

Directorate General
Central Industrial Security Force
(Ministry of Home Affairs)



Block No.13, CGO Complex,
Lodhi Road, New Delhi -03.

No.V-11014/Legal Assistance/2013/L&R/ 435

Date : 09 May 2013.

To

The SDG/APS ✓
All Sector IsG, IG/APS & IG/TS
All Zonal DisG, DIG/DAE & DIG/DOS

Subject :- Standing Operative Procedure for providing Legal Assistance to Force personnel.

The FHQ is receiving a large number of requests from field formation for providing legal assistance to Force personnel facing criminal/legal proceedings for actions taken in discharge of bonafide duties.

02. It is clarified that the issue of such assistance is to be decided in terms of provisions contained in DoP&T/MHA OM No.F.45/5/53-Exts.(A) dated 08.01.1959. Such requests are generally sent by the Units without any supporting documents causing delay in processing the case and the objective of the above OM for providing timely assistance is defeated. Hence, it has been decided that requests for legal assistance may now be sent as per the guidelines issued hereinafter :-

- a) If any Force member has been accused/charged in a criminal case for taking any action in performance of bonafide official duty, the said Force member is entitled for legal protections against arrest/prosecution available under Section 21 of CISF Act and U/S-45 & 197 (2) of Cr.PC. (A Circular No.41/2011 has been issued in this regard).

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- b) The Unit Commander should order for a preliminary enquiry/COI to ascertain the facts in such case. The same should be closely monitored by Zonal/Plant DIG and Sector IG.
- c) In case the criminal culpability of CISF personnel is not established in above PE/COI and the evidence suggest that the actions taken by CISF personnel is justified in performance of bonafide govt. duty, the above legal protection against arrest/prosecution would extend to the Force personnel.
- d) If the individual wants the legal assistance from the department to defend himself in the FIR/Criminal case pending with local Police/court, he shall give an application in this regard narrating the events in chronological order from the date of incident till date of application. The updated status of FIR/Criminal Case must also be mentioned.
- e) The Unit Commander should forward the application for providing legal assistance to the Force Headquarters through Sector, IsG with following documents.
 - 01. An undertaking from the individual for defending him.
 - 02. Copy of FIR/Charge Sheet.
 - 03. COI/PE Report.
 - 04. Any other relevant documents pertaining to the case.
- f) The Sector IsG will forward the application and documents with recommendations.
- g) The matter will be examined at the Legal Branch of the Directorate and put up for approval of DG/CISF as per merit of the case.

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h) The matter would be sent to MHA with approval of DG/CISF for legal assistance and the concurrence for spending the amount from relevant budget head.

3. Normally a govt. counsel is engaged and the charges to counsel engaged for defending the force personnel is paid as per the rate prescribed vide MOL&J OM No.26(1)/2011-Judl dated 01.09.2011. But in case higher fee is demanded by the govt. counsel or if any private counsel is to be engaged, the concurrence of MOL&J is also required after approval of MHA.

(S.B. Singh)

Inspector General(HQrs.)

Copy to:-

- 01. PS to DG/CISF
- 02. PS to ADG/HQrs.
- 03. All DIsG & AIsG, FHQ