officers of AMC and ADC and from all JCOs, WOs and OR which pertain to matters relating to promotion, appointment, posting, release and discharge, will be processed through departmental channels. Where no departmental channels exist complaints will be processed through respective staff channels.

Layout of Complaints.

7. The format for submission of complaints will be laid down by the Army Headquarters from time to time. Accordingly, all complaints will be submitted in a standard format prescribed by the Army Headquarters.

8. It will be ensured that the complaint is couched in respectful and proper language. A complaint containing a false statement or a false accusation would render the complainant liable for disciplinary action under the Army Act. If a complaint contains accusations, the complainant will render a certificate as under, which will be annexed to complaint :-

“ I undertake that any false statement or false accusation made by me in this complaint will render me liable for disciplinary action.”

9. If a complaint containing serious accusation(s) against any superior officer pertaining to moral turpitude, maturity or professional competence, the next superior authority to the one against who such accusations have been made will take necessary steps to conduct investigation, as considered necessary. Action by the Intermediary Authorities

10. The immediate superior authority in chain will offer his detailed parawise comments on the complaint. He will also insure that the stipulation made in para 8 and 9 above have been complied with. In case any of the conditions mentioned below is not satisfied, he will withhold the complaint and inform the next superior and the complainant the reasons for withholding the complaint:-

- (a) That the complaint is complete in all respects and is in correct form.
- (b) That the complaint is not couched in discourteous, disrespectful or improper language.
- (c) That the complaint does not contain official documents and correspondence, access to which does not have any formal authority.

11. Where a complaint is withheld on any of the grounds mentioned in sub-sub paras (a), (b) and (c) above, the date of submission of the complaint will count from the date of revised complaint, if any, for the purpose of para 14 below.

12. An intermediary authority will examine the complaints set forth by the complainant and may take of the following actions:-

(a) Where the intermediary authorities arrive at the view, after due examination, that only a partial redress will meet the ends of justice, the same may be granted by authority concerned. In such cases,

The intermediary authority granting such redress will further call upon the complainant to express as to whether he desires to withdraw the complaint in view of the pitfall redress granted, within 90 days, and if gives such concurrence it will be communicated to all concerned and the complaint closed.

(b) Where the intermediate authority decides to grant full redress sought by the complainant, he shall be suitably informed. The next higher authority to the authority granting such relief will be kept informed of the grant of redress. Such cases will not be forwarded to the authority to whom the complaint is addressed.

(c) Where the redress prayed for is not given at all, the intermediary authority will forward the complaint alongwith his comments and recommendations through normal channels to the authority to whom the complaint is addressed for final disposal.

13. Before forwarding the complaint to the next higher authority, the immediate superior authority of the aggrieved individual will endeavour to interview the complainant, if required, and make such investigations as he considers necessary. He will then forward the complaint, his detailed parawise comments and recommendations to the next superior intermediary authority. While forwarding the statutory complaint to the next higher authority, concerned formation headquarters will invariably inform Army Headquarters about the progress of the case and also inform the complainant through his commanding officer. Time Frame For Processing Of Complaints.

14. All complaints will be dealt with expeditiously at all levels. The following time schedule will be strictly followed:-

(a) Time taken to reach Army Headquarters (including transit period) where the complaint does not contain any accusation requiring investigation.

(i) unit - 20 days (where parawise comments are required to be forwarded)

(ii) Brigade or sub area – 20 days

(iii) Division or area – 25 days

(iv) Corp Headquarters – 30 days

(v) Command Headquarters – 40 days.

Total – 135 days

(b) Time taken to reach Army Headquarters (including transit period) where the complaint contains accusations requiring investigation as mentioned in para 9 above.

(vi) unit - 20 days (where parawise comments are required to be forwarded)

(vii) Brigade or sub area – 20 days

(viii) Division or area – 25 days

(ix) Corp Headquarters – 30 days

(x) Command Headquarters – 40 days.

(vi) Additional time for investigation - 45 days (expendable to 60 days in to the formation Headquarters exceptional cases)

which orders such investigation.

Total - 180 Days

(c ) Time taken at Army Headquarters - 45 to 60 days

NOTE

15. With a view to enable all intermediary formations and army Headquarters to closely monitor the progress of statutory complaints as mentioned in paras 4,10 ,11,12 and 13 above, all intermediary and higher authorities will be accompanied by a delay report, which will be duly filled and installed on receipt of the complaint as well as before forwarding the complaint to the next higher authority. The format for delay report will be laid down by army Headquarters.

16. Whenever a complaint is delayed for any period exceeding the stipulated time frame, reasons for the delay will be annexed to the delay report on separate sheet of paper. The monitoring of statutory complaints through suitable monitoring schedule and SOPs will be strictly enforced at all levels of the chain of command. The delays apprehended will be projected in time to ensure timely processing and finalisation of complaint. The intermediate Formation Headquarters will maintain a record and monitor the progress of complaints scrupulously. Accountability for delays, if unjustified, in processing of statutory complaints will be fixed and necessary action taken against the defaulting officers.

Final Disposal of Complaints.



17. Orders of the authority disposing of the complaint will be communicated.

Procedure for Processing Statutory Complaints at Army Headquarters.

18. JCOs, WOs and OR. Section 26 of the Army Act confers the power of decision to the COAs. All statutory complaints in respect of JCOs, WOs and OR will accordingly be put up to the COAs for final decision by the concerned Directorates through the respective PSO dealing with the subject on which the complaint has been made. In case the subject pertains to more than one Branch, the views of the PSOs of those Branches should be obtained while projecting the case to the COAs. Cases, having disciplinary angle, should be routed through the AG.

19. Officers. Central Government exercises the powers under Army Act Section 27. The Statutory complaints of .....

Statutory Complaints on DV matters ) by the respective Directorate/Branches at Army Headquarters, In case the COAS grants partial or full redress to the complaints procedure as per para 12 and 17 respectively will be followed. In other cases the complaint will be forwarded to the central Government after obtaining the recommendation of the COAS.

Non-Statutory Complaints:

20. Non-Statutory Complaints will only be addressed to the immediate superior, company commander or the commanding officer as the case may be such complaints will neither be addressed direct to higher authorities other than those mentioned in this paragraph nor will copies be endorsed to such authorities.

apply to non-statutory complaints.

(C.S.M. Murthy)

DEPUTY SECRETARY TO THE GOVT OF INDIA

No.627336/AG/DV-1/7777/D(AG)

PUBLISH

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### 365. **Petitions against Orders by and Findings or Sentence of Courts Martial—**

Disposal of.—(a) A person subject to the Army Act who considers himself aggrieved by any order, finding, or sentence of a court martial has a legal right under Army Act Section [164](#) to submit a petition against such order, finding or sentence. A petition may only be addressed by an aggrieved person either personally, or, if he is no longer in service, through a representative appointed by him through a power of attorney.

(b) The officers or authorities to whom a petition may be addressed are as follows:—

(i) Before confirmation the authority empowered to confirm a finding and sentence of the court martial.

(ii) After confirmation the Central Government, the Chief of the Army Staff or any authority superior in command to the confirming authority.

(iii) In cases of trial by summary court any authority superior in command to the martial reviewing.

(c) A person who has addressed a petition to the confirming authority before confirmation has a right to address another petition to any of the authorities mentioned in sub-para (b) (ii) above.

(d) Petitions by persons still in service will be addressed to any of the authorities mentioned in sub-para (b) above, through the confirming or reviewing authority.

(e) A petition received from a person other than the aggrieved one or, if he is no longer in service, through his duly constituted attorney, or a petition which has already been finally disposed of, will be rejected. The petition will be returned to the petitioner explaining the correct legal position to him.

(f) Petitions addressed to a superior authority may be sent to the subordinate authority concerned who may take the following action :—

(i) If the redress prayed for is partially given, he may pass necessary orders regarding that portion of the petition and then forward it to the next higher authority with his recommendations.

(ii) If the redress prayed for is fully given, he may pass necessary orders and inform the authority to whom the petition is addressed through normal channels.

(iii) If the redress prayed for is not given at all, he will forward his recommendations through normal channels to the authority to whom the petition is addressed.

(g) If the redress prayed for has not been granted by a subordinate authority and the authority to whom the petition is addressed also considers that the petitioner is not entitled to any redress, the petition will be rejected by the authority to whom the petition is addressed. His orders will be final and will exhaust the legal rights of the petitioner for redress under the Army Act. Such orders will be attached to the proceedings of courts

martial. All such orders will be forwarded along with the proceedings whenever called for by the appellate authority. A copy of the orders will also be forwarded to the Judge Advocate General, Army Headquarters, for attachment to the proceedings.

(h) The intermediate authorities, while forwarding the recommendations of the subordinate authorities on the petition to the authority to whom it is addressed, will give their own recommendations. Before making any recommendations, they will acquaint themselves fully with the facts of the case. If they are unable to do so, they will not make any recommendations but will only forward the petition to the next superior authority.

(j) Every petition, after promulgation of the proceedings of a court martial, will be dealt with expeditiously and every endeavour will be made to dispose it of within a period not exceeding one month from the date of its receipt by the authority addressed.

(k) The proceedings of any court martial which are considered illegal or unjust by the authorities mentioned in Army Act Section [165](#) may be annulled by them. This will, however, be done in consultation with the Judge Advocate General's Department.

(l) Authorities mentioned in Army Act Section [179](#) are empowered to take the following action on petitions :—

(i) With or without conditions, which the person sentenced accepts, to pardon or remit the whole or any part of the punishment awarded, or

(ii) to mitigate the punishment awarded, or

(iii) to commute the said punishment for any punishment lower in the scale of punishments given in Army Act Section [71](#).

(m) The provisions of sub-paras (a), (b), (c) and (d), above will be explained to every convicted person at the time of promulgation of the finding and sentence of a court martial.

**366. Authorities Prescribed Under the Indian Soldiers' (Litigation) Act, 1925.**—(a) For purposes of Section [3\(b\)\(iv\)](#), [6](#), [7](#) and [8](#) of the Indian Soldiers' (Litigation) Act, 1925 (4 of 1925), the prescribed authority is the authority competent to sanction leave of absence to the soldier. For the purpose of Section [12](#) of the Act, the prescribed authority is the GOC-in-C Command concerned.

(b) Instructions have been issued to all State Governments, Union Territory Governments and Administrations vide Ministry of Home Affairs letter No. F.23/10/73-Judl., dated 21 Aug.74 in super session of their letters Nos.F.19/24/65-Judl.II and F. 19/3/68-Judl. II, dated 26 Mar 65 and 23 Mar 68

respectively that the civil or revenue courts, should send all correspondence in connection with the Indian Soldiers (Litigation) Act, 1925, care of—

(i) GOC-in-C Southern Command in respect of courts in the States of Tamil Nadu, Kerala, Karnataka, Andhra Pradesh, Maharashtra, Gujarat, Rajasthan (Less Ganganagar District) and the Union Territories of Pondicherry, Goa, Daman and Diu, Marmagoa Port, Dadra and Nagar Haveli, Andaman and Nicobar Islands and Lakshadweep.

(ii) GOCin-C Eastern Command in respect of courts in the States of West Bengal, Assam, Meghalaya, Nagaland, Manipur, Tripura, Purnea and Saharsa Districts of Bihar, Sikkim and the Union Territories of Mizo-ram and Aranachal Pradesh.

(iii) GOC-in-C Western Command in respect of courts in the States of Punjab (less portion of Gurdaspur District under Northern Command), Haryana, Himachal Pradesh (less Chor Gad Area of Kinnaur District), the Ganganagar District of Rajasthan, and the Union Territories of Delhi and Chandigarh.

(iv) GOC-fn-C Central Command in respect of courts in the States of Uttar Pradesh, Bihar (less Purnea and Saharsa Districts), Orissa, Ma-dnya Pradesh and the Chor Gad Area of District Kinnaur of Himachal Pradesh.

(v) GOC-in-C Northern Command in respect of courts in the State of Jammu and Kashmir and the portion of Gurdaspur District of Punjab North of the general line Bp 31/3-West bank of Naumuni Nala to area SC 407733-to area 7R SC 410724 and thereafter along Northing 72 to its junction with Beas River (Gurdaspur exclusive to Northern Command)—thence along Beas River up to its junction with Gajkhad SD 2568—along Debar Khad upto Kotla SD 2799, thereafter along the inter state boundary between the States of Jammu and Kashmir and Himachal Pradesh (Himachal Pradesh exclusive to Northern Command).

(c) Headquarters Commands receiving such correspondence addressed to units sot. serving in their Commands will redirect such letters to correct postal address of the unit concerned.

**367. Petitions to Civil Authorities.**—Petitions addressed to civil authorities from all ranks, which are forwarded regimen tally, will be forwarded by the OC unit himself who will satisfy himself that the petition does not concern :—

- (a) the grievances of anyone except the petitioner, his wife or minor children or any near relative who is unable suitably to represent his own case;
- (b) a case pending before a civil or criminal court except a request for its expedition; or
- (c) the re-opening of a case already decided by a civil or criminal court.

368. **Petitions by Ex-Soldiers.**—The procedure to be observed for the submission of petitions to the military authorities by persons who have been but are no longer in military employ (including reservists), or their relatives, on matters relating to their military service is as under :—

- (a) In the first instance the person who wishes to submit a petition should, whenever possible, consult the nearest member of his Zila Sainik Board.
- (b) When necessary a petition will subsequently be addressed to the OC the petitioner's late unit or in the case of disbanded units to the authority indicated on the discharge certificate, and where possible the remarks of the member of the Zila Sainik Board concerned will be endorsed thereon.
- (c) Petitions should in no case be sent direct to the Central Government, the Chief of the Army Staff, or to officers at Army Headquarters. Petitions so addressed involve further delay in examining the petitioners request as it is invariably necessary to refer to the OC the petitioners unit before any reply can be given.
- (d) COs will, only after careful consideration, refer to higher authority, petitions which they are unable to dispose of themselves or on which it is desirable that the orders of higher authority should be passed Any petition so referred will be accompanied by full particulars and, where possible, a definite recommendation.
- (e) COs will ensure that these orders are understood by all persons in military employ at the lime of their transfer to reserve or discharge.

369. **Petitions Submitted to Military Formations.**—Petitions, especially those submitted by ex-soldiers or their relatives, will be replied to in clear and sympathetic language and, as far as possible, will be answered in the language in which they are written and also in the language in vogue for correspondence for the benefit of touring officers. In cases where a petitioner's request cannot be granted, the reasons for rejection should be sympathetically explained. Paras of regulations or instructions will not be referred to, as in the majority of cases they convey no meaning to these petitioners.

370. **Appeals Against Audit.**—An appeal against the decision of an audit officer, other than a local audit officer, will be made in writing through the brigade/sub-area commander, to the CDA concerned who will, if he is unable to reverse the decision, record his opinion thereon and forward it to the divisional or area commander, who if he is unable to concur in the audit objection will refer the matter for the decision of higher authority.

In the case of department and administrative services, the same procedure will be followed except that the appeal will, in the first instance, be submitted through the local head of the department concerned.

Appeals from ROs against decisions of audit officers will be made on the prescribed form to the AG through the CDA concerned.

A CO who disagrees with the decision of a local audit officer will refer the case direct to the CDA concerned.

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### SECTION 3—DESERTERS

376. **Deserters From The Regular Army.**—A person subject to AA who is declared absent under AA, Section [106](#) does not thereby cease to belong to the corps in which he is enrolled though no longer shown on its returns, and can, if subsequently arrested, be tried by court-martial for desertion. When arrested he will be shown on returns as rejoined from desertion.

377. **Desertions—Reporting of.**—(a) The desertion or absence without leave of a person subject to the Army Act will be reported by an express letter on IAFD-925 on occurrence by the officer commanding the unit to the following :—

- (i) The officer commanding of the local corps of military police unit, if one is in

the station.

(ii) The local civil police.

(iii) The officer incharge records.

(iv) Home secretary of the states to which the deserter/absentee belongs.

(v) The local railway police.

(vi) The superintendent of police and deputy commissioner/ collector of the district to which the man belongs.

(vii) The recruiting officer or the assistant recruiting officer responsible for enrolment Only in those cases where a newly enrolled recruit fails to join within 48 hours of receipt of his 'Rahdari" certificate.

(viii) The next of kin Through a post card by registered post informing him, her of the desertion and the date of desertion

(ix) Vice Chief of the Army Staff (MI-11), Army Headquarters.

(x) The Adjutant General (DV) Army Headquarters. Only in case of desertions with arms and ammunition, collective desertion with or without arms and ammunition, or where it is

(xi) Headquarters, Command concerned considered that desertions are due to

(xii) The Deputy Inspector General! Criminal Investigation Department of :— initial report will invariably be made by

(A) The State in which desertion occurs, and signal and subsequently confirmed by express letter.

(B) the State which the deserter belongs

Provided that in cases of overstayal of leave the reports may be delayed up to a maximum of fourteen days at the discretion of the officer commanding the unit. Where, however, personnel are despatched through transit camps, the report may be delayed up to a maximum of thirty days.

(b) Desertions to foreign territories—In no circumstances will communications regarding deserters be addressed to officials in Nepal, Pakistan, Ceylon and Burma. When any person including a Gorkha of Nepalese domicile overstays his leave in or deserts to any of these territories whilst serving with a unit, a report in lieu of those mentioned in clauses (v) and (xi) (B) of sub-para (a) will be sent to the Adjutant General's Branch (DV 1), Army Headquarters.

Report to other authorities as mentioned in sub-para (a) will be made as for any person deserting to a place in India.

(c) As desertion reports" invariably reveal the name and location of a deserter's unit, it is essential that such reports should bear the correct security classification. Reports by units in an operational area will be classified SECRET, all others will be classified CONFIDENTIAL.

(d) Reports will be made on IAFD-925. The copy of the report sent to the civil (including railway) police authorities under sub-para a(ii) and (iv) will contain a clear request that on apprehension/surrender of the deserter a completed apprehension certificate (IAFD-910) will be handed over to the regimental centre or unit to whom the police escort hands over the deserter.

(e) Soldiers who fail to join new unit on transfer or posting.—The dispatching unit will forward to the receiving unit a copy of the movement order giving the probable date of arrival of the soldier at his new unit. If the soldier fails to join his new unit as ordered and after ten days from the date shown on the movement order he is still absent, a casualty to that effect will be published in Part II orders of the soldier's new unit.

(f) Special reports.—When desertions/absence in a unit during the preceding month have been in excess of one per cent of the actual strength of the unit, a special report will be submitted by the officer commanding unit through the prescribed channels to the Adjutant General's Branch (DV 1), Army Head quarters and the Vice Chief of the Army Staff (MI-11), Army Headquarters.

**378. Apprehension And Custody of Deserters/ Absentees.**—(a) The civil or military police will not arrest personnel at railway stations who are apparently on their way to rejoin their units and who are in possession of railway warrants and leave passes unless such leave passes show that they have overstayed their leave by at least 10 days. They will not in any circumstances take away soldiers' leave passes or railway warrants. Deserters/absentees who are apprehended by, or who surrender to, the civil police will not be detained in civil jails. The station house officer of the police station who effects the arrest or accepts surrender of a deserter/absentee will arrange his despatch to the nearest regimental centre or unit specified for the purpose. Information regarding the

apprehension/surrender of the deserter/absentee will be given by the station house officer to the regimental centre or unit in advance telegraphically. Provided that this sub-para will not apply to military deserters/absentees apprehended by or surrendering to civil police in Manipur or Nagaland. Such deserters/absentees will be delivered to Assam Rifles Battalion located in the area, who will take them into custody and send telegraphic information to this effect to the Assam Rifles Regimental Centre. The latter will then send a military escort to collect such deserters/absentees.

Expenditure incurred by the State Government in escorting deserters/absentees to regimental centres/units will be reimbursed from the Defence Services Estimates. Debits on that account supported by an audit certificate to the effect that "the charges debited have been audited and admitted under rules will be raised by the civil accounts officer concerned against the CDA concerned.

(b) Despatch of military escorts.—Unit will collect their own deserters/absentees and relevant documents from the regimental centres or the units to whom the civil authorities will have handed over the deserters/absentees. The regimental centre/unit will inform the parent unit as soon as a deserter/absentee apprehended/surrendered is delivered to them by the civil police. Units when despatching escorts to take over deserters/absentees will ensure that sufficient clothing, blankets and other necessities for the escorts and the deserters/absentees are issued to the escorts for use during the journey according to the area the deserters/absentees are recovered from. It will also be ensured that all members of the escort have sufficient ration money with them for any expenditure which they may have to incur enroute. In order to avoid waste of manpower and crowding in trains, the strength of escorts sent to collect deserters/absentees will be kept to a minimum. Normally an escort of two—one of whom might be made an acting lance naik for the journey—will be adequate to collect one man.

(c) Apprehension Certificate—IAFD-910.—The civil police are in all cases responsible for the preparation of IAFD-910 which will be handed over by them duly completed with the deserter/absentee as proof that the man is in fact a military deserter/absentee as shown therein. Copies of this form will be supplied to the civil police as and when required by them. No deserter/absentee will be accepted by the regimental centre or the unit specified for this purpose without this form duly completed, unless the receiving unit has identified the man to be a person subject to the Army Act. Military units will not refuse to accept deserters/absentees merely on the ground that the original copy of the desertion report is not forthcoming.

(d) In case of military deserters/absentees who are apprehended by or who surrender to an officer or other person subject to the Army Act or to any portion of the regular army, the following certificates as the case may be, will be used.

The certificate must be signed personally by the appropriate officer mentioned therein; it cannot be signed by any other person for him.

"CERTIFICATE OF APPREHENSION UNDER AA SEC 142(5)"

I Certify that No. . . . . Rank. . . . . Name.....Unit. . . . . was apprehended by No . . . . . Rank. . . . . Name. . . . . Unit. . . . . at (place) . . . . . at (time). . . . . hours on the (date). . . . . as a deserter/absentee without leave. He was dressed in uniform/civilian clothes.

Signature of the officer who apprehended Rank. the deserter absentee or of the Appointment. commanding officer of that portion of the Date. regular army or of the corps, department or detachment to which the person not being an officer, apprehending the deserter/absentee belongs

#### "CERTIFICATE OF SURRENDER UNDER AA SEC 142 (5)

I certify that No. . . . . Rank. . . . . Name. . . . . Unit. . . . . surrendered himself to No. . . . . Rank. . . . . Name. . . . . Unit. . . . . at (place). . . . . at (time). . . . . hours on the (date). . . . . as a deserter/absentee without leave.

He was dressed in uniform/civil clothes,

Signature of the officer to whom the deserter/absentee Rank. . . . . surrendered or of the commanding officer of that portion of Appointment. . . . . the regular army or of the corps, department or detachment Date..... to which the person, not, being an officer, belongs and to which/whom the deserter/absentee surrendered.

### 379. Reports of Recovery or Rejoining of Deserters/Absentees.



—The officer commanding unit/record office will ensure that all authorities who have been notified of a desertion are at once informed when the deserter/absentee returns to his unit Or ceases to be liable to apprehension or the fact of his fraudulent re- enrolment in another unit is discovered. This is most important and will not be neglected. The following information will be given to the superintendent of police of the civil district (within Indian Union only) to which the recovered deserter/absentee belongs :—

- (a) Number and date of desertion report.
- (b) Regimental number, rank and name of deserter/absentee,
- (c) Home address (including police station).
- (d) Date of return of deserter/absentee to unit.

380. **Deserter Recruits.**—The cases of recruits, who desert after enrolment by the recruiting staff but before joining the unit to which posted, will be dealt with by the units concerned and not by the recruiting staff.

381. **Trial of Deserters.**—Under normal circumstances trial by summary Court martial for desertion will be held by the CO of the unit of the deserter. However, when a deserter or an absentee from a unit shown in column one Of the table below surrenders to, or is taken over by, the unit shown opposite in column two and is properly attached to and taken on the strength of the latter unit he may, provided evidence, particularly evidence of identification, is available with the latter unit, be tried by summary court-martial by the OC of that unit when the unit shown in column one is serving in high altitude area or overseas or engaged in counter-insurgency operation or active hostilities or Andaman and Nicobar Islands.

In no circumstances will a man be tried by summary court-martial held by a CO other than the CO of the unit to which the man properly belongs; a unit to which the man may be attached subsequent to commission of the offence by him will also be a unit to which the man properly belongs,

TABLE

Column one	Column two
Armoured Corps Regiment	Armoured Corps Centre and School.
A unit of Artillery	Regimental Centre Concerned.
A Unit of Engineers	Headquarters Engineers Group, concerned
A unit of Signals	Signal Training Centre, Jabalpur
Infantry battalion	Regimental Centre concerned.
Gorkha Rifle battalion	Gorkha Regimental Centre concerned
ASC unit	ASC Centre concerned
RV Crops	RVC Centre
Any other unit	RVC center in which based

This rule is not intended to limit the power of any convening officer, who at his discretion may order trial by General, Summary General, or District Court Martial at any place, if such a course appears desirable in the interest of discipline.

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SECTION 4—CONDUCT SHEET

386. **Conduct Sheet to be Maintained.**—A conduct sheet (IAFF 3013) shall be prepared and maintained for every person subject to AA, The conduct sheets of officers, JCOs and WOs will be kept as confidential documents ; those of NCOs and men will be kept with other service documents.

387. **Conduct Sheet Entries.**—(a) Entries will be made in the conduct sheets of officers in respect of all convictions by court-martial, criminal court or summary punishments awarded under AA Sections [83](#) or [84](#).

(b) The following entries will be made in the conduct sheets of JCOs, WOs and OR as red ink entries :—

- (i) Forfeiture of seniority of rank (JCOs and WOs only).
- (ii) Conviction by court-martial.
- (iii) Conviction by a civil court, except when a fine was the only punishment and the CO does not consider that a red ink entry should be made.
- (iv) Reduction of a NCO to a lower grade or to the ranks for an offence but not for inefficiency.

- (v) Deprivation of an appointment or of lance or acting rank, for an offence but not for inefficiency.
- (vi) Severe reprimand (JCOs, WOs and NCOs only).
- (vii) Imprisonment.
- (viii) Detention.
- (ix) Field punishment (on active service only).
- (x) Confinement to the lines exceeding fourteen days.
- (xi) Forfeiture of good service or good conduct pay.
- (c) Black ink entries will be made in the conduct sheets of JCOs, WOs, and OR in respect of all punishments not included in the list of red ink entries convictions by civil courts not meriting in the CO's opinion a red ink entry

**388. Manner in Which Entries Are to be Made.**—(a) Entries will be made in the conduct sheets as follows :—

(i) The statement of offence as set out in Army Rules will be entered. Where the statement does not disclose the full nature of offence such as charges under AA, Sections [42\(e\)](#) and [63](#), the purport of the particulars will be added, thus :

"Neglecting to obey garrison orders—bathing in the river at a prohibited hour".

Or

"Act prejudicial to good order and military discipline—negligent performance of duties".

(ii) The original sentence, together with any alteration, revision or variation by a competent authority will be recorded in the column "punishment awarded". In cases of sentences by courts-martial the remarks of the confirming/reviewing officer and the date of confirmation/counter signature will be entered immediately under "punishment awarded". When the accused is found guilty of a charge different from the one on which arraigned, the charge on which found guilty will also be entered in column—"punishment awarded".

(iii) Every suspension of a sentence under [AA.Sec.182](#) will be entered in the "remarks" column, showing the date on which and the authority by whom the suspension was ordered. If the sentence was subsequently put into execution or remitted, a further entry will be made in the same column to this effect, stating the date and the authority.

(iv) When the record of a court-martial or a summary award is ordered to be removed, the entry will be erased and the authority quoted.

(v) No entry will be made of any charge of which the accused has been found not guilty.

(b) In the case of JCOs, WOs and OR, the number of days spent in hospital on account of disease due to neglect or misconduct and wilful, self-inflicted injury will be recorded in the sheet roll under the heading "prominent occurrences affecting conduct and character".

(c) In the case of boys, conduct Sheet entries will be made on IAFK-1166. IAFK-1166 will be destroyed and the ordinary conduct sheet be brought into use on a boy attaining the age of sixteen. These entries will also be similarly made in the statement of service page of the sheet roll.

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## SECTION 5—ARREST

**391. Military Custody.**—(a) Under Section [101](#) of the Army Act any person subject to military law, when charged with an offence punishable under the Army Act, may be taken into military custody which means that the offender is placed under arrest.

(b) Arrest is either close arrest or open arrest. When arrest is not described by the authority ordering it as open arrest, it means close arrest.

**392. Arrest.**—(a) The power of an officer, JCO, WO or NCO to place an offender in military custody is defined in Section 101 of the Army Act.

(b) An officer, JCO or WO may be placed under arrest by a competent authority when charged with an offence, but he will not ordinarily be placed under arrest by an authority other than his CO unless the needs of discipline so require, nor will he be kept under arrest unless his CO is satisfied, on investigation, that it will be necessary to proceed with the case and to report it to superior authority.

(c) A NCO may be placed under arrest by a competent authority when charged with a, serious offence. If, however, the offence alleged appears not to be serious, it should be investigated and disposed of without previous arrest.

(d) A sepoy charged with a serious offence will be placed under arrest on the commission or discovery of the offence. He will not be placed under close arrest unless confinement is necessary to ensure his safe custody or for the maintenance of discipline. If the offence

alleged is not of a serious nature, the offender should not normally be placed under arrest, but should be informed of the charge and ordered to attend the orderly room at a specified time.

(e) A sepoy who disobeys an order distinctly given, or resists the authority of an officer, JCO, WO, or NCO will be placed under close arrest forthwith.

(f) When an OR confesses to desertion or to having committed an offence in relation to enrolment, and the investigation cannot immediately be completed, he may be released without prejudice to re-arrest. If, at the time of the confession or subsequently, he is charged with any other offence, the investigations and trial may proceed for that offence independently of the confession.

(g) When a JCO, WO or NCO (other than a member of the CMP, who will act according to circumstances) has occasion to place a JCO, WO, NCO or OR under close arrest, he will obtain the assistance of one or more OR to conduct the offender to the guard room and will avoid coming into personal contact with him, unless it is essential to obviate the escape of an offender in a serious case.

(h) Except in cases of personal violence, or when on detached duties, a lance naik or acting lance daffadar with less than four years' service will not place a sepoy under close arrest, but will report the offence to the orderly NCO. who will act as the circumstances require.

(j) When an accused person is remanded for further investigation, or for trial by court-martial, the question of arrest is a matter for the discretion of the CO, and it is always his duty to decide whether, having regard to all the circumstances, open or close arrest will best meet the case or whether the accused may be released without prejudice to re-arrest until trial or further orders. The CO will also use his discretion to change the form of arrest from time to time according to the circumstances.

(k) In any case the accused will be placed under close arrest before the commencement of the court-martial. During the course of his trial he will remain under close arrest except, where the convening officer or an authority superior to him directs otherwise.

(l) Where the sentence awarded in the open court is imprisonment or higher, the accused, if already under close arrest, will remain under close arrest, and if not under close arrest, will be taken into custody, unless the convening or confirming officer or an authority superior to him directs otherwise. Where the sentence announced in open court is lower in the scale of punishments than Imprisonment, the accused, if under arrest, will normally be released from arrest immediately after the trial without prejudice to re-arrest, provided that—

(i) Where the sentence is or includes forfeiture of seniority of rank or reduction in rank, he shall not, unless the exigencies of the service demand it or unless the confirming authority or an authority superior to the confirming authority so directs, be placed on any duty until the sentence has been promulgated.

(ii) Where the punishment, in the case of an OR, is or includes field punishment, the accused may continue to be kept in custody, if it is necessary for the purpose of carrying out this sentence.

(m) An accused person whose case is awaiting confirmation of sentence may be granted leave as under :—

(i) If the sentence announced in open court as subject to confirmation, is lower in scale of punishment than dismissal, he may be awarded such leave as due to him, subject to the approval of the confirming authority.

(ii) Where the sentence is either cashiering or dismissal, he may, at the discretion of the confirming authority, or an authority superior to him, be released from close arrest without prejudice to re-arrest and granted casual leave or leave on medical grounds.

(iii) In all other cases he will not be granted any leave.

**393. Arrest in Cases of Intoxication—**(a) An OR who is intoxicated will be placed under close arrest alone, if possible, in a guard detention room. He may be deprived of his bedding and boots, except when the weather is cold and he is likely to suffer in consequence. He will be visited, and his condition ascertained, at least every two hours by a NCO of the guard and, an escort. Should any symptoms of serious illness be observed, a medical officer will be sent for forthwith.

(b) A person suspected of being intoxicated will not be put through any drill or test for the purpose of ascertaining his condition.

(c) A person charged with intoxication will not be brought before an officer for investigation of the charge until he is sober. For this purpose 24 hours should usually be allowed to elapse before the investigation.

**394. Officers, JCOs, And WOs Under Arrest.—**(a) When an officer, JCO or WO is placed under arrest, the CO, unless he dismisses the case, will report the matter without



delay to the sub-area/equivalent commander who in turn will report the cases of officers and JCOs to division/area/command head quarters and the Adjutant General's Branch (DV) Army Headquarters indicating the personal number, rank, initial, name and unit of the officer or JCO and sufficient information to give a clear idea of the nature of the offence. Subsequent reports regarding the progress of investigation shall be submitted in the manner laid down by Army Headquarters, through normal staff channels.

(b) An officer, JCO or WO under "arrest will not wear sash, sword, belt or spurs.

(c) An officer, JCO or WO under close arrest will be placed under the charge of an escort consisting of another officer, JCO or WO of the same rank, if possible and will not leave his quarters or tent except to take such exercise, under supervision, as the medical officer considers necessary. An officer, JCO or- WO may, however, if circumstances so require, be placed for custody under the charge of a guard, piquet, patrol, sentry or provost-marshal.

(d) An officer, JCO or WO under open arrest may take exercise at stated periods and within stated limits, which will usually be the precincts of the barracks or camp of his unit; these limits may be enlarged at the discretion of the OC on the spot. He will not appear in any place of amusement or entertainment, or at public assemblies. He will not appear outside his quarters or tent dressed otherwise than in uniform.

(e) Whenever possible, the sanction of the highest authority to whom the case may have been referred should be obtained before an officer, JCO or WO is released from arrest.

(f) An officer, JCO or WO has no right to claim trial by court-martial, except in the circumstances mentioned in Section [84](#) of the Army Act, or to claim a court of inquiry.

**395. NCOs And Sepoys Under Arrest,—**(a) So far as is applicable, para [394\(b\)](#) and [\(c\)](#) above will apply to a NCO under close arrest.

(b) A sepoy, on being placed under close arrest, will be placed in confinement under charge of a guard, piquet, patrol, sentry or provost-marshal and will be searched and deprived of knives or other weapons. The accommodation usually available in barracks for the temporary confinement of sepoys under close arrest is the guard detention room attached to a guard room, and similar smaller rooms for the confinement of those who are to be kept apart.

(c) A sepoy under close arrest in the guard detention room will be allowed the use of his bedding, except when charged with intoxication. A sepoy under close arrest will take sufficient exercise under supervision.

(d) The keys of the guard detention room will be kept in charge of the commander of the guard.

(e) A sepoy under open arrest will not quit barracks (except on duty or with special permission) until his case has been disposed of. A NCO under open arrest may take exercise under the same conditions as an officer, JCO or WO under open arrest.

**396. Performance of Duties While Under Arrest—**(a) An officer, JCO or WO under arrest will not perform any duty other than personal routine duties and such duties as may be necessary to relieve him from the charge of any cash, equipment, stores, accounts or office of which he may have charge or for which he may be responsible.

(b) Except on active service, a NCO under arrest, or a sepoy under close arrest, will not be required to perform any duty other than personal routine duties, such, for instance, as may be necessary to keep clean his quarters, person, and belongings ; also the duties necessary to relieve him from the charge of any cash, equipment, stores, accounts or office of which he may have charge or for which he may be responsible. He will not bear arms, except in an emergency by order of his CO or on the line of march. On active service he may be ordered to bear arms, attend parades and perform all such duties as may be required of him.

(c) A sepoy under open arrest will attend parades and may be ordered to perform all duties.

(d) Care will be taken to ensure that a sepoy under arrest is called upon to perform no duties in addition to those performed by sepoys who are not under arrest or undergoing punishments.

(e) If by error, or in an emergency, an officer, JCO, WO or NCO under arrest, or a sepoy under close arrest, has been ordered to perform any duty, he is not thereby absolved from liability to be proceeded against for the offence for which he is under arrest,

**397. Arrest of Solders by Civil Police—**Report of.—District Magistrates have specific instructions to report immediately to the Commanding Officer Unit or Regiment concerned, the arrest by Civil Police for commission of any offence, of any person subject to the Army. Navy or Air Force Law. They will also forward prompt reports of the result of trials and copies of judgements, if asked for. The procedure to be followed for

determining jurisdiction for trial of civil offences by Civil and Criminal courts is laid down in paras [418](#) and [419](#),  
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## SECTION 6—INVESTIGATION AND DISPOSAL OF CHARGES

401. **Delivery of Charges.**—(a) Attention is directed to Section [50\(b\)](#) of the Army Act, under which it is the duty of a person subject to the Army Act, who commits any person into military custody to deliver at the time or as soon as practicable, and always within forty-eight hours thereafter to the officer or other person into whose custody the offender is committed, an account in writing signed by himself of the offence with which the person so committed is charged.

(b) If this account in writing, i.e., the charge report is not delivered at the time, a verbal report giving the nature of the charge will be made. If the charge report is not received within forty-eight hours, the commander of the guard will take steps to procure it. A report that the charge report was not received within forty-eight hours will be made to the officer to whom his guard report is furnished, who, if the charge report or other evidence sufficient to justify the continued arrest is not forthcoming, will, at the expiration of seventy-two hours from the time of committal, order the release of the person in custody (without prejudice to his re-arrest).

(c) The number, rank, name and offence of every person received into close arrest, and the rank and name of the person by whom he is charged, will be entered by the commander of the guard in his guard report, and the original charge report or a copy thereof, will be forwarded to the CO of the person in custody,

(d) The commander of the guard will, on the request of any person received into custody, inform him of the rank and name of the person preferring charges against him or ordering his arrest, and give to him a copy of the charge report as soon as he himself receives it.

402. **Investigation of Charges.**—(a) The investigation of charges will be carried out in the manner prescribed in the Army Rules. Every officer who does not summarily dispose of a charge which he investigates will carefully avoid any expression of opinion as to the guilt or innocence of the person charged.

(b) Every charge against a JCO WO or OR will be investigated without delay in his presence.

(c) Every charge, whether against a JCO, WO or OR, should be investigated in the first instance by the company commander, at his company orderly room which will be held at such an hour as will allow of an offender remanded for disposal by the CO being ready to go before him at the appointed time.

403. **Entering of Charges.**—(a) Charges will be entered as follows:

(i) For offences of NCOs and men confined in the guard room or of NCOs and men reserved for disposal by the CO, in the guard report, by the commander of the guard, or where there is no guard, by the NCO responsible for their custody in close arrest,

(ii) For offences of NCOs and men not confined in the guard room, in form IAFD-901, under the orders of the company commander.

(b) If a charge against a NCO or man for which he has not been in close arrest is reserved by the company commander for the CO's award, the former officer will send the charge (IAFD-901) for entry in the guard report before the hour fixed for the disposal of OR under arrest by the CO. If on the other hand, a charge for which a NCO or man has been under close arrest is disposed of by the company commander, that officer will report the fact to the orderly room, and the entry "disposed of on IAFD-901" will be made in the punishment column of the guard report.

(c) A company commander who has reserved a case for the award of the CO will always attend with the company conduct book, when the offender is brought before the CO.

(d) If an offender is remanded for further inquiry, his case will be brought under review daily and the order for remand will be entered daily in the guard report, or form IAFD-901 by the investigating officer.

404. **Awards of Company Commanders.**—After completing the relevant columns in each case disposed of, the company commander will return the form IAFD-901 to the orderly room in order that particulars may be available for inclusion in Part II Orders for the day, if necessary.

**405. Disposal by Commanding Officer And Sending Before A Court-Martial.—** (a) There is no offence which a commanding officer is compelled by law or by rules to send before a court-martial and each case should be considered on its merits, but a commanding officer should not, of course, dispose of summarily a case which he is debarred by Army Act, Section [120\(2\)](#) from trying by summary court-martial without reference to a superior authority, or any other case which obviously deserves a more severe punishment than he is empowered to award summarily.

(b) Before proceeding with a case, it is the duty of the commanding officer to ascertain that the offender is liable to be proceeded against, having regard to the limitation of time prescribed by the Army Act. For the meaning of "exemplary manner" for the purposes of Army Act, Section [122\(4\)](#), see para [466](#).

(c) Except when it is important that the guilt or innocence of the accused should be definitely decided, it is undesirable to send a case before a court-martial when it appears doubtful whether the evidence will lead to a conviction. In such a case the charges should ordinarily be dismissed under the provisions of the Army Rule [22\(2\)](#).

(d) If, on the investigation of a charge, sufficient evidence is not forthcoming as to whether the accused has, or has not committed the offence, and there is no opportunity of carrying the investigation further at the time, the accused, if the offence charged is serious, may be released from arrest and ordered to do duty without prejudice to his re-arrest when further evidence is forthcoming and the matter can be further inquired into. If, however, the offence is not serious, and there is no probability of sufficient evidence being obtainable within a reasonable time, the case should be dismissed.

(e) When an OR under the age of twenty-one years is remanded for trial by court-martial on a serious charge, his CO will arrange for him to be interviewed with a view to impressing upon him the desirability of keeping his next-of-kin informed. When any such OR is awaiting trial on a serious charge by a civil court, similar action will be taken by the CO.

(f) When a boy is remanded for trial by court-martial, his CO will inform his parents or legal guardians of the fact at the earliest possible moment, stating the nature of the charge preferred against him.

(g) If, when a person is charged with one offence, another offence of which the investigation cannot be immediately completed or proceeded with comes to light, the investigation and trial in respect of the original offence may proceed independently, the charge for the other offence being dealt with as prescribed in sub-para (d) of this para

(h) When a WO or OR already under sentence of court-martial is charged with an offence for which it is necessary to arraign him before a court-martial, the trial should take place at once.

**406. Identification Parades.—**(a) When circumstances render the identification of an alleged offender necessary, the identification should be carried out in the presence of an officer. It is essential that identification parades should be conducted in such a manner as to be scrupulously fair to both the suspect and the witness.

(b) Parades for the identification of a person subject to military law by a witness are divided into two categories :—

(i) Where there is reason to believe that the military person (name unknown) against whom a witness is prepared to give evidence belongs to a particular unit or sub-unit, and other evidence on the charge under investigation has not as yet permitted the singling out of any particular person.

(ii) Where the evidence permits of a definite person being singled out, but where it is desired to determine whether a certain witness is, or is not, able to recognise the suspect.

(c) As regards parades of the first category all personnel of the unit or sub-unit should be assembled.

(d) The following instructions are to be observed in all parades of the second category. Clauses (i) and (v) to (vii) will also be observed for parades of the first category :—

(i) The parade should take place as soon as possible after the offence has been discovered.

(ii) The witness or witnesses must not see the suspect under escort or in custody before the parade.

(iii) Ten to twelve military personnel of similar physique, appearance and turn out will be paraded. Personnel should not be paraded bareheaded. It is up to the witness to ask a particular person in the parade to uncover his head.

(iv) The suspect should be permitted to choose his own position in the ranks of the parade. No communication which would facilitate identification must be made to any witness who is awaiting his/her turn to identify.

(v) The witness should be instructed to walk round the ranks, and if he/she is prepared definitely to identify a particular person, to touch him on the shoulder without speaking. If the witness cannot make any identification, he/she is to be told that he/she can report any suspicions that he/she may have to the officer in charge of the parade.

(vi) When walking round the ranks, the witness should not be followed too closely nor should he/she be spoken to.

(vii) When there is more than one witness, each witness will walk round the ranks separately. No witness will be allowed to observe the parade, or the actions of any other witness till his/her turn comes,

(viii) The suspect will be permitted to change his position in the ranks after the departure of each witness and before the arrival of the next. A witness who has completed his/her identification must not be permitted to communicate with one who is awaiting his/her turn to identify.

(e) When a person has been identified, his demeanour, and any statement made by him at the time of identification, should be carefully noted.

(f) The report of the officer in charge of the identification parade will include the place, date and hour of the parade, the number of persons on parade, the name of each witness and where applicable the name of each person identified.

(g) The report of the officer i/c of identification parade is not admissible at a trial by a court-martial but the officer can however be permitted to use the report to refresh his memory.

**407. Procedure For Dealing With Charges Preferred by The Corps of Military Police.**—The method of dealing with charges preferred by an assistant provost-marshal or officer i/c Corps of Military Police unit will be as follows :—

(a) The assistant provost-marshal or officer i/c Corps of Military Police unit will sign a report on form IAFD 901 completed only as regards the number, rank, name and unit of the offender, place and date of the offence and names of witnesses, and a signed statement of the evidence supporting the charge or charges, and will send the form direct to the OC unit of the accused. Should the accused be serving in another command, a copy of the form will not be sent to the Corps of Military Police of that command.

(b) The charge or charges against the accused will normally be framed by the CO of his unit, based on the statement or statements of evidence submitted by the Military Police; they will only be framed by the Military Police in special circumstances at the discretion of the assistant provost-marshal or officer i/c Corps of Military Police unit.

(c) The attendance of Military Police witnesses at the investigation of the charge or charges will not be required unless the accused disputes the statement-of evidence. Similarly, at the taking of the summary of evidence, the attendance of Military Police witnesses will not normally be required unless the accused demands this attendance.

(d) After disposal of the offence, the form (IAFD-901) will be submitted by OC unit to HQ (Div/Area) in which the unit is serving, for information and scrutiny of GOC, a statement of any special reasons for lenient treatment of the case being attached to the form and signed by the OC unit. In no circumstances will any form be sent back to the assistant provost-marshal or officer-in-charge Corps of Military Police unit after the disposal of charges originated by them.

**408. Expedition in Disposal of Case.**—(a) When an officer, JCO, WO or OR is in custody, his case will be disposed of at the earliest possible moment. Attention is directed to Army Rule [27](#). The prescribed report mentioned in Army Rule [27](#) will be made when the person in custody is a patient in hospital, or the case is not proceeded with for any other cause. On the receipt of every such report, the officer to whom application for trial will be submitted will satisfy himself as to the necessity for the offender's continuance in custody.

(b) Under Section [50\(a\)](#) of the Army Act, serious liability is incurred by an officer who causes any person to be detained in custody for an unnecessarily long period without investigating the case or taking steps to bring him to trial.

**409 Army Personnel on Deputation to Civil Departments.**—Army personnel while temporary seconded for duty to civil departments will be subject to the rules regarding discipline peculiar to the civil department in which they are serving and also the military law. Ordinarily, civil authorities will initiate disciplinary proceedings against military personnel for offences committed by them while in civil employ in accordance with the civil rules. Where, however, the civil authorities feel that they cannot deal with a military person in adequate manner, they may make a reference to the Ministry of Defence who, after being satisfied that it would be desirable to take action under the military law, will ask Army Headquarters to deal with the person under the military law. In such cases, military



personnel will be reverted to the Army and attached to a convenient unit for initiating disciplinary proceedings under the military law.

The above also applies to offences committed by military personnel on detached employment.

**410. Disobedience to Authority Other Than A Superior Military Authority,—**Disobedience of the instructions of a person subject to the Army Act, who though holding a position of authority, is not an officer, JCO, WO or NCO does not constitute an offence under Army Act, Section [41](#). Such cases will however, generally fall within the terms of Army Act, Section [63](#) and can, if so, be disposed of under that Section.

**411. Persons Not Subject to the Army Act,—**Civilians in Defence Services shall be dealt with in accordance with the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

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## SECTION 7—CHARGES BY CIVIL POWER

**416. Receipt of Summons by JCOs, WOs and OR.—**When a JCO, WO or OR receives, otherwise than through his CO a summons issued by a civil court in respect of an offence, he will at once report the matter to his company commander in order that arrangements may be made for his attendance before the magistrate and for the provisions of para [417](#) to be complied with.

The standing orders of every unit will contain an order to the above effect.

**417. Action to be taken when & JCO, WO or OR is charged before a Civil Court.--**

(a) When a JCO, WO OR is charged with an offence before a civil court near the station where his unit is quartered an officer will be detailed from the unit to attend the court. An officer having personal knowledge of the accused will be detailed for this duty if any such officer is available. If the prosecution takes place at a distance, the case will be submitted to the divisional, area, brigade or sub-area commander who will decide whether it is advisable for an officer to be present, and, if so, whether the officer shall be detailed from the accused's unit, or from some other unit near the place of trial. In the latter case, the OC of the accused's unit will arrange with the OC troops at the station from which the officer is to proceed, forwarding all necessary information and documents for the use of the officer attending the court.

(b) The officer attending the court, will, if required by the court, give all information in his possession as to the accused's character, and full particulars of any previous conviction, by a civil court, or by a court-martial of an offence under Sections [52](#), [60](#) or [70](#) of the Army Act, but not of minor offences of a purely military nature, unless specially required by the court to do so, as the nature of these offences is apt to be misunderstood to the prejudice of the accused. For the same reason he should not take with him the accused's conduct sheets, but should furnish all the information with regard to his general character that is within his personal knowledge or has been communicated to him by officers of the accused's unit. He will be prepared to state the rate of pay to which the offender is entitled, together with any compulsory stoppages or deductions to which it is subject, and will inform the court accordingly in cases in which the magistrates signify their intention of imposing a fine.

The court may, in the case of the less grave offences, desire to learn whether the accused is likely to be discharged from the army should it decide to bind him over to be of good behaviour. If the accused's CO does not propose to discharge him or recommend his discharge (and, generally, the CO will be able so to decide before the trial where the offence with which the accused is charged is not of a grave nature) the officer attending court should be prepared to inform the court accordingly. Where the CO proposes to recommend the accused's discharge if convicted (whatever the sentence passed or order made by the court) evidence given should be to the effect that the witness is unable to state definitely whether the accused will be discharged or not.

**418. Rules Regarding Adjustment of Jurisdiction of Civil And Military Courts Over Military Personnel Accused of Civil Offences.—**Statutory rules of the Central Government, Ministry of Home Affairs Notification No. S.O. 488, dated 9 Feb 78. In exercise of the powers conferred by sub-section (1) of section [475](#) of the Code of Criminal Procedure, 1973 (2 of 1974), and in supersession of the Criminal Courts and court-martial

(Adjustment of Jurisdiction) Rules 1952, the Central Government hereby makes the following rules for the trial of the persons subject to military, naval, air force or Coast guard law, or any other law relating to the Armed Forces of the Union by a Court to which the said Code applies, or by a Court-martial or Coast guard court, as the case may be, namely :—

1. These rules may be called the Criminal Courts and Court-martial (Adjustment of Jurisdiction) Rules, 1978.

2. In these rules, unless the context otherwise requires

(a) "Commanding Officer".—(i) in relation to a person subject to military law, means the Officer Commanding the unit to which such person belongs or is attached ;

(ii) in relation to a person subject to naval law, means the Commanding Officer of the ship or naval establishment or unit to which such person belongs or is attached.

(iii) in relation to a person subject to air force law, means the officer for the time being in command of the unit to which such person belongs or is attached.

(iv) in relation to a person subject to the Coast guard law, means the Commanding Officer of the Coast guard ship or establishment or unit to which such person belongs or is attached.

(b) "Competent Air Force Authority" means the Chief of the Air Staff, the air or other officer commanding any Command, Group, Wing or Station in which the accused person is serving, or where such person is serving in field area, the Officer Commanding the forces or the air forces in the field ;

(c) "Competent Military Authority" means the Chief of Army Staff or Officer Commanding the army, army corps, division, area, sub-area or independent brigade in which the accused person is serving, and except in cases falling under section [69](#) of the Army Act, 1950 (46 of 1950) in which death has resulted, the officer commanding the brigade or sub-area or station in which the accused person is serving.

(d) "Competent Naval Authority" means the Chief of the Naval Staff or the Flag Officer, Commanding-in-Chief, Western Naval Command, Bombay or the Flag Officer Commanding-in-chief, Eastern Naval Command Vishakhapatnam or the Flag Officer Commanding, Southern Naval Area, Cochin or the Flag Officer Commanding, Western Fleet or the Flag Officer Commanding, Eastern Fleet or Senior Naval Officer where the accused person is serving.

(e) "Competent Coast Guard Authority" means the Director General or Inspector General or Deputy Inspector General within whose command the accused person is serving.

3. Where a person subject to military, naval, air force or Coast guard law, or any other law relating to the Armed Forces of the Union for the time being in force is brought before a Magistrate and charged with an offence for which he is also liable to be tried by a Court Martial or Coast guard Court, as the case may be such Magistrate shall not proceed to try such person or to commit the case to the Court of Session, unless :—

(a) he is moved thereto by a competent military, naval, air force or Coast guard authority; or

(b) he is of opinion, for reasons to be recorded, that he should so proceed or to commit without being moved thereto by such authority.

4. Before proceeding under clause (b) of rule 3, the Magistrate shall give a written notice to the Commanding Officer or the competent military, naval, air force or Coast guard authority, as the case may be, of the accused and until the expiry of a period of fifteen days from the date of service of the notice he shall not:—

(a) Convict or acquit the accused under section 252, sub-sections (1) and (2) of section 255, sub-section (1) of section 256 or section 257 of the Code of Criminal Procedure, 1973 (2 of 1974), or hear him in his defence under section 254 of the said code ;

or

(b) frame in writing a charge against the accused" under section 240 or sub-section (1) of section 246 of the said Code ; or

(c) make an order committing the accused for trial to the Court of Session under section 209 of the said Code ; or

(d) make over the case for inquiry or trial under section 192 of the said Code.

5. Where a Magistrate has been moved by the competent military, naval, air force or Coast guard authority, as the case may be, under clause (a) of rule 3, and such authority, as the case may be, subsequently gives notice to such Magistrate that, in opinion of such authority, the accused should be tried by a Court Martial or Coast guard court as the case may be such Magistrate if he has not taken any action or made any order under rule 4, before receiving the notice shall stay the proceedings and if the accused is in his power or under his control, shall deliver him together with the statement referred to in sub-section (1) of section 475 of the said Code to the officer specified in the said sub section.

6. Where within the period of fifteen days mentioned in rule 4, or at any time thereafter but before the Magistrate takes any action or makes any order referred to in that rule, the

commanding officer of the accused or the competent military, naval, air force or Coast guard authority, as the case may be, gives notice to the Magistrate that in the opinion of such officer or authority, the accused should be tried by a Court Martial or Coast guard court as the case may be the Magistrate shall stay the proceedings, and if the accused is in his power or under his control, shall deliver him together with the statement referred to in sub-section (1) of section 475 of the, said Code to the officer specified in the said sub-section.

7. (1) When an accused has been delivered by the Magistrate under rule 5 or 6, the commanding officer of the accused or the competent military, naval, air force or Coast guard authority, as the case may be, shall as soon as may be, inform the Magistrate whether the accused has been tried by a Court Martial or Coast guard court as the case may be or other effectual proceedings have been taken or ordered to be taken against him.

(2) When the Magistrate has been informed under sub-rule (1) that the accused has not been tried or other effectual proceedings have not been taken or ordered to be taken against him, the Magistrate shall report the circumstances to the State Government which may, in consultation with the Central Government, take appropriate steps to ensure that the accused person is dealt with in accordance with law.

8. Notwithstanding anything in the foregoing rules, where it comes to the notice of a Magistrate that a person subject to military, naval, air force or coast guard law, or any other law relating to the Armed Forces of the Union for the time being in force has committed an offence, proceedings in respect of which ought to be instituted before him and that the presence of such person cannot be procured except through military, naval, air force or coast guard authorities, the Magistrate may by a written notice require the commanding officer of such person either to deliver such person to a Magistrate to be named in the said notice for being proceeded against according to law, or to stay the proceedings against such person before the Court Martial or coast guard court, as the case may be if since instituted, and to make a reference to the Central Government for determination as to the court before which proceedings should be instituted.

9. Where a person subject to military, naval, air force or coast guard law, or any other law relating to the Armed Forces of the Union for the time being in force has committed an offence which in the opinion of competent military, naval, air force or coast guard authority, as the case may be, ought to be tried by a Magistrate in accordance with the civil law in force or where the Central Government has, on a reference mentioned in Rule 8, decided that proceedings against such person should be instituted before a Magistrate, the commanding officer of such person shall after giving a written notice to the Magistrate concerned, deliver such person under proper escort to that Magistrate.

Note : Amended by S.O.4010 dated 24 Nov.86

**419. Procedure in Cases of Civil Offences Committed by Persons Subject to The Army Act.**—(a) All civil offences except those specified in the Army Act Section [70](#) can be tried either by court-martial or by a civil court.

(b) Offences under Army Act, Sections [40\(a\)](#), [47](#), [53\(a\)](#) and [\(b\)](#) and [64\(b\)](#) as well as most offences under Section [52](#) can also be tried by a court- martial or a civil court.

(c) The procedure to be followed in a case where there is dual jurisdiction, is laid down in Army Act, Sections [125](#) and [126](#) and para [418](#). See also Army Rule [197-A](#),

If, the offender is in military/civil custody, the OC unit/magistrate will take steps to request the appropriate military authority to decide the court before which proceedings shall be instituted.

**420. Duties while Released on Bail.**—(a) A JCO, WO, OR or an enrolled non-combatant, released on bail and awaiting trial by the civil power will, during the period he remains on bail perform all military duties without prejudice to his trial by the civil power when required to surrender for the same.

(b) In order to facilitate resumption of duties, he will be attached to a unit/formation nearest to the place where the court is situated. As soon as the CO of the arrested person receives information about the arrest by the civil police in accordance with para [397](#), the person will be instructed telegraphically that, if and when he is released on bail by the court, he will report for duty to the nearest formation/unit immediately so that he may be able to perform duty. The formation/unit to which the person reports on release on bail will intimate the date of his arrival to his parent formation/unit who in turn will issue necessary orders relating to his attachment.

**421. Defence of Soldiers Charged with Criminal Offences.**—The following are the rules for the defence of soldiers charged with criminal offences and prosecuted by Government in Civil Courts :—



(a) When soldiers are to be tried by a civil court upon any criminal charge, the Bde/sub-area commander should consult the district magistrate, and arrange with him for the selection and remuneration of a pleader, advocate or barrister, as the importance and necessities of the case may require.

(b) Except in cases in which the Central Government are interested the maximum amount that may be paid to the pleader, advocate or barrister is Rs.250 for each day that he appears in the case, on behalf of one or more accused, before a high court, a judicial commissioner's court or sessions court, or Rs.150 for each day that he appears in the case, on behalf of one or more accused, before any other court. These amounts include expenses of every description which counsel may incur. These fees are maximum and should not, be paid in every case but terms arrived at for the whole case, omitting, for instance, days on which counsel appears merely to ask for an adjournment. In a joint trial, when the local military authority is satisfied that the accused require different lines of defence he may authorise the separate payment of fees for each accused so defended.

(c) (i) The brigade/sub-area commander is only to appoint a pleader, advocate or barrister in cases where he thinks it desirable. The amount to be paid to counsel will be definitely settled before hand, subject to the maxima laid down in clause (b) above. If suitable counsel can not be obtained for the remuneration admissible under these rules, the case will be reported to superior authority and the orders of Government obtained.

(ii) In high courts in which counsel may not plead unless instructed by a solicitor, a solicitor may be employed and his bill of costs, which should include counsel's fees (subject to the restrictions laid down in clause (b) above) and all other expenses incurred in the case, should be submitted to the legal Remembrancer of the local Government and his certificate obtained that the amount of bill is reasonable before it is submitted for the orders of Government.

(d) When counsel is provided for the defence of a soldier at the first trial in a civil court, counsel can also be provided when considered necessary on appeal, subject to the limitations laid down in clauses (b) and (c) above.

(e) For the purposes of this concession the term soldier used in clause (a) above, includes all JCOs, WOs, NCOs and sepoy when on duty, and reservists called up for training or called out for service. It does not include JCOs, WOs, NCOs and sepoy when on leave, enrolled noncombatants or any other classes not mentioned above.

Any special case not specified may be reported to the superior authority and the orders of the Central Government obtained.

**422. Delay in Civil Proceedings.**—OsC units will report to higher authority whenever the trial of a JCO, WO or OR in a civil court is inordinately delayed.

**423. Conviction of Officers, JCOs, WOs and OR by The Civil power.**—The conviction of an officer by the civil power will be reported to the Central Government and that of a JCO to the Chief of the Army Staff for such action as these authorities see fit to take. The conviction of a WO or OR will be reported to the brigade/sub-area commander who will decide whether dismissal, discharge or reduction is desirable.

The disciplinary authority may, if it comes to the conclusion that an order with a view to imposing a penalty on a Government servant on the ground of conduct which had led to his conviction on a criminal charge should be issued, issue such an order without waiting for the period of filing an appeal or, if an appeal has been filed without waiting for the decision in the first court of appeal.

**424. Copies of Judgements.** —Copies of judgements, with translation of vernacular judgements, are supplied free of charge on application by the head of the unit or department concerned.

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## **SECTION 8—LOSSES**

**431. Trial for Loss of Arms.**—Every NCO or man who loses any arm, whether Government property or private if borne in the unit's arms register, or ammunition thereof will be tried by District Court Martial unless sanction to dispense with the trial is obtained from the division/area commander. In the case of a unit which is isolated, the division/area commander may order trial by Summary Court Martial.

432. **Offences in respect of Public or Regimental Property.**—Persons subject to Army Act committing offences involving moral turpitude, fraud, theft, dishonesty and culpable negligence involving financial loss of Public or Regimental property will be tried by court-martial or prosecuted before a civil court. Such cases will not be disposed of summarily or by administrative action. Punishments in such cases will be deterrent and commensurate with the gravity of the offence.

433. **Departmental Action against Government Servants who are acquitted by a Court of Law.**—When a loss of public money and/or stores has occurred as a result of theft, criminal misappropriation, criminal breach of trust or fraud and the person involved has been tried by a court martial or by a civil court and is acquitted, the circumstances of the case should forthwith be carefully reviewed to ascertain whether it is possible and advisable to take departmental action against him on charges different from those on which he was tried, and form charges on which, under Section [139](#) of the Army Act, or Section [221\(2\)](#) of the Code of Criminal Procedure, he might have been convicted on the basis of the charges on which he was tried and acquitted.

For example, if a soldier and a civilian employee paid out of the Defence Services Estimates are tried jointly for the dishonest misappropriation of public property and are acquitted, and the facts reveal culpable negligence on the part of both, action can still be taken against the soldier under Section [63](#) of the Army Act, and under Civilians in Defence Services (Classification, Control and Appeal) Rules, 1952, against the civilian.

434. **Loss due to improper use of Railway Forms.**—Officers and subordinates authorised to hold railway forms, including concession vouchers, will be responsible for any improper use of such forms. When loss to a railway administration results from the misuse of a railway form and this cannot be recovered from the individual who misused the form, the matter will be referred to the Central Government with the recommendations of all forwarding authorities stating whether the amount should be recovered in whole or in part from the person concerned, together with any reasons which he may have to urge against recovery.

435. **Responsibility for Damage by fire.**—An officer, JCO, WO, OR or any other person in military employ will be liable to make good damage done to Government property by a fire which is the result of his own neglect, but in view of the large sum to which liability may extend in such cases, the amount to be recovered usually will be limited to a sum not exceeding one week's pay of the individual who is held responsible.

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## CHAPTER IX SUMMARY AND MINOR PUNISHMENTS

441. **Redaction of Warrant Officer or Non-Commissioned Officer.**—A WO of NCO reduced to a lower rank, grade or class will take precedence in the lower rank, grade or class from the date of the signing of the original sentence of the court-martial or in the case of reduction under Army Act, Section [20](#) from the date approved in such order.

442. **Review of Summary Punishments awarded to persons subject to the Army Act.**—Provisions for the review of summary punishments awarded under [AA Secs.83, 84](#) and [85](#) are contained in [AA Secs.87](#) and [88](#). Punishments awarded under Army Act [Sec.80](#) may be reviewed by an officer superior in command to the officer who awarded the punishment, and if any such punishment appears to such officer to be illegal, unjust or excessive, such officer may cancel, vary or remit the punishment and make such direction as may be appropriate in the circumstances of the case:

Provided that where a punishment is wholly illegal, or is in excess of the punishment authorised by law, it may be cancelled or varied by an Officer-in-Charge Records also.

Under AA [Sec.88\(b\)](#), the COAS has specified the GOC-in-C of a Command as the superior military authority for the purpose of review of punishments awarded to Officers, JCOs and WOs under Army Act [Secs.83](#) and [84](#). Powers conferred under Army Act [Sec. 87](#) or under this paragraph shall normally be exercised within a period of two years from the date of award of the punishment.

443. **Summary punishments under Army Act Sections 80 & 82.**—(a)Under the provisions of Army Act Section [80](#), the Chief of the Army Staff, with the consent of the Central Government, has specified the following officers as officers who may exercise the powers of punishments under Army Act Section [80](#) :—

- (i) The officer in command of a mixed detachment as regards such portions of that detachment as have not an officer who is also a CO in immediate command.
- (ii) Any naval or air force officer being an officer within the meaning of the Army Act who occupies such a position in relation to a person subject to the Army Act as would constitute him the CO of that person.
- (iii) Ordnance officer (Administration) of an ordnance depot not below the rank of Major.
- (iv) AA & QMG, AOC School.
- (v) OC Troops Military College of Telecommunication Engineering.
- (vi) AA & QMG, MC EME.
- (vii) The second in command or in his absence, the next senior officer present with a Territorial Army Unit in which the CO is a part-time Territorial Army Officer and is not present in the unit on military duty.
- (viii) The Officer-in-Charge, Administration, Army Base Workshop/Advance Base Workshops or where there is a Battalion Commander, the Battalion Commander, and Officer-in-Charge Administration of EME Establishments of the equivalent status of Army Base Workshop.
- (ix) Deputy Directors at NCC Directorates.
- (x) Adm Comdts/SSOs.
- (xi) Head of the Administrative Department (Col Adm) College of Combat.
- (xii) Infantry School:—
  - (aa) Commander Young Officers Wing.
  - (ab) Commander Commando Wing.
  - (ac) Commander Platoon Commanders Wing.
  - (ad) Commander Weapons Wing.
- (xiii) Squadron, Battery, Company or other equivalent commander, Adjutant or Registrar of a Military if authorized hospital and Camp Comdt of a Div Headquarters. By the CO

(b)Under the provisions of Army Act Section [82](#), the Chief of the Army Staff, with the consent of the Central Government, has specified the following "other punishments" which may be awarded under Section [80](#) :—

- (i) Extra drill for two hours a day up to fifteen days.
- (ii) Reduction to a lower class of pay for period upto 28 days.
- (c) The powers of punishments of officers, specified in sub-para (a) (xiii) above, shall be limited to the punishments set forth in item I of the Table annexed below. The punishments set forth in items II, III and IV of the said table shall be awarded as provided therein. In the case of Regimental boys, punishments set forth in item IV only of the table, shall be awarded.
- (d) A medical officer including Naval or Air Force Officer commanding a hospital or other medical unit shall, for the time being, be a commanding officer for the purpose of AA [Sec 80](#) of a person subject to the Army Act, not belonging to the medical personnel, who is a patient in or is employed in that hospital or medical unit. He may either himself dispose of a charge against such person or refer it for disposal after the person has left the hospital or medical unit to the commanding officer of the unit or detachment to which such person belongs or is attached. But the medical officer incharge of regi-mental establishment shall not, unless the establishment is detached, be a com-manding officer for the purpose of the establishment or any person who is a patient in or is employed in that establishment

THE TABLE

Authority empowered award punishment	Nature topunishments	ofPersons liable to punishment	Relevant instructions
(1)	(2)	(3)	(4)
I Sqn, Bty, Coy or equivalent commander Adjutant Regis- trar of a Military Hospital or Camp Comdt of a Div hq.	(a)Confinement to the lines any period exceeding ordays.	Enrolled forpersons notNCO rank or aanswer to theirtenperson holdingname equivalent positions.	Defaulter will be required to at un certain hours throughout the day and will be employed on working parties to

Authority empowered to award punishment (1)	Nature of punishments (2)	the fullest practicable extent with a view to relieving well conducted soldiers there from Defaulters of Persons liable punishment (3)	toRelevant instructions (4)
			will attend parades and take all duties in regular turn. When the working parties required are not sufficient to keep the defaulters fully employed they may be ordered to attend extra drill, which will be limited to one hour a day and will include some form of useful instructions
	(b) Extra guards or piquets upto a limit of three such duties. for any one offence.	Enrolled persons holdingon these duties	For minor offences
<b>Reduction to lower class for pay</b> II CO or any officer specified for purposes of AA Sec 80, other than those mentioned in para (a)(xiii)above.	Reduction to a lower Enrolled persons class for pay for a period not exceeding those twenty eight days for para an offence involving idleness and negligence in accordance with the following table:— If mustered in Group may be reduced from— A to E Class 1 to Class 2 in the same group. A to E Class 2 to Class 3 in the same group. A Class 3 to the Class in lower group from which mustered. B to E Class 3 to Class 4 in the same group.	Enrolled persons	No other individual may be mustered into a vacancy arising in a res-dieted clause as a result of an award under this clause
<b>Forfeiture of Good Service Pay</b> III CO or any officer for purposes of AA Sec 80, other than those mentioned in para (a) (xiii). Miscellaneous	Forfeiture of one rate of good service pay	Enrolled persons	May be awarded in addition to any other punishment

IV CO	(A) Extra drill forAll enrolled below NCO
Adjutant of Unit or Depot	two hours a dayrank and Regimental boys
Adjutant of Unit	upto 15 days Regimental boys
	(B) Confinement toRegimental boys,
	lines for any periodRegimental boys,
	not exceeding 15Regimental boys,
	days
	Confinement to
	lines for any period
	not exceeding five
	days
	Extra drill for two
	hours a day upto
	five days

444. **Summary Disposal of Charges in Respect of Officers, Junior Coin-missioned Officers and Warrant Officers under Army Act, Sections 83 to 85.**— The procedure in this respect is laid down in Appendix 'Q'.

445.

### CHAPTER X COURTS MARTIAL

446. **General.**—Under the Army Act, the jurisdiction of courts-martial in respect of the trial of different offences is unrestricted, but it will be observed that, except where a particular course is prescribed by the regulations, it is not imperative to try any offence by a court-martial.

447. **Summary Courts-Martial.**—When a person subject to the Army Act has committed an offence which can be tried by summary court-martial, OsC units when determining by what court the accused will be tried, will bear in mind that the legislature, in conferring upon them the powers of summary court-martial, intends that they will exercise these powers.

448. **Scale of Punishments Awardable by Summary Courts-Martial.**—The following general instructions are issued for the guidance of officers holding summary courts-martial in passing sentence, but nothing contained in them will be construed as limiting the discretion of the court to pass any legal sentence, whether in accordance with these instructions or not, if in its opinion, there is good reason for doing so :—

(a) When passing sentence, courts will have regard not only to the nature and degree of the offence and the previous character of the accused but also to his status and rank and to the legal consequences of the sentence proposed to be awarded. A punishment which is suitable or even lenient in the case of a young sepoy may have an extremely severe effect in the case of a NCO of some years' service who has earned a pension.

(b)Imprisonment for any term exceeding three months will be undergone in a civil or military prison (Army Act, Section [169](#)).In practice this entails dismissal, or discharge, from the service, as it is usually inexpedient for a man who has been the inmate of a civil jail to return to the service. Three months rigorous imprisonment or less to be undergone in military custody, should therefore be looked upon as the normal punishment for most first offences and for most purely military offences except those of a grave nature or where the offender already has a bad character. A sentence of imprisonment combined with dismissal should be carried out in a civil prison.

(c) The award of imprisonment in a civil jail coupled with dismissal from the service must never be used merely as a means of getting rid of a man from the service but should be imposed only when the offence by itself, or the offence and the man's previous record taken together, actually merits such a punishment. In other cases in which removal is considered desirable in the interest of the service, the discharge of the individual under the appropriate item of Army Rule [13](#) should be applied for by the CO and authorised by the brigade or superior commander.

(d) In the table of normal punishments shown below, offences which cannot be tried by a summary court-martial, except after reference under Army Act, Section [120\(2\)](#), and the less common offences have not been included. Such offences if tried by summary court-martial must be dealt with according to the merits of each case.

Table of Punishments

(i) Normal punishment.—Rigorous imprisonment for three months or less to be undergone in military custody.

Offences : —

Disobedience, not of a grave nature.

Insubordination, not of a grave nature

First desertion or fraudulent enrolment.

Absence without leave or overstaying leave.

Failing to appear at parade.

Quitting parade, guard, etc., without leave.

Absence from camp or after tattoo.

Intoxication.

Releasing or suffering prisoner to escape.

Escaping from custody.

Losing by neglect, arms, etc

False answer on enrolment.

Minor contempt of court-martial.

Neglect of orders.

Act prejudicial, etc., not of a grave nature.

Sentry plundering, etc., not of a grave nature.

Sentry sleeping on or quitting post in peace time.

Use of force to superior, not of a grave nature.

Failing to rejoin for active service, not of a grave nature.

Making away with, under Army Act, Section [54\(a\)](#), other than arms and ammunition.

False accusations and complaints, not of a grave nature.

Striking or ill-treating a subordinate, not of a grave nature,

First offences not of a grave nature.

(ii) Normal Punishment.—Rigorous imprisonment for six months or less and dismissal from the service.

Offences : —

Disobedience of a grave nature or studied insubordination.

Malingering, feigning or producing disease.

Use of force to superior, grave cases.

Contempt of court-martial, grave cases.

Giving false evidence.

Ordinary theft.

Frauds.

Indecency or cruelty.

Act prejudicial, etc., of a grave nature than under (i) above

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(iii) Normal punishment—Rigorous imprisonment for one year and dismissal from the service.

Offences : —

Making away with arms or ammunition.

Repeated disobedience or insubordination.

Desertion, grave cases and second or subsequent convictions.

Thefts, grave cases.

Frauds, grave cases.

Causing hurt to render unfit for service.

Unnatural offences.

Failing to rejoin for active service of grave and deliberate nature.

Act prejudicial, etc., of a grave nature.

NOTE

A copy of para [448](#) will be kept to every court-martial box.

**449. Action by Superior Officer.**—(a) A superior officer to whom a case is referred may deal with it as follows :—

(i) he may refer the case to a superior officer; or

(ii) he may direct the disposal of the case summarily or by SCM; or

(iii) if he has power to convene a DCM, he may convene a DCM to try it; or

(iv) if he has power to convene a GCM, he may convene either a GCM or DCM to try it; and

(v) in the case of an officer, JCO or WO he may dispose of the charge summarily under the provisions of Section [83](#) or [84](#) of the Army Act, if competent to do so.

(b) When the superior officer has been the CO of the accused at any time between the date on which cognizance of offence was taken against the accused and the date on which the case is taken up for disposal, or an officer who has investigated the case, he cannot exercise the powers detailed in sub-para (a) (ii) to (v) inclusive.



(c) Notwithstanding anything stated in the preceding sub-para, when an officer having power to award summary punishment under Section [83](#) or [84](#) of the Army Act decides not to deal summarily with a charge against an officer, JCO or WO which has been referred to him for disposal, but to refer it to for trial by court-martial, he may convene a court-martial for the trial of the accused, whether or not he has investigated the case.

**450. Offence Against Superiors.**—In the case of offences against superior, an offence having relation to the office held by the superior is of greater gravity than an offence against the individual apart from the duties of the office and especially in the less serious classes of this offence, the lower the rank of the superior officer against whom the offence is committed, the less will usually be the gravity of the offence.

**451. Charges in Particular Cases.**—(a) Any officer, JCO, WO or OR who when in the presence of the enemy, displays a white flag or other symbol in anticipation, or in token of surrender, will be tried by a GCM. In cases where the evidence is not sufficient to justify a charge under Section [34](#) or [35](#) of the Army Act, the charge will be laid under Section [63](#) of that Act.

(b) Theft from a comrade will, unless there are peculiarly complicated circumstances, be dealt with under the Army Act in preference to trial by the civil power, and the charge will be framed under Section [52\(a\)](#) of the Army Act. Where there is no evidence of theft, and a soldier is charged with improper possession of a comrade's property, the charge will be laid under Section [63](#).

(c) In cases, where, after investigation, deficiencies of funds or stores, or incorrect entries or omissions in accounts are to be made the subject matter of any charge involving fraud that it is proposed to try by court-martial, and where there are grounds for supposing that the irregularities may have been due to negligence only, an alternative charge under Section [63](#) of the Army Act will be added, the particulars of which will contain an allegation attributing the loss to neglect of duty by the accused.

(d) In framing charges for offences in the cases of OR employed in taking care of horses and stables, it will be borne in mind that the sections of the Army Act referring to sentries do not apply to "stable-men", the latter term being used only when the orders regarding the posting and relief of sentries are not strictly carried out; but, when an OR of a stable guard or piquet is posted over horses or otherwise as a sentry, and is regularly relieved as such, he will be regarded in every respect as a sentry, notwithstanding that he may have been posted without arms.

**452. Responsibilities of Officers Convening Courts-Martial**—(a) When a soldier is to be arraigned on a serious charge, and charges for minor offences are pending against him or the circumstances of the serious offence disclose minor offences, the convening officer may use his discretion in striking out any minor offences, and directing that they shall not be proceeded with. As a rule, a charge should not be brought to trial as an addition to a serious charge if it would not otherwise have been tried by court-martial. For example when a soldier commits an offence of simple intoxication in connection with a more serious offence for which he is to be tried, he should not be charged with drunkenness before the court-martial. Similarly mere abusive and violent language used by an intoxicated man should not be used as ground for framing a charge under the Army Act, Section [40](#).

(b) In deciding the description of court before which a charge shall be tried, general and other officers in superior command will bear in mind that there are few offences which cannot effectually be dealt with by a District Court-Martial. In cases, however, of very aggravated offences, when the state of discipline in a garrison, or corps, renders a serious example expedient, or when the offender bears a bad character, a General Court-Martial may be convened.

(c) If, in the opinion of a convening officer, a court-martial could more conveniently be held at a place other than that where the accused is, he may cause the court to be convened at any place within his command. If it is desired to hold the trial in any place beyond his command, application will be made to the GOC-in-C, and by him, if necessary to the Adjutant General's Branch, Army Headquarters, with an explanation of the reasons for this course. A saving of expense in transit of witness or members would be a sufficient reason, but no change of place will be made when it appears that the accused is likely to be prejudiced in his defence by the change. When the case is to be tried in another command, the court will be convened under the orders, and on the responsibility, of the GOC-in-C to whose command the accused is removed.

(d) Where the convening order in respect of a General or District Court Martial is being issued under the orders of a commander other than the one under whose orders the relevant charge sheet was endorsed for trial, the commander under whose authority the



convening order is being issued must personally satisfy himself as required in Army Rule [37](#). A certificate to that effect must also in every such case be attached to the convening order.

**453. Transfer of Personnel from a Command before completion of Disciplinary Cases.**—(a) No individual against whom a disciplinary case is pending should be posted away from his unit/formation until disposal of the disciplinary cases against him. However, this may be permitted due to administrative expediency with prior approval of DV Directorate, AG's Branch, Army Headquarters.

(b) If the offence alleged to have been committed by an individual comes to light after his transfer to a unit/formation at another station, he should be recalled and disciplinary action against him should be completed at the earliest possible date. Before recalling, the formation concerned should satisfy itself that a prima facie case exists and that disciplinary action is definitely possible, as otherwise such recall will result in unnecessary expense to the State. In cases where disciplinary action is not possible, that is, it is doubtful that the individual will be convicted, his new CO should be informed of the full details of the case.

**454. Seeming attendance of Service Witnesses.**—When an officer, JCO, WO or OR is required as a witness before a court-martial, and, is not serving at the station at which the court is to be held, summons for his attendance will be issued to him through the CO under whom the witness is serving, and the probable date and time of the assembly of the court will be stated in such summons. If a witness is required from the Indian Navy/Indian Air Force, application will be made to the appropriate CO under whom the witness is serving. Commanders of all levels, will ensure that unnecessary moves or detention of witnesses at out stations are avoided.

**455. Summonses to Civilian Witnesses.**—All summonses to civilian witnesses in India to attend a court-martial held in India will be delivered through a magistrate. See Army Act, Section [135](#), and Travel Regulations, 456. **Witness Not to Leave Station.**—When an application has been made for a court-martial, no military witness will be allowed to leave the station without the sanction of the authority to whom application for trial has been made. After trial, witnesses will not disperse without the previous sanction of the convening authority.

**457. Junior Officers to attend Courts-martial for instructions.**—An officer will be required, on first joining to attend for instruction all such courts-martial as the OC station may direct, for at least two years from the date of his joining, and for such further period as his CO may consider necessary to fit him to act as a member of a court; and he will not be nominated as a member of a court-martial, even if otherwise qualified, until his CO deems him competent to perform so important a duty. Moves of junior officers from their HQ station to another station and back to attend courts-martial at that station may be sanctioned by area/div/indep subarea commanders, provided it lies within their jurisdiction and if such facility cannot be provided at the Headquarters station itself.

**458. Prosecutor—Choice of.**—In a difficult case the convening officer will select a specially qualified officer to act as prosecutor. If such an officer is not available, he should apply as soon as possible to superior military authority for the services of one.

**459. Reference to The Judge Advocate General's Department before trial.**—In all cases for trial by General Court-Martial, and all cases under the Army Act, of indecency, fraud, theft, except ordinary theft, and civil offences except simple assaults, the charge sheet and summary of evidence, and all the exhibits will be referred by the convening officer to the deputy JAG of the command or deputy/assistant JAG of the Corps, as the case may be, before trial is ordered. The convening officer should also refer for advice any other cases of doubt or difficulty. In all cases the doubts or difficulties and the matters on which advice is required will be specifically stated in the applications.

**460. Composition of Courts-martial.**—In addition to the restrictions in the rank of officers appointed to serve on courts-martial which are prescribed by the Army Act and the Army Rules, the following rules will be observed :—

(a) Whenever an officer of the rank of colonel or above is available to sit as presiding officer of a General Court-Martial, an officer of inferior rank will not be appointed. Whenever a General Court-Martial may have to be so detailed that an officer below the rank of a colonel will be the senior member and consequently its presiding officer, the

convening officer must obtain the prior sanction of his next superior authority and state in the order convening the court that such sanction has been obtained.

(b) When the CO of a corps is to be tried, as many members as possible will be officers who have held or are holding commands equivalent to that held by the accused. The presiding officer of a District Court-Martial should, if possible, be of field rank.

(d) In the case of a General Court-Martial, when a trial is likely to be prolonged, it will usually be expedient to form the court of a larger number than the legal minimum, and two or four additional members should be detailed. Waiting members should also be detailed to meet reduction by challenge. For a DCM the legal minimum will ordinarily be sufficient; but, if necessary a larger number may be detailed, and waiting members provided. For the trial of doubtful or complicated cases, a DCM should, when possible, consist of five officers. When the minimum number is detailed, not more than one member should be a subaltern.

(e) Each officer serving as a member of a court will render the following certificate which will be attached by the Presiding Officer to the proceedings of the court-martial :—

"Certificate of Commissioned Service

I, No..... Rank.....

Name..... Unit.....

hereby, certify that I have on the.....day of.....

held a commission for.....years. I understand that any service as a JCO or any period of ante-date of commission does not count towards the commissioned service mentioned above, and I have excluded all such periods from the reckoning."

**461. Escort for Accused.**—An accused person brought before a court-martial will, if he is an officer, JCO, WO or NCO be attended by an officer, JCO; WO or NCO having him in custody, or, if of lower rank, by an escort. The officer, JCO, WO or NCO in charge will be responsible for his safe conduct, but will obey the directions of the court while the accused is in court. An accused person will not be handcuffed, unless this is absolutely necessary for the purpose of preventing his escape or rescue, or of restraining his violent conduct.

**462. Medical Examination before Trial.**—An accused person will be examined by a medical officer on the morning of each day that the court for his trial is ordered to sit, and an OC unit is responsible that no accused person is brought before a court-martial if in the opinion of the medical officer he is unfit to undergo his trial.

**463. Examination for Insanity on Capital Charges.**—In cases where personnel are arraigned before court-martial on a capital charge and insanity is pleaded on their behalf, the accused shall be examined by two specialists on mental diseases, one of whom may be a civilian, or an officer of the AMC in civil employ. If it appears during the investigation of such cases that a defence of insanity is likely to be raised, the examination will be carried out before trial.

**464. Duty of Prosecutor.**—It is the duty of a prosecutor to bring all the facts of a case fully before a court, in evidence, and to take care especially when the accused is not assisted in his defence, that no material fact in connection with the offence charged is omitted which would, if given in evidence tell in favour of the accused. Intoxication is no excuse for the commission of an offence, but if the charges against an accused do not allege intoxication, and he was intoxicated at the time that he committed an offence with which he is charged, the prosecutor should bring out this fact in evidence.

**465. Documents to be produced at Trial.**—(a) When an original document is produced in evidence before a court-martial, it will usually be annexed to the proceedings. If, however, an original document is likely to be urgently required for other purposes, the presiding officer or where a judge advocate has been appointed for the court, the judge advocate will confirm this fact from the party which produces this document and will compare the copy or extract with the original, certify it as correct, attach it to proceedings and arrange for the original to be returned to its proper custodian. Documents, the actual appearance of which is material to the case (e.g. alleged forgeries), will always be attached in original.

(b) When after promulgation, original documents which have been annexed to the proceedings are required for other purposes, an application for their return will be made to the Judge Advocate General, Army HQ. In no circumstances will a unit/formation detach from the proceedings any original exhibits.

(c) When an original document has not been returned within a reasonable time, the proper custodian of that document will be responsible for its recovery.

#### 465A. **Assessment of General Character.**

##### Officers

(a) For the purpose of IAFD-905, the General character of an officer will be graded as exemplary, very good, good, fair or indifferent as the case may be.

(b) An assessment of exemplary character is the highest that can be given to an officer. It will be reserved for officers, who have rendered at least ten years service in the regular Army as an officer. The OC is the sole judge, whether an officer is to be granted an exemplary character, the grant being discretionary and not obligatory.

(c) In assessing an officer's character, only entries in the conduct sheet will be taken into account.

(d) Following are the minimum standards required in each grade before an officers character can be assessed:—

##### (i) Exemplary

(aa) At least ten years service in the regular Army as an officer.

(ab) No punishment by court martial.

(ac) No summary award under Army Act Sections [83](#) or [84](#).

##### (ii) Very Good

(aa) At least five years service in the regular Army as an officer.

(ab) No punishment by court martial.

(ac) Not more than one summary award under Army Act Sections [83](#) or [84](#).

##### (iii) Good

(aa) At least three years service in the regular Army as an officer.

(ab) No punishment by court martial.

(ac) Not more than two summary awards under Army Act Section [83](#) or Section [84](#).

##### (iv) Fair

No punishment by court martial.

##### (v) Indifferent

Nil

(e) The OC will not award an assessment lower than that to which the officer is entitled except in the case of 'exemplary' grading, which can be lowered by one grade if there be, in the opinion of the OC, very strong reasons for doing so. Award of a recordable censure and habitual indebtedness of an officer are examples of such reasons to be taken into account by the CO.

##### JCO/WOs/OR

For the purpose of IAFD-905, the general character for JCO/ WOs/ OR will be assessed on the basis of the guidelines given in Para [170](#).

**466. Exemplary Service.**—(a) For the purpose of exemption from trial under Army Act, Section [122](#), a JCO, WO or OR will be considered as having served in an exemplary manner if at any time during his service subsequent to the commission of the offence he has had no red ink entry in his conduct sheet for a continuous period of three years.

(b) When exemption from trial on a charge of fraudulent enrolment has been earned by exemplary service in any corps, the CO of that corps will be held responsible for notifying the fact to the individual's previous corps.

#### **467. Court-Martial Proceedings where evidence is of a Secret Nature.—**

(a) If any evidence against an officer, JCO, WO or other rank remanded for trial by court-martial is of a secret nature, the officer commanding unit will ensure that a summary of evidence is treated as a secret document, that no more copies than necessary are taken of it and that all are collected after trial from the individuals to whom they have been issued. This includes copies of any exhibits produced at the trial which contain secret matter. If, after trial, the accused applies for his copy in order that he may petition, it may be re-issued to him on temporary loan.

(b) The proceedings of all courts-martial which contain any matter involving security will be passed under secret cover.

(c) In all cases where an officer, JCO, WO or OR is charged with an offence which relates to communicating or attempting to communicate secret information to an unauthorised person, a copy of the summary of evidence will be sent for information to Army Headquarters (MI-9) as early as possible after the taking of the summary.

**468. Sentences of Court-Martial.**—(a) When passing sentence, a court-martial will have regard not only to the nature and degree of the offence and the previous character of the accused, as proved in evidence, but also to the nature and amount of any such consequences as, by virtue of any statute, rule, order or regulation, are involved in their

finding, or entailed by their sentence, in addition to the punishment awarded by the court. Where attention has been called in local orders to the unusual prevalence of the offence of which the accused has been found guilty, the court will also pay regard to the fact that such warning has been issued.

(b) All convictions, whether by courts-martial or by civil courts, for offences committed by an officer, JCO, WO, or OR during his military service, including any time passed in a state of desertion, will be given in evidence against him. The court will consider if any circumstances have been disclosed by the evidence in extenuation or aggravation of the offence. Sentences must vary according to the requirements of discipline, but in ordinary circumstances, and for the first offence, a sentence should be light. Care must be taken to discriminate between offences due to youth, temper, sudden temptation, grave and sudden provocation or unaccustomed surroundings, and those due to premeditated misconduct.

(c) Persons who are convicted by court-martial of an offence under Section [52](#) or [69](#) of the Army Act should ordinarily be sentenced to imprisonment and should undergo their sentence in a civil prison.

(d) When an offender is convicted on two or more charges, the sentence should be that which is considered adequate for the gravest of the offences, with some addition for each of the other charges.

(e) A court-martial in framing sentences will observe the following rules:-

(i) Terms of imprisonment unless for one or more years exactly, should if for one month or upwards be recorded in months.

(ii) Sentences consisting partly of months and partly of days should be recorded in months and days:

(f) When a soldier has been convicted by court-martial of theft, misappropriation or receiving with guilty knowledge, Section [151](#) of the Army Act provides for the restitution of the stolen property in certain cases. If the soldier has been sentenced to be placed under stoppages in respect of the property stolen or unlawfully obtained, and any sum of money that may have been found on him has been appropriated to the above use, he should be placed under stoppages for the balance only of the stoppage awarded by the court.

#### NOTE

A copy of para [468](#) will be kept in every 'Court Martial Box.

**469. Illegal Awards.**—The reduction of a WO or NCO from or to an acting rank or an appointment is not a legal sentence. If such a sentence is inadvertently passed and the sentence contains no further legal award it is a nullity, and the court can be re-assembled to pass a valid sentence. If, however, the sentence is partly legal and partly illegal, confirmation of the illegal part may be withheld or the court re-assembled to revise its sentence.

**470. Court Martial Proceedings.**—The proceedings of a General Court-Martial or those of a District Court-Martial where the sentence is one of dismissal or above, will be submitted by the judge advocate at the trial or if there is no judge advocate by the presiding officer through the deputy JAG of the command to the confirming officer. The proceedings of a District Court-Martial where the sentence is below dismissal or those of a Summary General Court-Martial will be sent by the presiding officer or the judge advocate direct to the confirming officer, who may if he considers it necessary, seek the advice of the deputy JAG of the command before confirmation. The matter on which advice is required will be fully set out in the application. Court-martial proceedings, original- and duplicate will be registered and sent by separate post.

**471. Confidential Nature of Reports.**—The reports by officers of the JAG's department are confidential and will not be communicated directly or indirectly to any authority lower than the authority to whom they are addressed. When proceedings are forwarded to lower formations or to units, such reports will be removed

**472. Confirmation of Court Martial Proceedings.**—The powers of officers to confirm the proceedings of a General Court Martial or Summary General Court Martial are restricted as under :—

(a) The proceedings, of a General Court Martial or Summary General Court- Martial where any of the sentences specified under column I below, except death sentences, is passed will be reserved for confirmation by the authority specified opposite under column II below :—

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- (i) Death Sentences Central Government
- (ii) Sentences passed on officers who hold or held the rank of Brigadier or above at the COAS time of cognizance of offence.
- (iii) All sentences passed on officers not required to be reserved for confirmation by COAS under item (ii) above
- (iv) Sentences passed on JCOs of dismissal or higher in the scale of punishment set out in section 71 of the Army Act. GOC-in-C Command

(b) In cases where sentence of death has been awarded, the proceedings will be forwarded to Army Headquarters in accordance with Para 477 of these Regulations for submission to the Central Government. No minute reserving confirmation will be entered in such proceedings since the Central Government is the only authority competent to confirm them. The recommendations of each forwarding authority will, however, be annexed to the proceedings. Other proceedings in respect of officers which require confirmation, by the COAS, will be forwarded together with the minute reserving confirmation and the recommendations of each forwarding authority.

(c) The restrictions with regard to the powers to confirm General Court Martial or Summary General Court Martial Proceedings, specified in sub-para (a) above, also apply to the non-confirmation of any such proceedings.

(d) In the event of finding of 'NOT GUILTY' by a Court Martial the powers of officers to confirm or non-confirm the proceedings will be restricted as under :-

(i) When the offence charged against any officer is punishable with death.

(ii) If the accused officer holds or held the rank of Brigadier COAS or above at the time of commission of the offence, or at the time of cognizance of the offence.

(iii) All cases of officers other than those mentioned at (i) and GOC -in-C (ii) above, irrespective of the rank or the nature of offence. ]1

A CO who has investigated a case in his capacity as CO, will not. Except on board the ship, subsequently confirm the proceedings of a court-martial arising out of the same matter. If he purports so to act in a case outside the exception, the proceedings are not void but must be confirmed by a properly 'qualified authority.

**473 .Promulgation.**-(a) The charge(s), finding, sentence, recommendations to mercy, if any, and confirmation, or non-confirmation of the proceedings of a court-martial will be promulgated in all cases to the accused in the manner stated below. The date of promulgation will be recorded on the proceedings :—

(i) Officers.—The details of the proceedings will be read out to the accused by his formation commander in the presence of his commanding officer and such other officers of his staff as he considers necessary. If he has been sentenced to cashiering or dismissal, he will be stripped of his badges of rank and all regimental insignia.

(ii) JCOs, WOs and OR,—The details of proceedings will be read out to the accused by his commanding officer in the presence of the Adjutant and the senior JCO of the unit. If he has been sentenced to dismissal or to be reduced to the ranks or to a lower rank or grade he will be stripped of his badges of rank and other regimental insignia.

The promulgation of General and District Courts Martial proceedings in units commanded by officers below the rank of Major will be done by formation commanders.

If the confirmation authority thinks fit, he may order the promulgation to take place at a place at a parade in such form as he decides. In cases of Summary Courts Martial, the Commanding Officer of the unit may order the promulgation to be carried out at a parade.

(b) The result of all courts-martial will be published in the orders of all formations in which the notice of the convening of the court appeared. In every case such results will be published in the orders of the unit concerned, in Part I orders in the case of Officers and in Part II Orders in the case of JCOs, WOs and OR, (see para 584).

(c) If, subsequent to conviction but before promulgation can be effected, an accused absents himself, and a declaration by a court of inquiry under Section 106 of the Army Act is made in respect thereof, the proceedings of the court-martial may be promulgated by the publication of the foregoing particulars, in the case of an officer in Part I Orders and in the case of a JCO, WO or OR in Part II Orders of the unit. They will, however, forthwith be communicated to the accused on his apprehension (if liable for further service) or surrender.

**474. Remission, Mitigation and Commutation of Sentence.**—(a) The powers conferred by Army Act, Section [179](#) will not be exercised by an officer holding a command inferior to that of the authority confirming the sentence, unless such officer is authorised by such confirming authority or other superior military authority to exercise such power. In cases where an order has already been passed by a competent authority under Army Act, Section [179](#), an officer inferior in command will not exercise any powers under that Section without prior approval of such authority. Similarly, in cases where a person undergoing sentence of imprisonment has been moved outside the command in which he was convicted, the authorities in whose command the prison or other place in which he is undergoing the sentence is situated will not exercise any powers under Army Act, Section [179](#) in respect of such person without reference to the GOC-in-C of the command in which such person was convicted.

(b) When remission, mitigation or commutation of punishment awarded by court-martial sentence is ordered under Army Act, Section [179](#), the order will be recorded in writing. The written order will be sent to the unit to which the man belonged at the time of his conviction, the remission, mitigation or commutation ordered being at the same time reported to Army Headquarters. After completion of his regimental records, the order will be sent through the same channels as the original proceedings of the court-martial, for attachment to them.

(c) In every case in which a sentence of imprisonment which a person is undergoing is mitigated or commuted, or the residue or any part thereof is remitted by an authority under Army Act, Section [179](#), such authority will be responsible for immediately forwarding direct to the officer i/c prison in which that person is undergoing sentence, formal notice of such mitigation, commutation or remission for promulgation to the offender.

**475. Irregularities Disclosed by Court-Martial Proceedings.**—(a) Where the proceedings disclose matters which appear to require investigation, such as breach of regulations, on the part of individuals other than the accused, or allegations as to irregularities or statements as to the mental condition or fitness for service of the accused, whether made in mitigation of punishment or otherwise in the proceedings, a certificate will be attached to the proceedings stating that action has been or is being taken to deal with that matter. The officer to attach the certificate is the confirming officer, or the officer who would have dealt with the proceedings had confirmation been required, or the superior officer to whom proceedings have been submitted in cases where either of these officers is not competent to take action.

(b) Where the confirming officer, or the officer who would have dealt with the proceedings had confirmation been required, is not competent to deal with the matter himself, he will, in transmitting the proceedings to the OC unit for promulgation, attach a covering letter addressed to the deputy JAG requesting him to send the proceedings after review, to the superior authority having power to deal with the matter. That officer will attach the necessary certificate and return the proceedings direct to the deputy JAG,

(c) Where proceedings which disclose irregularities or allegations which appear to require investigations are received by the deputy JAG without either the certificate or the covering letter having been attached, that officer will submit the proceedings to the GOC-in-C command and that officer will attach to the proceedings either the necessary certificate or a note that the matter does not appear to require investigation.

(d) The transmission of proceedings is not to be unnecessarily delayed for the purpose of enquiry into such collateral matters. Where necessary, extracts will be made and the proceedings promptly transmitted to the deputy JAG.

**476. Comments of Confirming Authority.**—When the confirming authority finds it necessary to comment on the proceedings of such a court-martial, whether original or revised, his remarks will be separate from and form no part of the proceedings. They will be communicated in a separate minute to the members of the court, or in exceptional cases where in the interest of discipline a more public instruction is required, they will be made known in the orders of the command. Great care will, however, be taken not to interfere with the discretion with which the courts are vested in the exercise of their judicial functions.

**477. Proceedings submitted to Army Headquarters and Command Headquarters.**—The proceedings of all courts-martial which have to be submitted to the Central Government or Army Headquarters for the orders of the Chief of the Army Staff or other superior authority will be sent by or through command HQ to the JAG. The covering letter to the AG will be addressed to him through the JAG. Similarly, proceedings submitted to command HQ will be sent through the deputy JAG of the command.

Whenever proceedings are reviewed by area, div or command headquarters, a note of this and of any action taken will be attached to the proceedings,

**478. Disposal of Proceedings Other Than Proceedings of Summary Courts Martial.**—The original proceedings of all courts-martial will, after confirmation or non-confirmation be sent direct to the OC unit for promulgation. The promulgation minute will be recorded on the proceedings below the confirmation minute and the necessary extracts will be taken for regimental records. The proceedings will then be returned to deputy JAG of the command direct.

**479. Provision of Defence Counsel for Accused at Court-Martial Trials for Offences Punishable with Death.**—(a) When a person subject to the Army Act is to be tried by court-martial for an offence punishable with death and such person is unable to engage a counsel for his defence at the trial owing to lack of pecuniary resources and the convening officer is satisfied about his inability, a counsel for the defence of the accused at the trial may be employed by the convening officer at Government expense in consultation with the DJAG concerned.

(b) To enable the convening officer to employ a counsel for the defence of an accused the DJAG of every Command HQ shall prepare and maintain, in consultation with local Government Law Officers, list of qualified counsels at various Stations who are willing to be employed under this para.

[(c) The maximum amount payable to a counsel is Rs. 500/- per day (effective hearing) for which he appears in a case before a Court Martial. In addition, the counsel will be given TA and DA not exceeding those admissible to an officer of the first grade if the trial is held at a place different from the normal place of practice of the counsel.]<sup>1</sup>

(d) Bills submitted by counsels will be countersigned by the DJAG concerned before payment.

(e) In a joint trial, when the convening officer is satisfied that the accused persons required different lines of defence he may authorise a separate counsel for each accused.

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## **CHAPTER XI DISPOSAL OF MILITARY PRISONERS UNDER SENTENCE GENERAL INSTRUCTIONS**

**491. Provisions for Execution of Sentences.**—Provisions with regard to the execution of sentences are contained in Army Act, Sections [166](#) to [178](#) and Army Rules [166](#) to [176](#).

**492. Warrant sand Forms.**—The warrants and forms for the commitment, removal, transfer and release of persons subject to Army Act sentenced by Court-Martial to imprisonment to be undergone in a civil or military prison are given in Part II, Appendix IV, Army Rules 1954. The warrant/form will be despatched by the commanding officer of the prisoner or by any higher authority or his staff officer to the proper prison authority, It will be ensured that the Warrants are complete in all respects. They will be authenticated by the office stamp of the unit or formation issuing them before they are despatched to the prison" authorities concerned. A copy of the Warrant will also be attached to the proceedings of courts martial. The division recommended by the confirming officer/court, as the case may be, for military prisoners while undergoing their sentences in civil jails will also be mentioned in the Warrant of Commitment in accordance with AO 29/S/63.

**493. Confinement in the Military Prison.**—Whenever a direction is to be made under Army Act, Section [169\(1\)](#) for the execution of a sentence of imprisonment subject to the restrictions laid down in para [494](#) below, advisability of directing that the sentence be carried out by confinement in the Military Prison should be considered. Authorities competent to pass such a direction are given in Army Act, Section [169\(1\)](#) read with Army Rule [203](#).



[494. **Execution of Sentence of Imprisonment.**—The sentence of imprisonment awarded to a person subject to the Army Act other than an officer or a JCO or a NO will be dealt with as follows: -

- a) A sentence of imprisonment not exceeding 3 month will, unless accompanied by dismissal, be carried out by confinement in military custody.
- b) A sentence of imprisonment exceeding 3 months whether accompanied by dismissal or not will be carried out by confinement in a civil prison. ]1

495. **Custody of Prisoner prior to Despatch to Military or civil Prison.**—A prisoner under sentence of imprisonment may properly be held in military custody or in any other fit place pending his despatch to a Civil or Military Prison.  
Military Prison

496. **Constitution.**—Military prisons constituted under Army Act Section [175](#) are situated at Trimulgherry and Golconda. The rules in respect of the prisons made under Army Act Section [177](#) are contained in "The Military Prison Rules, 1962".

497. **Accommodation.**—Before despatching a prisoner to Military Prison, OC unit will enquire by telegram or signal from the Commandant of the Prison about the availability of accommodation thereat. Till the confirmation is received the prisoner will not be despatched to the Military Prison.

498. **Escort for Prisoners.**—The strength of the escorts will not normally exceed one NCO and one sepoy per prisoner. When escorting more than one prisoner, the strength of the escort may be increased at the scale of 1 NCO and 1 OR per prisoner at the discretion of the despatching authority. The prisoner and escort will travel on warrant vide para 379(i) Travel Regulations and ration money at usual rates will be admissible to them during the journey. Despatch of the prisoner will be notified to the Commandant of the Prison by telegram or signal.

499. **Responsibility of an Escort.**—An escort is responsible for the safety of a prisoner entrusted to its charge. If the CO considers that a prisoner is likely to escape or be violent he may order him to be handcuffed throughout the journey. Otherwise, handcuffs may be used at the discretion of the NCO i/c escort, if the prisoner shows violence or attempts to escape.

500. **Committal to the prison.**—A prisoner should be committed to the prison between 0900hrs and 1700hrs. In exceptional circumstances a prisoner may be admitted outside these hours. No prisoner will be committed on a Sunday or other public holiday.

501.A **Warrant of Commitment.**—A prisoner committed to the Military Prison will be accompanied by the appropriate Warrant of Commitment. (Form 'C' in Part II of Appendix IV to the Army Rules, 1954). The nature of the offence will be entered in the Warrant and where the offence is under Army Act Section [63](#), a brief statement of the offence will be attached to the Warrant of Commitment. It will be ensured that the division recommended by the confirming officer/court, as the case may be, for military prisoners while undergoing their sentences in civil jails is also mentioned in the Warrant of Commitment in accordance with AO 29/S/63.

502. **Medical Fitness.**—Every commitment will be accompanied by a medical certificate of the state of health of the soldier. When the medical officer considers the soldier unfit for ordinary work or training he will state the grounds on which his opinion is based.

503. **Records of Prisoners.**—On a soldier's committal to the prison his character roll, medical history sheet, dental card, clothing and equipment record (IAFF 957 B) and the last ration certificate will be sent with him and on his release they will be returned to his CO.

504. **Clothing, Necessaries and Personal Equipment of Prisoners.**—(a) Every prisoner will take with him clothing and necessaries and personal equipment in accordance with the Clothing Regulations. He will also carry a certificate from his OC unit to the effect that the kit has been inspected immediately prior to his dispatch and it is complete upto scale, in a serviceable condition and has been compared with the entries in his IAFF 957B. He is also entitled to have the normal issue of expendable store.  
(b) Any superfluous articles belonging to a prisoner will be taken from him before he is committed and restored to him on his return to duty. Any money the prisoner has in his

possession will also be taken from him and will be credited to his account. He will be given a receipt for the money and such superfluous articles, so taken from him.

(c) In no case arms, ammunition, pull through and bottles oil will be taken by prisoner.

**505. Special Report on Prisoners in Military Prison.**—A prisoner at the Military Prison will be regarded as under special report. At the end of every three months Commandant of the Prison will render a report on the prisoner showing whether his conduct in the prison has been such as to merit suspension of the balance of the sentence. The report will be forwarded to the Commander/GOC Sub Area/Area in which the Prison is situated and will be considered by authorities competent to suspend the sentence under Army Act, Section [182\(1\)](#) In exceptional circumstances where a prisoner's early return to the service is considered undesirable, his CO should attach to the warrant of commitment his recommendations relating to the question of suspension of the sentence. Such recommendations will be submitted to the appropriate authority by the Commandant of the Prison when he submits the special report.

**506. Instructions Regarding Disposal of Prisoners on Release.**—Well in advance of a prisoner becoming due for release on completion of sentence or otherwise, the Commandant of the Prison will ask the regimental centre concerned for instructions regarding the disposal of the prisoner on release from the prison. The prisoner, on release, will be despatched, accordingly, on a warrant. Similar action will also be taken when the sentence of a prisoner is suspended.

#### Imprisonment in Military Custody

**507. Method of Imprisonment**—Imprisonment in military custody will be carried out in the Quarter guard or cell of a unit in the station. All prisoners will be visited daily by the orderly officer. They will also be visited by the Officer of the week. An NCO with such assistance as may be necessary will be detailed to superintend hard labour.

**508. Rigorous Imprisonment-Procedure For.**—Men undergoing rigorous imprisonment will be confined separately in the quarter guard or cell as far as possible and in no case two prisoners will be confined in the same cell. They will always be under the observation of a sentry. If a prisoner is admitted in hospital, a sentry will, if considered necessary be posted over him.

**509. Duties of Prisoners.**—Prisoners will carry out work for 6 hours daily from mid-March to mid-October and 7 hours daily from mid-October to mid-March. The work will comprise :—

(a) Military instructions for such period as the OC unit may deplete, subject to minimum of 2 hours daily.

(b) Hard labour for the remaining hours of work. Hard labour will consist of labour tasks such as spade work and working parties but no task will exceed a period of 2 hours at a time. In the hot season, hard labour will be performed under cover.

**510. Detention in Military Custody.**—Men sentenced to detention shall be subject to the same restrictions and will be detailed in the same manner as persons undergoing rigorous imprisonment except that :—

(a) there is no automatic forfeiture of pay and allowances;

(b) they can in no case be committed to civil jail; and

(c) they will do normal military training in addition to any collective training that may be imposed.

#### Imprisonment in Civil Prison

**511. Committal to the Civil Prison.**—On confirmation of a sentence of imprisonment passed by a court Martial accompanied by dismissal, the prisoner will be committed by the CO or other prescribed officer to the appropriate civil jail under police escort. The officer making the order of committal will inform the Superintendent of Police of the district in which the prisoner is in custody, that he proposes to commit the prisoner to a specified jail for which escort will be provided by the Superintendent of Police concerned. Notice of at least four days, excluding Sunday and public holidays, will be given to the police authorities when an escort is required. Issue and withdrawal of clothing and necessities to the individuals committed to civil prisons will be as laid down in para [254](#) of Clothing Regulations (1942).

**512. Details of Committal Orders.**—Order of committal should also mention:—

- (a) that if the necessary escort is not available within a week the prisoner will be committed to the nearest civil jail; and  
(b) the military authority to whom any appeal against the finding or sentence of the court-martial be addressed under Army Act. Section [164\(2\)](#).  
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## CHAPTER XII

### Courts of Inquiry, Boards, Etc.

516. **Presiding Officer.**—The officer assembling a court of inquiry, committee, in so far that the objects for which they are assembled should not involve any point of discipline. They will follow, as far as may be convenient, the rules for courts of inquiry, but are in no way bound by them.

(b) All proceedings of courts of inquiry, committees and boards for which special forms are not provided will be written on IAFD-931.

517. **Presiding Officer.**—The officer assembling a court of inquiry, committee, or board will appoint a presiding officer by name, or failing such appointment, the senior member will preside. When the convening officer has so appointed a presiding officer, no officer senior in rank to the presiding officer will be appointed to serve as a member of the court of inquiry, committee, or board,

518. **Courts of Inquiry And Station Boards.**—The convening officer is responsible that a court of inquiry or station board is composed of members whose experience and training best fit them to deal with the matter at issue. The personnel detailed to constitute the Court of Inquiry or Station Board should have no personal interest or involvement, direct or indirect, in the subject matter of the investigation. A court of inquiry may consist of officers only, or of one or more officers together with one or more JCOs, WOs, NCOs as may be desirable. When the character or military reputation of an officer is likely to be a material issue, the presiding officer of the court of inquiry wherever possible, will be senior in rank and other members at least equivalent in rank to that officer.

When investigating damages to service equipment, the evidence of a technical officer who is experienced and fully conversant with the technical details of the equipment should be recorded. A station board may consist of any person selected by the convening officer. The members of a mixed civil and military board will take precedence in accordance with any general or special instructions issued by the Central Government. The stationery and forms required by a board will be supplied by the unit which applies for it.

519. **Courts of Inquiry in Connection With financial Irregularities.**—An officer of the defence accounts department may be appointed to assist at any military court of inquiry assembled in connection with financial irregularities so that he may properly guide the investigations of the court. He may, however, not sit as a member of such a court.

In the event of the officer of the defence accounts department finding himself unable to agree with the conclusions of the court, it will be open to him to record a note of dissent.

520. **Injury to a Person Subject to Army Act.**—(a) When an officer, JCO, WO, OR or nurse, whether on or off duty, is injured (except by wounds received in action), a certificate on IAFY-2006 will be forwarded by the medical officer in charge of the case to the injured person's CO as soon as possible after the date on which the patient has been placed on the sick list, whether in quarters or in hospital. In the case of injuries which are immediately fatal, a report of the court of inquiry proceedings referred to in sub-para (c) (i) will take the place of IAFY-2006,

(b) If the medical officer certifies that the injury is of a trivial character, unlikely to cause permanent ill-effects, no court of inquiry need be held, unless considered necessary under sub-para (c) (ii), (iii), (iv) or (v). In any event, however, IAFY-2006 will be completed and in all cases, except those of JCOs, WOs and OR will be forwarded through the prescribed channels to Army Head quarters, Org Dte in the case of non-medical officers and Medical Dte in other cases, a copy being retained at command or other headquarters. In the case of a JCO, WO or OR, IAFY-2006 will be forwarded to the officer i/c records for custody with the original attestation, after the necessary entry, stating whether he was on duty and whether he was to blame, has been made by the CO in the Primary Medical examination report (AFMSF-2A).

(c) In the following cases a court of inquiry will be assembled to investigate the circumstances :—

(i) If the injury is fatal or certified by the medical officer to be of a serious nature. Where an inquest is held, a copy of the coroner's report of the proceedings will be attached to the court of inquiry proceedings.

(ii) If, in the opinion of the CO, doubt exists as to the cause of the injury.

(iii) If, in the opinion of the CO, doubt exists as to whether the injured person was on or off duty at the time he or she received the injury.

(iv) If, for any reason, it is desirable thoroughly to investigate the cause of the injury.

(v) If the injury was caused through the fault of some other person.

In cases where the injured person is a JCO, WO or OR, the court may consist of one officer as presiding officer, with two JCOs, WOs or senior NCOs as members.

(d) The court of inquiry will not give an opinion, but the injured person's CO will record his opinion on the evidence, stating whether the injured person was on duty and whether he or she was to blame. When no evidence as to the circumstances attending the injury beyond that of the injured person is forthcoming it should be stated in the proceedings. The proceedings will then be sent to the brigade commander or the officer who has been authorised under Section 8 of the Army Act to exercise the legal and disciplinary powers of a brigade commander who will record thereon his decision whether disability or death was attributable to military service and whether it occurred on field service. After confirmation, the medical officer will, in all cases except those of JCOs, WOs and OR, record his opinion in the proceedings as to the effect of the injury on the injured person's service. The proceedings will then be forwarded by the CO through the prescribed channel to Army Headquarters,

Org Dte in the case of non-medical officers and Medical Dte in other cases, a copy being retained at command or other headquarters. In the case of a JCO, WO or OR a record will be made in the primary medical examination report (AFMSF-2A) by the CO that a court of inquiry has been held, and also as to whether the man was on duty and whether he was to blame. The primary medical examination report will then be passed to the medical officer who will record his opinion as to the effect of the injury on the man's service. The proceedings of the court of inquiry will then be forwarded to the officer i/c records for enclosure with the injured person's original attestation (see sub-para (b) above), except in the case of a court of inquiry under sub-para (c) (v) above, in which case the proceedings, together with a copy of the medical opinion as to the effect of the injury on the man's service, will be forwarded without delay to Army Headquarters.

(e) When an officer, JCO, WO, OR or nurse, not on duty, is injured in any way by or through the fault of a civilian or civilians, and receives compensation from such civilian or civilians, in lieu of any further claim, this will be recorded in the proceedings of the court of inquiry.

(f) A Court of inquiry need not necessarily be held to investigate deaths or injuries sustained through taking part in organized games, sports and other physical recreations as defined in para 271.

In all cases where a court of enquiry is not held, IAFY-2006 will be completed with the statements of witnesses as required by item 4 thereon and when applicable, the CO will certify that the games, sports, or physical recreations were organized ones.

(g) The injury report will be submitted to the brigade commander or the officer who has been authorised under Section 8 of the Army Act to exercise the legal and disciplinary powers of a brigade commander only if the injury is severe or moderately severe or if a court of inquiry to enquire into the causes of injury has been held. The brigade commander or the officer who has been authorised under Section 8 of the Army Act to exercise the legal and disciplinary powers of a brigade commander will record on the form his decision whether or not the injury was attributable to military service, and whether it occurred on field service. In all other cases, the CO will record his opinion.

(h) In case where the injury report on IAFY-2006 is prepared in addition to the court of inquiry proceedings and the brigade commander or the officer who has been authorised under Section 8 of the Army Act to exercise the legal and disciplinary powers of a brigade commander has recorded his opinion on the court of inquiry proceedings or adjudicated the case, it will not be necessary for him to do so again on the injury report (IAFY-2006) which may be signed by a senior staff officer on his behalf. The senior staff officer will however, clearly state that the decision given is as recorded by the brigade commander or the officer who has been authorised under Section 8 of the Army Act to exercise the legal and disciplinary powers of a brigade commander on the court of inquiry proceedings.

(j) IAFY-2006 or the proceedings of the court, so endorsed, as the case may be will accompany the pension claim when submitted to the sanctioning authority, who will either accept the decision of the brigade commander, or, if in doubt, will submit the pension claim for the orders of the Central Government. The medical board or the medical officer,



who furnishes a death certificate will not express any opinion in such cases in regard to attributability to service, except on purely medical grounds which should be clearly specified.

**521. Injury to a Civilian.**—When a soldier-seriously injures a civilian, the OC unit will report the matter immediately to the OC. station and the district magistrate, and commence a thorough investigation to order to ascertain the facts while the incident is fresh. If the civil authorities investigate the case the OC unit will give them every assistance. The medical officer who first attends an injured person will report forthwith to the civil and military authorities concerned the nature and extent of the injuries, and his opinion as to the probable result.

**522. Courts of Inquiry—Incidents And offences.**—The following incidents and offences will also be investigated by courts of inquiry :—

(a) Assault and affrays between persons subject to the Army Act and to other Services Acts (whether on duty or on leave) or with civilians.

(b) Breaches of discipline.

(i) Collective insubordination;

(ii) MT accidents resulting in death or serious injury;

(iii) Suicide, attempted or suspected suicide; and

(iv) Murder and rape, only when the offence has been committed against a person subject to the Army Act, Navy Act or Air Force Act, or in any of the circumstances mentioned in classes (a), (b) and (c) of Section 70 of the Army Act

Courts of inquiry held on cases of suicide will record their opinion and reasons therefor, as to the motive and the condition of the mind of the deceased prior to the death wherever possible. Certified: true copies or translations of all papers relevant to the case such as the private correspondence of the deceased will be attached to the courts of inquiry proceedings.

**523. Assistance From Civil Police And CID in The Investigations.**—In case of assaults and affrays involving Army personnel and civilians, the unit or formation commander will immediately detail an officer to investigate the incident in co-operation with the civil police authorities. If the incident is still in progress, action will be taken for immediate active intervention. The assistance of the civil police or CID may also be obtained by formation commanders to investigate cases in which any subversive influence is suspected. This applies especially to cases of assaults and affrays, collective insubordination and suspected or actual sabotage.

**524. Prisoners of War.**—(a) Whenever persons subject to the Army Act are taken prisoners by an enemy, a court of inquiry under Army Rule 177 will be assembled under local arrangements to enquire into their conduct.

(b) The court of inquiry will be held as soon as possible after the return of the prisoner or prisoners but when there is reason to believe that a person has been taken prisoner by his own voluntary action or wilful neglect of duty, or that he has served with or under, or has aided, the enemy, a provisional court of inquiry will be assembled at the earliest possible moment to investigate the circumstances.

(c) The proceedings will be forwarded by the officer who assembled the court to the GOC-in-C command, the div/area commander or the commander of the forces in the field, who will, unless full remission of the forfeiture of pay and allowances incurred by a prisoner of war has already been made, issue such orders as he may think fit regarding the remission of such forfeiture (See Army Rule 195). An officer does not forfeit pay and allowances while a prisoner of war.

(d) A remission of forfeiture of pay and allowances may be partial or full (See Army Act, Section 97).

(e) A court of inquiry under Army Rule 177 on the conduct of a prisoner of war who is still absent may be assembled as and when necessary, and in particular to assist the authority empowered to remit the forfeiture of pay and allowances incurred by such prisoner of war in deciding what remission, if any, should be made in order that provision may be made for the dependants of the prisoner of war. (See Army Act, Section 98 and Army Rule 196). Such remission may also be made on the written report on the prisoner's conduct by an officer who has personal knowledge of the case or has been deputed to investigate it, or on the personal knowledge, regarding such conduct, of the authority having power to make the remission.

(f) A court of inquiry in respect of a prisoner of war still absent and not known to have died in captivity will be provisional.

(g) Where an authority, who has power under Army Act, Section [98](#) and Army Rule [196](#) to make provision for the dependants of a prisoner of war, considers that such provision should be made but is unable to make it owing to no remission of the forfeiture of pay and allowances of the prisoner of war having been made, he will, if not himself empowered to make the remission, refer the matter to the authority who has that power.

**525. Loss of Secret Documents**—Immediately the loss of a Top Secret, Secret or Confidential document or key is brought to his notice, the formation commander concerned will convene a court of inquiry, presided over by a senior officer not belonging to the unit or Headquarters where the loss has occurred, and including not less than two other officers, to investigate the matter and to advise what further steps should be taken. Any individual subject to military law who is implicated in any way in the loss of the document forming the subject of the court of inquiry, will be afforded full opportunity of being present throughout the inquiry, and of making any statement, and of giving any evidence he may wish to make or give, and of cross examining any witness, whose evidence in his opinion affects his character or military reputation, and of producing any witness in defence of his character or military reputation (See Army Rule [180](#)). The court will sit "in camera". Every witness will be cautioned that any disclosure by him of any matters forming part of the proceedings of the court may be treated as an offence against the Official Secrets Act, 1923. A copy of the proceedings of the court will be forwarded to Army Headquarters, General Staff Branch, MI Directorate, MI-11 through staff channels.

**526. Proceedings to be Shown to Accounting Authorities.**—Normally court of inquiry proceedings involving any financial question should be made available by the local administrative authorities to the internal accounting authorities, whenever required. If, however, in any particular case, the local authorities/Army Headquarters consider that there are special reason for not showing the court of inquiry proceedings to the Controller of Defence Accounts, it should be referred to the Ministry of Defence for orders.

**527. Courts of Arbitration.**—Courts of arbitration (panchayats) may be held in units with the consent of the parties concerned, for the settlement of private disputes. The OC unit will see that the record contains the substance of the matter, the names of the arbitrators appointed by the disputants, and that of the umpire appointed by himself, and the agreement of those concerned, to abide by the decision of the majority. The award, which, in the case of pecuniary damages, shall not exceed six months' pay and allowances, will be signed by the presiding officer. The OC may not set aside a permissible award because he dissents from it.

**528. Procedure For Making Award Under The Arbitration Clause in Military Engineering Service Contract Forms.**—The following procedure should be followed, as far as practicable, in giving an award under the arbitration clause embodied in the MES contract forms :—

(a) In the first place, the officer, who is named as arbitrator under the arbitration clause, should satisfy himself that the parties concerned have both agreed that the matter should be dealt with by him as arbitrator.

(b) The arbitrator should next ensure that both parties are clear as to exactly what is to be referred for arbitration.

(c) In all cases of dispute referred to him for decision the arbitrator should allow both the parties concerned a hearing. At his discretion both sides may be asked to reduce their views to writing, on record.

(d) Before taking up the reference for final decision, the arbitrator should issue notices to both parties, giving a date for them either to submit their cases in writing or to appear before him. The parties should be given an opportunity to appear and produce documents and call witnesses, if they so desire. The arbitrator may refuse to admit irrelevant evidence but should be careful to admit all evidence material to the question which the parties may choose to put before him, as refusal might be fatal to the award.

(e) The arbitrator should retain notes of the proceedings in case his award is challenged in a court of law. It is entirely at his discretion whether he allows the parties to inspect or to have copies of same.

(f) The arbitrator must be fair to both sides. He is not, however, bound by the rules of evidence under the Indian Evidence Act.

(g) It is unnecessary, and generally speaking most undesirable, for the arbitrator to give reasons for his decision. The award should set out the point or points referred and the arbitrator's decision. If necessary, the arbitrator is entitled to take legal assistance as to the form of the award, but he should not seek outside assistance in arriving at his decision, at any rate, without the consent of the parties.

(h) The award as given by the arbitrator can, if necessary, be filed in a court in accordance with the procedure prescribed in Section 14 of the Arbitration Act, 1940. This is unnecessary, however, unless court process is required in order to realise the award.

(j) If costs have been incurred, the arbitrator should decide in his award which party should pay.

(k) If any fees or expenses are payable to the arbitrator, he should give notice to the parties that his award is ready and will be declared on payment of such fees and expenses. He may refuse to publish his award until the required payment is made. Such an award is conclusively binding on both parties and will not be looked at on its merits by a court of law. The award can only be set aside by a court of law on proof of misconduct on the part of the arbitrator or that the award was improperly secured. If a point of law arises which the arbitrator is unable to decide, he can state a special case for the opinion of the court, under the provisions of Section 13 of the Arbitration Act, 1940 where this applies. The court will give its decision on the legal point and inform the arbitrator accordingly, but will still leave the final award for the arbitrator's decision.

**529. Courts of Inquest.**—(a) In accordance with the provisions of Section 174 of the Criminal Procedure Code 1973, the responsibility for holding an inquest in cases of unnatural deaths, i.e. deaths due to suicide, violence, accident or under suspicious circumstances devolves on the local civil authorities. Written information regarding cases of such deaths of persons subject to the Army Act or of those not subject to the Army Act which occur within the unit lines will be conveyed by OC unit immediately on occurrence, by hand, to the local civil police officer. Where the civil authorities are not easily accessible as for instance in operational areas and it is not practicable for them to hold an inquest before the dead body may become putrefied, a general approval for conducting Military Courts of Inquest may be obtained in advance from the State Governments concerned. The funeral or cremation will take place in such cases only after the concurrence of the Presiding Officer and of the medical member of the Court of Inquest has been obtained.

(b) Where a Court of Inquest has been held by civil authorities a Court of Inquiry where necessary should be held to investigate the circumstances of death and ascertain the military aspect of attributability for the purpose of pensionary benefits and allied matters.

(c) Where the sanction in writing has been obtained from the civil authorities to carry out the inquest under the aegis of the military authorities, a military court of inquest with comprehensive terms of reference should be held. The procedure to be followed in such cases will be as given in sub-para (d) below.

(d) In operational areas, where civil authorities are not in a position to hold the post-mortem and the Court of Inquest, the military authorities should hold a Court of Inquest with medical officer as a member of the court, with comprehensive terms of reference. The Court of Inquest after having given permission to dispose of the dead body, should further proceed to investigate the circumstances of occurrence of death, the aspect of attributability and related matters by following the procedure for a Court of Inquiry. In the subsequent proceedings the attendance of the medical member may not be insisted upon depending upon the circumstances of the case because of the nature of his employment.

(e) When post-mortem is decided to be carried out by the police authorities, they may have the dead body sent to the nearest Civil Surgeon or other qualified medical officer appointed in this behalf by the State Government. A service Pathologist should be made available if a suitable medical officer is not available with the Civil Authorities to carry out a post-mortem examination whether outside or inside an operational area.

(f) If the civil police authorities do not intend sending the dead body for a post-mortem examination and decide not to hold an inquest, the concerned military authorities will obtain a declaration in writing.

(g) When a Military Court of Inquest is held, a post-mortem examination may be carried out by Military Medical Officers in all cases where such examination is necessary. Para 56 of the Regulations for the Medical Services of the Armed Forces, 1962 refers. Service Pathologist in such cases shall not be entitled to any remuneration as this is a part of his military duty.

(h) Military Courts of Inquest will follow the same procedure as for Courts of Inquiry. The convening officer will, as soon as practicable, forward a copy of the Court's proceedings (only upto Inquest stage) to the magistrate of the area concerned having authority to hold an inquest.

## **CHAPTER XIII**

### **CIVIL PROCEEDINGS**



**531. Service of Summons.**—(a) Officers.—A summons in a civil suit against an officer must be served direct by the court. The OC unit has no legal authority to receive such summons.

(b) JCOs, WOs and OR.—The OC unit will serve on the defendant the copy of the summons received from the court and after obtaining written acknowledgement thereon will return it to the court under his own signature. If the defendant authorises any person to act for him (see para [534](#)), such authority will be attached to the copy of the summons returned to the court. If the summons cannot be served it will be returned to the court with an explanation.

**532. Attachment of Pay**—Officers, JCOs, WOs And Or.—The pay of all persons subject to Army Act, 1950 is immune from attachment. The legal position of persons belonging to the Armed Forces in the matter of arrest for debt, attachment of their pay and allowances and priority in the disposal of litigation involving them, has been explained to the State Governments for communication to the courts within their jurisdiction, by the Ministry of Home Affairs vide their letter No. 50/51-JUDICIAL, dated 7th January 1954, reproduced in Appendix 'R'(to these regulations).

The general law of the land is that if any person fails to comply with the attachment order issued under Sec. 125(1) Cr PC, the Magistrate is empowered, under clause (3) of that Section to issue a warrant for levying the amount due in the same manner as for levying fines. Under Sec. 421(1) Cr PC, the fine can be recovered by issuing a warrant for the levy of the amount by attachment and sale of any moveable property belonging to the offender. However, as the salary not yet drawn is not movable property within the meaning of Sec.421(1) Cr PC, it cannot be attached in execution of a warrant issued under that Section.

The CDA as the officer receiving the court order will at once take steps in the name, and on behalf of the person subject to the Army Act, to have the attachment order set aside, by applying to the solicitor to the local government or other officer he is entitled to consult on legal matters for such legal assistance as he may require, in the event of—

(i) an order for attachment of his pay and allowances being issued by direction of any civil or revenue court or of any revenue officer in execution of any decree or order enforceable against him, or

(ii) an order for attachment of his pay and allowances being issued by a Criminal Court under Sec. 421 Cr PC for enforcement of a maintenance order made under Sec. 125 Cr PC.

In the event of the court upholding the attachment, an application for a revision of the court's order shall be made.

**533. Penal Deductions from Pay and Allowances of a Person subject to The Army Act for Maintenance of His Wife(es)/Children.**—Penal deductions from pay and allowances of persons subject to the Army Act for the maintenance of their wife(es)/children will cease to be made on receipt of intimation from OC unit or establishment concerned of specified event such as attaining the age of majority in the case of a son, or marriage in the case of a daughter or dissolution of marriage in the case of a wife. To enable their Commanding Officer to issue such communication to the CDA in time, it is necessary that the person concerned from whose pay and allowances the deduction is being effected, should apprise him as follows, in the occurrence of such events :—

(a) In cases where maintenance is payable until attainment of age of majority, they shall inform their Commanding Officer of the date on which the child will attain majority at least one month before such date.

(b) In cases where maintenance is payable until marriage, they shall when practicable, inform their Commanding Officer as soon as the date of marriage is fixed. After the marriage is performed, the fact and date of such marriage shall be communicated immediately to their Commanding Officer.

(c) In cases where maintenance is payable until dissolution of marriage, they shall inform their Commanding Officer as soon as a petition in this behalf is made to a court. After the final decree for divorce is passed or after dissolution of marriage has been effected under customary law, the fact and date of such dissolution shall be communicated immediately to the CO. The original decree of dissolution or in the case of customary divorce a declaration of such dissolution signed by a Panchayat or a Gazetted Officer of the Government or a Municipal Commissioner will also be forwarded to the CO.

In the case of officers, CDA(O) will commence remittances on receipt of the Government letter and discontinue them on receipt of intimation from OC concerned of a specific event.

In the case of JCOs, WOs or OR the procedure for the recovery and remittances of the maintenance allowance will be the same as for family allotment.  
The occurrence of the event if any, necessitating the stoppage of the allowance will in their cases be reported by the OC unit to the Officer-in-Charge Records and the PAO.  
All ranks will bear in mind that they will be liable to punishment under the law if they knowingly furnish false information. To ensure that all ranks understand their responsibility in the matter, the certificate as under shall be obtained by the OC from the person concerned in any case in which an order under AA Section 90(i)/91(i) has been passed.

CERTIFICATE

With reference to the order passed by-----on-----  
under AA Section 90(i)/91(i) for the maintenance of my wife/son/daughter, I understand that it would be my duty to correctly inform the Officer Commanding unit/establishment well within time of the happening of the event, specified in the order, upto which maintenance is payable under the order. Any overpayment of maintenance allowance arising out of my default in this behalf shall not be questioned by me.  
Signature.....  
Countersignature of OC.....

534. **Appointment of an Attorney**,—Where any officer, JCO, WO or OR actually serving the Government in a military capacity is a party to a suit and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person, he may authorise any person to sue or defend in his stead (Code of Civil Procedure, First Schedule, Order XXVIII, Rule 1). An authority in the following form will be sent to the court in which the case is to be heard :—

"Whereas I (name) inhabitant of village.....pargunnah.....  
.....in the district of.....son  
of.....of the caste of.....at present of  
rank.....in company  
.....regiment.....stationed  
at..... having occasion to institute (or defend) an action for (nature  
and object of suit and name of adverse party), do hereby nominate and appoint (name,  
residence, caste and relationship, if any), to be my attorney, and I bind myself to abide by  
whatever he, the said attorney may do on my behalf in the prosecution (or defence) of the  
said suit. The Said attorney will either prosecute (or defend) the suit in person, or will  
appoint one or more of the authorised vakils of the court to prosecute (or defend) the  
same under the instructions of the said attorney, as he may think proper. In the event of  
an appeal being preferred from the judgement passed in the suit, the said attorney is  
hereby empowered to act for me on the appeal in a like manner as in the original suit.  
Signature.....  
Signed in my presence.....OC."

535. **Power of Attorney exempt from Court Fees**.—A power of attorney to institute or defend a suit executed by an officer, JCO, WO or OR in military employ, is not chargeable with any Court Fee (Act VII of 1870, Section 19, Clause I).

536. **Disposal of Soldiers Suit**.—Civil courts have been enjoined to dispose of all suits for the prosecution or defence of which officers, JCOs, WOs, OR or reservists have obtained leave of absence, irrespective of the order in which they stand on the register and as speedily as is consistent with the administration of justice. Any complaint as to the non-observance of this rule will be submitted to the local government concerned.

537. **Civil Officer may Extend Leave**.—When a person subject to the Army Act obtains or applies for leave of absence for the purpose of prosecuting or defending a civil suit, he will be provided by his CO with a certificate to enable him to obtain priority of hearing (IAFD 902). The certificate will be presented in person to the court. If the case cannot be disposed of within the period of leave granted, the civil officer concerned may grant leave for such period as will admit of the receipt of a reply to an application to the OC unit for necessary extension of leave. The civil officer will report to the OC unit any grant of leave sanctioned by him.

538. **Institution of Civil Suit**.—(a) No legal proceedings shall be under taken on behalf of Government without the sanction of the General Officer Commanding a Corps/Div/Area or the Officer Commanding an Independent Sub-Area/Brigade/Brigade Group, who may, on the advice of the proper Government Law Officer, sanction the institution or defence of civil suits or appeals, The conduct of the case will rest with the Government law officer, if

available, the payment of his fees and other expenses in connection with counsel and witnesses being sanctioned by the corps/div/area/independent sub-area/independent brigade/independent brigade group commander at the rates and under the conditions obtaining in the locality under the civil rules of the State concerned. Otherwise the employment of a selected private practitioner may be sanctioned by the corps/div/area/independent sub-area/independent brigade/independent brigade group commander who may fix the fees in consultation with the Government law officer, subject to such restrictions regarding the maximum amounts payable to counsel as are laid down by the Central Government from time to time. Claims for expenses in connection with counsel and witnesses will be accompanied by a certificate from the Government pleaders, endorsed on their fee bills, in respect of Central Government cases, that the fees claimed are in accordance with the rate of fees sanctioned by the State Government or admissible under the rules of the High Court or the provisions of any law determining such fees according as the Government pleader is engaged on fees sanctioned by the State Government, or prescribed by the High Court or prescribed by any law. In case of any doubt the matter will be referred to the Legal Remembrancer for certifications/clarification. The bills of Private practitioners will be certified by the Ministry of Law and not the Legal Remembrancer of the State Government. No suit by or against the Central Government in respect of contracts relating to military lands shall be filed or defended without the prior sanction of the Central Government.

(b) A list of Government law officers who may be consulted is given in para [539](#). The procedure with regard to consulting those officers is governed by the rules on the subject framed by the local Government in whose jurisdiction the area of the military commander concerned is included. In the case of a military area which is situated within the jurisdiction of more than one State. the law officer of the State in which the case originated should be consulted but see para [539](#).

(c) When an officer receives intimation that a civil suit has been or is likely to be instituted against a Government or a public servant in his official capacity, he will report the circumstances to the corps /div/area/independent sub-area/independent brigade/independent brigade group commander in order to avoid ex-parte decree being made against Government. In this connection it should be remembered that the Code of Civil Procedure, Section 80, requires two months' notice of such a suit to be given before a valid suit can be instituted.

(d) To enable the corps/div/area/independent subarea/ independent brigade/independent brigade group commander to decide on the advisability of instituting legal proceedings, the officer immediately concerned will prepare a memorandum explaining the necessity for the suit and including a statement of claim. That will show the subject of the claim, its amount, when it accrued, steps taken to obtain satisfaction, pleas urged by the defence and the answers to such pleas. Copies of all important documents (with translations, where necessary) will accompany the memorandum.

(e) If it is desired to institute a civil suit for the recovery of monies due to Government, the officer immediately concerned will ascertain from the civil officer of the district in which the defendant lives whether the sum could be paid by the latter. If the civil officer reports that the defendant is in a position to satisfy a decree for the amount claimed, application for sanction will be made to the corps/div/area/independent sub-area/independent brigade/independent brigade group commander.

(f) When sanction is accorded to the defence or prosecution of civil suit in which a public servant in his official capacity is implicated, the fee of one counsel will be allowed.

(g) Rules regarding the procedure in connection with suits by or against soldiers are contained in the First Schedule to the Code of Civil Procedure, 1908, Order V, Rules 28 and 29 and Order XXVIII, Rules 1 to 3.

**539. List of Government (Civil) Law officers Who May be Consulted by Military Commanders on Matters of Civil Law.**—The rules relating to legal business, made by local governments, must be strictly complied with in respect of the channels through which the advice of their law officers is to be sought and of the particular adviser, where more than one is mentioned in respect of matters arising in the same area, who is to be consulted in each particular case. These rules may be obtained from the local governments concerned.

List of Government (Civil) Law officers

In respect of matters arising in (1)	Designation of the Civil Law Officers (2)
Andaman & Nicobar Islands	Chief Secretary, Andaman & Nicobar Islands, Port Blair.
Andhra Pradesh	Secretary, Law Department Govt of Andhra Pradesh Hyderabad (AP).

Arunachal Pradesh	The Secretary (Law & Judicial) Arunachal Pradesh Administration, Shillong.
Assam	Secretary, Law Department Govt of Assam, Dispur Guwahati-6.
Bihar	Secretary to the Government of Bihar, Law Department, Patna.
Chandigarh	The Legal Remembrancer, Union Territory Administration, Chandigarh.
Dadra & Nagar Haveli	Chief secretary, Dadra & Nagar Haveli. Silvassa (Via Vapi Distt.) Distt; Surat.
Delhi	Chief Secretary, Delhi Administration, Delhi-110006
Goa, Daman, Diu	Chief Secretary, Goa, Daman, Diu, Panaji.
Gujarat	Secretary to the Government of Gujarat, Legal Department, Gandhinagar.
Haryana	Secretary to the Government of Haryanas Law Department, Chandigarh.
Himachal Pradesh	Secretary to the Government of Himachal Pradesh, Law Department, Shimla.
Jammu & Kashmir	Secretary to the Government of Jammu & Kashmir, Law Department, Jammu/Srinagar.
Karnataka	Secretary to the Government of Karnataka, Law & Parliamentary Affairs, Bangalore.
Kerala	Secretary to the Government of Kerala, Law Department, Trivandrum
Lakshadweep	Chief Secretary, Lakshadweep, Kavarati.
Madhya Pradesh	Secretary to the Government of Madhya Pradesh, Law Department, Bhopal (M.P.)
Maharashtra	Secretary to the Government of Maharashtra, Law & Judicial Department, Bombay.
Manipur	Chief Secretary to the Government of Manipur, Imphal
Meghalaya	Secretary to the Government of Meghalaya, Law Department, Shillong.
Mizoram	Chief Secretary, Union Territory of Mizoram, Aizawl.
Nagaland	Secretary to the Government of Nagaland, Law Department, Kohima
In respect of matters arising in (1)	Designation of the Civil Law Officer (2)
Orissa	Secretary to the Government of Orissa Law Department, Bhubaneswar.
Pondicherry	Chief Secretary, Government of Pondicherry, Law & Labour Department, Pondicherry.
Punjab	The Legal Remembrancer and Secretary to the Government of Punjab, Legislative Department, Chandigarh.
Rajasthan	Secretary to the Government of Rajasthan, Law Department, Jaipur.
Sikkim	Secretary to the Government of Sikkim, Legal Department, Gangtok.
Tamil Nadu	Secretary to the Government of Tamil Nadu, Law Department, Madras.
Tripura	Secretary to the Government of Tripura, Agartala.
Uttar Pradesh	Secretary to the Government of Uttar Pradesh, Law Department, Lucknow.
West Bangal	Secretary to the Government of West Bengal, Legislative Department, Calcutta.

**540. List of Government Pleaders Appointed to Conduct Suits by or Against the Government, or Public Officers in their Official Capacity.**—In exercise of the powers conferred by clause (a) of Rule 8B of Order XXVII of the first Schedule to the Code of Civil Procedure, 1908 (Act V. of 1908) the Central Government has appointed the officers specified in the second column of the schedule annexed hereto as Government Pleaders for the purposes of the said order in relation to any suit by or against the Central

Government or against any public officer in the service of the Central Government in any court specified in the first column of the said schedule.

Schedule

Courts

(1)

1. Andhra Pradesh—

(a) High Court

b) City Civil Courts, Civil Courts of Twin cities ie Secandrabad and Hyderabad and Courts of Small Causes

(c) Other Courts

(d) Labour Courts, Hyderabad

2. Assam—

(a) High Court at Guwahati

(b) Other Courts

3. Bihar—

(a) High Court.Patna Ranchi Bench

(b) Other Courts

4. Delhi—

(a)Supreme Court of India

Officers

(2)

Sr Central Govt Standing Counsel, Addl. Central Govt. Standing Counsel.

Government Pladers of the Courts concerned

District Govt Pleaders

Central Govt Pleader

Central Govt Standing Counsel

District Govt Pleaders.

Central Govt Standing Counsel

Addl Central Govt Standing Counsel.

Government Pleaders

Panels of various Counsels like

(i) Standing Counsel

(ii) Senior Counsel

(iii) Junior (Arguing) Counsel

(iv) Drafting Panel (Sr/Junior Coumesel).

Courts Officer

(1) (2)

(b) Delhi High Court (v) Income Tax Panel—Drafting.

Litigation conducted by Central

Agency at Supreme Court

Compound, New Delhi—110001.

Panels of Counsel like—

(i)Senior Counsel

(ii)Standing Counsel,

(iii)Government Pleaders.

Litigation conducted by Litigation (HC) Section, Delhi High Court Building, New Delhi.

(c) Tis Hazari Courts, Delhi Standing Government Counsel

and Addl Standing Govt. Counsel.

Labour Courts,Delhi Government Counsel. Litigation conducted by Litigation (LC)

Section at Tis Hazar, Delhi.

5.Gujarat-

High Court',. Sr.Central Govt. Standing Counsel.

Other Courts . State Govt. Pleaders.

6.Himachal Pradesh—

(a) High Court at Shimla Central Government Standing Counsel

(b) Other Courts State Government Pleaders.

7. Jammu & Kashmir—

(a) High Court at Jammu & Srinagar Central Govt. Standing Counsel and Addl

Central Govt. Standing Counsel.

(b) Other Courts . . . State Govt. Pleader.

8. Karnataka—

(a) High Court, Bangalore . . Sr. Central Govt. Standing Counsel and Addl.

Central Government Standing Counsel. Branch Secretariat, Bangalore, Deptt. of Legal Affairs, 25, Fount Mate Road, Flat No. 240, Sadashiv Nagar, Bangalore. 560 080.

(b) Subordinate Courts, Bangalore City. Central Government Pleaders

(c) Other Courts . . . State Government Pleaders.

9. Kerala-

(a) High Court . . .Sr. Central Govt. Standing Counsel and Addl. Central

Govt. Standing Counsel.

(b) District & Subordinate Courts, Trivan. Central Govt. Pleaders drum

(c) Other Courts „ , . State Govt. Pleaders.

10. Madhya Pradesh—

(a) High Court, Jabalpur . . Central Govt. Standing Counsel Gwalior Bench Central Govt. Standing Counsel.

Indore Bench . . Central Govt. Standing Counsel.

(b) Other Courts . State Govt. Pleaders.

11 .Maharashtra-

(a) High Court, Bombay Central Govt. Panel Counsel maintained by Bombay Branch

Sectt., Deptt. of Legal Affairs at

Aayakar Bhavan Annexe, New

Marine Lines Fort, Bombay 400020.

(b) Goa Bench Central Govt. Standing Counsel

(c) Aurangabad Bench Central Govt. Standing Counsel and

Addl. Central Govt. Standing Counsel

(d) Nagpur Bench Central Govt. Standing Counsel and

Addl. Central Govt. Standing Counsel

(e) City Civil Courts, Bombay Central Government Pleader

(f) Small Causes Court, Bombay Central Government Pleader

Courts Officers

(1) (2)

12. Orissa—

(a) High Court at Cuttack Central Govt. Standing Counsel and

Addl Central Government Standing

Counsel.

(b) Other Courts State Government Pleaders,

13. Punjab & Haryana—

(a) High Court at Chandigarh Sr Central Govt. Standing Counsel

and Addl. Central Government

Standing Counsel

(b) Other Courts in Punjab State Government Pleaders,

(c) Other Courts in Haryana State Government Pleaders District

Attorneys.

14. Rajasthan

(a) High Court at Jodhpur . Central Govt. Standing Counsel

(b) Jaipur Bench . Central Govt. Standing Counsel

(c) Other Courts State Government Pleaders.

15 Sikkim—

High Court . . Central Govt. Standing Counsel and

Add Central Govt. Standing Counsel. Other Courts State Government Pleaders,

16. Tamil Nadu—

(a) Madras High Court Sr. Central Govt standing

Counsel and Addl Central Govt.

Standing Counsel. Madras Branch

Secretariat. Deptt. of Legal Affairs

"Azeez Centre " 623, Anna Salai Madras-6.

(b) Subordinate Courts-Madras City Central Government Pleaders

(c) Other Courts state Government Pleaders

17. Uttar Pradesh—

(a) High Court at Allahabad Sr. Central Govt. Standing Counsel and

Addl. Central Government Standing

Counsel

(b) Lucknow Bench Sr. Central Govt. Standing Counsel and

Addl. Central Government Standing Counsel

(c) Other Courts State Government Pleaders

18 .West Bengal—

(a) High Court, Calcutta Panel Counsel maintained by Calcutta

Branch Secretariat, 4, K. S. Roy Road Calcutta-700001.

(b) Calcutta-Alipore Senior Counsel (civil matters).

District Court Junior Counsel (civil matters).

Senior Counsel (criminal matters).

Junior Counsel (criminal matters).

(c) Calcutta City Civil Courts Senior Counsel.

& Small causes Courts Junior Counsel.

(d) Other Courts . State Government Pleader.

541. Initiation of (Marina! Proceedings in Civil Courts.—(a) Criminal proceedings against persons subject to military law may be initiated by :—

(i) the police on the complaint of a private individual or on arrest by them for a cognizable offence.

(ii) The military authorities on a report to the police, or to a magistrate that a civil



offence has been committed.

(iii) A magistrate taking cognizance suo motu, or on the complaint of a private individual. In cases falling under (i) and (iii) the military authorities may decline to interfere with the course of the civil law; may claim the accused for trial; or, if the offender is already in military custody, order trial by court-martial, if the accused is legally liable thereto.

In cases falling under (ii), it will be open to the military authorities to bring the accused before a court-martial if the complaint is wrongly dismissed or the accused is wrongly discharged by the civil court and if such dismissal or discharge does not amount to an acquittal; or the accused is acquitted by the civil court but is liable on the same alleged facts to be tried for a purely military offence for which he could not have been tried by the civil court.

During the investigation stage, the military authorities may intervene with the concurrence of the police and magistrate, and claim the accused for trial by court-martial. See also Government of India, Ministry of Home Affairs, Notification, SRO No.709, dated 17 April, 1952.

If the case is one that must or should be tried by civil court, it should be handed over to the civil authorities at the earliest possible stage.

(b) Criminal proceedings against persons not subject to military law must be initiated in accordance with the provisions of the Code of Criminal Procedure 1973 by a report to the police or a complaint to a magistrate.

This rule must not be interpreted as forbidding or discouraging close and personal cooperation between military and civil officials which is essential in matters involving the discipline and welfare of the Army.

**542. Legal Advice And Engagement of Counsel For The Prosecution.**—A list of civil law officers, and the military officers by whom they may be consulted is given in para [539](#). When the Army is directly interested, financially or otherwise, in the prosecution of an offender in a civil court, whether subject to military law or not, the procedure laid down in Appx. 'S' will be followed, (see para [545](#)).

In such cases, the prosecution will ordinarily be conducted by the public prosecutor, Government pleader or other legal officer of the local Government concerned, and the expenses of the prosecution will be defrayed by the civil authority in the ordinary course.

When, however, the employment of a Government pleader or other legal officer of the local Government concerned is not feasible owing to the nature of the case, or for other reasons, and the Government law officer who is consulted advises the employment of special counsel, the fees, travelling and detention allowances of the latter may on the advice of the Government law officer concerned, be sanctioned by the GOC-in-C or by the div/area commander who formally engages the counsel.

The amount of fees agreed upon and an estimate of the total cost involved will be reported immediately to Army Headquarters. On the conclusions of the case, a report of the result and a complete statement of costs will be forwarded to Army Headquarters.

In no case will such counsel be employed without reference to the Government law officer concerned, who will be asked to nominate a suitable legal practitioner.

This rule applies, as far as is possible, to trials before a court-martial where in the interests of justice or on account of the special nature of the case it is necessary to employ counsel for the prosecution.

**543. Defence of Mechanical Transport Drivers.**—(a) The defence of all officers, JCOs, WOs and OR, against whom claims at civil law are preferred in respect of damage to person or property arising out of accidents in which they may be involved when driving MT vehicles on duty will be undertaken by the local military authorities. That course will be followed whether the accident is deemed to have been due to the negligence of the officer, JCO, WO or OR concerned or not.

(b) When a JCO, WO, NCO or OR, meets with an accident while driving a Government MT vehicle not on duty, but when driving it with the permission of competent authority, the local military authorities will undertake his defence as a matter of course only when the circumstances are such that, but for Government exemption a claim would lie against the Central Government as the employer of the driver. Where doubt exists as to whether such a claim would lie, the case will be considered specially and will be referred for that purpose to the div/area/indep sub-area commander concerned, who will obtain the advice of his civil law officer (see para [539](#)). In the event of the civil law officer advising that no such claim would lie against the Central Government the defence of the driver will not be undertaken by the local military authorities.

(c) If an officer meets with an accident when driving a Government MT vehicle not on duty, but with permission, he will be left to undertake his own defence save in the most

exceptional circumstances, when the case will be reported to Army Headquarters for the orders of the Central Government to be obtained.

(d) In case where the vehicle was being driven without authority, defence of the driver, will not be undertaken.

(e) The utmost discretion should be used by officers in a position to give permission for the use of vehicles not on duty, as they will be held responsible in the case of such permission having been improperly granted.

(f) Nothing in these rules should be construed as an indication that an officer, JCO, WO or OR, whose defence is being undertaken, is thereby absolved from his liability to disciplinary action, or stoppages of pay, either by sentence of court-martial or by his CO, in respect of damage to public or private property or injury to persons; or, when the damage is to public property and the driver is an officer, an order for stoppages of pay under Army Act, Section [90](#) and Army Rule [205](#).

(g) These rules are limited to claims at civil law and do not extend to defence against criminal proceedings, the procedure for which is laid down in para [421](#)

**544. Payment of fines awarded by Civil (Criminal) Courts against Mechanical Transport Drivers.**—When a MT driver driving a Government vehicle on duty is involved in a traffic accident and is subsequently fined by a civil (criminal) court, the brigade or station commander will sanction an advance to the driver to pay the fine, provided he considers; the driver's retention in the Army is desirable. Particulars regarding the amount of advance and method of recovery are contained in Rule 334 P & A Regs—OR.

**545. Procedure to be adopted in dealing with Criminal Prosecutions, In which the Government is concerned.**—Procedure to be adopted in dealing with criminal prosecutions in which the Government is interested is laid down in the late Home Dept. Office Memorandum No.F.336-Judl., dated 30 June, 1922 reproduced in Appendix 'S' (to these regulations).

**546. Debt Conciliatory Boards.**—A JCO, WO or serving OR of the Army who is a creditor or a debtor and has to deal with a Debt Conciliatory Board, and has occasions to appoint an agent or a mukhtiar, is required to obtain the previous sanction of the board before making such an appointment. This sanction should be obtained immediately on receipt of the notice from the board.

**547. Officers Authorised to Sign and Verify Complaints or Written Statements in any Suit by or against the Central Government.**—SRO 351, dated 25<sup>th</sup> January 1958—In exercise of the powers conferred by rule 1, Order XXVII of the First Schedule to the Code of Civil Procedure, 1908, Central Government has appointed:

(a) the officers specified in the Schedule annexed hereto as persons by whom complaints and written statements in suits in any court of civil jurisdiction by or against the Central Government shall be signed ;

(b) those of the officers referred to in sub-para (a) above, who are acquainted with the facts of the case as persons by whom such complaints and written statements shall be verified.

Schedule

General Officers Commanding-in-Chief, Commands.

Commander, Corps.

Principal Staff Officers, Heads of Branches or Directors at Army HQ.

Chairman, Board of Administration, Canteen Stores Department (India).

Commander, Area.

Commander, Division.

Commander, Independent Sub-Area,

Commander, Sub-Area.

Commander, Brigade,

Commander. Brigade Area.

Officer Commanding Station or Administrative.

Commandant/Staff Officer of Station Headquarters.

Officer Commanding Unit Establishments.

Director, Territorial Army.

Embarkation Commandants Bombay, Calcutta and Madras

Officer Commanding Movement Control Group, New Delhi, Gauhati and 'W' Station, Chief Engineers.

Deputy Chief Engineers.

Commander Works Engineers (CWE).

Staff Officers, Grade I and II, Corps of Engineers.

Deputy Commander, Works Engineers (DCWE).

Assistant Commander Works Engineers.

Senior Barrack/Stores Officers.

Garrison Engineers.

Officer Commanding Engineer Stores Depots.

Superintending Surveyor of Works (SSW).

Surveyor of Works (SW).

Director General, Naval Dockyard Expansion Scheme.

Commandant College of Military Engineering.

Officers Commanding Administration Wing, College of Military Engineering.

Commandants Engineering Groups,

Director, Defence Security Corps.

[Any officer of the Unit Establishment/Record office, not below the rank of Captain.

1. The staff officer of the respective Directorates of The Army Headquarters in respect of matters pertaining to the said directorate.

2. A staff officer of MS Branch/Army HQ including MS (Legal) in respect of matters pertaining to the MS Branch. An officer of the CDA(O), CDA (Pension) and PAO of Record concerned holding a class I Gazetted post.]<sup>1</sup>

**548. Officers Authorised to act for Central Government in any Judicial Proceedings**—GSR 3, dated 11th February, 1958—In pursuance of the provisions of Rule 2 of Order XXVII in the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), the Central Government has authorised the officers specified in the schedule annexed to the notification of the Govt. of India in the Ministry of Law SRO No. 351, dated the 25th Jan., 1958 (reproduced in para [547](#)), to act for the Government in respect of any judicial proceedings.

**549. Rules regulating Applications for and Payment of the Services of the Government Examiner of Questioned Documents**—Rule 1.—(i) Applications originating from the region consisting of the States of Himachal Pradesh, Punjab, Haryana, Jammu and Kashmir, Rajasthan and Union Territories of Delhi, Chandigarh and Branches of the SPE and other Central Government Offices in the above mentioned region should be sent direct to the Government Examiner of Questioned Documents, (Bureau of Police Research and Development) Ministry of Home Affairs, Railway Board Building, Simla-171003.

(ii) Applications originating from the region consisting of the States of West Bengal, Bihar, Orissa, Assam, Meghalaya, Sikkim, Nagaland, Manipur, Tripura, Uttar Pradesh, Madhya Pradesh and Union Territories of Arunachal Pradesh, Mizoram, Andaman & Nicobar Islands and Branches of the SPE and other Central Government offices in the above mentioned region should be sent direct to the Govt. Examiner of Questioned Documents (Bureau of Police Research and Development) Ministry of Home Affairs, 30, Gorachand Road, Calcutta-700014.

(iii) Applications originating from the region consisting of the States of Andhra Pradesh, Tamil Nadu, Karnataka, Kerala, Maharashtra, Gujarat and Union Territories of Pondicherry, Lakshadweep, Goa, Daman and Diu, Dadra and Nagar Haveli and Branches of the SPE and other Central Govt. Offices in the above mentioned region should be sent direct to the Government Examiner of Questioned Documents (Bureau of Police Research and Development), Ministry of Home Affairs, 5-9-201/2, Charag Ali Lane, Hyderabad-500 001.

#### NOTE

"Central Branches of the Central Bureau of Investigation namely, Central Investigating Agency-I, Central Investigating Agency-II, Fraud Squad-I, Fraud Squad-II, Special Investigating Unit, Central Investigating Unit and Narcotics and Counterfeit Unit may refer their cases to the Govt. Examiner of Questioned Documents, Simla, Calcutta and Hyderabad according to the proximity to the States in which the cases are likely to come up for court trial".

RULE 2.—(i) Applications received direct from private individuals will not be entertained.

(ii) Applications received from police officers below the rank of Supdt. of Police will not be entertained.

RULE 3.—Acceptable applications fall in two classes :—

A. Official applications from:—(i) State Government (including Union Territory Administrations) and offices subordinate to them.

(ii) Presiding Officers of Criminal Courts (including Sessions Courts) ; High Court; Court Martial, etc;

(iii) Ministries of Govt. of India and their attached and subordinate offices;

B. Other applications. These include :—(i) Cases from private parties in Civil Suits/Complaint cases/Revenue cases/Tenancy Act cases/ Other Misc Act cases in Indian Union Courts. These will be accepted only on the requisition of the Court in which the case is being heard. The party concerned must move the court and it will rest with the court to take further steps necessary to obtain the services of the Govt. Examiner of Questioned Documents.

Explanation: Reference made by a Court suo moto in the above cases in which the State is not a party will be deemed to be cases from private parties for the purposes of these rules.

(ii) Cases from Municipal Corporations, Municipal Committees or Councils and other local bodies, from Universities, from Autonomous Corporations and Quasi Government bodies or undertakings in the Indian Union.

Explanation: Reference from Municipal Corporations will be received direct but from other local bodies will be accepted only if received through Local District Magistrate, who should satisfy himself, before forwarding the application that it is desirable that Govt. Examiner of Questioned Documents should be consulted.

Rule 4.—Applications falling under Classes A and B will ordinarily be accepted but may be refused at the discretion of the Govt. Examiner of Questioned Documents if they cannot be undertaken without detriment to his other work.

Rule 5.—An all inclusive fee will be charged in each case In which an opinion is given and will normally cover the opinion, the cost of photographs and the giving of evidence, limited in Class B cases to one day. The all inclusive fee for Class A cases (See Rule 3) will be Rs.220 and for Class B cases Rs.250. (This fee does not cover travelling allowance which is governed by rule 15 below).

Rule 5(a).—When one Class A case is split up in Court into several cases a fee of Rs.150 will be charged for each split up case. Similarly when one Class B case is split up in Court into several cases, the fee will be Rs.200 for each split up case.

Rule 6.—Subject to the exception stated at the end of this rule, the fee is payable in advance in all cases and each application should be accompanied by a Demand Draft drawn on the State Bank of India, New Delhi, in favour of 'Pay and Accounts Officer (DCPW), MHA, New Delhi' for Rs.220 per case or Rs.250 per case according to the classification of acceptable applications furnished in Rule 3.

In case of cases to be examined by GEQD, Shimla, a demand draft for Rs. 220/250 as the case may be, drawn on State Bank of India, Shimla, payable to the Govt. Examiner of Questioned Documents should accompany the documents.

In special circumstances, which should be stated in application, Class A cases will be accepted without the Demand Draft but it should be forwarded as soon as possible.

Rule 7.—In case where the cost of photograph is exceptionally heavy and large number of documents are involved in examination, the fee will be in the multiples of Rs.180 or Rs.200 as the case may be. In Class B cases the authority submitting the case will be informed of the extra cost involved before it is incurred and will be required to certify that it has been deposited before the Govt. Examiner of Questioned Documents proceeds with the case.

Rule 8(A).—No fees are chargeable by the Govt. Examiner of Questioned Documents for the cases investigated by the Special Police Establishment/Delhi State Police and also for cases arising in :—

- (i) the main Ministries of the Central Government;
  - (ii) their attached and Administrative Offices, and
  - (iii) Union Territories and Administrations,
- (B) Fees are however chargeable in other cases.

Rule 9.—(i) In cases in which no opinion is given but photographs are taken, only the actual cost of the photograph will be charged, subject to a minimum of Rs.35.

(ii) In cases in which examination has been completed but no opinion could be expressed, a consolidated fee of Rs.100 will be charged.

Rule 10.—No reduction in the fees will be allowed if evidence is not required or is taken on commission.

Rule 11.—(i) In Class B cases an additional fee of Rs.200 will be charged for each day or the part thereof after the first day on which evidence is given, whether in Court or on Commission, or on which the officer is detained. The Presiding Officer or the Commissioner will be requested to certify before the second and each subsequent day's work is begun, that the fee for that day and also for any intervening day or days of detention has been deposited and subsequently to furnish a Demand Draft as in Rule 6 above.

(ii) A fee of Rs.250 will be charged in a Civil Suit even for the first day's evidence, if evidence is taken upon an opinion expressed on the same documents when they formed part of a criminal case.

Rule 12.—In cases falling under Class B, the Govt. Examiner or his Assistant will be prepared to attend Court provided that he can do so without detriment to his other work. When the evidence is taken on Commission, the Commission should be issued to the Senior-Sub-Judge, Shimla/District Judge, Alipore, Calcutta/Chief Judge, City Civil Courts, Hyderabad as the case may be and normally should be worded that either the Govt. Examiner or his Assistant can give evidence.

Rule 13.—Presiding officers of Courts are requested to detain the Govt. Examiner of Questioned Documents or his Assistant for the least possible time compatible with the requirements of the case. They are also requested to accept, so far as possible, the time and dates for attendance offered by these officers, because the latter frequently have to attend several courts in the course of one tour.

Rule 14.—The Govt. of India in the Ministry of Home Affairs reserve the right to impose an extra charge in any case in which they consider that usual fee is incommensurate with the time and labour spent on the case.

**Rule 15.**—When the Govt. Examiner of Questioned Documents or his Assistant is required to travel in order to give evidence or for any purpose the authority or party employing his services will be required to pay travelling allowance at the rates laid down in the supplementary rules of the Govt. of India for journeys on tours. These payments will be adjusted through Demand Drafts on the State Bank of India, New Delhi to be sent by the respective authority with reference to Demand statements issued at periodical intervals by the Govt. Examiner of Questioned Documents and shall be remitted immediately as soon as the demand statement is sent by the respective GEQD.

Explanation: While sending requisitions to the GEsQD, the consent of the requisition authority for remitting the TA and DA of the expert who is called to give evidence in pursuance of the opinion expressed should be incorporated in the requisition itself. The courts shall indicate in the requisition letter that TA and DA of the expert called to give evidence in pursuance of the opinion expressed will be borne by so and the consent of the authority should also be incorporated in the requisition itself.

In Class B cases the Presiding Officer of the Court concerned will be required to certify that the cost of travelling allowance has been deposited before the Govt. Examiner of Questioned Documents or his Assistant undertakes journey.

550.

## APPENDIX

Procedure for the payment and audit of traveling allowance drawn by the Govt. Examiner of Questioned Documents or his Assistant during tours (vide Home Department letter No.F.128/VII/27 Police, dated the 12th January,1928).

I.(1)The Examiner or his Assistant should submit his traveling allowance bills to the Pay and Accounts Officer (DCPW). Ministry of Home Affairs, New Delhi.

(II) As soon as a journey is completed, that is, in respect of any complete journey from HQ to HQ, the Examiner or his Assistant should send a Demand Statement to the respective authorities utilising his services with a copy to the Pay and Accounts Officer, Directorate of Coordination (Police Wireless), Ministry of Home Affairs, New Delhi showing the total amount of traveling allowance drawn and specifying the proportionate amount [See Appendix 1(3) reimbursable by the respective authorities under Rule 15.

(III) In cases where several Courts are attended the case should be distributed between them in proportion to the distance by rail from Headquarters.

(IV) As the traveling allowance is debatable to the various local Governments or the parties concerned, the recoveries should be treated as follows : —

(i) recoveries from the various local Govts. should be taken in reduction of expenditure, provided they are effected within the accounts of the same year; if not they should be shown as receipts; and

(ii) recoveries from parties such as local Boards, local Bodies and private persons should be taken as receipt under the Head '055-Police, Central Fees, Fines and Forfeitures'.

2.If after the Examiner or his Assistant has actually commenced a tour, intimation is received from a Court included in the tour to the effect that his evidence would not be required on the date originally fixed, the court shall pay the difference between the total expenditure actually incurred on the tour and the expenditure that would have been incurred if attendance in that Court had not been included in the tour. This shall be specifically made clear when the Bill is send to the court for acceptance.

3.The Examiner and his assistant shall observe the provisions of Supplementary Rule 30 when they frame their programmed for tour

## APPENDIX A



## **TRAINING CENTRES, ESTABLISHMENTS AND SCHOOLS OF INSTRUCTION - CATEGORY 'A' ESTABLISHMENTS**

[Referred to in para 45(b)]

Establishments which are under General Officers Commanding in Chief of Commands for discipline and local administration only but for all other purposes including operations are under the control of Army Headquarters. In the case of Armed Forces Medical College, control is exercised by the DG AFMS.

### **ESTABLISHMENTS**

- (a) College of Combat, Mhow.
- (b) College of Defence Management, Secunderabad,
- (c) Defence Services Staff College, Wellington,
- (d) National Defence Academy, Kharakvasla.
- (e) Indian Military Academy. Dehra Dun (including ACC Wing).
- (f) Officer Training School, Madras,
- (g) High Altitude Warfare School, C/o 56 APO,
- (h) \*Armoured Corps Centre and School, Ahmednagar,
- (i) School of Artillery. Deviali,
- (k) College of Military Engineering, Pune,
- (l) Heavy Bridging Training Camp, Marve,
- (m) Military College of Telecommunication Engineering, Mhow,
- (n) Infantry School. Mhow,
- (o) Counter Insurgency and Jungle Warfare School, C/o 99 APO,
- (p) ASC School, Bareilly,
- (q) Armed Forces Medical College, Pune,
- (r) \*AMC Centre and School, Lucknow,
- (s) AOC School,, Jabalpur,
- (t) EME School, Baroda,
- (u) Military College of Electronics and Mechanical Engineering, Secunderabad,
- (v) \*RVC Centre and School, Meerut Cant,
- (w) Remount Training School and Depot, Saharanpur,
- (x) Remount Training School and Depot, Hemptur,
- (y) \*Military Farms School and Research Centre. Meerut,
- (z) ABC Training College and Centre, Panchmarhi,
- (aa) \*Military Intelligence Training School and Depot, Pune.
- (ab) \*CMP Centre and School, Bangalore,
- (ac) Army School for Mechanical Transport, Bangalore,
- (ad) Army School of Physical Training, Pune,
- (ae) Army/Air Transport Support School, Agra,
- (af) Army Clerks Training School, Aurangabad,
- (ag) Rashtriya Indian Military College, DehraDun,
- (ah) Institute of National Integration. Pune,
- (aj) Chail Military School, Chail,
- (ak) Belgaum Military School, Belgaum,
- (al) Ajmer Military School, Ajmer,
- (am) Bangalore Military School, Bangalore,
- (an) Dholpur Military School, Dholapur,

2. Responsibility in the case of establishments shown in para 1 above is as under :-

- (a) Army Headquarters—
  - (i) Production of charter and training syllabus.
  - (ii) Organization of courses, lengths, dates, etc.
  - (iii) Direction regarding return to units.
  - (iv) Provision of instructional and administrative staff.
  - (v) Provision of specialist training stores and specialist equipment.
  - (vi) Corresponding direct on all matters other than local administration and discipline.
  - (vii) Copies of all instructions on policy of training to be sent to commands.
- (b) General Officers Commanding in Chief—
  - Local administration and discipline.
- (c) OC Training Establishments—
  - (i) Training in accordance's with Army Headquarters syllabus.
  - (ii) Corresponding direct with Army Headquarters with reference ,to charter, syllabus, courses, methods of instructions and changes in staff.
  - (iii) Carrying out administrative instructions issued by commands



**APPENDIX B**  
**TRAINING CENTRES ESTABLISHMENTS AND SCHOOL INSTRUCTION**  
**CATEGORY 'B' ESTABLISHMENTS**

[Referred to in Para 45(c)]

1, Establishments which are under General Officers Commanding in Chief Commands for supervision of all training as well as for discipline and administration.

**ESTABLISHMENTS**

- (a)\*AC Centre and School. Ahmednagar,
- (b) Artillery Centre, Nasik Road.
- (c) Artillery Centre, Hyderabad.
- (d) Madras Engineer Group and Centre, Bangalore,
- (e) Bengal Engineer Group and Centre. Roorkee,
- (f) Bombay Engineer Group and Centre, Kirkee,
- (g) All Bridging Training Camps.
- (h) No.1 Signal Training Centre, Jabalpur,
- (j) No 2 Signal Training Centre, Panaji (Goa),
- (k) Mechanised Infantry Regimental Centre, Ahmednagar,
- (l) All Infantry Regimental Centres,
- (m) ASC Centre (North), Gaya.
- (n) ASC Centre (South), Bangalore,
- (o) Army Postal Service Centre, Kamptee,
- (p)\*AMC Centre & School, Lucknow,
- (q) AOC Centre, Secunderabad,
- (r) 1 EME Centre, Secunderabad,
- (s) 3 EMF Centre, Bhopal,
- (t) \*RVC Centre and School, Meerut Cant.
- (u) \*AEC Training College & Centre, Panchmarhi,
- (v)\*CMP Centre and School, Bangalore,
- (w) Pioneer Corps Training Centre and Records, Bangalore,
- (x) Defence Security Corps Centre and Records, Cannanore (Kerala),
- (y) \*Military Intelligence Training School and Depot, Pune,

2 Responsibility in the case of establishments shown in para 1 above is as under :—

(a) Army Headquarters:—

(i) Military Training Directorate.—Production of charter and training syllabus Organisation of courses, lengths, dates, etc. Direction of training policy and preparation of equipment tables.

(ii) AG's Branch or Directors of Corps as applicable.—Reinforcement policy and actual posting of reinforcements,

Posting orders for EME personnel

Establishment matters.

General policy with regard to the promotion to JCOs and NCOs and other matters.

(b) General Officers Commanding in Chief.—Supervision and direction of training as laid down in Army Headquarters syllabus. All administration and discipline. Representation to Army Headquarters with reference to alteration of training syllabus, methods of instruction. Provision of specialist training stores and special equipment.

(c) Officer Commanding Training Establishment—Training in accordance with Army Headquarters syllabus Corresponding through usual channels with Command. with reference to charter, syllabus, courses, methods of instruction, changes in staff, and other matters as are given above under Army Headquarters. Carrying out administrative instructions issued by Commands

**APPENDIX 'C'**  
**PROMOTION EXAMINATIONS**

[Referred to in Para 79(a)]

1. The object of promotion examinations is to ensure that officers have the requisite level of professional knowledge before they are promoted to the next substantive rank.

2. An officer will be required to take whole of the examination at the first sitting.

3. There is no restriction as regards the number of times an officer may appear for examination, subject to his being eligible.

4. The procedure for the conduct of promotion examinations will be prescribed by Army Headquarters.

5. Results of all promotion examinations will be disseminated by Army Headquarters (MT2) by a letter down to brigades and equivalent formations and selected category A and B Establishments,

**APPENDIX 'D'**  
**VARIOUS FORMS OF COMMISSIONS AND WARRANTS**

(Referred to in para151)

1. Officer of the Regular Army/Regular Reserve of Officers/Territorial Army.

THE PRESIDENT OF INDIA

To.....Greeting.

I, reposing special trust and confidence in your fidelity, courage and good conduct do by these presents constitute and appoint you to be.....in the Regular Army/Regular Reserve of Officers/Territorial Army of India, from the.....day of .....

Nineteen Hundred and .....

I, therefore, charge and command you carefully and diligently to discharge your duty in that rank or in any higher rank to which you may from time to time hereafter be promoted or appointed, of which a notification will be made in the Gazette of India, and to obey such directions as from time to time you shall receive from me or any of your superior officers and to observe and execute the rules, regulations and orders for the governance of the Regular Army/Regular Reserve of Officers/Territorial Army.

And I do hereby charge and command the officers and men subordinate to you to conduct themselves with all due respect and obedience to you as their superior officer.

Given at.....this.....day of.....Nineteen Hundred and .....

PRESIDENT OF INDIA

Seal of the President

Registered Number.....

Additional Military Secretary/Additional  
Director General, Personal Services,  
Army Headquarters.

2. 'Regular Army (Honorary Rank)

THE PRESIDENT OF INDIA

To.....Greeting.

I, reposing special trust and confidence in your fidelity and. good conduct do by these presents constitute and appoint you to the Honorary Rank of .....in the \*Regular Army of India from the.....day of.....Nineteen Hundred and.....

And I do hereby give and grant you full Power and Authority to have, hold and enjoy your said Honorary Rank accordingly, together with all and singular the privileges thereunto belonging. And, I do hereby command all the officers and men of the "Regular Army whom it may concern to acknowledge you as a.....as aforesaid.

Given at.....this .....day of..... Nineteen Hundred and.....

PRESIDENT OF INDIA

Seal of the President

Registered Number.....

Adjutant General Deputy Adjutant General,  
Army Headquarters.

3. National Cadet Corps.....

(Senior Division)

(Junior Division)

(Girls Division)

THE PRESIDENT OF INDIA

To.....Greeting,

I, reposing special trust and confidence in your fidelity, courage and good conduct do by these presents constitute and appoint you to be an officer in the National Cadet Corps \*(Senior Division)

(Junior Division).....from the .....

(Girls' Division)

day of.....

Nineteen Hundred and.....

I, therefore, charge and command you carefully and diligently to discharge your duty in that rank or in any higher rank to which you may from time to time hereafter be promoted or appointed, of which a notification will be made in the Gazette of India, and to obey such directions as from time to time you shall receive from me or any of your superior officers

and to observe and execute the rules, regulations and orders for the governance of the National Cadet Corps,

\*(Senior Division)

(Junior Division)

(Girls' Division)

And I do hereby charge and command the officers and cadets subordinate to you to conduct themselves with all due respect and obedience to you as their superior officer.

Given at.....this .....day of.....Nineteen

Hundred and.....

PRESIDENT OF INDIA

Seal of the President

Registered Number.....

Secretary to the Government of India,

Ministry of Defence.

\*Whichever category appropriate.

#### **4 Junior Commissioned Officers in the Regular/Territorial Army**

THE PRESIDENT OF INDIA

To.....Greeting.

I, reposing special trust and confidence in your fidelity, courage and good conduct do by these presents constitute and appoint you to be a Junior Commissioned Officer in the Regular/Territorial Army of India in the rank of.....from the..... day of .....Nineteen Hundred and.....

I, therefore, charge and command you carefully and diligently to discharge your duty in that rank or in any higher rank to which you may from time to time hereafter be promoted or appointed, of which a notification will be made in the Gazette of India, and to obey such directions as from time to time you shall receive from me or any of your superior officers and to observe and execute the rules, regulations and orders for the governance of the Regular/Territorial Army.

And I do hereby charge and command the officers and. cadets subordinate to you to conduct themselves with all due respect and obedience to you as their superior officer.

Given at.....this.....day of.....Nineteen Hundred and.....

PRESIDENT OF INDIA

Seal of the President

Registered Number.....

Additional Director General

Personal Services

Army Headquarters

#### **5. \*Regular Army (Honorary Rank on Retirement)**

THE PRESIDENT OF INDIA

To.....Greeting.

I, reposing special trust and confidence in your fidelity and good conduct do by these presents constitute and appoint you on retirement, to the Honorary Rank of.....in the \*Regular Army of India from the.....day of.....

Nineteen Hundred and.....

And I do hereby give and grant you full Power and Authority to have, hold and enjoy you said Honorary Rank accordingly, together with all and singular the privileges thereunto belonging. And I do hereby command all the officers and men of the \*Regular Army whom it may concern to acknowledge you as a.....as aforesaid.

Given .....at.....this.....day of.....Nineteen .....Hundred and.....

PRESIDENT OF INDIA

Seal of the President

Registered Number.....

Adjutant General/Deputy Adjutant General

Additional Director Personal Services

Army Headquarters.

#### **6. Warrant Officer in the Regular/Territorial Army**

THE PRESIDENT OF INDIA

To .....Greeting.

You are hereby appointed to be Warrant Officer on the establishment of the Regular/Territorial Army of India from the.....day of

.....Nineteen Hundred and.....You are,  
 therefore, carefully and diligently to dis-  
 charge your duty as such, and you are to obey such' orders and observe such directions  
 as from time to time you shall receive from me or any of your superior officers according  
 to the rules, regulations and orders for the governance of the Regular/Territorial Army.  
 Given at.....this.....dayof.....Nineteen.  
 By - order of the President of India.  
 Hundred and.....  
 Additional Director General.  
 Personal Services  
 Army Headquarters  
 Registered Number.....

#### APPENDIX 'E'

### **REGISTRATION PROCESS OF EX-SERVICEMEN IN ZILA SAINIK BOARDS/RAJYA SAINIK BOARDS AND DIRECTORATE GENERAL OF RESETTLEMENT FOR EMPLOYMENT ASSISTANCE: GUIDELINES**

(Referred to in Paras 168 and, 205)

- 1.Registration of Ex-servicemen.—(a) Ex-servicemen as defined in the Ex-servicemen Rules,1979 shall be eligible,to register for employment assistance.  
 (b) Service personnel are permitted to initiate the process of registration for employment assistance (with Sainik Boards) 15 months prior to their anticipated release/discharge from the armed forces. However, the registration is effective, only six months before the actual date of release (when service personnel are treated as ex-servicemen for employment purposes in accordance with provisions of Government of India, Ministry of Home Affairs, Deptt. of Personnel and Administrative Reforms Notification No. 39016) 16/10/79-Esr (C) dated December 15, 1979).  
 (c) Service personnel are to fill in the employment index cards in quadruplicate and submit the same to the officers commanding of the units concerned. The unit will forward all the cards to the concerned Record Office which after scrutiny of particulars will send them to the concerned Zila Sainik Board. The Zila Sainik Board will issue registration card to the individual through his record office. The Zila Sainik Board will also forward one employment index card each to the local employment exchange,Rajya Sainik Board and the Directorate General Resettlement (DGR).The Fourth employment index card is retained by the Zila Sainik Board for use in discharge of placement functions.  
 (d) Ex-servicemen who could not follow the above procedure for some reasons or the other can register themselves by presenting their discharge certificates and other documents in person at the Zila Sainik. Board serving their area of residence.
- 2.Disabled Ex-servicemen,—(a)List\* containing full particulars of disabled ex-servicemen will be sent to the concerned 'Rajya Sainik Board by the Record Office. The Rajya Sainik Board will prepare 4 copies of Employment Index Card in respect of each disabled XSM (ex-serviceman) and assign registration number and NCO code Number. One completed card will be sent to Dte. General Resettlement, Ex-servicemen Cell and the appropriate Zila Sainik Board.  
 (b) Normally disabled ex-servicemen will not be called to the office for registration or sponsoring.  
 (c) Disabled ex-servicemen whose disability is not attributable to military service will be registered by the concerned Zila Sainik Board.
- 3.Dependents.—(a) Dependents of service personnel killed in service or severely disabled (with over 50% disability attributable to military service and unfit for civil employment) are entitled to Priority IIA and will be registered with the Ex-servicemen Cell, Director General Employment and Training (DGE&T) Ministry of Labour 2A/3, Kundan Mansion, Asif Ali Road, New Delhi-110 002.  
 (b) Dependents are required to apply to the concerned Zila Sainik Board/ Record Office on the prescribed form which will be available with Zila Sainik Board who in turn will send these forms duly completed and attested to DGR for onward transmission to Ex-servicemen Cell of DGE&T. The Ex-servicemen Cell shall inform the Regn Number assigned to the eligible dependents under intimation to DGR and concerned Zila Sainik Boards and the Employment Exchange.
- 4.Commissioned Officers.—(a) A regular officer as well as Emergency Commissioned Officer or Short Service Commissioned Officer who wants employment assistance is required to submit to Directorate General Resettlement one copy of the prescribed form with a passport size photograph, sponsoring data statement, his details on prescribed form and 10 copies of his bio-data. On receipt of these forms and bio-data, an

appreciation of service of the officer, based on the Annual Confidential Report for the last live years is obtained from his Service Headquarters.  
(b) A Screening Committee will screen his - application and after the approval by the Screening Committee his name is brought on the rolls maintained by the Dte. Gen. Resettlement  
5.No Guarantee for Employment—Registration with Zila Sainik Board/Rajya Sainik Board DGR is no guarantee of an employment being offered to the individual, He may take his chance as and when given. After securing employment the name of the ex-serviceman concerned will be struck off from the records.

APPENDIX "F"  
**FORM FOR THE GRANT OF FAMILY PENSION AND CHILDREN'S ALLOWANCE TO  
THE REIRS OF JCOs, OR AND NCOs(E)**  
[Referred to in Para 174(b)]

(To be filled in by the Officer-in-Charge Records Office concerned from the service documents of the deceased).

1. No., Rank, Group and Name of the deceased .....

2. Unit in which last served .....

3. Date, place and cause of death .....

4. No. and date of pension payment order notifying the grant of pension, if the deceased was a pensioner .....

5. If death occurred in service—

(a) Date of enrolment .....

(b) Age on enrolment .....

(c) Total period of service up to date of death .....

(d) Periods not counting as qualifying service for pension.....

(e)Any previous service counting towards pension or gratuity.....

(f) Length of qualifying service .....

(g) If length of qualifying service is 7 years or more, the date on which the deceased would have completed the terms of his engagement but for his death and the date of his attainment of the age of compulsory retirement/discharge.....

(h) Rank last held irrespective of whether in substantive or paid acting capacity, at the time of death.....

(i) Pay/emolument for the purpose of family pension/death gratuity

(1)Basic Pay (including increments of pay) Rs.....

(2)Rank/appointment pay Rs.....

(3)Good Service Pay Rs.....

(4) Dearness Pay Rs.....

(5)Home Saving Elements Rs.....

TOTAL Rs.....

6.Rate of family allotment indicating the total amount paid, the period for which paid, and the name and relationship of allottee.....

7.Whether the family allotment paid beyond the date of death of the individual was met from his Credit balance and. if so, the total amount and the period to which it relates.....

8.The rate of special family allowance, if paid, indicating the total amount paid and the period for which paid.....

9. Name and relationship of the person/persons to whom special family allowance has been paid.....

10. The total amount of FA/SFA paid and not met from credit balance requiring adjustment against pensionary award.....

Note :—The particulars in item 6 to 10 are require to be certified as correct by the PAO(OR).

11. Details regarding the claimant to family pension :

(a) Name in full (in Block letters) .....

(b) Relationship with deceased .....

(c) Residence— Village :.....

Tehsil :.....

District :.....

(d) Date of birth or age, if known.....

12. Details regarding claimant (s)to children allowance :

Name	Date of birth or age	Whether son or daughter	Residence i.e. Village Tehsil and District
1.			
2.			

- 3.
- 4.
- 5.
13. Name(s) of the person(s) to whom the death gratuity is payable.....
14. Rate of family pension and children allowance considered to be admissible, if the claim is established (quote authority).....
15. Amount of death gratuity admissible  
.....
- Signature and full designation  
of the Officer-in-Charge  
Record Office  
Date :  
Place:  
Items 6 to 10 verified  
Date :  
Place :  
PAO (OR)

APPENDIX 'G'  
**CLAIM TO FAMILY PENSION AND CHILDREN ALLOWANCE**  
Referred to in Para 174 (b)

(To be completed in duplicate by the claimant to family pension and returned to the Record Office after attestation by any of the prescribed persons listed on page 3).

1. No., Rank and Name of deceased.....
2. Unit in which last served.....
3. Name of claimant in full (in Block letters).....
4. Relationship of claimant with the deceased.....
5. Marks of identification (in the case of a female claimant only one or two permanent marks or blemishes on the apparent parts of the body such as hands, feet, etc. may be recorded).....
6. Date of birth or age of claimant.....
7. Occupation of claimant.....
- 8, (a) If claimant is already in receipt of remuneration from public revenues such as pay, pension, provident fund, compensation etc. give nature and details of employment or number and date of Pension Payment Order notifying the award, or amount of Provident Fund or compensation received, as the case may be.....
- (b) Has the claimant applied for the grant of another pension or allowance? If so, give particulars of that claim.....
9. Names of other members of the family and their relationship to the deceased.....
- 10-Is the claimant living a communal life with the other heirs of the deceased and willing to contribute towards their support? If the answer is in the negative, state reasons.....
11. Further particulars regarding eligibility :—  
(a) If the claimant is widow :—...  
(i) whether she was married to the deceased by a lawful and valid ceremony according to recognized customs state also the date of marriage.....  
(ii) whether she has/has not remarried since the death of her deceased husband.....  
(iii) If she has remarried—  
(i) whether the remarriage is with the real brother born on the same parents of her deceased husband or some other persons.....  
(ii) Date of remarriage .....  
(iii) Name of second husband.....  
(iv) If the deceased has left behind more than one widow, state their names and dates of marriage with the deceased.....  
(b) If the claimant is father—  
(i) whether he is real (as distinct from step or foster) father of the deceased.....  
(ii) whether he is a cripple or otherwise physically or mentally unable to support himself.



(The information is not necessary if the father is above 50 years of age) .....  
(iii) whether the widow and/or mother of the deceased are/ is also alive.  
(This information should be furnished if the father is below 50 years of age).....  
(c) If the claimant is mother—  
(i) whether she is the real (as distinct from step or foster) mother of the deceased.....  
(ii) whether she has remarried since the death of her deceased son. If so, give the date of remarriage.....  
(d) If the Claimant is a son or daughter—  
(i) whether he/she is the legitimate and real child of the deceased.....  
(ii) in the case of a daughter, whether she is married. If so, the date of her marriage.....  
(iii) if answer to (i) is in the negative, is he/she the validly adopted child of the deceased. Mention also the date of adoption.....

12. (a) Particulars of children eligible for the grant of children allowance: —

Name	Date of birth	Whether son or daughter	Whether legitimate and real adopted/step child	Whether married or unmarried if married give date of marriage	Residence	Name and address of the person to whom relationship of the children should be paid on demise of the child allowance should be disbursed
------	---------------	-------------------------	--	---	-----------	---

- 1
- 2
- 3
- 4

(b) Are any of the children in receipt of remuneration from public revenues such as pay, pension etc. If so,give details of employment or the PPO No. notifying the award 1 .....

13.Place at which payment of pension is desired (it should be a pension paying treasury or post office or Pension Paymaster, as the case may be. specific mention should also be made of the names of sub/Head Treasury or sub Post Office, as the case may be), .....

14. Place of residence of the claimant: —

Village:

Tehsil :

District:

15. Name and particulars of the persons to whom the claimant desires the arrears of pension to be paid on his/her demise.....

"Thumb and Finger Impressions of the Children

Name Thumb and finger impressions

- 1.
- 2.
- 3.
- 4.

Signature of the claimant .....

Thumb and finger impressions of the claimant\* Also signature..... if possible.

"Thumb and Finger Impressions of the Guardian

(Where the guardian is not the claimant)

Name Thumb and finger impressions

Signature

\*In the case of the male children/claimant/guardian, left hand thumb and finger impression and in the case of female children /claimant/guardian, right hand thumb and finger impression should be affixed.

Name and address of witnesses Signature of witnesses

1.

2.

Attestation \*\*

Certified that to the best of my knowledge and belief the particulars given above in respect of.....widow/father/mother/son/daughter of late.....are correct.

Signature

(Name, designation and address)

Station.....

Date.....

COUNTERSIGNED

Officer-in-Charge Records

No..... Date:

\*\*This attestation may be completed by any one of the following:- The attesting authority should not be related to the claimant: —

(a) Sarpanch of Village;

(b) Any serving or retired Gazetted Officer, civil or military not below the rank of JCO;

(c) Sub Postmaster;

(d) Qanungo or Patwari;

(e) Sub Inspector of Police;

(f) A Member of Municipal Corporation or Committee at District Board, Zila Parishad;

(g) Panchayat President/Village Munisif/Patel/Village Officer/Panchayat Executive Officer;

(h) Member of Parliament/Member of Legislative Assembly/Member of Legislative Council;

(j) Oath Commissioner/Notary Public; and

(k) Diplomatic or Consular Representative of Govt, of India in cases where claimants are residing outside India.

For use of Defence Accounts Department to record particulars of Award granted as shown below:

Special Family pension at Rs .....p.m. sanctioned with Ordinary effect from..... to..... for

Life

Till remarriage

Till marriage

Till the age of..... Vide PPO No.....F/.....

Children's allowance sanctioned as under

(Vide PPO No. F / / )

Name of the child	Rate of allowance	children's commencement	Date ofPeriod granted	for which
-------------------	-------------------	-------------------------	-----------------------	-----------

1

2.

3.

4.

5.

Accounts Officer (Pensions)

Date:

Place

ANNEXURE TO APPENDIX 'G'

Department.....

No.....Late.....of.....

(To be completed if the deceased was married)

1. Whether the deceased married one woman or more than one woman.....

2. If the deceased married more than one woman: —

(a) Their names and dates of marriage to the deceased.....

(b) Particulars of the wives of the deceased who were alive on the date of death of the soldier.

If she has remarried

SL. No.	Name	Whether married to	Date of marriage	Whether remarried	Date of remarriage	Name of the second husband	Comments
---------	------	--------------------	------------------	-------------------	--------------------	----------------------------	----------

		decease d by a lawful and valid ceremon y accordin g to recognis ed customs		d since the real death of the (born of deceas the same ed parents) husban of her d decease d husband				
1	2	3	4	5	6	7	8	9

- 1.
- 2.
- 3.
- 4.
- 5.

Particulars of all the children of the deceased who were alive on the date of death of the soldier

SI No.	Name of the child	Name of his/her mother	of	VDI	If	Remarks
						haf f ks (If et eelegally t emrradopte hoaad the ef l l act r beemay rir, abe at wnstated l hhdhere e( emwith ot t adate of r ohr adopti f berion) eer e rnsmd aua, l pr d epria oet r de t o e f d rr b a y r b ri ir a t g h e c e r ti fi c a t e )
1	2	3	4	5	6	78

- 1.
- 2.
- 3.
- 4.
- 5.

Signature or left/right hand

Station.....Thumb Impression of the claimant

Date..... (\*In case of female claimant)

Name and Address of witnesses Signature of witnesses:

Witness 1..... , 1.....

2..... 2.....

Attestation

"Certified that to the best of my knowledge and belief the particulars given above are correct. "

Signature

(Name. Designation and Address)

Station.....

Date.....

Countersigned

Officer-in-Charge Record Office

No..... Date.....

#### APPENDIX 'H'

##### NOMINATION FOR SPECIAL FAMILY PENSION

[Referred to in Para 174(h)]

I, Rank..... Name..... No.....

hereby nominate the person mentioned below who is a member of my family, to receive the special family pension which may be granted by Government in the event of my death.

Name & address of the nominee	Relationship	Age	Whether unmarried	married	or
-------------------------------	--------------	-----	-------------------	---------	----

This nomination supersedes the nomination made by me earlier on dated this..... date of..... 19.....

Signature of witnesses

(1).....

(2).....

Signature

(No., Rank and Unit)

To be filled in and attested by

(i) The C.O. (if the individual is serving).

(ii) Any of the undernoted responsible persons (if the nomination is made by the individual after discharge).

Nomination by.....

No., Rank & Unit.....

Signature of O. C. / other officers

Designation and Office seal

Date.....

(a) Sarpanch of Village.

(b) Any serving or retired Gazetted Officer, civil or military including JCO.

(c) Sub Postmaster.

(d) Qanungo or Patwari.

(e) Sub Inspector of Police.

(f) A member of a Municipal Corporation or Committee or Zilla Parishad/District Board.

(g) Panchayat President/Village Munshi/Patel/Village Officer/Panchayat Executive Officer.

(h) Member of Parliament/Member of Legislative Assembly/Member of Legislative Council.

(j) Oath Commissioner/Notary Public; and

(k) Diplomatic or Consular Representative of Govt, of India in cases where claimants are residing outside India.

#### APPENDIX 'I'

[Referred to in Para 320(c)]

GOVERNMENT OF INDIA

MINISTRY/DEPARTMENT.....

From

.....

.....

To

The Court of .....

..... or

The Registrar, High Court of (at)/Supreme Court

Sir,

A summons bearing No..... dated..... in Suit (or other proceedings) No..... of..... 19..... between \*(AB) and\*(CD) has been served on me on..... requiring production in the said Court on..... 19..... of the documents therein specified.

2. With reference to the above, I have the honour to intimate that the documents specified in the said summons (or the documents specified below of those mentioned in the said summons) are not in my custody and, therefore, I am unable to cause their production in Court. The said documents are in the custody of.....as the head of the department/head of the office.

3. I am accordingly to request that this letter may be placed before the Hon'ble Judges for orders,

Yours faithfully,

Signature

---

\*Insert names. If there are numerous parties, give first name and add 'and other (s).

\*\*To be inserted only in cases in which the summons has been issued by a High Court or the Supreme Court.

### APPENDIX 'J'

[Referred to in Para 320(m)]

AFFIDAVIT

IN THE COURT OF.....

Suit No..... of 19.....

I,.....Minister/Secretary/Additional Secretary/Joint Secretary to the Government of India, in the Ministry of ..... do hereby solemnly affirm and state as follows: -

1. A summons bearing No..... dated..... issued by the Court of..... in Suit No..... of 19..... (.....Vs.....) has been received in the Ministry of.....On..... 19....., requiring production in the said court on .....19.....,of documents slated below.

2.I as the Minister/Secretary etc. am the head of the department and I am as such in control of, and in charge of, its records.

3.I have carefully read and considered each of the said documents and have come to the conclusion that they/(S. Nos.....) are unpublished official records relating to affairs of State and that their disclosure will cause injury to public interest for the following reasons: --

Documents Reasons

1. 1.

2. 2.

3. 3.

List of Documents Summoned

I do not, therefore, give permission to anyone under section 23 of the Indian Evidence Act, 1872, to produce the said documents or to give any evidence derived therefrom.

I..... do hereby solemnly affirm and say that what is stated herein above is true to my knowledge.

Solemnly affirmed at.....Minister/Secretary/Addl Secretary/ Jt. Secretary

This..... day of .....19

Sworn before me. In the Ministry of.....

1. The reasons can be e.g. that the document belongs to a class of documents like Secretariat nothings which it is necessary to keep secret in order to enable the public service to function properly or e.g. that the document relates to matters concerning the defence of the country of a specified kind and so on.

2. The affidavit can always be settled in consultation with the Ministry of Law and there should therefore be no difficulty in specifying the reasons. Unless the grounds for satisfaction that disclosure would lead to public injury are given the affidavit cannot be said to be a proper one. Such reasons must necessarily be given.

3. In case only some facts stated in the Affidavit are true to the personal knowledge of the officer making the Affidavit and some are true according to the information derived from the official record, the verification clause should run as follows: —

I..... do hereby solemnly affirm and say that what has been stated in paragraphs.....above, is true to my own knowledge and what is stated in paragraphs..... is true according to information in my possession as derived from the following: —

1.

- 2.
- 3.

### APPENDIX 'K'

(Referred to in Para 320)

(To be used when the Head of the Department has to claim privilege under [Sec.123](#) of the Indian Evidence Act in respect of some documents and under [Sec.124](#) in respect of the others.)

AFFIDAVIT

IN THE COURT OF.....

Suit No of 19

I,.....Minister/Secretary/Addl. Secretary/Joint Secretary to the Government of India, in the Ministry of..... do hereby solemnly affirm and state as follows:

1.A summon bearing No..... dated..... issued by the Court..... of.....in Suit No.....of 19(.....Vs.....) has been received in the Ministry of.....on .....19..... requiring production in the said court on.....19 of documents stated below.

2.I as the Minister/Secretary etc. am the head of the department and I am as such in control of, and in charge of, its records.

3. I have carefully read and considered each of the said documents and have come to the conclusion that they/(S. Nos. ) are unpublished official records relating to affairs of State and that their disclosure will cause injury to public interest for the following reasons: —

List of Documents

I have carefully considered each of the said documents and have come to the conclusion that they/(S.Nos. ) contain communications made in official confidence and I consider that the public interest would suffer by their disclosure for the following reasons: —

List of Documents

I do not, therefore, give permission to anyone under [Sec.123](#) of the Indian Evidence Act, 1872, to produce the said documents or to give any evidence derived therefrom.

I, therefore, claim privilege under [Sec.124](#) of the Indian Evidence Act, 1872.

I.....do hereby solemnly affirm and say that what is stated herein above is true to my knowledge.

Solemnly affirmed at .....

This.....day of..... 19

Minister / Secretary / Addl. Secy. /

Jt. Secretary

Sworn before me In the Ministry of.....

### APPENDIX 'L'

[Referred to in Para 320(4)]

AFFIDAVIT

IN THE COURT OF.....

Suit No.....of 19

I,\*.....do hereby solemnly affirm and state as follows: —

1. A Summons bearing No..... dated..... issued by the Court..... in Suit No..... of 19 (..... Vs.....) has been served on me on 19, requiring production in the said Court on..... 19 , of the documents stated below.

2. I have carefully considered each of the said documents and have come to the conclusion that they (S.No.....) contain communications made in official confidence and I consider that the public interest would suffer by their disclosure for the following reasons:

—

Documents Reasons

1. 1.
2. 2.
3. 3.

List of Documents Summoned

I, therefore, claim privilege under Section [124](#) of the Indian Evidence Act, 1872.



I.....do hereby solemnly affirm and say that what is stated herein above is true to my knowledge.

Solemnly affirmed at .....

This..... day of..... 19

(Designation of Public Officer)

Sworn before me.

\*(Here insert the name, designation and address of the person making the affidavit).

#### NOTES

1. The reasons can be e.g. that the document belongs to a class of documents like Secretariat notings which it is necessary to keep secret in order to enable the public service to function properly or e.g. that the document relates to matters concerning the defence of the country of a specified kind and so on.

2. The affidavit can always be settled in consultation with the Ministry of Law and there should therefore be no difficulty in specifying the reasons. Unless the grounds, for satisfaction that disclosure would lead to public injury are given the affidavit cannot be said to be a proper one. Such reasons must necessarily be given.

3. In case only some facts stated in the affidavit are true to the personal knowledge of the officer making the affidavit and some are true according to the information derived from the official record, the verification clause should run as follows: —

I..... do hereby solemnly affirm and say that what has been stated in paragraphs..... above, is true to my own knowledge and what is stated in paragraphs..... is true according to information in my possession as derived from the following: —

- 1.
- 2.
- 3.

#### APPENDIX 'M'

[Referred to in Para 320(o) and (q)]

IN THE COURT OF.....

Suit No..... of 19

(Names of the parties etc.)

(Name of applicant) ..... Applicant

This humble petition of the applicant above named respectfully SHEWETH

1. I have been summoned by the Court to produce in the proceeding the documents specified below: —

List of Documents

2. I have brought with me to the Court the aforesaid documents.

3. Under instructions of the head of the department, \* I have submitted an affidavit stating that the documents required to be produced are unpublished records relating to affairs of State, contain communications made in official confidence and their disclosure will be prejudicial to public interest for the reasons set out in the affidavit.

4. The Court has held that the documents are not entitled to privilege claimed and has directed me to produce the same.

5. I am instructed by the head of the department/(public officer to whom the communication was made in official confidence) to say that he craves time to consider whether any application should be made to the High Court in revision against the said order.

6. Pending such consideration, I pray that the documents in respect of which the claim of privilege has been refused may be permitted to be taken back. I undertake to produce the said documents in Court whenever so required.

7. Should the Court for any reason be pleased not to accept my above prayer, I pray further that I may be permitted to produce the said documents in a sealed cover and that they may be so kept until the orders of the High Court in the matter have been made.

Prays accordingly.

Date..... Signature

\*Omit the words "Under.....department" if the document falls under section [124](#), Evidence Act, and substitute designation of the public officer.

#### APPENDIX 'N'

##### APPLICATION FOR PERMISSION TO ACCEPT CIVIL EMPLOYMENT WITHIN A PERIOD OF TWO YEARS AFTER RETIREMENT

(Referred to in Para 341)

1. Personal Number, Rank, Name and Regt/Corps of the..... Officer

2. Date of retirement .....

3. Particulars of the officer's postings during the last

five years preceding retirement (with duration) .....

Appointment Unit Duration  
From To

4. Posts held at the time of retirement and Period for which held.....

5. Pay scale of the post and the pay drawn by the officer at the time of retirement. ....

6. Pensionary benefits .....

Pension expected/sanctioned commutation, if any, should be mentioned. Gratuity, if any.

7. Details regarding employment proposed to be taken up:  
(letter of apptt/offer of employment to be attached in original)

(a) Name and particulars of the employer .....

(b) If commercial employment, whether the official had; during his official career, any dealings with the firm.  
If so duration and nature of official dealings with the firm. ....

**NOTE**

If the official had no dealings with the firm, company etc. in which employment is offered it may also be Indicated whether the official had dealings with any other firm, company etc. under the control of the proposed employer. If so, details may be given at (c) below:

(c) Duration and nature of the official dealings with the firm .....

(d) Name of the job/post offered .....

(e) Whether post was/advertised/if not, how was offer made.....

(f) Description of the duties of job/post .....

(g) Does it involve liaison/contact work with Govt. Deptts.....

(h) Remuneration offered for the post and other perquisites offered .....

(j) Any information which the applicant desires to furnish in support of his request .....

Station: Signature of the officer  
Date

### **APPENDIX 'O'** **(Referred in Para 344)**

#### Proforma for Retention of Gifts

1. Name and. designation of Recipient.
2. Particulars of the donor and the occasion for the gift.
3. If the donor is a Commercial firm or representative: - (a) State whether the recipient has had or has or is likely to have dealings with the firm by virtue of his official position and/or (b) State whether the firm is a contracting firm with any Ministry/Deptt. of the Govt, of India.
4. Place where received and date.
5. Brief description of the gifts.
6. With whom the gift has been deposited.
7. (a) Value of the gift (excluding customs duty)  
(b) Authority for valuation.
8. In case the gift was received during the officers posting/deputation abroad or visit abroad: —  
(a) Whether the gift was imported free under the baggage rules applicable to him;  
(b) If not exempted under the baggage rules: —  
(i) the amount of customs duty paid/payable;  
(ii) Whether the customs duty has been paid or is yet to be paid: if it is yet to be paid whether the recipient is willing to pay the customs duty payable.
9. In case the gift was received in India and the value of the gifts is assessed at more than Rs.3,000/-, whether the recipient is prepared to retain the gift by paying the value of the gift plus customs duty payable minus Rs.3,000/.

### **APPENDIX 'P'** **COMPLAINTS**

[Refers to para 364(d)]

#### A SPECIMEN LAYOUT OF COMPLAINTS

FROM

(Number, Rank, Name and Address).

To

(The Proper Authority)

.....  
(Subject)

Introduction

1. Should state whether the complaint is statutory or non-statutory and the provisions of the Statute or Rules under which it is made.

Background of the Case

2. If necessary, a background of the case May be given in order to elucidate the facts at issue.

Facts of the Case

3. These should be set out briefly in logical and chronological order, bringing out specific grievances.

Conclusion

4. This must contain the specific redress sought for by the complainant.

Signature

#### **APPENDIX 'Q'**

### **SUMMARY DISPOSAL OF CHARGES IN RESPECT OF OFFICERS, JUNIOR COMMISSIONED OFFICERS AND WARRANT OFFICERS UNDER ARMY ACT SECTIONS 83 TO 85**

(Referred to in para 444)

1. Procedure at the hearing of the charge, when the authority dealing summarily with the case decides (with the written consent of the accused) to dispense with the attendance of witnesses: —

(i) The authority dealing with the case satisfies himself that a copy of the summary or abstract or evidence and a copy of the charge sheet has been delivered to the accused at: least twenty-four hours before the date and time of trial (Army Rule [26](#)).

(ii) The charge is read aloud.

(iii) The accused is required to plead to the charge. The summary or abstract of evidence is read aloud Or the authority dealing summarily with the case informs the accused that he has already persued it.

(iv) The authority dealing with the case asks the accused if he wishes to make a statement.

(v) The accused, if he wishes, makes a statement. After hearing anything the accused may say, the authority dealing with the case, may if he thinks fit decide to hear the prosecution witnesses and may adjourn the case for this purpose. In such case the authority dealing with the case will allow accused to question the prosecution witnesses and the hearing will proceed as nearly as may be as if the authority dealing summarily with the case had not decided to dispense with the attendance of the witnesses.

2. Procedure at the hearing of the charge, When the authority dealing summarily with the case does not decide to dispense with the attendance of witnesses or when the accused requires their attendance: —

(i) The authority dealing summarily with the case satisfies himself that a copy of the summary or abstract of evidence and a copy of the charge sheet has been delivered to the accused at least twenty-four hours before the date and time of trial (Army Rule [26](#)).

(ii) the charge is read aloud.

(iii) The accused is required to plead to the charge.

(iv) The witnesses for the prosecution are called in one by one and give their evidence. The authority dealing summarily with the case asks the accused in each case whether he wishes to question the witness and may question the witness himself.

(v) The authority dealing summarily with the case asks the accused if: —

(a) he wishes to make a statement; and

(b) he has witnesses to call.

(vi) The accused, if he wishes, makes a statement and/or calls witnesses. The authority dealing summarily with the case may question any one who gives evidence.

3. In either case 1 or 2: —

(i) If the authority dealing summarily with the case decides to dismiss the charge or to make an award which does not involve an opinion to elect trial by court martial, he announces his decision.

(ii) If the authority dealing summarily with the case intends to make an award affecting service for the purpose of promotion or seniority, he asks the accused "Do you elect to be tried by court martial or will you accept my award" [Army Act, Section [84\(a\)](#)]. The award, if any; should "be entered on Form 1 or Form 2, as the case may be.

With reference to 1(i) and 2(i)— While there is no rule requiring a charge sheet in full form, the charge must show the section of Army Act under which the offence is laid and set out sufficient particulars to inform the accused of what he is called upon to answer.

If no offence has been established on the evidence for the prosecution, it is the duty of the authority dealing with the case under Sections 83 to 85 of the Army Act to dismiss the charge at once. Otherwise he must ask the accused for his defence.

If at the conclusion of the hearing the authority dealing with the case considers that the charge should not be dismissed, but that he should either deal with the case summarily by the award of an appropriate punishment or else remand the accused for trial by court martial, he may examine the accused's record of service or conduct sheet before deciding the nature of the disciplinary action to be taken against him.

4. Summary awards: —One or more of the following punishments may be awarded: —
- (a) Forfeiture of seniority, or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused previous to the award to elect to be tried by a court martial,
  - (b) Severe reprimand or reprimand.
  - (c) Stoppages of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

NOTE

Any other purported award (e. g. admonition) is invalid.

FORM I

(Referred to in para 3 of Appx. 'Q')

FORM FOR USE AT SUMMARY TRIALS OF OFFICERS, JCOs and WOs UNDER SECTIONS 83 TO 85 OF THE ARMY ACT

Accused:

Rank and Name:

Unit:

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When the authority dealing summarily with the case decides (with the written consent of the accused )to dispense with the attendance of witnesses: -

Question to Accused: —

1. Have you received a copy of the charge sheet and summary or abstract of evidence?

Answer.....

2. Have you had sufficient time to prepare your defence?

Answer.....

The charge sheet is read.

3. Are you guilty or not guilty of the charge(s) against you which you heard read ? Answer.....

The summary or abstract of evidence is read aloud or the authority dealing summarily with the case informs the accused that he has already perused it,

4. Do you wish to make a statement ? Answer.....

If the accused desires to make a statement, he should do so now.

If at the conclusion of the hearing the authority dealing summarily with the case considers that the charge should not be dismissed, he is to examine the accused's record of service or conduct sheet.

If the authority dealing summarily with the case proposes to award a punishment other than a reprimand, severe reprimand, or penal deductions in the case of an officer, a junior Commissioned Officer or a Warrant Officer, he should put the following question to the accused: —

5. Do you elect to be tried by Court Martial or will you accept my award Answer.....

FINDING.....

AWARD.....

STATION.....

DATE.....

Signed.....

NOTE

1 The oral statement of the accused made in answer to Question 4 will be either recorded or a gist thereof prepared and attached.

2. After disposal of a charge, if the finding is that of guilty, this form accompanied by Army Form IAFF-3013 (it. duplicate), summary or abstract of evidence, statement of the accused and written consent of the accused will be forwarded through the usual Channel to Headquarters command concerned who will show them to the DJAG of the Command. In the case of punishment awarded by GOC-in-C of a Command, these documents will be forwarded to the Adjutant General (DV-2) Army Headquarters, DHQ PO NEW DELHI-11. When the finding is that of not guilty, only the finding will be communicated to Headquarters Command' concerned in the case of JCOs and WOs and to Army Headquarters in the case of officers.

In the case of a JCO or a WO this form together with the summary of evidence, statement of the accused and written consent of the accused will be returned to the unit for attachment to his Regimental Conduct Sheet (IAFF-3013).

FORM II

(Referred to in para 3 of Appx 'Q')

Form for use at summary trials of officers, JCOs and WOs under Sections [83](#) to [85](#) of the Army Act

ACCUSED:

RANK AND NAME:

UNIT:

When the authority dealing summarily with the case does not decide to dispense with the attendance of witnesses or when the accused requires their attendance.

Question to Accused: —

1. Have you received a copy of the charge sheet and summary or abstract of evidence? Answer.....

2. Have you had sufficient time to prepare your defence?

Answer.....

The charge is read.

3. Are you guilty or not guilty of the charge(s) against you which you heard read ? Answer.....

4. The witnesses give their evidence, accused being permitted to cross examine. Do you wish to make a statement? Answer.....

5. Do you desire to call any witness? Answer.....

The accused makes a statement and his witnesses give evidence.

If at the conclusion of the hearing the authority dealing summarily with the case considers that the charge should not be dismissed, he is to examine the accused's record of service or conduct sheet.

If the authority dealing summarily with the case proposes toward a punishment other than reprimand, severe reprimand, or penal deductions in the case of an Officer, a Junior Commissioned Officer or a Warrant Officer he should put the following question to the accused: —

6. Do you elect to be tried by Court Martial or will you accept my award ? Answer.....

FINDING.....

AWARD.....

STATION.....

DATE.....

Signed .....

NOTE

The oral statement of the, accused made in answer to Question 4 will be either recorded or a gist thereof prepared and attached.

After disposal of a charge, if the finding is that of guilty, this form accompanied by Army Form IAFF-3013 (in duplicate), summary or abstract of evidence and the statement or abstract of evidence and the statement of the accused will be forwarded through the usual channels to Headquarters Command concerned who will show them to the DJAQ of the Command. In the case of punishments awarded by GOC-in-C of a Command, these documents will be forwarded to the Adjutant General (DV-2), Army Headquarters DHQ PO NEW DELHI-11. When the finding is that of not guilty, only the finding will be communicated to Headquarters Command concerned in the case of JCOs and WOs and to Army Headquarters in the case of officers.

In the case of a JCO or a WO this Form together with the summary of evidence and the statement of the accused will be returned to the unit for attachment to his Regimental Conduct Sheet (IAFF-3013)

**APPENDIX 'R'**

**(Referred to in para 532)**

COPY OF LETTER NO 58/51-JUDICIAL, DATED THE 7TH JAN 1954 FROM THE MINISTRY OF HOME AFFAIRS, NEW DELHI TO ALL THE STATE GOVERNMENTS, ETC. ETC.

Subject: —Attachment of the Pay and Allowances of persons in Military Service.

I am directed to refer to the late Home Department letter No.F. 311/37-Judicial, dated the 29th July 1937, on the subject noted above and to say that the memorandum forwarded therewith as amended by the late Home Department has been revised in consequence of the enactment of the new Acts called the Army Act, 1950 and the Air Force Act, 1950. A copy of the revised Memorandum is enclosed and I am to request that if the State

Government/you see no objection, the High Court/Judicial Commissioner's Court may be moved to communicate the revised Memorandum to the subordinate courts for their guidance.

2. This disposes of the State Government letter No 6994/6-B, dated the 25th November, 1950.

Memorandum showing the Legal Position of persons belonging to the Armed Forces in the matter of arrest for debt, attachment of their Pay and Allowances and priority in disposal of litigation involving them

1. Cases have occurred where civil courts have issued orders attaching the pay and allowances of persons belonging to the Armed Forces. There have also been cases of delay by courts in the hearing and final disposal of cases involving such persons. The intention of this memorandum is to state in simple terms the existing provisions in regard to exemption from arrest for debt and attachment of pay and allowances and other property of persons belonging to the Armed Forces and the priority to be given by civil courts for the hearing and final disposal of any suits or other proceedings in which they may be involved.

The privileges granted to such persons by the Army and Air Force Acts, 1950 (Acts XLVI and XLV of 1950 respectively) are detailed below. These rights and privileges are in addition to any other rights and privileges conferred by any other law for the time being in force.

3. (a) Immunity from Attachment. —Under Sec 28 of the Army/Air Force Act, no arms, clothes, equipment, accoutrements or necessities of any person subject to either of these Acts nor any animal used by him for the discharge of his duties can be seized, nor can his pay and allowances or any part thereof be attached by direction of any civil or revenue court or any revenue officer in satisfaction of any decree or order enforceable against him.

(b) Immunity from Arrest for Debt. —Sec 29 of the Army/Air Force Act provides that no person subject to either of these Acts, so long as he belongs to the Armed Forces, can be arrested for debt under any process issued by, or by the authority of a civil or revenue court or a revenue officer. Where, in spite of the above, any such arrest is made, the court or a revenue officer concerned, on receipt of a complaint by such person or by his superior officer to that effect may discharge him and award reasonable costs to the complainant. The costs may be recovered in like manner as if they were awarded to him by a decree against the person obtaining the process. No court fees are payable for the recovery of such costs.

(c) Immunity of Persons attending Courts Martial from Arrest. —Under Sec 30 of the Army/Air Force Act, no presiding officer or member of a court martial, no judge advocate, no party to any proceedings before a court martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a court martial while proceeding to attending or returning from, a court martial, is liable to be arrested under civil or revenue process. If any such person is arrested under any such process he may be discharged by order of the court martial.

(d) Priority in respect of Army/Air Force personnel's litigation. —Under Sec 32 of the Army/Air Force Act, on the presentation to any court by or on behalf of any person subject to either of these Acts of a certificate from the proper military/air force authority, of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any suit or other proceeding in such court, the court shall on the application of such person, arrange, so far as may be possible, for the hearing and final disposal of such suit or other proceeding within the period of the leave so granted or applied for.

The certificate from the proper military/air force authority shall state the first and last day of the leave or intended leave, and set forth a description of the case with respect to which the leave was granted or applied for. No fee is payable to the court in respect of the presentation of any such certificate, or of any application by or on behalf of any such person, for priority for the hearing of this case. Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for its inability to do so, and shall cause a copy thereof to be furnished to such person on his application without any payment whatever by him in respect either of the application for such copy or of the copy itself. If in any case a question arises as to the proper military/air force authority qualified to grant such certificate as aforesaid, the Court shall refer the question at once through the authority granting the certificate to—

(i) an officer having power not less than a Brigade or equivalent commander in the case of military personnel;

(ii) an officer having power not less than a group commander or equivalent commander in respect of air force personnel.

The decision of the officer so referred to shall be final.



4. Persons subject to the Army and Air Force Acts who are entitled to the privileges mentioned above are detailed in Sections 2 and 31 of those Acts. Those are: —

- (a) officers, junior commissioned officers and warrant officers of the Regular Army and officers and warrant officers of the Air Force.
- (b) persons enrolled under the Army or the Air Force Acts;
- (c) persons belonging to the Indian Reserve Forces or Air Force Reserve when called out for, or engaged in, or returning from, training or service;
- (d) persons belonging to the Indian Supplementary Reserve Forces when called out for service or when carrying out the annual test;
- (e) officers of the Territorial Army when doing duty as such officers;
- (f) enrolled persons of the Territorial Army when called out or embodied or attached to any regular forces;
- (g) persons holding commissions in the Army in India Reserve of officers and officers appointed to the Regular Reserve of Officers when ordered on any duty or service for which they are liable as such members;
- (h) persons belonging to the Indian Air Force Volunteer Reserve in the circumstances specified in Section 3 of the Indian Air Force Volunteer Reserve (Discipline Act, 1939 (XXXVI of 1939));
- (i) persons not otherwise subject to military/air force law who, on active service, in camp on the march or at any frontier post specified by the Central Government are employed by, or are in the service of or are followers of, or accompany any portion of the Regular Army/Air Force.

#### **APPENDIX 'S'**

HOME DEPARTMENT OFFICE MEMORANDUM No. F.336-JUDL., DATED 30th JUNE, 1922

(Referred to in paras 542 and 545)

Procedure to be adopted in dealing with criminal prosecutions, in which the Government of India are concerned.

The undersigned is directed to communicate the following decisions of the Government of India to the Army Department and to request that they may be carefully observed. In order to avoid any chance of irregularities of procedure in connection with criminal prosecutions the Central Government has decided: —

- (i) that, when the Government of India are interested in any criminal prosecution either the solicitor of the local government where the accused is prosecuted should be employed, or when the prosecution is directly controlled from, headquarters the solicitor to the Government of India, who will, if necessary, take further advice from the Advocate-General or the Government Advocate, according to the State in which the prosecution is being conducted; and
- (ii) that no prosecution shall be instituted without adequate legal advice being taken in writing, and that no prosecutions shall be instituted or withdrawn in any manner contrary to such legal advice without reference to the Central Government.