

THE JAMMU AND KASHMIR FOREST (PROTECTION) FORCE RULES, 2012

Forest Department Notification SRO 264 of 2012, dated 9th August, 2012.— In exercise of powers conferred by section 18 of Jammu and Kashmir Forest (Protection) Force Act, 2001 and with prior consultation of Home Department, the Government hereby makes the following rules, namely :—

CHAPTER I

1. *Short title and commencement.* —(1) These rules may be called the Jammu and Kashmir Forest (Protection) Force Rules, 2012.

(2) They shall come into force on the date¹ of their publication in the Official Gazette.

(3) These rules shall apply to all persons who are subject to the Act.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

- (a) “Act” means the Jammu and Kashmir Forest (Protection) Force Act, 2001 (Act No. VI of 2001) ;
- (b) “Accoutrements” means articles or equipment and trappings, as approved by the Director from time to time, which are issued to members of the Force for their use while on duty or as permitted by the Director in writing ;
- (c) “Appendix” means appendix annexed to these rules ;
- (d) “Close arrest” means confinement of any member of the Force within the Force premises or a detachment of the Force or a post quarter guard, building or tent under charge of a Guard ;
- (e) “Commission of Inquiry” means a commission prescribed over by any member of the Force not below the rank of

1. Published in the Government Gazette dated 9th August, 2012.

Inspector and constituted to investigate into any disciplinary matter or any other matter specified in rule 163 ;

- (f) “Detachment” in relation to the Force, includes detachment of any part of the Force required or ordered to proceed on duty away from the headquarters ;
- (g) “Directives” means directions issued by the Director generally in all matters and by any other Competent Authority in matters under his control ;
- (h) “Forest Offence” means an offence punishable under this Act, ***[Jammu and Kashmir Forest Act, (Samvat) 1987, Jammu and Kashmir Wildlife Protection Act, 1978]** or any other Act under which forest officers are empowered to take cognizance of the offence ;
- (i) “Form” means a form annexed to these rules ;
- (j) “Open arrest” means arrest and confinement of any enrolled member of the Force within the precincts of any Forest Protection Force Unit ;
- (k) “Schedule” means a schedule annexed to these rules ;
- (l) “Section” means a section of the Act ;
- (m) “Superior Officer” means any of the officers appointed to the Force under section 4 of the Act ;
- (n) All other words and expressions used but not defined herein, shall have the meaning as assigned to them in **#[the Jammu and Kashmir Forest Act, (Samvat) 1987 or Jammu and Kashmir Wildlife (Protection) Act, 1978]** as the case may be.

CHAPTER II

ORGANISATION AND STRUCTURE OF THE FORCE

* Now “Indian Forest Act, 1927, Wild Life (Protection) Act, 1972”.

Now “the Indian Forest Act, 1927 or Wild Life Protection Act, 1972”.

3. *Office and designation of superior officers and enrolled members of the Force.*— The superior officers and enrolled members of the Force holding office as specified in Schedule-I shall be known by designations as specified in the Schedule.

4. *Organisational set up at the Headquarters of the Director.*— The command, supervision and administration of the Force is vested in the Director who shall be assisted by such superior officers at his headquarters as may be appointed for the purpose. The Headquarters of the Director shall be at Jammu and Srinagar during winter and summer coinciding with the movement of the Government.

5. *Organisational set up at Zonal level of Jammu and Kashmir.* —
(1) For the purposes of the Act, a unit of Force (hereinafter referred to as “Delta Force”) shall be distributed over each of the two provinces of the *State.

(2) The head of the Delta Force at province level shall be the Joint Director and entire unit of Delta Force shall be under his command, supervision and administration.

(3) A Joint Director shall be assisted at his headquarter by such number of superior officers and enrolled members of the Force as may be appointed by the Director.

(4) The Headquarters of the Joint Director, Jammu and the Joint Director, Kashmir shall be located at Jammu and Srinagar respectively.

6. *Organisational set up at Division level.* —(1) The Force in each zone shall be further distributed over divisions, hereinafter referred to as “Gamma Unit”.

(2) Each Gamma Unit shall be headed by Deputy Director and shall be assisted by such number of other superior officers and enrolled members of the Force as may be appointed from time to time by the Director.

(3) For operational purpose, a division may be divided into further smaller sub-units each under the charge of an officer not below the rank of

* Now “Union territory of Jammu and Kashmir”.

an Inspector who may be assisted by such number of enrolled members of the Force as may be determined from time to time by the Deputy Director.

(4) The strength, composition and territorial jurisdiction of Gamma Unit shall be such as may be determined by the Directives.

DIRECTION, CONTROL, POWER AND RESPONSIBILITIES

7. *Superintendence of the Force.*— The superintendence of the Force shall vest in the *[State Government] and it may issue such directions as it considers necessary consistent with the provisions of the Act and these rules.

8. *Command and supervision at the #[State level].* —(1) Subject to the provision of rule 7, the command, supervision and administration of the Force at the #[State level] shall vest in the Director who shall be responsible for the efficient functioning and management of the Force in accordance with the provisions of the Act and these rules.

(2) The Director shall take all possible steps for the co-ordinated and integrated growth of infra-structural facilities for the development and well being of the Force.

(3) The Director shall scrutinize the various proposals in the budget estimates of the Force, as submitted by the Joint Director before submitting it to the Government and make his own assessment and recommendations in respect of allotment of funds and issue such directions in this behalf to Joint Director concerned as he may consider necessary.

(4) The Director shall advise the *[State Government] in all matters relating to the service conditions of the members of the Force and exercise disciplinary control over them.

(5) All references relating to the Force to the *[State Government] shall be received and be processed through the Director and all orders of the *[State Government] in connection with the Force shall also be issued through him.

* Now “Government of Union territory of Jammu and Kashmir”.

Now “UT level”.

(6) The administration of the Force including the Forest Protection Force establishments shall be carried out by the Joint Director under the directions of the Director who shall be the principal controller and chief coordinator.

9. *Command and supervision at the Zonal level.* —(1) Subject to any directives issued by the Director, the Joint Director concerned shall carry out the administration of the Force at the Zonal level.

(2) The Joint Director shall maintain the Force under his command in a state of high alert efficiency, training, discipline and morale and shall take all such steps as may be necessary, from time to time including inspections, supervision of cases, examination of records, calling for reports and issuing of necessary instructions to the superior officers and enrolled members of the Force under his command.

(3) The Joint Director shall ensure that all instructions and directions issued by the Director in accordance with the provisions of the Act and rules are followed and complied with by all superior officers and enrolled members under his command.

10. *Command, supervision etc. at Divisional level.* —(1) The Deputy Director shall be the executive head of the Gamma Unit.

(2) The Deputy Director shall maintain his unit under command in state of high alert efficiency, discipline and morale and shall take all such steps, as may be necessary from time to time for day-to-day command and supervision of the Force.

(3) The Deputy Director shall ensure that all instructions and directions issued by the Director and the Joint Director are followed and complied with by all superior officers and enrolled members under his command.

11. *Command (General).* —(1) An officer of the Force appointed to command shall have full power and control over all officers placed under his command.

(2) In the contingency of an officer being incapable to exercise

control, due to any reason, whatsoever the command shall—

- (i) immediately devolve on the second-in-command, if one has been so appointed; or on the senior-most officer next to him and in such case the information shall be given to all superior officers without any delay ;
- (ii) the Director on the receipt of such information and the Joint Director and the Deputy Director in consultation with the Director shall appoint the officer to replace the officer who has become incapacitated.

12. *General powers and responsibilities of superior officers.*— The superior officers of the Force shall exercise such administrative and disciplinary powers over the members of the Force placed under their command as are specified in Schedules-II and III and such other powers as are conferred on them by any other rules relating to such servants and discharge of such responsibilities as are specified in these rules or may be specified in any directions issued by the *[State Government] or the Director in this behalf.

13. *Responsibilities of the Director.* —(1) Responsibilities of the Director connected with protection and security of forest property.— The Director shall—

- (i) be responsible for the protection and security to forest property generally ;
- (ii) advise the *[State Government] and the Zonal FPF administration on all matters connected with protection and security of the forest property and deal with all references received from *[State Government] or other sister organisations associated with forestry and environment ;
- (iii) compile a monthly review on the performance of the Force in regard to its statutory duties and functions ; and
- (iv) take all such measures as may be necessary or incidental to the discharge of his duties under the Act and the rules.

* Now “Government of UT of Jammu and Kashmir”.

(2) The Director shall take all such steps as may be necessary for effectively discharging his responsibilities referred to in sub-rule (1) including steps by way of tours and inspections, supervision of court proceedings, examination of records, calling for reports and issuing of instructions and directions and holding periodical conferences and coordination meetings with the senior officers of Forest and Environment, civil administration, police and of the Force.

14. *Administrative Powers of the Director.— General.*— The Director shall—

- (i) exercise all executive and administrative powers in relation to the Force and its development ;
- (ii) arrange recruitment of members of the Force against such posts in the Force which are reserved for being filled up by direct recruitment and pass orders for promotions of all ranks up to the rank of Inspector and approve proposals put up by the Joint Directors for the promotion up to the rank of Guard ;
- (iii) order posting, transfer and training of all superior officers and enrolled members of the Force as laid down in Schedule-II ;
- (iv) select superior officers and enrolled members of the Force for specialised or advance courses ;
- (v) compile on an all State basis, a seniority list of all enrolled, non-enrolled members and superior officers and maintain it up-to-date at his headquarters ;
- (vi) correspond with the ***[State Government]** and other Government organisations for securing deputation of officers for appointment as senior officers of the Force.

15. *Powers of the Director to issue “Directives”.*— The Director may from time to time issue such directions in the form of Directives relating to the enforcement and furtherance of the provisions of the Act and these

* Now “Government of UT of Jammu and Kashmir”.

rules, as he may think necessary. Such “Directives” shall apply to all the superior officers and enrolled members of the Force.

16. *Powers of other superior officers to issue orders.*— The Joint Director and Deputy Directors shall in conformity with the provisions of the Act, the rules, the Directives and instructions of superior officers, issue general or special orders to other superior officers and enrolled members of the Force under their command for strict compliance.

17. *Superior officers to exercise all those powers which can be exercised by their subordinates.* —(1) A superior officer may exercise all or any such power or perform all or any such duty as is assigned by the Act or the rules or by Directives to any member subordinate to him.

(2) In case, any duty is imposed on such subordinate officer, a superior officer may add, supplement, supersede or curtail action of such subordinate officer by his own order through any person lawfully acting under his command or authority whenever the same shall appear necessary or expedient for giving a more complete or convenient effect to the law for avoiding any infringement thereof.

18. *Powers and functions of Staff Officer to Director.* —(1) There shall be a Staff Officer-cum-Deputy Director Flying Squad one each at Jammu and Srinagar Headquarter.

(2) The Staff Officer to Director shall assist the Director in looking after all the matters connected with administration of the Force and shall attend to such other duties as may be entrusted to him by the Director.

(3) They may look after administration, planning and development and welfare and service and other matters as assigned by the Director.

19. *Powers and functions of Joint Director.*— Joint Director shall be the head of the Force at the Zonal level and shall exercise—

- (1) subject to the provisions contained in the Act, rules and directives, administrative, executive and operational control of the Force placed under his command ;

- (2) he shall be responsible for promoting better protection of forest property under his jurisdiction and deal with all matters connected therewith and perform, *inter alia*, the following functions :—
- (i) Superintend all matters related to prevention, detection, registration, investigation and prosecution of forest offences within his jurisdiction ;
 - (ii) Maintain close liaison at Zonal level on behalf of the Force with sister organisations of forest and environment, police and civil administration etc. ;
 - (iii) Deal with all establishment and welfare matters pertaining to the Force and shall also keep the Force at high level of efficiency particularly through effective personnel and financial management and inspection of Force under his control ;
 - (iv) Watch and monitor the progress of disciplinary action recommended by the superior officers of the Force against the delinquent officials of sister departments of Forest, Wildlife and Soil Conservation.

20. *Powers and functions of Deputy Director Headquarter to Delta Force.* —(1) He shall assist the Joint Director in looking after all the matters connected with administration of the Force and shall attend to such other duties as may be assigned to him by Joint Director.

(2) He shall look after administration, planning and development, welfare and service and special assignments as assigned by the Joint Director.

21. *Powers and responsibilities of Deputy Director.*— The Deputy Director shall be head of the Force of Gamma Unit and shall be responsible for—

- (1) internal administration, economy, efficiency, morale, discipline, training and welfare of the members of the Force placed under his command ;

- (2) safety and security of arms and ammunition and ensuring their proper maintenance, repairs and cleaning thereof ;
- (3) correct and proper maintenance of clothing, uniform and other stores of the Gamma Units ;
- (4) to systematically study and draw plans for protection of forest property ;
- (5) making physical check of all inventories at least once in a year ;
- (6) when at Headquarters he shall attend morning parades and hold orderly rooms, at least once in a week and meet his men as stipulated in rules once in a month ;
- (7) he shall exercise powers as laid down in Schedules-II and III and under other Acts in force as are applicable to him and be guided by such instructions as may be issued from time to time and submit such returns and reports as may be prescribed by concerned Joint Director or the Director ;
- (8) he shall maintain a close liaison with his counterparts in Forest, Police and Civil Administration for taking effective measures for better protection and safety of forest property and matters connected therewith.

22. *Powers and responsibilities of Assistant Director.*— The Assistant Director shall assist the Deputy Director and shall exercise the following powers :—

- (1) He shall exercise powers as laid down in Schedule-III of the rules ;
- (2) He shall regularly attend parades and make kit inspection of his unit regularly ;
- (3) He shall ensure effective and result oriented deployment of Force placed under his command ;

- (4) He shall submit to his superior officer such reports and returns as may be called for including the reports on monthly performance of his units ;
- (5) He shall, with the help of members placed under his command, carry out patrolling in vulnerable areas identified with the help of the territorial staff ;
- (6) He shall be responsible for informing the territorial staff not below the rank of Range Officer for the purpose of section 9 (e) of the Act ;
- (7) As Assistant Director, Headquarter, he shall be the overall incharge of cleanliness, upkeep and discipline inside the Gamma Unit Complex. He shall maintain a “Roznamcha” in the control room wherein the details regarding manpower present at a particular point of time in the complex with their distribution of duties, details of manpower deployed on the field duties viz., patrolling, special nakas, investigation related duties, other Government duties, manpower on leave etc. shall be maintained on daily basis ;
- (8) He shall perform any other functions assigned to him by his superior officer under these rules.

23. *General powers and duties of enrolled members of the Force.*—
The primary duties of enrolled members of the Force shall be—

- (1) to protect and safeguard forest property and to combat crime against it ;
- (2) to do any other act conducive to better protection and security of forest property ;
- (3) to carry out various duties while inside the Gamma Unit Complex viz., ensuring cleanliness, upkeep and proper maintenance of their places of accommodation, clothing, equipments issued to them, upkeep and cleanliness of complex, participation in drills/parades, games, shramdans etc. ;

- (4) To perform any other assignment as may be entrusted to Force by his superior officers from time to time in the interest of Government work.

24. The other functions of members of the Force shall be,—

- (1) To assist, on requisition of a Forest Officer, or an officer of the Soil Conservation or Wildlife Department having territorial jurisdiction when such requisition is for protection of forest property ;
- (2) To identify the vulnerable areas that have potentials for the commission of forest related offences, either static or in transit or mobile and take the remedial measures to protect the forests and forest property ;
- (3) To reduce the opportunities of offences against forest property through surprise preventive checks or other appropriate measures like detailing of patrols, posting of guards and pickets at vulnerable areas, combing of forest areas wherein apprehension of any forest damage exists ;
- (4) To aid, cooperate and coordinate the measures of other organisation of Forest and Environment or other authorities in implementing other appropriate measures for ensuring prevention of crime against the forest property and providing for its better security ;
- (5) To interpose at any time or place for preventing any attempt to steal, misuse, damage or tamper with the forest property or to convert it into private use without lawful authority and to initiate action against offenders ;
- (6) To detect, register and take up investigation of offences under the Jammu and Kashmir Forest (Protection) Force Act, 2001, Jammu and Kashmir Forest Act, Samvat 1987 and Jammu and Kashmir Wildlife (Protection) Act, 1978 and under other Acts under which forest officers are empowered to take cognizance of the offences and apprehend the offenders and all other persons and against whom sufficient grounds exist

and to remain associated in subsequent legal proceedings in courts connected therewith ;

- (7) To gather intelligence relating to the commission of forest offences ;
- (8) To aid any other member of the Force when called upon by such other member or in the case of need in the discharge of the duty of such other member, in such ways as would be lawful and reasonable on the part of the member thus aided ;
- (9) To use his best endeavours to prevent any loss or damage by fire to forest property ;
- (10) To promptly obey and execute all lawful orders issued to him by any superior officer of the Force and to discharge such other duties as are imposed upon him by section 9 of Jammu and Kashmir Forest (Protection) Force Act, 2001 ;
- (11) To take charge of all unclaimed or ownerless forest property and to prepare an inventory therefor and to furnish it to his superior officers/ authorized forest officer. Such inventory shall if possible, be prepared by the member when he take over charge of such property in the presence of two respectable persons of the locality if available and willing to assist and if not available or not willing to assist, a memorandum to that effect may be prepared and kept on record.

CHAPTER III

TRAINING, CAREER PLANNING AND ALLOWANCES

25. Recruitment and appointment. —(1) Direct recruitment to the Force shall be made at the levels of Assistant Directors, Inspectors, Guards, different categories of Class-IV Employees, Computer Operators, Junior Assistants, Drivers etc. in particular proportion whereas all other posts shall be filled in by promotion from amongst the eligible members of the Force or by deputation in accordance with recruitment rules of the Force.

- (2) The Staff Officer to the Director shall work out each year the

number of vacancies in each rank and shall inform the Director who shall take steps to fill them in accordance with these rules.

26. *Execution of agreement.*— Every person shall,—

- (1) at the time of his joining the initial training course, execute an agreement in the format specified in Schedule-IV ;
- (2) on appointment as a member of the Force, make solemn affirmation in the form specified in Schedule-V ;
- (3) every member of the Force shall receive a certificate in the form specified in Schedule- VI, under section 5(1) of the Act.

27. *Refund of cost of training.*— A person appointed as a member of the Force shall be bound to serve for a period of five years. In the event of such person resigning from service before the expiry of five years, he shall refund the cost of training as assessed by the Director proportionately.

28. *Initial training of direct recruits.* —(1) Every person on entering service as direct recruit in any rank shall undergo an initial training course for the efficient performance of his duties. Whereafter shall remain on probation for a period of two years, which may be extended by the Director from time to time but not exceeding one year.

(2) Officers coming on deputation to the Force for field postings shall undergo an orientation course as may be specified by the Government from time to time.

29. *Standard of training and syllabus.* —(1) The Government shall specify the standard of training and syllabus for different ranks as well as refresher, orientation, promotional special and other in-service courses and fix the duration of training for such courses.

(2) The Government shall prescribe the syllabus for basic training of all direct recruits.

30. *Regulation of training period.*— The period of training including in-service courses shall be treated as duty for all purposes.

31. *Promotion courses.* —(1) Enrolled members of the Force on being regularly selected for promotion shall undergo a special course (hereinafter referred to as prepromotion course) at any training institution for a duration that may be fixed by the Government.

(2) Passing of prepromotional course shall be essential for regular promotion which will take effect from the date on which such enrolled member of the Force reports for duty against a clear vacancy after passing the said course.

32. *Disciplinary control.* —(1) The staff and trainees at any training institution of the Force, shall, so long as they are at such institution or undergoing practical training at some other place, be under the disciplinary control of the Principal of that training institution.

(2) A direct recruit selected for being appointed as enrolled member, till such time he is not formally appointed to the Force, is liable to be discharged at any stage if the appointing authority for reasons to be recorded in writing, deems it fit to do so in the interest of the Force.

33. *Provident fund, gratuity, pension, medical facilities etc.* —(1) In matters relating to provident fund, gratuity, pension, medical facilities, educational assistance, travelling and transfer allowances and other financial matters, the provisions of Jammu and Kashmir Civil Service Regulations and notifications issued by the Government (Finance Department) from time to time in this behalf shall govern superior officers and enrolled members of the Force.

(2) To enable the Force to efficiently discharge its function the *[State Government] may also provide for payment of such other special allowances and prerequisites, as it considers appropriate.

Members of the Force shall be eligible for 2.5 days salary, ration money allowance, risk allowance, kit maintenance allowance etc. as per norms and conditions applicable to the personnel of Jammu and Kashmir Police.

* Now “Government of UT of Jammu and Kashmir”.

CHAPTER IV

DISTRIBUTION AND TRANSFER OF MEMBERS OF THE FORCE

34. *Distribution.* —(1) Superior officers of the Force shall be posted anywhere in the State in such a manner as may be considered necessary in public interest by the competent authority specified in Schedule-II.

(2) On completion of successful training, enrolled members of Force shall be distributed by the competent authority between the two zones in such manner as may be considered necessary in the public interest.

(3) Notwithstanding the zone or district of initial recruitment, all enrolled members of the Force shall be liable to serve in any specific zone or district and may be posted anywhere in the State as a matter of routine transfer.

(4) The minimum tenure at a particular place of posting would ordinarily be two years but in the exigency of Government work or for administrative reasons or for any such other reasons to safeguard the Government interest, transfers can be affected by the competent authority at any time in public interest.

(5) All inter-zonal transfers of the members of the Force up to the rank of Assistant Director shall be ordered by the Director and inter Gamma Unit transfers of all enrolled members by Joint Directors within their zones subject to prior approval of the Director.

(6) The transfer and postings of FPF members shall be ordered as far as possible on rotation so as to provide equal opportunities to every body to handle various assignments and to work in different topographic/ climatic conditions.

35. *General principles of effecting periodical transfer.* —(1) Ordinarily, no member of the Force shall be transferred from one unit or place to another unless he has been at that unit or place for the normal prescribed tenure nor he shall be allowed to remain at that unit or place for more than prescribed tenure thereafter ordinarily.

(2) Members of the Force who have been transferred out of a particular place or unit on complaint of corruption or misconduct shall not be posted back to that unit or place or division on request.

(3) Members of the Force who have got adverse entries or enjoy poor reputation shall not be posted to sensitive posts till they get good entries for three consecutive years.

(4) Any member of the force facing departmental proceedings and who is due for periodical transfer on completion of normal tenure may not ordinarily be transferred unless such transfer is in public interest or where such transfer is in the interest of expeditious finalization of disciplinary proceedings.

(5) If a member of the Force under order of transfer applies for leave, it shall not be granted to him without prior permission of the transferring authority :

Provided that where a transferred member is hospitalised as an indoor patient, he may be allowed leave under intimation to the transferring authority.

CHAPTER V

INTERNAL MANAGEMENT AND CONDITIONS OF SERVICE, SENIORITY

36. *Seniority in initial grade.* —(1) Inter-se-seniority among the incumbents of posts in a rank shall be determined on the basis of continuous regular appointment in that rank after completion of initial and practical training, if any, and the grant of pay higher than initial pay shall not confer any special right of seniority.

(2) When in exigencies of service, the training period of enrolled members of the Force who are direct recruits is curtailed or extended, the date of joining the post (hereinafter in this Chapter referred to as working post) in case of such direct recruits shall be the date when they would normally have come to the working post after completion of prescribed period of training.

37. *Seniority of superior officers.* —(1) In a particular rank,—

- (i) a superior officer appointed in a substantive capacity shall be senior to an officer appointed in an officiating capacity ;
- (ii) seniority of superior officers appointed to any post in a substantive capacity shall be determined in accordance with the date of appointment to that post in a substantive capacity and where two or more officers are appointed to a post in a substantive capacity on the same date, their seniority shall be determined in accordance with their order of selection for appointment to that post ;
- (iii) seniority of officers appointed to any post in an officiating capacity shall be determined in accordance with the order of selection for appointment to that post ;
- (iv) officers appointed on promotion as Assistant Director against the quota of vacancies reserved for them shall be placed below or above a particular batch of direct recruits accordingly as their dates of appointment in time scale are earlier or later than the earliest date on which any one of the direct recruits in a particular batch joined service.

(2) Subject to the provisions of sub-rule (1), inter-se-seniority amongst officers holding the same rank shall be as follows, namely :—

- (i) Seniority of officers promoted on the same day shall be determined in the order in which they are selected for promotion to that rank ;
- (ii) Seniority of direct recruits shall be the same as the rank determined by the Jammu and Kashmir Public Service Commission.

38. *Seniority of directly recruited candidates (enrolled members).*— The seniority of enrolled candidates directly recruited shall be determined as under :—

- (1) Candidates who are sent for initial training to a training school

shall rank in seniority in the relevant grade, according to the order of merit obtained at the examination held at the end of training period before being posted against working posts and those who pass examination in the second attempt shall rank junior to those who passed in the first attempt but shall rank senior to those who pass in the next or subsequent batches and where candidates secure equal marks, the seniority shall be determined by the date of birth the elder candidate being senior ;

- (2) In case of candidate who are not required to undergo any training the seniority shall be determined on the basis of their order of selection ;
- (3) When two or more candidate are of equal merit at one and the same examination or selection, their relative seniority shall be determined by the date of birth the elder candidate being the senior ;
- (4) When a candidate whose seniority has been fixed under the above rules cannot join duty within three months from the receipt of order of appointment, his seniority among the candidates selected at the same examination or selection shall be reckoned from a date to be determined by the appointing authority ;
- (5) Candidates selected for appointment at an earlier selection shall be senior to those selected later irrespective of the date of joining.

39. *Seniority of departmental promotees.*— The seniority of promotees shall be determined according to the position assigned to them in the select panel by the Departmental Promotion Committee. Those who fail to qualify in the initial or prepromotion training course and qualify in the second attempt shall be placed below all those who had qualified in the first attempt in order of their names on the select panel.

40. *Inter-se-seniority of direct recruits and promotees.* —(1) Inter-se-seniority in posts of enrolled members of the Force filled up partly by

direct recruitment and partly by promotion shall be so determined as not to disturb the inter-se-seniority of direct recruits and promotees. Criterion for determination of such seniority shall be the date of promotion in the case of promotees and the date of joining the working post in the case of direct recruits. When the dates of entry into a grade of promoted enrolled member of the Force and a direct recruit are the same, they shall be given alternative positions starting with promotees, e.g. I, Promotee, II-Direct recruit, III-Promotee, IV-Direct recruit and so on. This rule shall apply to recruitment's both in initial and intermediate grades.

(2) In combined seniority list of candidates qualifying in the second attempt, the promotee shall maintain their seniority according to the panel position and direct recruits according to merit position and they shall be placed in the seniority list alternatively as provided in sub-rule (1).

(3) Inter-se-seniority of enrolled members especially promoted without their appearing for the normal selection and without undergoing prescribed initial or prepromotion training for such ranks shall be determined in the order of seniority in their previous ranks. While fixing their seniority vis-a- vis directly recruited enrolled members and promotees, such especially promoted enrolled members shall be placed below all of them including those who passed initial or prepromotion training at the second attempt.

41. *Determination of seniority on inter-zonal transfer.* —(1) When transfer is ordered in the interest of administration-Seniority of an enrolled member of the Force on transfer from one zone to another in the interest of administration shall be regulated by the date of appointment to the grade or rank as the case may be, where the date of appointment of the transferred member of the Force is the same as that of another member of the Force already serving on that Zonal Forest Protection Force, the relative seniority shall be determined on the basis of the date of birth the elder being the senior.

(2) Transfer on own request or normal exchange-Seniority of an enrolled member of the Force transferred on his own request or on mutual exchange from one zone to another shall be fixed below that of all existing confirmed and officiating enrolled members of the Force in the relevant rank of that Forest Protection Force irrespective of the date of confirmation or length of officiating service of the transferred member of the Force.

42. *Effect of reduction in rank, grade or pay on seniority.*—(1) Reduction, in a scale of pay, as distinct from reduction from a higher rank or grade, shall not effect the position of a member of the Force on the seniority list.

(2) In the case of reduction to a lower rank or to a lower scale of pay—

- (i) If a member of the Force is punished with reduction to a lower scale of pay for a specified period, his seniority and pay shall be restored as soon as the period of punishment is over ;
- (ii) If the member of the Force is punished with reduction to a lower rank or grade for specified period, he shall be re-promoted automatically to the rank or grade from which he was reduced. The seniority of such member of the Force shall be fixed at a position in the higher rank or grade at which it would have been but for his reduction ;
- (iii) If the member of the Force has been punished by way of reduction from a higher rank or grade to a lower rank or grade, his seniority in the lower rank or grade shall be fixed with reference to his position to which he would have been entitled but for his promotion to the higher rank or grade from which he was reduced.

43. *Miscellaneous provision governing seniority.*— All other cases of seniority, not specifically covered in the above provisions, shall be decided—

- (1) in the case of superior officers by the *[State Government];
- (2) in the case of enrolled member of the Force by the appointing authority in accordance with the Directives.

44. *Representation against assignment of seniority.*— A member of the Force may represent to the appointing authority about his seniority within the prescribed period from the date of publication of the seniority list.

* Now “Government of UT of Jammu and Kashmir”.

LEAVE

45. *Quantum of leave.*— Same as herein provided-Leave of superior officers and enrolled members of the Force shall be governed by Jammu and Kashmir Civil Services (Leave) Rules, 1979. Those who are on deputation to the Force shall be governed by the leave rules applicable to them as if they were not on deputation to the Force or by the terms of their appointment.

46. *General conditions governing grant of leave.* —(1) All members of the Force including the officers shall compulsorily reside at the station to which they are posted.

(2) The powers of superior officers and subordinate officers of the Force in respect of grant of leave shall be as specified in Schedule-II.

(3) Leave of every description may be sanctioned, refused or revoked subject to exigencies of public service.

(4) No member of the Force shall leave his station on any holiday without the specific permission of the authority empowered to grant him casual leave/ station leave.

(5) A member of the Force before proceeding on leave shall notify his leave address to the office so that orders of recall or other communication may reach him with certainty and in time Telephone Number, wherever available, may also be given.

(6) Leave Certificate-A leave certificate in the prescribed form shall be issued to every enrolled member of the Force proceeding on leave other than casual leave and such certificate shall be presented by the member personally on his rejoining from leave to the officer incharge of the place at which he rejoins, who shall endorse on the certificate the hour and date of rejoining and forward the same to the office where his leave account is maintained.

(7) Recall from the leave-The members of the Force on leave may be—

- (i) recalled at any time by the authority empowered to sanction their leave ;
- (ii) directed to report for duty either at their headquarters or to proceed direct to the place at which their services are required.

(8) *Return to duty from leave.*— No member of the Force who has been granted leave on medical certificate can resume duty without first producing medical certificate of fitness. The authority competent to sanction leave may require a similar certificate in the case of any member of the Force who has been granted leave on the grounds of ill health even though such leave was not actually granted on medical grounds.

47. *Restriction on grant of leave.* —(1) Whenever mobilization of the Force is likely or is in force or a member of the Force is detailed or is likely to be detailed for training of any type, leave of any kind including casual leave shall not ordinarily be sanctioned except on emergent and compassionate grounds.

(2) Leave shall not be granted to a member of the Force whose conduct is under inquiry except when it is required for hospitalization purpose or in extreme emergent cases.

(3) Similarly, leave shall not be granted to a member of the Force who is under orders of transfer unless he is admitted as an indoor patient in a Government hospital :

Provided that if such member has been admitted to a Government hospital as indoor patient, such member shall report the matter forthwith to his controlling authority and shall not leave his headquarters without obtaining prior sanction of that authority.

48. *Joining time.*— An officer transferred from one post to another on returning from leave may be allowed joining time under the conditions laid down in Chapter IX of the Jammu and Kashmir Civil Services Regulations Vol.-I, and will be considered as being on duty during that period.

49. *Deposit of Government property.*— Every officer before proceeding on leave shall deposit all Government property in his possession

or custody either at his unit or with the officer responsible under rules for the custody of such property in store.

50. *Performance appraisal.* —(1) General-The performance appraisal system shall be as follows, namely :—

- (i) A continuous performance appraisal which will be correctional and developmental in its impact ; and
- (ii) The annual performance appraisal which will be for organizational purposes including those connected with training, confirmation, placement and promotion.

(2) The said appraisal system shall apply to all ranks.

(3) For the purposes of continuous performance appraisal, every subordinate and superior officer shall maintain a record (hereinafter referred to in this Chapter as Critical Incidents Record) for each of his subordinates especially entrusted to him by the controlling authority for this purpose. He will record therein instances of good and bad work, coming to his notice, of his subordinates besides making annual rating of their overall performances.

(4) Every subordinate and superior officer referred to in sub-rule (3) shall hold, as far as may be possible, a counselling session for the members of the Force for whom he is maintaining the Critical Incidents Record. A record of such counselling shall also be maintained. The counselling will be aimed at encouragement of a positive behaviour of member concerned or for correcting his behaviour in the light of his performance rating. All officers of the Force during their periodical inspections may also record their assessment in the Critical Incidents Record and, if necessary, suitably counsel the member concerned.

51. *Annual Performance Appraisal.* —(1) Annual performance appraisal by any reporting superior officer for writing the confidential reports mentioned may not be done without having conducted at least one inspection of the work of the subordinate or unless the subordinate is one with whom such superior officer is interacting frequently.

(2) For the purposes of sub-rule (1) the proximity between the appraiser and his reporting superior officer shall be maintained at all levels. Such an appraisal shall be made by superior officer only so as to ensure that the appraisal is professional, objective and presents the truest possible picture of the appraisee with regard to all aspects of his work.

52. *Service Books.*— Service Book of every member of the Force holding a substantive appointment on a permanent establishment shall be maintained as per Chapter XXI of Jammu and Kashmir Civil Service Regulation.

53. *Personal files.* —(1) The Office of the Director, Joint Director and Deputy Director shall maintain personal files of each official placed directly under their command.

(2) The personal file shall contain such documents as may be specified in the directives.

54. *Redressal of grievances through outside influence.*— Members of the Force are forbidden to approach officials of other departments, members of the Legislatures or private persons/political people to support or press individual claims or obtain redressal of their grievances. All members of the Force are similarly forbidden to approach members of Parliament or State Legislatures with a view to have their individual grievances made the subject of interpellation in the Legislatures/Parliament.

55. *Redressal of grievances through litigation.*— Any member of the Force seeking redressal of his individual grievances arising out of his employment or conditions or service first avail himself of all remedies available to him under service rules as to redressal of grievances before taking the issue to a Court of Justice. No permission from the department shall, however, be necessary, if a member wants to agitate the matter before Court of Justice.

56. *Other conditions of service.*— In all other matters not prescribed in these rules, all members of the Force, irrespective of their ranks shall be governed by the provisions contained in the extant Jammu and Kashmir Civil Services Regulations and other rules as applicable to Government servants of corresponding grades.

CHAPTER VI

ENCAMPMENT AND ACCOMMODATION

57. Residential accommodation. —(1) All members of the Force in a Gamma Unit up to the rank of Deputy Director shall be required to stay in the FPF accommodation provided to them at their place of duty. The barrack accommodation shall be rent free.

(2) Ministerial Staff of the Force shall be required to live as near the place of their duty as possible at the place of posting for the proper discharge of their duty in case departmental accommodation is not made available to them at their place of posting.

(3) Enrolled members of the Force, who have either been accommodated in barracks or given family accommodation or who has been offered any such accommodation but wish to stay outside under their private arrangements, shall obtain written permission from their superior officer not below the rank of Deputy Director. Similarly written permission shall also be required to leave the Gamma Unit complex on out station leave encompassing night stay outside.

(4) Enrolled members of the Force accommodated in barracks but keeping their families away from them in other towns shall be entitled to the payment of house rent allowance as may be admissible to other State Government employees.

58. Location of barracks and other accommodation. —(1) The location of barracks and other residential accommodation for the enrolled members of the Force shall be as specified in the directives.

(2) The barracks shall be of approved pattern with built-in-space for recreation purposes besides having adequate open space for use as parade and playground.

59. Maintenance and vacation of residential accommodation. —(1) If any residential accommodation is allotted to a member of the Force, he shall reside therein subject to such conditions and terms as may be specified in the directives.

(2) It shall be a condition of his service that he shall vacate the accommodation within one month on his ceasing to be a member of the Force or on his transfer from that place or whenever an officer not below the rank of Deputy Director, for reasons to be recorded in writing, finds it necessary and expedient for him to do so.

(3) If any enrolled member of the Force who is required under sub-rule (2) to vacate any premises fails to do so, such superior officer may after giving him an opportunity of being heard, direct any officer subordinate to him, with such assistance as may be necessary to enter upon and open the premises and remove therefrom any person in occupation and to take possession of the premises and deliver the same to the allottee specified in the order.

(4) An inventory of all articles found in the premises shall be prepared and signed by such officer and the articles recovered kept in safe custody in the stores of Forest Protection Force or handed over to the person entitled under proper receipt.

CHAPTER VII

UNIFORM AND EQUIPMENT

60. *General instructions.* —(1) The Director may, by order, specify from time to time dress and pattern of various types of dresses for members of the Force.

(2) The badges of rank of all members of the Force holding their appointments on a regular basis shall be as specified in Schedule-VII.

(3) Provided that the appointing authority while promoting a member of the Force may, looking to the nature and duration of the appointment, allow him to wear the uniform and badges of the rank of that higher appointment.

(4) All officers are forbidden to introduce or sanction for experimental or other purposes any unauthorised deviation from the specified pattern of dress, clothing equipment and badges.

61. *Uniform and plain clothes.* —(1) All members of the Force shall be in possession of uniform and shall invariably wear it as hereinafter provided except when specially deployed on plain clothes work for particular assignment.

(2) Mufti shall be worn when off-duty.

(3) No superior officer or enrolled members of the Force shall appear at any time dressed partly in uniform and partly in plain clothes while on duty.

62. *Uniform when to be worn.* —(1) All superior officers and enrolled members of the Force shall wear uniform while on duty or when attending parades, orderly rooms, Courts of Justice, official functions which includes funerals or while inspecting guards or when an inspecting officer is present in office and on all other occasions when required to do so. Official uniform or any of its items shall not be worn when off-duty :

Provided that there may not be any objection to its use in departmental cultural shows.

(2) No member of the Force shall turn up for duty unless properly dressed nor he shall smoke or chew "paan" in the open when on duty in uniform.

(3) No unauthorised ornament or emblem, sign or mark shall be worn with the uniform.

(4) Watch, chains, trinkets, fountain pens, etc. shall not be worn with uniform so as to be visible. The wearing of signet ring is, however, permitted.

(5) Sun glasses shall not be worn with uniform, except under medical advice, on the following occasions :—

- (i) on ceremonial parades or while on VIP duty ; and
- (ii) when on quarter guard duty or inspecting a guard or attending a parade.

63. *Growth and dressing of the hair.* —(1) Non-Sikh personnel— The hair of the head shall be kept short. The chin and under lip shall be shaved daily unless permission to grow the same is taken in writing for a specified period. Whiskers and moustaches, if worn, shall be of moderate length.

(2) Sikh personnel— Sikh personnel shall dress up their hair and beard properly. “Thathas” shall not be used over beard when in uniform.

(3) In the case of women serving in the Force, hair shall be neatly kept and make up, if used, shall be inconspicuous. Highly coloured nail varnish shall not be used.

64. *Scale of uniform.* —(1) All enrolled members of the Force, including trainees, shall be furnished free of charge a set of uniform (i.e. clothing and other necessary articles) of such description and in such quantity and composition as may be specified by Director from time to time.

(2) Superior officers of the Force shall provide themselves with all articles of uniform and accoutrements of the specified patterns and shall be paid outfit allowance as prescribed by the State Government for Police from time to time.

(3) All enrolled members of the Force serving at locations at an altitude of 1000 meters or above sea level shall be entitled to an extra issue of woollen garments.

(4) The Director in the case of members serving in Forest Protection Force will notify particular place at which such extra clothing shall be admissible. Through specific orders, such extra clothing shall be replaced on expiry of its period of serviceability as specified by the Director.

(5) An enrolled member of the Force on ceasing to be posted at a place, for which extra issue of clothing is authorized, shall deposit the same in the stores of the Forest Protection Force.

65. *Replacement of uniform.* —(1) The life of each item of uniform shall be as specified by the Director through the directives.

(2) Periodical inspections of kit issued to each enrolled members of the Force shall be held by the Deputy Director or Assistant Director and articles which are no longer fit for use may be condemned and sent to stores for replacement.

(3) If life of any article has not expired, proportionate cost (listed) shall be deducted from the salary of the enrolled member concerned, provided that no deduction may be made, if the article has been rendered unserviceable owing to normal wear and tear or has been lost through no fault of the member concerned. The amount so realized shall be credited to the Government.

(4) Deposit of accoutrements-Enrolled members of the Force shall not be permitted to take accoutrements while going on leave. Accoutrements shall be deposited while proceeding on leave, for more than thirty days.

66. *Disposal of uniform.* —(1) All articles of clothing and equipment issued to enrolled members of the Force shall be withdrawn from him when—

- (i) he is placed under suspension ;
- (ii) he is served with order of discharge ;
- (iii) he is removed or dismissed from service ; or
- (iv) his resignation is accepted.

(2) The Deputy Director or Assistant Director concerned shall keep articles of uniform withdrawn from an enrolled member of the Force placed under suspension in safe custody for a period of four months. If within this, period of four months the member is reinstated in service, his uniform shall be restored to him.

(3) If the enrolled member of the Force continues under suspension beyond a period of four months, the uniform withdrawn from him shall be transferred to the stores of the unit concerned and shall be restored to him at the time of his reinstatement in service.

67. *Resuming of uniform articles on ceasing to be enrolled member*

of the Force.— When an enrolled member of the Force ceases to belong to the Force, his kit shall be examined and serviceable articles brought on the resumed stock and subsequently reissued. When any such resumed articles is reissued, its authorised life period shall include the period for which such article has remained issued earlier :

Provided that the kit of a person, who was suffering from contagious disease, such as T.B. etc. shall be destroyed by burning in the presence of a superior officer after obtaining the orders of the Dy. Director in each case:

Provided further that items of uniform shall not be withdrawn in the case of death of enrolled member while in service.

68. *Retention of articles of uniform on retirement or repatriation to parent department.*— Member of the Force on his retirement on superannuation repatriation to parent department shall be allowed to retain the uniform items to be worn only on ceremonial occasions or at the time of formally calling upon superior officer of armed forces or State Police Organizations. The facility of wearing the uniform on the above mentioned occasions shall be as per norms applicable to such persons in Police Department and may be withdrawn at any time in the public interest under the orders of the Director.

CHAPTER VIII

DISCIPLINE AND CONDUCT

69. *Rules governing discipline.* —(1) Save as otherwise provided in these rules, Jammu and Kashmir Civil Service (Discipline and Appeal) Rules, 1968, as amended from time to time shall so far as may be, apply to the superior officers of the Force. IFS Officers on deputation shall be governed by All India Services (Discipline and Appeal) Rules, 1965.

(2) The enrolled members of the Force shall, in such matters, be governed by the rules in this Chapter.

70. *Suspension.*— The members of the Force or ministerial staff may be placed under suspension by the authorities, specified in Schedule-III.

71. *Exceptional circumstances for suspension.*— In exceptional circumstances a superior officer may also place any member of the Force or ministerial staff under his command, under suspension :

Provided that where any action is taken under the foregoing proviso, the authority suspending a member of the Force shall forthwith report to the authority competent to place such member under suspension, the circumstances under which the order was made and obtain his approval and where approval is not granted, the suspension order shall become void and inoperative *ab initio*.

Explanation :— For the purposes of this rule, where a member of the Force is officiating in a higher post, he shall be placed under suspension only by the authority competent to place a member of the Force holding such officiating rank under suspension.

72. *Conditions for suspension.*— Any superior officer up to the rank of Assistant Director or an enrolled member of the Force or ministerial staff may be placed under suspension—

- (1) where a disciplinary proceeding against him is contemplated or is pending ; or
- (2) where a preliminary inquiry into allegation made has revealed a prima fade case justifying criminal or departmental proceedings which are likely to lead to his conviction or dismissal, removal or compulsory retirement from service; or where he has remained in judicial confinement for more than 48 hours on a criminal charge involving moral turpitude ;
- (3) where a case against him in respect of any criminal offence is under investigation, inquiry or trial ; or
- (4) where his continuance in office will prejudice any investigation, inquiry or trial ; or
- (5) Where his continuance in office is likely to seriously subvert discipline in the office in which he is working ; or

- (6) where his continuance in office appears to be against the wider public interest ; or
- (7) where he is suspected to have engaged himself in activities prejudicial to the interest of the security of the State.

73. *Public interest as deciding factor*.— Public interest shall be the guiding factor in deciding whether or not a member of the Force, even though he is on leave, should be placed under suspension :

Provided that before taking a decision on suspension, the competent authority may consider whether the purpose would be served if the member is transferred from his post or sanctioned leave :

Provided further that charge on which a member has been placed under suspension shall be furnished to him within a period of thirty days from the date of suspension after which the incumbent shall be deemed to have been reinstated if no such charge is made available to him :

Provided further that the provision of thirty days shall not apply to cases where a member has been placed under suspension on grounds that he has engaged himself in activities prejudicial to the interest and security of the State or a criminal charge involving moral turpitude is pending against him.

74. *Deemed order of suspension*. —(1) Member of the Force shall be deemed to have been placed under suspension by an order of the competent authority—

- (i) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period of exceeding forty-eight hours ; or
- (ii) with effect from the date of his conviction, if, in the event of a conviction for an offence he is sentenced to a term of imprisonment exceeding forty-eight hours and is not dismissed or removed or compulsorily retired from service consequent to such conviction.

Explanation.— The period of forty-eight hours referred to in clause

(ii), shall be computed from the commencement of the imprisonment after the conviction.

(2) Notwithstanding anything contained in sub-rule (1), in cases where a detention or conviction results from an act committed by a member of the Force while acting or purporting to act in the discharge of his official duty, provision of “deemed suspension” will not apply. In such a case the appointing authority shall take decision on facts of each case.

75. Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of the Force under suspension, is set aside in appeal or revision and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

76. Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a member of the Force is set aside or declared or rendered void in consequence of or by a decision of a court and the disciplinary authority on consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the punishment of dismissal, removal or compulsory retirement was originally imposed, the member of the Force shall be deemed to have been placed under suspension by the competent authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders :

Provided that no such further enquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merit of the case.

77. (1) Notwithstanding anything contained in rule 99 where member of the Force is suspended (whether in connection with any disciplinary proceedings or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority, competent to place him under suspension may, for reasons to be recorded in writing, direct that the member of the Force shall continue to be under suspension until the termination of all or any of such proceedings.

(2) An order of suspension made or deemed to have been made may, at any time, be modified or revoked by the authority which made the order or is deemed to have made the order or by any authority to which that authority is subordinate.

78. (1) The order and the period of suspension shall be recorded in the character roll, service book and personal file of the member of the Force concerned.

(2) A member of the Force, under suspension, or deemed to have been placed under suspension, shall draw subsistence allowance and other allowances in accordance with extant Jammu and Kashmir Civil Services Regulation.

(3) When a member is reinstated after suspension, the period of suspension shall be regularized in accordance with the extant Jammu and Kashmir Civil Services Regulation.

79. Responsibilities of member of the Force during suspension. —

(1) A member of the Force shall not, by reason of his suspension, cease to be a member of the Force during the period of his suspension. The powers vested in him as such member shall be in abeyance but he shall be subject to the same responsibilities, discipline and penalties to which he would have been subject to if he were on duty.

(2) Every member of the Force shall during the period of his suspension stay at his headquarters or at such place which may be specified by the disciplinary authority and shall present himself daily for attendance to the authority nominated by the disciplinary authority :

Provided that the disciplinary authority may, for special reasons, grant permission in writing to the member to leave the station for a specified period and on revocation of such suspension the period of such absence shall be regularized as a kind of leave due in case the period of suspension is treated as period spent on duty.

(3) An enrolled member of the Force under suspension shall deposit his arms and accoutrements with such officer as may be specified by the disciplinary authority.

(4) A member of the Force under suspension shall not wear his uniform nor shall he be employed on ground duty or on any such duty that might entail exercise of his power as a member of the Force nor shall he be issued arms and ammunition.

(5) A member of the Force under suspension shall be allowed reasonable facilities for the preparation of his defence in connection with the charges levelled against him.

80. *Retirement while under suspension.* —(1) The right of voluntary retirement for a member of the Force under suspension shall be subject to the prior approval of the appointing authority.

(2) Where an enquiry is pending against a member of Force under suspension and he attains the age of superannuation and retires from service, the enquiry so pending shall continue against him as if he had not retired.

81. *Rules governing conduct.*— The Jammu and Kashmir Government Employees (Conduct) Rules, 1971, as amended from time to time shall, so far as may be, apply to all members of the Force.

82. *Code of behaviour for members of the Force.* —(1) All members of the Force, irrespective of their ranks, shall submit themselves to the requirement of the following code of behaviour, both on and off-duty. It shall be incumbent upon all members of the Force to respect the code of behaviour and maintain an attitude of complete discipline and obedience to it. Any breach of these provisions on the part of any member of the Force shall constitute misconduct and shall be punishable under the Civil Services (Classification, Control and Appeal) Rules, 1956, as applied to superior officers or under, The All India Services (Discipline and Appeal) Rules, 1969 for IFS Officers on deputation or as the case may be, under sections 7, 8, or section 16 of the Jammu and Kashmir Forest (Protection) Force Act, 2001.

(2) *Neglect of duty*— No member of the Force without good and sufficient cause shall—

- (i) neglect or omit to attend or fail to carry out with due promptitude and diligence anything which is his duty as a

member of the Force to attend to or carry out ; or

- (ii) fail to work his beat in accordance with orders or leave the place of duty to which has been deputed ; or
- (iii) be absent without leave or be late for any duty ; or
- (iv) fail to account for, or to render a prompt and true return of any money or property entrusted to him in the course of his duty.

(3) *Disobedience of orders*— No member of the Force shall—

- (i) disobey or omit or neglect to promptly carry out any lawful orders, written or otherwise ; or
- (ii) contravene any provision of the Act, or rules or directives containing restrictions on the private lives of the members of the Force or requiring him to notify the Joint Director concerned that he, or a relation included in his family, has business interest in his jurisdiction within the meaning of these rules and directives.

(4) *Discreditable conduct*-No member of the Force shall act in any manner prejudicial to discipline or conduct himself in public in such a manner which is reasonably likely to bring discredit to the reputation of the Force.

(5) *Misconduct towards a member of the Force*-No member of the Force shall—

- (i) conduct himself towards another member of the Force in oppressive or abusive manner; unbecoming of a public servant ;
- (ii) assault or misbehave with such member.

(6) *Falsehood or prefabrication*-No Member of the Force shall—

- (i) knowingly or inadvertently make any false, misleading or

inaccurate oral or written statement or entry in any record or document required to be kept under the Forest (Protection) Force Act, 2001 or rules made thereunder ; or

- (ii) either willfully and without proper authority or through lack of due care destroy or mutilate any record or document made, kept or required for the purpose of the Force ; or
- (iii) without good and sufficient cause alter or erase or add to any entry in such a record or documents ; or
- (iv) knowingly or through neglect make any false, misleading or inaccurate statement in connection with his appointment to the Force.

(7) Corrupt or improper practice-No member of the Force shall,—

- (i) in his capacity as such member and without the written consent of the Joint Director concerned directly or indirectly solicit or accept any gift, present or subscription; or
- (ii) place himself under a pecuniary obligation to any person in such a manner as may likely affect the proper discharge of his duties as such member; or
- (iii) improperly use or attempt so to use, his position as such member for his personal gain.

(8) Abuse of authority-No member of the Force shall—

- (i) without good and sufficient cause make an arrest;
- (ii) use unnecessary violence towards any under trial prisoners or other persons with whom he comes into contact in the execution of his duty.

83. *Offences relatable to duties of enrolled members.*—

Commission of any of the following act or acts by an enrolled member of the Force :—

- (1) violation of duty ;
- (2) wilful breach or neglect of any provisions of this Act or any rule or directives or of any other lawful orders which he is bound to observe or obey ;
- (3) disobeying lawful command of superior officers ;
- (4) withdrawing from duty of his office without permission ;
- (5) quitting his guard, picket, party or patrol before assigned time or without being duly relieved or without leave ;
- (6) absenting himself without proper intimation to his controlling authority or without sufficient cause, overstaying leave granted to him or failing without reasonable cause to report himself for duty on the expiry of such leave ;
- (7) engaging himself without authority in any employment other than his duty as an enrolled member of the Force ;
- (8) being guilty of cowardice ;
- (9) being in a state of intoxication while on duty or after having been alerted for any duty ;
- (10) malingering or feigning illness or voluntarily causing hurt or infirmity to himself or intentionally delaying his cure or aggravating his disease or infirmity with the intention to render himself unfit for any duty or for service ;
- (11) resisting his lawful arrest or being under arrest or in confinement or escaping from confinement before he is set at liberty by lawful authority ;
- (12) assaulting any enrolled member of the Force subordinate to him in rank or position ;
- (13) being grossly insubordinate or insolent to his higher officer or using or attempting to use criminal force against his

colleague or higher officer whether on or off-duty, knowing or having reason to believe to be such subordinate ;

- (14) designedly or through negligence damaging or rendering unusable tools, equipments, ammunition or accoutrements, or any such articles entrusted to him or belonging to any other member of the Force ;
- (15) taking part in procession, gherao, demonstration, shouting slogans or resorting to pamphleteering or otherwise indulging in any intimidatory or coercive act or dharna, undertaking hunger strike for forcing under duress or threats any supervisory authority to concede anything or striking work ;
- (16) being guilty of using insulting or threatening language to the Commission of Inquiry or causing any interruption or disturbance in the proceedings of such commission ;
- (17) offering unwarrantable personal violence to any person in custody ;
- (18) entering or searching without lawful authority or reasonable cause any building or place ;
- (19) seizing vexatiously and unnecessarily the property of any person ;
- (20) detaining, searching or arresting any person vexatiously and without reasonable suspicion or cause ;
- (21) holding out any threat, inducement or promise not warranted by law ; or
- (22) aiding or abetting or attempting to commit any of the offences under this Act or these rules or doing any act towards the commission of such offence ; or
- (23) aiding, abetting or taking part or colluding in insurgency shall render him liable for punishment under section 7 or section 16 or both of the Act.

CHAPTER IX

DISCIPLINARY AND PENAL PUNISHMENTS

84. *Description of punishments.* —(1) Any of the following punishments may, for good and sufficient reasons and as hereinafter provided, be imposed on any member of the Force.

(2) Major punishments—

- (i) Dismissal from service (which shall ordinarily be a disqualification for future employment under the Government) ;
- (ii) Removal from service (which shall not be a disqualification for future employment under the Government) ;
- (iii) Compulsory retirement from service ;
- (iv) Reduction in rank or grade.

(3) Minor punishment—

- (i) Reduction to a lower stage in the existing scale of pay ;
- (ii) Fine not exceeding 15 days basic pay ;
- (iii) Confinement to quarter-guard for a period not exceeding fifteen days with or without punishment drill, extra guard duty, fatigue duty or any other punitive duty ;
- (iv) Withholding of next increment with or without corresponding postponement of subsequent increments ;
- (v) Withholding of promotion for a specified period ;
- (vi) Removal for any office of distinction or deprivation of any special emoluments ;
- (vii) Censure ;

(viii) Reprimand.

Explanation:— The following shall not amount to a punishment within the meaning of this rule, namely :—

- (1) Withholding of increment of an enrolled member of the Force for failure to pass a departmental examination in accordance with the rules or orders governing class or grade or rank or post or as per the terms of his appointment ;
- (2) Non-promotion of an enrolled member of the Force, whether in a substantive or officiating capacity, due to his failure to pass the promotion course, to a rank or grade to which he is eligible or has been empanelled ;
- (3) Reversion of an enrolled member of the Force officiating in a higher rank or a grade to a lower rank or grade on the ground that he is considered to be unsuitable for such higher rank or grade on any administrative grounds not connected with his conduct ;
- (4) Removal of an enrolled member of the Force appointed on probation to a permanent rank, grade or post, during or at the end of the period of probation in accordance with the terms of his appointment of the rules and orders governing probation ;
- (5) Repatriation of an enrolled member of the Force to his parent cadre or department.

85. Effect of departmental punishment on prosecution

Any punishment specified in rule 84 imposed on an enrolled member of the Force shall not affect his liability to prosecution and punishment under this Act or under any other law for the time being in Force.

86. *Disciplinary Authority.* —(1) The disciplinary authority in respect of any enrolled member of the Force for the purpose of imposing any particular punishment or the passing of any disciplinary order shall be

the authority specified in this behalf in Schedule-III in whose administrative control the member is serving and shall include any authority superior to such authority.

(2) The disciplinary authority, in the case of an enrolled member of the Force officiating in a higher rank, shall be determined with reference to the officiating post held by him at the time of taking action.

87. *Authority to institute proceedings.* —(1) The Appointing Authority or any authority otherwise empowered by general or special order, may—

- (i) Institute disciplinary proceedings against any enrolled member ; or
- (ii) Direct a disciplinary authority to institute disciplinary proceedings against any enrolled member of the Force on whom the disciplinary authority is competent to impose, under these rules, any of the punishments specified in rule 84.

(2) A disciplinary authority competent under these rules to impose any of the minor punishments may institute disciplinary proceedings for the imposition of any of the major punishments notwithstanding that such disciplinary authority is not competent, under these rules, to impose any of the latter punishments.

88. *Procedure for imposing major punishments.* —(1) No order of dismissal, removal, compulsory retirement or reduction in rank shall be passed on any member of the Force without holding an inquiry, as far as may be in the manner provided hereinafter in which he has been informed in writing of the grounds of charges on which it is proposed to take action, and has been afforded a reasonable opportunity of defending himself.

(2) (i) Whenever the disciplinary authority is of the opinion that there are grounds for inquiry into the truth of any imputation of misconduct or misbehaviour against any member of the Force, it may itself inquire into, or appoint an Inquiry Officer higher in rank to the member charged but not below the rank of Inspector.

(ii) Where the disciplinary authority itself holds the inquiry, any reference to the Inquiry Officer in the rules shall be construed as a reference to the disciplinary authority.

(3) On receipt of complaint or otherwise, the disciplinary authority on going through the facts alleged or brought out shall decide whether it is a case for major or minor punishments. No attempt shall be made to convert cases punishable under section 15 or section 16 of the Act into disciplinary cases nor divert cases in respect of which major punishments are impossible to the category of cases where minor or petty punishments are impossible.

(4) Where it is proposed to hold an inquiry against enrolled member of the Force under this rule, the disciplinary authority may order that the enrolled member shall not be transferred to any other place or given leave without its written permission till the conclusion of the disciplinary proceedings, and the disciplinary authority shall draw or cause to be drawn up—

- (i) The substance of the imputations of the misconduct or misbehaviour into definite and distinct articles of charge ;
- (ii) A statement of the imputation of misconduct or misbehaviour in support of each article of charge which shall contain—
 - (a) A statement of all relevant facts including any admission or confession made by the enrolled member of the Force ; and
 - (b) A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained.

(5) The disciplinary authority shall deliver or cause to be delivered to the delinquent member, at least seventy-two hours before the commencement of the inquiry, a copy of the articles of charge, the statement of imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and fix a date when and the place where the inquiry is to commence; subsequent dates and places being fixed by the Inquiry Officer.

(6) Where the enrolled member charged has absconded or where it is not possible to serve the documents on him in person or where he deliberately evades service, the procedure laid down in Chapter VI of [the Code of Criminal Procedure, Samvat 1989], shall be adopted by the Inquiry Officer for service of such documents and the same shall be deemed to be a conclusive proof of service.

(7) The enrolled member charged shall not be allowed to bring in a legal practitioner at the proceedings but he may be allowed to take the assistance of any other member of the force hereinafter referred to as “friend” who in the opinion of the Inquiry Officer may, at the request of the party charged, put his defence properly. Such “friend” must be a serving member of the Force, of or below the rank of Inspector for the time being posted in the same unit where the proceedings are pending and not acting as a “friend” in any other proceedings pending anywhere, such “friend” shall, however, be allowed to address the Inquiry Officer as also to cross-examine the witnesses produced against the delinquent officer only on the charges framed against him.

(8) If the enrolled member charged fails to turn up on the day fixed for the start of inquiry and no reasonable excuse is offered for not being present on the fixed time and place, the Inquiry Officer may commence the inquiry *ex-parte*.

(9) At the commencement of the inquiry, the party charged shall be asked to enter a plea of “guilty” or “not guilty” after which evidence necessary to establish the charge shall be let in. The evidence shall be confined to the charge and may either be oral or documentary, and if oral—

- (i) It shall be direct ;
- (ii) It shall be recorded by the Inquiry Officer in the presence of the party charged; and the party charged shall be allowed to cross-examine the witness, if “friend” is absent.

(10) If the witnesses are Government officers of a rank superior to the party charged, the Inquiry Officer may, at the request of the party charged, put the questions to such officer.

* Now “the Bharatiya Nagarik Suraksha Sanhita, 2023”.

(11) All evidences shall be recorded, in the presence of the party charged by the Inquiry Officer himself or on his dictation by a scribe. Cross-examination by the party charged or the fact of his declining to cross-examine the witness, as the case may be, shall also be recorded. The statement of each witness shall be read over to him and explained, if necessary, in the language of the witness, whose signature shall be obtained as a token of his having understood the contents. The Inquiry Officer shall also sign statement and the party charged. Copy of each statement shall be given to the party charged who shall acknowledge receipt on the statement of witness itself. The Inquiry Officer shall record a certificate of having read over the statement to witness in the presence of the party charged.

(12) Documentary exhibits, if any, are to be numbered while being presented by the concerned witness and reference of the number shall be noted in the statement of the witness. Such documents may be admitted in evidence as exhibits without being formally proved unless the party charged does not admit the genuineness of such a document and wishes to cross-examine the witness who is purported to have signed it. Copies of the exhibits may be given to the party charged on demand except in the case of voluminous documents, where the party charged may be allowed to inspect the same in the presence of the Inquiry Officer and take notes.

(13) Unless specifically mentioned in these rules, the provisions of *[the Code of Criminal Procedure, Samvat 1989, and Evidence Act, Samvat 1977], shall not apply to the departmental proceedings under these rules.

(14) The party charged shall then be examined and his statement recorded by the Inquiry Officer. If the party charged has pleaded guilty and does not challenge the evidence on record, the proceedings shall be closed for orders. If he pleads “not guilty”, he shall be required to file within 10 days a written statement together with a list of such witnesses as he may wish to produce in his defence and giving therein a gist of evidence that each witness is expected to give. If he declines to file a written statement, he shall again be examined by the Inquiry Officer on the expiry of the period allowed and his statement, if any, recorded.

(15) If the party charged refuses to produce any witnesses or to

* Now “Bharatita Nagarik Suraksha Sanhita, 2023, and the BSA, 2023”.

produce any evidence in his defence, the proceedings shall be closed for orders. If he produces any evidence, the Inquiry Officer shall proceed to record the evidence. If the Inquiry Officer considers that the evidence of any witness or any document which the party charged wants to produce in his defence is not material to the issue involved in the case, or is requested to be produced with intention to delay the proceedings, he may refuse to call such witness or to allow document to be produced in evidence, but in all such cases he must briefly record his reasons for considering the evidence undesirable. When all relevant evidence has been brought on record, the proceedings shall be closed for orders after recording the statement, if any, of the party charged and obtaining any clarification, if necessary, from him.

(16) Under no circumstances additional prosecution witnesses shall be examined after defence has been let in and in case prosecution is allowed to produce additional evidence, defence witnesses may also be allowed in rebuttal. However, if at any stage during the inquiry, it appears to the Inquiry Officer that examination of any witness who has not been produced by either party so far or recall of any witness who has already been examined is essential in the interest of justice or to clear any doubt, he may summon him for the purpose and examine him as a witness of the Inquiry Officer after recording his reasons for doing so. Such a witness may also be cross-examined by the parties, if desired.

(17) Whenever any Inquiry Officer after having heard and recorded the whole or any part of the evidence in an inquiry, ceases to exercise jurisdiction therein and is succeeded by another Inquiry Officer who has and exercises such jurisdiction, the Inquiry Officer so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor, and partly recorded by him or himself record it afresh as he deems expedient.

(18) At the conclusion of the inquiry, the Inquiry Officer shall prepare a report of the inquiry recording his findings on each of the charges with reasons therefor. The findings must be of “guilty” or “not guilty” and no room shall be allowed for “benefit of doubt” or personal surmises. A charge shall be deemed to have been proved if after considering the evidence before him, the Inquiry Officer believes the ingredients, constituting the charge to exist or considers their existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the

supposition that they exist.

(19) If in the opinion of the Inquiry Officer the proceedings of the inquiry establish charges different from those originally framed, he may record his findings on such charges :

Provided that findings on such charges shall not be recorded unless the party charged has admitted the facts constituting them and has had an opportunity of defending against them.

89. *Action on the Inquiry Report.* —(1) If the disciplinary authority, having regard to its own findings where it is itself Inquiry Officer or having regard to its decision on all or any of the findings of the Inquiry Officer, is of the opinion that the punishment warranted is such as is within its competence, that authority may act on the evidence on record. However, in a case where it is of the opinion that further examination of any of the witnesses is necessary in the interest of justice, it may recall the witness, examine him and allow the party charged to cross-examine him. After that, it may impose on the party charged such punishment as is within its competence according to these rules.

(2) While communicating the order imposing the punishment, a copy of the findings of the Inquiry Officer shall also be given to the party charged.

(3) Where such disciplinary authority is of the opinion that the punishment warranted is such, as is not within its competence, that authority shall forward the records of the inquiry to the appropriate disciplinary authority with his recommendations who shall act in the manner as hereinafter provided.

(4) The disciplinary authority, if it is not itself the Inquiry Officer may, for reasons to be recorded, remit the case to the Inquiry Officer for further inquiry and report. The Inquiry Officer shall thereupon proceed to hold further inquiry according to the provisions of rule 87 and submit to the disciplinary authority the complete records of such inquiry along with his report.

(5) The disciplinary authority shall, if it disagrees with the findings

of the Inquiry Officer on any article of charge, record its reasons for such disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose. In such case the delinquent officer shall having also be informed of the reasons for disagreement.

(6) If the disciplinary authority having regard to its findings on all or any of the article of charge is of the opinion that any of the minor punishments should be imposed on the party charged, it shall, notwithstanding anything contained in rule 93, make an order imposing such punishment.

(7) If the disciplinary authority, having regard to its findings on all or any of the articles of charge and on the basis of evidence on record, is of the opinion that any of the major punishments should be imposed on the party charged, it shall make an order imposing such punishment and it shall not be necessary to give to the party charged any opportunity of making representation on the punishment proposed to be imposed.

90. *Determination of punishment.*— In determining the punishment, the character, previous bad record and punishment of party charged shall not be taken into consideration unless in a case where they are made subject matter of a specific charge in the proceeding itself. Offences connoting moral turpitude shall be carefully distinguished from smaller lapses of conduct. It is essential that the punishment shall be inflicted keeping in view the nature of duties expected from the member of the Force and the misconduct by him.

91. *Imposing of punishment of dismissal, etc.*— Before coming to any lower punishment, the disciplinary authority with a view to ensuring the maintenance of integrity in the Force shall consider the award of punishment of dismissal or removal from service to any member of the Force in the following causes, namely :—

(1) Dismissal—

- (i) Conviction by a criminal court; on a charge involving moral turpitude or a sentence of more than six months ;
- (ii) Serious misconduct or including in committing or

attempting or abetting an offence against forest property ;

- (iii) Discreditable conduct affecting the image and reputation of the Force ;
- (iv) Neglect of duty resulting in or likely to result in loss to the forest property or danger to the lives of persons using the Force ;
- (v) Insolvency or habitual indebtedness ; and
- (vi) Obtaining employment by concealment of his antecedents which would ordinarily have debarred him from such employment.

(2) Removal from service—

- (i) any of the misconduct for which he may be dismissed under sub-rule (1) above ;
- (ii) repeated minor misconducts ;
- (iii) absence from duty without proper intimation or overstay beyond sanctioned leave without sufficient cause.

92. *Reduction in the rank, grade or in the scale of pay.* —(1) No enrolled member of the Force shall be reduced to a rank lower than that to which he was first appointed to the service nor shall he be reduced permanently in the sense that he shall never be eligible for re-promotion however meritorious his subsequent service may be.

(2) When reduction to a lower rank, grade or a lower stage in the scale of pay is ordered, the order shall also specify—

- (i) the date from which it will take effect and the period (in terms of years and months) for which the punishment shall be operative ;
- (ii) the stage in the scale of pay (in terms of rupees) to which the

enrolled member of the Force is reduced ; and

- (iii) the extent (in terms of years and months), if any, to which the punishment referred to (i) above shall be with or without cumulative effect :

Provided that when the punishment of reduction to lower stage in the scale of pay is imposed during the currency of reduction in rank, the disciplinary authority shall clearly indicate in the punishment order whether the two punishments shall run concurrently or the subsequent punishment shall be implemented after the expiry of the first punishment.

(3) Withholding of increment-In the case of withholding of increment as a punishment, the order shall state the period for which the increments are to be withheld and whether it shall have the effect of postponing further increments.

93. *Procedure for imposing minor punishments.* —(1) The disciplinary authority may impose any of the minor punishments provided in sub-rule (3) of rule 84 after—

- (i) informing the enrolled member of the Force charged in writing of the proposal to take action against him and of imputations of misconduct or misbehaviour on the basis on which action is proposed to be taken and giving a reasonable opportunity of making such representation within a period of 10 days from the date of the communication as he may wish to make against the proposal ;
- (ii) taking the representation, if any, submitted by the party charged under clause (i) into consideration and recording a finding on each imputation of misconduct or misbehaviour.

(2) Notwithstanding anything contained in clause (i) of sub-rule (1) if it is proposed, after considering the representation, if any, made by the party charged under the said clause (i) to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the party charged or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with

cumulative effect for any period or to reduce him by more than three stages in his scale of pay, an inquiry shall be held, as far as possible, in the manner laid down in rule 88 making any order imposing on the party charged any such punishment.

94. *Departmental proceeding file.*— Every departmental proceeding file shall contain documents in the following order with an index sheet :—

- (A)
 - (1) Order sheet.
 - (2) Preliminary papers.
 - (3) Charge.
 - (4) Statement of prosecution witnesses.
 - (5) Prosecution exhibits.
 - (6) Defence statement of “guilty” or “not guilty”.
 - (7) Statement of defence witnesses.
 - (8) Written statement of defence, if any.
 - (9) Findings of the Inquiry Officer.
 - (10) Order of the disciplinary Authority.
 - (11) Memorandum of Appeal to the Appellate Authority, if any.
 - (12) Order passed on Appeal.
- (B)
 - 1. Petty breaches of discipline and petty cases of misconduct by the enrolled members of the Force shall, as far as possible, be inquired into and disposed of in Orderly room by an officer authorised to award petty punishment under Scheduled-III to any such enrolled member of the

Force who is for the time being subject to his authority, inquires in the Orderly room shall be held, as far as possible, at least once a week on a fixed day.

2. If the offence calls for more severe punishment than the officer dealing with it is authorised to inflict, he shall forward the record with his recommendations to the competent authority for orders and further action.
3. Proceedings of such inquiries shall be recorded in the Orderly Room Register.
4. Punishment awarded in Orderly room shall be carried at a place as may be specified by the officer awarding the punishment.
5. Fatigue duty and any other duty shall, however, be awarded only to enrolled member (except Inspectors) and ancillary staff may consist of any one or more of the following duties, namely :—
 - (i) pitching and tending of tents and their mending ;
 - (ii) tending of gardens, farms, ponds etc. of the Force ;
 - (iii) cutting of grass and moving of lawns ;
 - (iv) clearing of bushes and cutting of scrubs ;
 - (v) cleaning and marking of parade ground ;
 - (vi) cleaning and dusting of arms, equipment, stores, mess, class-rooms and barracks; and ; or
 - (vii) repairing of huts, butts ; and

(viii) other similar works.

95. *Special procedure in certain cases.*— Notwithstanding anything contained anywhere in these rules,—

1. where any punishment is imposed on an enrolled member of the Force on the ground of conduct which has led to his conviction on a criminal charge ; or
2. where the authority competent to impose the punishment is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these rules ;
3. where the *Governor is satisfied that in the interest of security of State and the maintenance of integrity in the Force, it is not expedient to hold any inquiry in the manner provided in these rules; the authority competent to impose the punishment may consider the circumstances of the case and make such orders thereon as it deems fit.

96. *Procedure to be followed in case conviction by a criminal court.* —(1) The Deputy Director shall go through the record of every case brought against an enrolled member of the Force in the Court, and shall take departmental cognizance of every criminal case in which an enrolled member of the Force is convicted or acquitted or discharged (except when the case is false) and record an appropriate order.

(2) *Effect of imprisonment*— Every enrolled member of the Force punished with imprisonment or released on probation after conviction for an offence implying moral turpitude, such as, theft, perjury, rape, or with imprisonment exceeding six month for any other offence or for any matter specified in section 16 of the Act shall be proceeded against for dismissal, and shall ordinarily be dismissed from service.

(3) *Effect of fine*— When an enrolled member of the Force is sentenced to fine by a criminal court, disciplinary authority may examine the circumstances of the case and, if necessary in the interest of the Force,

* Now “Lieutenant Governor”.

draw up proceedings for suitable punishment.

(4) Form of charge in such case — (i) The charge in proceedings under sub-rules (2) and (3) shall be that the accused has been convicted, imprisoned or fined, as the case may be, for the offence concerned.

(ii) Without prejudice to the rights of the accused on final acquittal, such proceedings shall be taken up as soon as the trial court has passed orders of conviction and disposed of immediately in order to avoid the wasteful expenditure involved in allowing the enrolled member of the Force to remain under suspension.

(5) *Proceedings in case of discharge*— When an enrolled member of the Force is prosecuted before a court but discharged for insufficiency of evidence or on any technical ground or by giving him the benefit of doubt, the disciplinary authority shall examine the possibility of instituting departmental proceedings after an objective consideration of all the facts and circumstances of the case and may take such action as deemed appropriate.

97. *Procedure when two or more enrolled members are involved.*— Where two or more enrolled members of the Force including those on deputation to the Force are involved in any case, the disciplinary authority may make an order directing that the disciplinary action against two or all of them may be taken in a common proceeding.

98. *Provision regarding enrolled member of the Force whose services are lent to other departments of *[State Government], etc.* —(1) Where the services of an enrolled member of the Force are lent to any other Ministry or department of the *[State Government] or an authority subordinate thereto (hereinafter in this rule referred to as “the borrowing authority”), the borrowing authority shall have the powers of the authority competent to place such member under suspension and of the disciplinary authority for the purpose of conducting disciplinary proceedings against him.

(2) In the light of the findings in the disciplinary proceedings conducted against the enrolled member of the Force—

* Now “Government of UT of Jammu and Kashmir”.

- (i) if the borrowing authority is of the opinion that any of the minor punishment should be imposed on such member, it may, after consultation with the authority, hereinafter in this rule referred to as the 'lending authority' make such orders in the case as it deems necessary :

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, such member shall be repatriated ; and

- (ii) if the borrowing authority is of the opinion that any of the major punishment should be imposed on such member, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may, if it is the disciplinary authority, pass such orders thereon as it may deem necessary or if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary ;
- (iii) provided that before passing such orders, the disciplinary authority shall comply with the provisions of sub-rules (4) and (5) of rule 89 ;
- (iv) provided further that the disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrower authority, or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with rule 88.

99. *Provision regarding enrolled members of the Force on deputation.* —(1) Where the services of any person are borrowed for appointment as an enrolled member of the Force on deputation, the authority which appointed him as an enrolled of the force (hereinafter in this rule referred to as "borrowing authority") shall have the powers of the authority which lent the services of such person (hereinafter in this rule referred to as the "lending authority") for the purpose of placing him under suspension or for conducting disciplinary proceedings against him :

Provided that where an order suspending such person is made or disciplinary proceedings commenced against such persons, the borrowing authority shall forthwith inform the lending authority of the circumstances leading to the order of suspension or as the case may be, the commencement of disciplinary proceedings against him.

(2) In the light of the findings in the disciplinary proceedings conducted against such person—

- (i) if the borrowing authority is of the opinion that any of the minor punishments specified in the rules by which such person is governed should be imposed on him, it may, after consultation with the lending authority pass such orders in the case as it deems necessary, in accordance with said rules :

Provided that in the event of a difference of opinion between the borrowing authority and lending authority, the services of such person shall be replaced at the disposal of the lending authority ; or

- (ii) if the borrowing authority is of the opinion that any of the major punishments specified in the rules by which such person is governed should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of inquiry and thereupon the lending authority may pass such orders as it may deem necessary.

100. *Entry of punishment in service roll.*— Any punishment imposed on an enrolled member of the Force shall be entered in the service roll of such enrolled member.

101. *Penal punishments.*— Penal punishment on the member of the Force shall be imposed by the ordinary criminal courts in accordance with the provisions of **[the Code of Criminal Procedure, Samvat 1989]*.

102. *Investigation of charges.* —(1) On receipt of information or registration of the offence by the police otherwise that member of the Force has committed an offence under the Act or the rules made thereunder or in

* Now “Bharatita Nagarik Suraksha Sanhita, 2023”.

the course of performance of his duty as such member or against a person subject to the act, the Deputy Director of a unit shall constitute a Commission of Inquiry referred to in rule 163 or Commission any other member of the Force for conducting the investigation :

Provided that where the offence has been reported to the local police or otherwise registered by them, the police shall hand over to the Deputy Director such cases for investigation by Commission of Inquiry.

(2) On receipt of the report, the Deputy Director may dismiss a charge brought against member of the Force. If, in his opinion, the evidence does not show that an offence under the Act has been committed, and may do so if, in his discretion, he is satisfied that the charge ought not to be proceeded with.

(3) Where such an officer is of the opinion that the charge ought to be taken cognizance of, he shall, without necessary delay, decide whether the case be dealt—

- (i) under the provisions of section 7 of the Act ; or
- (ii) by Judicial Magistrate referred to in section 16 (1) of the Act ; and take further action accordingly.

103. *Period of limitation for trial.*— No trial under these provisions shall commence—

- (i) after the expiration of a period of 12 months from the date of such offence ; or
- (ii) if a person has ceased to be member of the Force.

104. *Force custody.* —(1) Where a Deputy Director is of opinion that any member of the Force has committed an offence and should be tried by the Judicial Magistrate, it shall be lawful for him, with the prior approval of the Joint Director, to order the member of the Force to be taken into Force custody, and kept either in close arrest or open arrest as he may deem fit from time to time depending on the gravity of the charge and the attending circumstances :

Provided that no member of the Force shall be detained in Force custody for a period of more than eight days without a report being sent to Judicial Magistrate or without a punishment having been awarded to him under section 7 of the Act :

Provided further that where further detention is considered essential, such officer shall seek written approval of the Joint Director, who may sanction further detention for a specific period, which he may extend from time to time by not more than eight days subject to a total period of detention for two months.

(2) In each unit, there shall be one or more places of confinement, as may be considered necessary by the Joint Director, where arrested members of the Force shall be confined under this Act. Such places shall be under the supervision of the Deputy Director of the unit, who shall be responsible for their upkeep.

(3) If any member of the Force in Force custody escapes or is rescued, the member of the Force from whose custody he escaped or was rescued should report the escape or rescue to his officer incharge and may immediately pursue and arrest such enrolled member in any place in India.

105. *Framing of charges.* —(1) A charge sheet shall contain the whole issue or issues to be tried by Judicial Magistrate at one time.

(2) A charge means an accusation contained in a charge sheet that member of the Force has been guilty of an offence.

(3) A charge sheet may contain one charge or several charges (as per the section 16 of J&K FPF Act).

106. *Contents of charge.* —(1) Each charge shall state one offence only and in no case shall an offence be described in the alternative in the same charge.

(2) Each charge shall be divided into two parts—

(i) Statement of offence ; and

(ii) Statement of particulars of the act, neglect or omission

constituting the offence.

(3) The particulars shall state such circumstances respecting the alleged offence as will enable the accused to know what act, neglect or omission is intended to be proved against him as constituting the offence.

(4) The particulars in one charge may be included wholly or partially by a reference to the particulars in another charge, and in that case so much of the later particulars as are so referred to shall be deemed to form part of the first mentioned charge as well as of the other charge.

(5) Where it is intended to prove any facts in respect of which any deduction from pay and allowances can be awarded as a consequence of the offence charged, the particulars shall state those facts and the sum of the loss or damage it is intended to recover.

107. *Signature on charge sheet.*— The Deputy Director under whose administrative control the enrolled member of the Force may be serving for the time being shall sign the charge sheet.

108. *Construction of charge sheet.*— In the construction of a charge sheet or charge, there shall be presumed in favour of supporting the charge, every proposition that may reasonably be presumed to be impliedly included though not expressed therein.

109. *Execution of sentence.*— Subject to the provision of these rules, every person sentenced under the Act to imprisonment may be dismissed from the Force and shall further be liable to forfeiture of any medals and decorations received by him.

APPEALS AND REVISION

110. *Appeals against orders of suspension.*— Any member of the Force may appeal against an order of suspension, to the authority to which the authority that made or is deemed to have made the order, is immediate, subordinate.

111. *Appeals against orders imposing punishments.* —(1) Any member may appeal against an order imposing upon him any of the

punishments specified in rules to the authority immediately superior to the authority imposing the punishment :

Provided that there shall be no appeal against an order of discharge of a recruit trainee who has not been formally enrolled as a member of the Force :

Provided further that appeals against the orders of the Director shall lie to the *[State Government].

(2) There shall be no second appeal. But when the appellate authority imposes a punishment higher than the one appealed against an appeal shall lie to the authority next superior to the appellate authority only if the punishment imposed by the appellate authority is higher than what was within the competence of the authority, which imposed the original punishment.

112. *Form and contents of appeal.* —(1) Every member of the Force submitting an appeal shall do so separately in his own name. An appeal forwarded through or countersigned by a legal practitioner or a defence counsel or a friend shall not be entertained and the same shall be returned to the appellant with the direction to submit it directly and under his signature.

(2) The appeal shall be addressed to the authority to which the appeal lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language or irrelevant allegation and shall be complete in itself.

113. *Submission of appeals.* — Every appeal, whether the appellant is still in the Force or not shall be submitted to the authority which made the order appealed against :

Provided that if such authority is not the head of the office under whom the appellant may be serving, or if he is not in service, the head of the office under whom he was last serving, or is not subordinate to the head of such office, the appeal shall be submitted to the head of such office who shall forward it forthwith to the said authority.

* Now “Government of UT of Jammu and Kashmir”.

114. *Withholding of appeals.* —(1) The authority which made the order appealed against may withhold the appeal if—

- (i) it is an appeal against an order from which no appeal lies ; or
- (ii) it does not comply with any of the provisions of rule 112 ; or
- (iii) it is not submitted within the period specified in section 8 and no cause is shown for the delay ; or
- (iv) it is second appeal where original appeal has already been decided by the competent authority :

Provided that an appeal withheld on the ground that it does not comply with the provisions of rule 112 shall be returned to the appellant and, if re-submitted within thirty days of such communication, after compliance with the said provisions, shall not be withheld.

(2) Where an appeal is withheld, the appellant shall be informed of the fact within thirty days together with brief reasons thereof. The appellant may, thereafter submit the appeal to the appellate authority concerned within thirty days of the date of communication of the order withholding the appeal.

(3) A quarterly statement of all appeals withheld with brief reasons in respect of each appeal shall be furnished by the withholding authority to the superior authority.

115. *Transmission of appeals.* —(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority, every appeal which is not withheld under rule 114 together with the following particulars and records :—

- (i) brief history of the case ;
- (ii) para-wise comments on the appeal ;
- (iii) disciplinary case file in original, with all its connected papers ;
- (iv) service book ;

(v) confidential rolls folder, if maintained.

(2) The authority to which the appeal lies may direct transmission to it of any special appeal withheld under rule 114 and thereupon such appeal shall be transferred to that authority together with the comments of the authority withholding the appeal and the relevant records.

116. *Consideration of appeals.* —(1) While considering the appeal, the appellate authority may, on request, grant personal hearing to the aggrieved member of the Force in case it considers it in the interest of administration and justice.

(2) In the case of an appeal against an order of suspension, the appellate authority shall consider whether, in the light of the provisions of rules 72 and 73 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(3) In the case of an appeal, an order imposing any of the punishments specified in rule 84 or enhancing any penalty imposed under the said rules the appellate authority shall consider—

- (i) Whether the procedure prescribed in these rules has been complied with, and if not, whether such non-compliance has resulted in violation of any constitutional provisions or in miscarriage of justice ;
- (ii) Whether the findings are warranted and based on evidence on record ; and
- (iii) Whether the punishment or the enhanced punishment imposed is adequate or inadequate or severe and pass speaking orders for—
 - (a) setting aside, confirming, reducing or enhancing the punishment ; or
 - (b) remitting the case to the authority which imposed or enhanced the punishment or to any other authority with such directions as it may deem fit in the circumstances

of the case :

Provided that—

- (i) no order imposing an enhanced punishment shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced punishment ; and
- (ii) if the enhanced punishment, which the appellate authority processes to impose, is one of the punishments specified in clauses (i) to (iv) of rule 84 (2) and the inquiry under rule 88 has not already been held in the case, the appellate authority shall, subject to the provisions of rules 88 itself hold such inquiry or direct that such inquiry be held and thereafter on a consideration of the proceedings of such inquiry pass such orders as it may deem fit.

117. *Implementation of orders in appeal.*— The authority, which made the order appealed against, shall give effect to the orders passed by the appellate authority.

118. *Revision.* —(1) Any member of the Force whose appeal has been rejected by a competent authority may prefer an application for revision to the next superior authority. The powers of revision may be exercised only when—

- (i) in consequence of some material irregularity, there has been injustice or miscarriage of justice ; or
- (ii) fresh evidence is disclosed which could not be produced or was not available at the time of passing of the impugned order.

(2) The procedure prescribed for consideration of appeals under rule 116 shall, so far as may be, apply to application for revision.

(3) The superior authority while passing orders on the application for revision may at its discretion enhance punishments :

Provided further that subject to the provisions of sub-rule (2) or

rule 111, an order enhancing the punishment shall be treated as an original order for the purpose of appeal, except when such an order has been passed by the ***[State Government]** in which case no further appeal shall lie where such order has been passed by the Director, the appeal shall lie to the ***[State Government]**.

(4) Any authority superior to the authority making the original order may on its own motion, or otherwise, call for the records of any inquiry and revise, any order made under these rules any may—

- (i) confirm, modify or set aside the order ; or
- (ii) confirm, enhance, reduce or set aside the punishments imposed by the order, or impose any punishment where no punishment has been imposed ; or
- (iii) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case ; or
- (iv) pass such other orders as it may deem fit :

Provided that no action under this sub-rule shall be initiated after the expiry of one year from the date of the order aforesaid :

Provided further that no proceeding for revision shall be commenced until after—

- (i) the expiry of the period for making an appeal specified in section 8 ; or
- (ii) the disposal of the appeal, where any such appeal has been preferred :

Provided further that in a case in which it is proposed to enhance punishment further, the aggrieved member shall be given an opportunity to show cause either orally or in writing as to why his punishment should not

* Now “Government of UT of Jammu and Kashmir”.

be enhanced.

119. *Time-limit for disposal of appeal or revision.* —(1) Every appeal or application for revision submitted by the member of the Force shall, as far as possible be disposed off within a period of three months from the date of its receipt by the authority competent to decide it.

(2) When more than one member in the same case are awarded punishment against which an appeal lies, all appeals should be forwarded together. If any one of such members does not intend to appeal, the fact shall be noted.

CHAPTER X

ARMS AND AMMUNITION

120. *Authority to fix nature and scale of armament.* — The armament of the Force shall be fixed by the orders of the Government in consultation with the Home Department without which no changes in the nature and amount of such armament may be made.

121. *Source of supply of arms and ammunition.* — All items shown in equipment tables shall be obtained by indent, in the manner prescribed in the rules, which follow from the Ordnance/Police Department on payment, the charges being met from funds administered by the Director.

122. *Annual forecasts of requirements in ordnance stores.* —(1) The Deputy Director of Gamma Unit shall prepare forecast of the ordnance requirements for normal maintenance and for meeting extraordinary demands due to additions to the force or the creation of new wings for the following two years :—

- (i) The forecast shall be submitted through concerned Joint Directors so as to reach the Director by the end of July each year.
- (ii) For stores required for meeting extraordinary demands due to additions to the force or the creation of new wings with full explanation as to the reasons for the requirements should be given in the forecast.

- (iii) The forecasts should be submitted in a consolidated form, in triplicate, showing complete nomenclature and should not contain those items, which are easily procurable in the open market.

123. *Scale of supply of the ordnance stores.* —(1) Ordnance stores mentioned in Appendix–A shall be treated as “Controlled Stores” and all other stores (e.g. spare parts of fire arms, lubricants, cleaning materials, etc.) as “Uncontrolled Stores”.

(2) The annual requirement of the “Controlled Stores” contemplated by rule 122 shall be based on calculations made in accordance with the following scales prescribed by the Government of India :—

(a) Arms for service:

- (1) 9mm pistol for Joint Director, Deputy Director and Assistant Director/Inspector.
- (2) 7.62 mm SLR/303 rifles for guards.

(b) Arms for Training:

- (1) 9 mm pistol: one for 10 trainees.
- (2) 7.62 mm SLR/303 rifles: one for 20 trainees.

(c) Ammunition for service:

<i>Category of Ammunition</i>	<i>Scale</i>
(i) 9mm pistol	92 rounds per weapon.
(ii) 7.62 mm SLR/303 Rifle	50 rounds per weapon.

(d) Ammunition for practice:

<i>Category of Ammunition</i>	<i>Scale</i>
(i) 9mm pistol	92 rounds per weapon.

(ii) 7.62 mm SLR/303 Rifle 50 rounds per weapon.

(e) Blank ammunition will be supplied up to the extent of 10 rounds per weapon per annum.

(3) The forecast for “uncontrolled stores”, shall be submitted based on calculations made according to the current “Equipment Tables”.

124. *Indents for arms and ammunition.* —(1) Indents for “controlled and uncontrolled” stores should be kept distinct.

(2) Indents should be prepared separately for each type of weapon and ammunition.

(3) In the case of arms for service, arms for training, ammunition for practice and ammunition for training, the relevant information regarding the number of men or whom particular categories of arms are required, the total entitlement according to the scales in sub-rule (2) of rule 123, the number on charge and the number required shall be shown in the indent.

(4) In the case of ammunition for service, it will be sufficient, if the demand is based on the difference in the quantity admissible and that on charge at the time of indenting.

(5) The demand for ammunition for training may be calculated on yearly basis according to the scales laid down with reference to the number of men to be trained.

(6) The requirements in ammunition for practice may be calculated on yearly basis and one indent for the whole year’s consumption should be submitted.

(7) The letter forwarding the indents should explain the basis of calculation adopted in each case and any other relevant information.

(8) (i) Indents for first issue of replacement shall be submitted only when there is an increase of establishment or a duly authorized change in the sanctioned scale.

(ii) Replacement indents shall ordinarily be submitted annually in

the first week of May to the Director.

(iii) In case, immediate replacement is required, as in the case of an unserviceable weapon, or when the stock of a particular component is exhausted, a special indent may be submitted through the same channel at any time.

(9) (i) Replacement indents shall be framed so as to bring the stock of the article indented for up to that authorized in the Equipment Tables.

(ii) Only that quantity shall be indented for, which represents the amount by which the authorized stock has been depleted since the last indent was submitted.

(iii) Every replacement demanded must be supported by equivalent numbers of damaged weapons or parts, or empty or damaged rounds, or loss statements duly countersigned and accounting for the balance in detail.

(iv) Loss statements shall invariably be prepared at the time when the loss is reported, and shall be forwarded to the Joint Director for orders, together with the committee report under rule 142 when necessary.

(v) On return by the Joint Director, they shall be kept in the Office of the Deputy Director and attached with the annual indent, unless replacement of the lost articles is demanded on special indent.

(10) No period is prescribed for the replacement of weapons, accessories or armourers tools; individual articles shall be replaced as they become unserviceable and are condemned by proper authority.

(11) In case replacement is required, the number and date of the voucher on which stores have been returned to the Ordnance Depot shall be quoted in all replacement indents.

(12) The description of arms given in the Equipment Tables shall be strictly followed in indents and supporting documents.

(13) All articles, the cost of which has been recovered from individual FPF officers shall be replaced by special replacement indent, on which the reference to the treasury receipts for payment of the sums

recovered shall be noted.

125. *Preparation and submission of indents.* —(1) The correct description of the various types of arms and ammunition, as given in Appendix-A must be strictly adhered to in all the indents.

(2) For the correct nomenclature of other Ordnance Stores, the Vocabulary of Army Ordnance Stores Indian Addendum shall be consulted.

(3) Indents should be prepared in consultation with local military authorities, if possible.

(4) Demands for ammunition should not be less than 100 rounds for any type of ammunition.

(5) Indents for arms and ammunition should be prepared in quadruplicate in forms Nos. 1, 2 and 3.

(6) Full consignment instructions shall be furnished in respect of every indent.

126. *Disposal of indents for Ordnance Store.* —(1) The indents for controlled stores received from Joint Director will be consolidated in the office of the Director and forwarded to Ministry of Home Affairs, Government of India through concerned Secretariat for securing necessary supplies, which will be made by the Ordnance Depot concerned under the directions of Government of India.

(2) Whenever arms and ammunition are drawn from Ordnance Depots, an escort should be detailed for the purpose. The responsibility of the escort shall be limited to safely escorting the stores only.

127. *Changes in fixed distribution.* — Deputy Director may, in case of necessity, temporarily increase the issue of arms to any place, but all such changes shall be reported to the Joint Director, who will satisfy himself at his inspections that the authorized permanent distribution is not altered without his sanction.

128. *Stamping of arms.* —(1) All arms issued to the Force, with the exception of pistols, shall be stamped with the unit code and a serial number.

(2) Rifles shall be stamped on the butt plate; bayonet shall be stamped on the hilt and bayonet scabbards on the locket.

129. *Register of distribution of arms.* —(1) The distribution and movement of individual arms on charge shall be recorded in Part-I of the Arms Distribution Register (Form 4) to be kept by the Guard under the supervision of the nominated Assistant Director/Inspector.

(2) The register shall show only actual arms and accessories, which are issued with arms.

(3) The register shall be divided so that a record of each item may be kept separately vide instructions in the form.

(4) Columns 3 and 4 of the form shall be balanced daily, the balance being shown in red ink, provided that no balance need be struck on any day when no transaction has taken place.

(5) Whenever any receipt in sub-column (3) is made as a consequence of return of weapon to the arsenal or transfer of weapon to the condemned stock, an explanatory entry shall be made in column 5.

(6) In Part-II of the register, a nominal roll of the distribution of revolvers and pistols on charge in the district shall be maintained.

(7) A separate register in form 5 shall be maintained by the nominated Guard under the supervision of the nominated Assistant Director/Inspector, in which a history sheet of each weapon on charge in the unit shall be entered.

130. *Special orders regarding rifles.* —(1) All rifles shall be kept in the armory in a separate rack.

(2) A register (form 6) shall be maintained by the nominated Guard under the supervision of the nominated Assistant Director/Inspector showing the names of the men permanently mobilized at headquarters to whom rifles, serial number of the rifle and rifle-bolt are issued.

(3) Each man shall take the particular rifle registered against his name when issued from the armory and will be held responsible for it.

(4) If the nominated Guard finds, when a rifle is being returned to store that any part of it is lost or damaged, he shall produce the man surrendering the rifle before the nominated Assistant Director/Inspector and cause an entry to be made in the unit diary detailing the loss or damage that has occurred.

(5) Every officer, who loses or damages his rifle, bayonet, or any part thereof, shall report such loss or damage without delay to the officer commanding of his party and a report shall be immediately in writing to the nominated Assistant Director/Inspector, who will inform the Deputy Director of Force without delay.

(6) An enquiry shall be made immediately in accordance with instructions laid down in rule 142.

(7) In the event of the loss of a rifle or part thereof, the officer directly responsible shall be suspended until the orders of the Joint Director are received on the report of the Committee of Enquiry.

(8) Any officer, who fails to report forthwith the loss of a rifle or rifle-part by a man under his command, shall be suspended and charged with neglect of duty.

(9) An officer, to whom the report of such loss is made, shall immediately take all possible steps for the recovery of the rifle or its part.

131. *Custody and care of arms.* —(1) All arms, when not in use shall be kept in racks in the armory or other place specified for the purpose.

(2) In absence of unit armory, the arms shall be deposited in the nearest police station and a receipt thereof shall be obtained from police kot incharge.

(3) In the unit, the nominated Guard, under the direct and personal supervision of the nominated Assistant Director/Inspector at Gamma Units and at all other places the officer in command of the detachment shall be directly responsible for the custody and care of all arms borne on charge and for the correctness of all issues and receipts.

(4) Detailed instructions for the cleaning of arms shall be issued in directives.

(5) The individual officer to whom weapon is issued shall be responsible for cleaning it according to these directives before and after use.

(6) The periodical cleaning and oiling of arms not in use shall be done by fatigues told off for the purpose.

(7) The “pull off” of all rifles shall be tested annually.

(8) Every officer is personally responsible for the safe custody and care of every weapon, or accessory thereto, issued to him, until it is returned to the custody of the officer responsible for issuing it.

132. *Pistols.* —(1) Notwithstanding anything contained in rule 131, an officer to whom a Government pistol, has been issued shall be personally responsible for its custody and care at all times, save when he shall have disposed of it as provided in sub-rule (2) below, when proceeding on leave.

(2) When an officer to whom a pistol has been issued ceases to be a Force Officer or ceases to belong to a rank to which pistol is issued, or proceeds on leave other than casual, he shall return the pistol issued to him, together with all equipment, ammunition and accessories issued to him with such pistol, to the nominated Assistant Director/Inspector for deposit in the Headquarters armory.

Note:— Each pistol on charge shall be fitted with mustered cord lanyard of approved pattern at the cost of equipment grant.

133. *Distribution of arms and ammunition.* —(1) The ammunition on charge shall be divided into “Service” and “Practice” stocks according to the scales referred to in rule 123.

(2) Ammunition shall be supplied from the “Service” stock to Force units, outposts and standing guards.

(3) At Gamma Units and outposts the whole of this stock shall be kept ordinarily in a locked box in the store room, issues being made as

required for use.

(4) The remainder of the “Service” stock and entire “Practice” stock, except the expense stock referred to in rule 134 shall be kept in the magazine.

(5) The total stock of ammunition of all kinds, with the division and distribution of each class, shall be shown in each unit in a statement to be countersigned by the Joint Director and hung up in the Office of the Deputy Director.

(6) Relevant extracts from this statement shall be supplied to each Force unit having ammunition on charge.

(7) The Deputy Director may, in case of need, temporarily alter the amount of service ammunition kept at any place, but all such alterations shall be reported to the Joint Director.

134. “Expense” stock. —(1) A small stock, the amount of which shall be fixed for each Gamma Unit with the approval of the Director and shall not ordinarily exceed one full box, shall in the case of the following classes of ammunition, be issued from the “practice” stock in the magazine to the charge of the nominated Guard, to be kept by him in the armory as the “expense” stock, viz. cartridges ball and blank cartridges, be issued to the “expense” stock or stored elsewhere than in the magazine.

(2) Cartridges and drill ammunition shall be kept in the expense stock.

(3) Armed parties proceeding on patrol, escort and other armed duties and to all parties detailed for practice with blank ammunition or on the range shall be issued ammunition from the expense stock.

(4) If the expense stock is insufficient for the needs of such parties, an issue from the magazine shall supplement it.

(5) The nominated Guard in a locked box shall keep the remainder of the expense stock.

(6) The ammunition kept in pouches shall, however always be issued on the first opportunity for expenditure on the range and replenished from

the balance of the stock.

(7) The nominated Guard shall personally make all issues and receipts and keep the account of this stock in Form 7 and shall replenish the stock as required from the magazine in exchange for a corresponding number of empty cases, damaged or lost rounds.

135. *Pistol ammunition.* —(1) Ammunition is issued free to all officers in possession of service pistols on the scale shown in the Equipment Tables.

(2) All replenishments of the free issue must be supported by the deposit of an equivalent number of empty cases or loss statements duly authenticated, in lieu thereof.

(3) Officers are personally responsible for their own ammunition, issued to them.

(4) The total stock of pistol ammunition and its distribution to Gazetted and Non-Gazetted Officers will be shown in Form 3, but no detailed account of it will be kept in the magazine.

(5) Any officer may with the permission of the Assistant Director, deposit such proportion of his pistol ammunition as he may wish for safe custody in the magazine in a box, or other receptacle, locked or sealed by himself.

136. *Ammunition accounts.* —(1) Ammunition of any class expended in action against criminals, or in any manner otherwise than in annual musketry practice, shall be debited to the service stock.

(2) The practice stock shall be provided solely for training purposes, viz. elementary and range practices and repetitions thereof as duly authorized from time to time.

(3) The allotment represents the maximum which may be so expended annually.

(4) The service stock must always be kept complete, any expenditure from it being replaced immediately from the expense stock.

(5) If replacement of service ammunition reduces the practice stock below the amount required for training a special indent against "Service" expenditure may be submitted.

(6) In order to expend the oldest ammunition on charge in practice, all ammunition received from the Ordnance Depot shall be placed in the service stock and a corresponding transfer of the oldest of that stock being made to the practice stock.

(7) This transfer shall normally be carried out when the annual supply of ammunition is received from the Ordnance Depot and it shall be combined with the renewal of all service ammunition on issue in Force Stations and Guards; all such ammunition being withdrawn and transferred to the practice stock in the magazine and being replaced from the next oldest portion of the service stock.

(8) Account of the service stock other than the distribution statement is not necessary but the transactions affecting the practice stock shall be recorded in the magazine register (Form 8).

(9) In this account so far as possible, bulk transactions only shall be shown, the details of which must be kept in the magazine register, issues for whatever purpose from the magazine shall ordinarily be made to the expense stock and the detailed expenditure shall be recorded only in the accounts of the latter, and empty cases and damaged rounds shall be collected in the expense stock and deposited in the magazine in bulk in exchange for fresh ammunition.

137. *Control and inspection of magazines and storage of ammunition therein.* —(1) Rules for the control and inspection of magazines are published as Appendix B.

(2) Each class of ammunition shall be kept together and separate from other classes. In each class service shall be separated from practice stock, and, within each such stock, spaces shall be left between groups of boxes received at different times from the Arsenal.

(3) Each such group shall be marked with a card showing the date of receipt, date of entry in service or practice stock as the case may be, and the ordnance mark and date of manufacture.

(4) When misfires and other defects occur tests shall be carried out according to the rules in the Appendix C.

138. *Disposal of empty cases and defective rounds.* —(1) Empty cases and defective rounds may be returned to the Arsenal at any time and should be so returned periodically as they accumulate, the return being supported in duplicate.

(2) Pending return to the Arsenal, empty cases of each class of ammunition and defective rounds shall be kept separately in boxes in the magazine.

(3) Before being packed for dispatch they shall be counted and checked with the magazine register.

(4) Each class shall be packed separately for dispatch and defective rounds shall not be packed with empty cases.

139. *Check of ammunition.* —(1) The nominated Assistant Director/Inspector, who shall keep up the magazine register personally, shall keep the keys of the magazine.

(2) The nominated Assistant Director/Inspector shall, further, personally count the practice stock, including the expense stock, once a quarter, and shall record the fact in the unit diary and by a note in all registers concerned.

(3) In posts, the nominated Inspector shall personally check the stocks and registers once a quarter, and, after reconciling any errors or discrepancies he may find, certify on the registers that he has done so and that the accounts are correct and the ammunition shown therein is actually present.

(4) This check shall be counter checked by a Gazetted Officer twice a year.

140. *Component parts and stores.* —(1) In the case of uncontrolled stores issues shall be made according to their availability after meeting the service requirements provided forecasts to cover such demands have previously been made.

(2) Armourer's tools and materials shall be maintained in each unit according to the description and scale of component parts prescribed in equipment table required for the periodical cleaning and overhaul of arms and their accessories.

(3) Tools and stores for lubrication, etc., shall be kept by the armourer and checked at least once a year by means of the equipment tables by a Gazetted Officer.

(4) Components shall be kept in locked cabinets incharge of the nominated Guard.

(5) Issues from the stock of components shall be made to the armourer only on the authority of Gazetted Officer.

(6) A stock book of component parts shall be kept in Form 9 by the nominated Guard, by means of which the components on charge shall be checked annually and other replacement indents prepared.

(7) The authority for each issue shall be noted in the register and, when the cost of components is recovered from individuals, the entry should be in red ink.

141. *Care and repair of arms.* —(1) In every Gamma Unit, one or more Guards shall be trained who shall be required to know the names and uses of all components, tools and stores referred to in rule 123 and able to carry out all replacements of components, minor repairs, special cleaning and periodical lubrication of arms and accessories held on charge in the unit.

(2) The components required for repair of revolvers and pistols shall be maintained only in those Gamma Units where the armourer is fully competent to repair revolvers and in case of other Gamma Units repairable revolvers and pistols shall be sent to the arsenal.

(3) Ordinary replacements of components lost or damaged in the course of duty with arms and losses of ammunition not exceeding 5 rounds in any one case, may be replaced on the authority of a Gazetted Officer who shall in each case prepare a loss statement and pass orders whether the

cost of repairs is to be borne by Government or by the individual officer responsible.

(4) In the latter case, an order for the recovery of the sum involved (ascertainable from the priced vocabulary of ordnance stores) shall be issued in the order book, and recovery shall be made in the acquaintance roll of the pay next due to the officer concerned.

(5) Whenever a weapon is seriously damaged i.e., when its repair involves more than the replacement of a loss or breakage such as might occur in normal use a committee of enquiry under rule 142 shall be held.

142. *Procedure when arms are lost or seriously damaged.* —(1) When any weapon forming part of Force armament is lost or seriously damaged, or when ammunition or fired cases, exceeding five in any one case, are lost, a committee of three officers, of whom at least one shall be Gazetted Officer, shall be appointed by the Deputy Director to enquire into the circumstances under which the weapon was lost or damaged and to decide whether the cost of replacement shall be borne by the Government or otherwise.

(2) When the loss is found to be due to circumstances beyond the control of the official concerned or due to his negligence, the Government shall be moved for the writing off of the lost weapon.

(3) The report of the committee along with loss statement shall be submitted to the Joint Director for approval and orders and Joint Director shall pass his order on the reverse of loss statement. The statement shall be attached to the indent sent to the Ordnance Depot for the replacement of arms lost or damaged.

(4) When loss, destruction or damage of any weapon is found by the committee assembled in accordance with sub-rule (1) above to be due to the neglect or malice of any officer, such committee shall read its opinion, whether the cost of repair or replacement shall be borne wholly or in part by the officer at fault. Unless there are special reasons to the contrary, the whole cost shall be charged to the officer at fault.

143. *Unserviceable arms.*— When any weapon is found by a committee assembled under rule 142 to be unserviceable and not repairable,

whether from fair wear and tear or by the neglect of an individual FPF Officer, an abstract of the report of the committee shall be forwarded to the Chief Ordnance Officer concerned, for his sanction to the return and replacement of the weapon.

144. *Stock taking.* —(1) All arms, ammunition and Ordnance Stores are required to be checked twice a year, together with other Government property on charge.

(2) As soon as the returns of stock taking have been received from Force units, etc. and not later than the 10th of April and 10th of October, the nominated Assistant Director/Inspector shall personally check the whole stock of arms, ammunition, accessories, appliances, stores, tools and components kept in the lines and at standing guards etc.

(3) After noting or reconciling any discrepancies in these stocks immediately in his charge, he shall compare his accounts and the returns from outside detachments' with the distribution statements of arms and ammunition for the whole unit and with the Equipment Tables, and shall report the result, noting any discrepancies to the Deputy Director.

(4) On receipt of this report by the Deputy Director, a Gazetted Officer shall be required personally to verify it. Such Gazetted Officer shall enquire into and pass orders on any discrepancies disclosed, taking the orders of the Deputy Director, if necessary, and shall personally satisfy himself of the correctness of all the articles reported on.

(5) The report, when duly verified by a Gazetted Officer, shall be attached with the reports of the general stock-taking of Government property in the unit.

(6) The stock taking ordered above shall be in addition to the checks ordered in rules 128, 130 and 140.

(7) All arms, ammunition and Ordnance Stores on charge shall further be thoroughly checked on transfer of charge of nominated Assistant Director/Inspector; and, when the nominated Guard or armourer is transferred, the stocks for which they are directly responsible shall be checked.

145. *Receipt of arms from Ordnance Stores.* —(1) All packages of Ordnance Stores under delivery by railways or other carrying companies, whether private or Government must, before they are taken over, be carefully examined by the officer specially deputed for this purpose; and in the event of any damage or deficiency being apparent, a clear receipt is to be given only under written protest, when delivery is otherwise refused. In such cases the carrying company's agent must be requested to send a representative to attend the opening and examination of the packages; and this shall be done only in the presence of a committee comprising of—

- (i) The Deputy Director;
- (ii) The Assistant Director;
- (iii) Inspector.

The senior most officer on the committee shall preside.

(2) All Ordnance Stores when received must be at once examined, the packages containing the stores opened and the contents counted and carefully inspected in the presence of the Deputy Director to whom the stores are issued or an officer deputed by him.

(3) This examination must be made before the stores are taken on charge, and previous to the signing and return of the receipts voucher and any damage detected should be at once reported to the Ordnance Officer who issued them, in order that it may be determined whether the damage was caused by the carelessness of the carriers or otherwise.

(4) A note shall always be made of the circumstances on the bill of landing, convey note, or delivery and receipt voucher and the receiving officer, who fails to take these precautions, will be held responsible for any loss or damage that may be brought to light subsequently.

(5) The above instructions refer to ordinary consignments of stores, i.e. stores packed in boxes or bundles for transport only but the boxes containing small arms ammunition should not be opened until their contents are required for use if the weight is correct and seals intact. Deputy Directors may make a remark on the receipts to be signed and returned by them to the

Ordnance Department that the boxes are not opened and contents not checked.

(6) Full boxes of ammunitions shall not be opened on receipt, if the weight is correct and the seals intact. If the seal has been damaged in transit, the pin with which the lid is attached shall be withdrawn and the lid removed to permit inspection of the inner tin casing; provided the latter is perfectly sealed, the contents shall be assumed to be correct.

146. *Disposal of surplus or unserviceable Ordnance Stores.* —(1) Ordnance Stores (other than technical and combat like stores issued on payment which become) unserviceable will be disposed of at the discretion of the Head of the Department concerned, local sale being generally the most profitable method of disposal.

(2) If it is desired that the I. A.0. C. should dispose of any of the stores, application will be made to the nearest C. 0. 0. on I. A. F. Z. 2098 showing details of stores. Freight charges on voluntarily returned stores will be prepaid by the consignor.

(3) As regards unserviceable technical and combat like stores indenters will submit to the nearest C. 0. 0. together with an indent for their replacement if replacement is necessary I. A. F. Z. 2098 showing the stores for which disposal orders are required. The C. 0. 0. will give instructions for their disposal locally or return to arsenal, as he may consider advisable. Unserviceable guns, machine guns, sights, arms ammunition, explosives and components thereof, fired cartridge cases and fired bullets and lead recovered from ranges, must be returned to the Ordnance Corps except in cases where ammunition and explosives are ordered to be destroyed locally. The return of ammunition boxes bandoliers and charges is not compulsory but such stores will be accepted by the I. A. 0. C. and refunds granted.

(4) The repairs or replacement of ammunition and stores found by Technical Inspector of the Ordnance Department to be defective will be made on payment unless the Inspector certifies that the defect is due to faulty manufacture or causes attributable to the supplying departments in which case the cost of repair or replacement and freight charges will be borne by the Ordnance Department.

(5) Ammunition and explosives issued on payment which are returned to the arsenal and found to be unserviceable due to age limit or through causes not due to the supply department will be replaced on payment and no refund will be permissible, neither will any debit be raised by the supplying department for expenses, incurred in connection with the breakage of the stores.

(6) Refund for stores returned, whether compulsory or voluntary will be replaced based on the condition in which stores are found on receipt by the I. D. O. E. who will be the final conditioning authority.

(7) Credit notes to cover the compulsory return of stores to the I. A. O. C. will be issued, on application by the Ordinance Officer concerned.

147. *Procedure for return of unserviceable Ordnance Stores.* —

(1) Whenever stores are returned to the Arsenal, they should be accompanied by four copies of vouchers (from No. I. A. F. Z. 2096), namely two delivery and two receipt vouchers. The Deputy Director should sign the delivery vouchers and one copy of the receipt voucher and the remaining copy of the receipt voucher should be left unsigned. On receipt of the stores at the arsenal, they will be checked and the Arsenal authorities will retain three copies of the vouchers and return one copy of the receipt voucher to the Deputy Director. These vouchers should not be submitted with the requisition but with the stores when they are being stored.

(2) All receipts vouchers should be given a number for reference.

(3) Vouchers for condemned stores, empty cartridges cases, old lead on returned packages and those for surplus articles, returned to the Ordnance Department must be distinct from each other.

(4) A detailed list of every article returned, with the number of each, must be entered in the usual manner in the delivery and receipt vouchers, and a memorandum entered at the foot of the detailed list on the delivery voucher, specifying the date on which the articles are dispatched and the mode of transit. The delivery voucher must be signed by the consignor and the receipt voucher duly signed by the consignee, returned to the former as soon as practicable after the stores have been received.

(5) The delivery and receipt voucher accompanying stores ordered to be sent into the Arsenal for alteration, examination or repairs must be endorsed with the word “deposit” written in red ink in a conspicuous place. The stores while in deposit must not be struck off charge in the Stock Accounts, the Ordnance Officer’s receipt in such cases not being a sufficient voucher for their writing off. In the event, however if the Director of Ordnance Stores ordering the retention at the Arsenal of any of the stores so returned, a regular receipt voucher will be furnished by the Ordnance Officer or Deputy Director, FPF with a view to their being written off the Stock Accounts.

(6) The officer returning the stores should pay freight on the Ordnance Stores returned to the Arsenal before dispatch.

(7) Cartridges, which misfire cut, or fail should be returned to the Arsenal with a report of their distinguishing mark and the unit nos. of the arms with which the failure occurred, requisitions to replace the same being submitted.

(8) Deputy Directors will immediately report, as they come to notice any defects in the ammunition they have on charge. In each case the date and place of manufacture and the quantity of that particular issue on hand and other details should be clearly specified.

(9) Old lead bullets fired at practice by the Force should be recovered and returned to the Arsenal, packed in old ammunition boxes or, if these are not available, in sacking either in double bags or single bags. This lead should be weighed and accounted for in the Stock Account Register.

(10) All packages containing empty cartridges cases or lead under return should be carefully sealed with a readily distinguishable seal before dispatch to the Arsenal, as such articles are otherwise extremely likely to be pilfered in transit.

(11) Each of the packages should be marked with the nature, the number and the weight (exclusive of package) of the cases it contains.

(12) In order to preclude the possibility of misfires and live rounds being mixed with fired cases, proper precautions should be taken.

148. *Precautions against the issue of dummy or blank cartridges with live cartridges.*— Every officer who issues ammunition to armed men or parties proceeding on duty, and, the commander of each such party shall exercise special care to prevent dummy (drill) or blank rounds getting mixed up with live rounds, either at the time of issue or return of ammunition, and to prevent the substitution of rounds of local or other Non-Governmental manufacture.

149. *Conditions for use of arms and ammunition by any member of the Force while performing duties under the Act.* —(1) A member of the Force while acting on duty at any place may use force necessary to prevent the commission of any offence under the Act in order to protect the forest property and in self-defence as defined under **[sections 96 to 106 of the RPC]*.

(2) A member of the Force, while on duty and in the performance thereof, if has reason to suspect that the forest produce is in the process of, or is being taken away in any vehicle, or in any other manner including the animals such as Horses, Mules, Elephants, Camels or Donkeys contrary to the provisions of the Act and without any proper authority in writing from the officer authorized to do so, may use so much force as may be necessary to prevent the forest produce from being so taken away illegally, in order to protect the forest property from being so carried away.

(3) No member of the Force shall be civilly or criminally liable for doing any act in good faith in the performance of his duty to protect the forest property and no Civil or Criminal Court shall take cognizance of such act against any member of the Force without the prior sanction of the Director, Forest Protection Force, *#[J&K State]*.

CHAPTER XI

INVESTIGATION

150. *Investigation into cognizable cases.* —(1) Any officer of the rank of Assistant Director of the Force Unit may, without the order of the Magistrate investigate any forest offence triable under—

* Now “sections 34 to 44 of the BNS, 2023.

Now “Union territory of Jammu and Kashmir”.

- (i) ¹[J&K Forest Act, Samvat 1987 (1930 AD)] ;
- (ii) ²[J&K Wildlife (Protection) Act, 1978 AD] ;
- (iii) Any act under which forest officers have powers to take cognizance of the offence related to the Forests and Forestry, which a court having jurisdiction over the local area within the limits of such units, would have powers to inquire into or try under the provisions of ³[Criminal Procedure Code, Samvat 1989] relating to the place of inquiry or trial.

(2) No proceeding of an officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this rule to investigate.

(3) Any Magistrate empowered under ⁴[section 190, Criminal Procedure Code, Samvat 1989] may order such an investigation as above-mentioned.

151. *Procedure where forest offence suspected.* —(1) If, from information received or otherwise, any officer of the rank of Assistant Director has reasons to suspect the commission of a forest offence which he is empowered under rule 150 (1) to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such forest offence, and shall proceed in person, or shall depute one of his subordinate officers not being below the rank of Inspector to proceed on the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender :

Provided that where local investigation dispensed with—

- (i) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature; or
- (ii) if it appears to the officer of the rank of Assistant Director

1. Now “The Indian Forest Act, 1927 (16 of 1927)”.

2. Now “The Wild Life Protection Act, 1972 (53 of 1972)”.

3. Now “Bharatita Nagarik Suraksha Sanhita, 2023”.

4. Now “section 210 of the Bharatita Nagarik Suraksha Sanhita, 2023”.

that there is no sufficient ground for entering on an investigation, he shall not investigate the case:

Provided also that in each of the cases mentioned in clauses (i) and (ii) above the officer of the rank of Assistant Director shall state in his said report his reasons for not fully complying with the requirements of that sub-section and, in the case mentioned in clause (ii), such officer shall also forthwith notify to the Deputy Director, the fact that he will not investigate the case or cause it to be investigated.

152. *Procedure when investigation cannot be completed in twenty-four hours.* —(1) Whenever any person is arrested and detained in custody and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 10 (2) of the Act, and there are grounds for believing that the accusation or information is well founded, the officer of the rank of Assistant Director or the officer making the investigation if he is not below the rank of Inspector shall forthwith transmit to the Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

153. *Report of investigation by subordinate Force Officer.*— When any subordinate Force Officer has made any investigation, he shall report the result of such investigation to the Assistant Director of the unit.

154. *Release of accused when evidence deficient.*— If, upon an investigation, it appears to the officer of the rank of Assistant Director or above making the investigation that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing, a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the forest offence and try the accused or commit him for trial and the authorized officer under section 26 (2), **[Jammu and Kashmir Forest Act, 1987]* having jurisdiction in the case.

155. *Cases to be sent to Magistrate when evidence is sufficient.*— If upon an investigation it appears to the officer of the rank of Assistant

* Now “Indian Forest Act, 1927”.

Director that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to the Magistrate empowered to take cognizance of the forest offence and to try the accused or commit him for trial.

156. *Diary of proceeding in investigation.* —(1) Every Force Officer making an investigation shall day by day enter his proceedings of investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and statement of the circumstances ascertained through his investigation.

(2) Any Criminal Court may send for the investigation diaries of a case under inquiry or trial in such court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agent shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the court; but if they are used by the Force Officer who made them, to refresh his memory, or if the court uses them for the purpose of contradicting such police officer, the provisions of **[the Evidence Act, 1977, section 161 or section 145]*, as the case may be, shall apply.

157. *Report of Force Officer on completion of investigation.* —(1) Every investigation under this chapter shall be completed without unnecessary delay.

(2) As soon as the investigation is completed, the officer of the rank of Assistant Director of the unit shall forward to a Magistrate empowered to take cognizance of the forest offence, a report stating—

- (i) the name of the parties ;
- (ii) the nature of the information ;
- (iii) the names of the persons who appear to be acquainted with the circumstances of the case ;
- (iv) whether any offence appears to have been committed and if

* Now “the Bharatiya Sakshya Adhiniyam, 2023, section 162 (2) or section 148”.

so, by whom ;

- (v) whether the accused has been arrested ;
- (vi) whether he has been released on his bond and, if so, whether with or without sureties.

158. *Procedure on arrest.*— For the purpose of section 10 (3) of the Act, while handing over the arrested person to the incharge police station at nearest police station, it shall be the duty of the incharge police station to prepare and hand over to the Escorting Force member a brief note giving the name of the person arrested, member of the Force handing over the arrested person, time and place of handing over the arrested person.

159. *Powers to investigate.*— The provisions of ¹[Cr. P. C., Samvat, 1989], relating to investigation by police officers under that ²[Code] shall as far as may be, apply to investigations by Force Officers into forest offences under the Act and these rules.

160. *Procedure when Force opens fire for protection of forest property.* —(1) Whenever the Force uses fire arms for protection of forest property, a Commission of Inquiry referred to in rule 163 shall invariably be ordered by the Joint Director.

(2) Soon after the Force has opened fire, the senior most member present on the occasion shall—

- (i) immediately send an intimation to the nearest police Station and arrange to cordon off the area so that the scene is preserved intact. He, shall however, render first aid to the injured and arrange to send them to the nearest hospital, if necessary ;
- (ii) cause the empty cartridge cases to be picked up and checked with the number of rounds served out ;
- (iii) draw up a concise but accurate report of the occurrence giving out minute details of all the relevant facts ;

1. Now “Bharatita Nagarik Suraksha Sanhita, 2023”.

2. Now “Sanhita”.

- (iv) send copies of such concise report by quickest means to the District Magistrate, the Superintendent of Police of the District concerned besides sending them to his Joint Director and Director.

161. *Plaints.*— Every member of the Force against whom any criminal prosecution or a civil suit is instituted shall at once inform the Joint Director, or as the case may be, his controlling officer.

162. *Public complaints against the misconduct of the members of the Force.* —(1) Whenever a complaint against the misconduct of any member of the Force is received from the members of the public or where such complaint is received through a court wherein civil or criminal proceedings against a member of the Force has been instituted or otherwise, and controlling officer of such member of the Force is of the opinion that allegations are verifiable or otherwise an inquiry is called for, he may proceed to inquire himself into the complaint against a member of the Force specified in column (1) of the table below or depute any other officer as specified in the corresponding entry in column (2) of the said table :—

TABLE

Member of the Force against whom complaints received	Inquiry Officer
(1)	(2)
Under officers or below	Of and above the rank of Inspector
Inspector	Of and above the rank of Assistant Director
Assistant Director	Of and above the rank of Deputy Director
Deputy Director or above	Joint Director or above.

(2) Complaint cells—There shall be separate complaint cells at the headquarters each of the Director, Joint Director and the Deputy Director for handling, monitoring and ensuring the expeditious disposal of such complaints.

(3) Manner of conducting inquiries-While conducting inquiries, the Inquiry Officer shall so far as may be possible, proceed as under :—

- (i) complaint shall be heard in detail and every effort shall be made by the Inquiry Officer himself to ascertain the truth by examining such of the witnesses as he may deem necessary, without insisting on the complainant himself to secure the presence of witnesses ;
- (ii) important witness shall as far as possible be examined in the presence of the complainant so that he has the satisfaction of what they depose ;
- (iii) throughout the conduct of inquiry, the Inquiry Officer shall scrupulously avoid doing anything which might create a doubt in the mind of the complainant about objectivity and impartiality of the inquiry ;
- (iv) the inquiry shall as far as practicable be conducted at an appropriate public building or place.

(4) The report of the Inquiry Officer may be treated as classified where the controlling officer for reasons to be recorded in writing so directs.

163. *Commission of Inquiry.* —(1) *When to be held*— A Commission of Inquiry may be held to investigate into any offence alleged to have been committed by any enrolled member of the Force or into any disciplinary matter or any other matter of importance relating to the Force.

(2) A Commission of Inquiry shall inter alia invariably be held in cases of—

- (i) unnatural deaths of person subject to the Act or of other persons within the Force premises. At the same time an immediate report shall be sent through the messenger to the officer incharge of the Police Station within whose jurisdiction such unnatural death has taken place ;

- (ii) each and every case of opening of fire by members of the Force, whether operational, accidental or intentional ;
- (iii) injuries sustained by persons subject to the act which are likely to cause full or partial disability. The Commission of Inquiry shall in such cases determine whether such injuries were attributable to exigencies, of services or not ;
- (iv) financial irregularities, losses, thefts and misappropriation of property, whether of public or Force including arms and ammunition ;
- (v) loss of secret documents and any other material of secret nature or about security classification, Such a Commission of Inquiry shall be ordered by an officer or authority against the person having lost the document or material in his charge or under his control ;
- (vi) damage to person or property of an individual, in respect of which there is likely to be a claim on the Force ; and
- (vii) accident of motor vehicles of the Force.

(3) *Composition*— A commission of Inquiry shall consist of an Officer as Presiding Officer not below the rank of the Inspector and at least two other members of the appropriate ranks but above the rank of the person against whom the enquiry is set up. Person not subject to the act may be appointed as members when the Commission is to investigate matters of a specialised nature and members of the Force with specialist qualifications are not available to be the members.

(4) *Commission of enquiry*— A Commission of Inquiry may be set up by order of Deputy Director or any officer superior to him.

(5) *Meetings*— The order setting up the Commission of Inquiry shall state composition of the Commission, the time and the place for its sitting and state the matter clearly which the Commission will investigate. The order will also provide for the administrative requirements of such Commission.

(6) Procedure of Commission of Inquiry—

- (1) The proceedings of Commission of Inquiry shall generally not be open to public. Only such persons may attend the proceedings as are permitted by the Commission to do so ;
- (2) The evidence of all witnesses shall be taken on oath or affirmation ;
- (3) Evidence given by witnesses shall be recorded in narrative form unless the Commission considers that any questions and answers may be recorded as such ;
- (4) The Commission may take into consideration any documents even though they are not formally proved ;
- (5) The Commission may ask witnesses any question and in any form, which it considers necessary to elicit the truth and may take into consideration any available evidence ;
- (6) No counsel or legal practitioner shall be permitted to appear before a Commission of Inquiry in that capacity ;
- (7) The provisions of section 69 of the **[Code of Criminal Procedure, Samvat 1989]* shall apply for procuring the attendance of witnesses before the Commission of Inquiry ;
- (8) Before giving an opinion against any person subject to the Act, the Commission may afford that person a reasonable opportunity of being heard ;
- (9) The records of Commission of Inquiry shall be admissible in evidence in any subsequent proceedings :

Provided that the answers given by a witness to any question asked before the Commission shall not be admissible against such a witness on any charge at any subsequent occasion except a charge of giving false evidence before such Commission.

* Now “Bharatita Nagarik Suraksha Sanhita, 2023”

(7) *Time limit for completion of inquiry*— Every inquiry shall be completed as expeditiously as possible and in any case within a period of three weeks from the date of appointment of the Commission of Inquiry, unless for reasons to be recorded by the Presiding Officer, it is not possible to do so due to circumstances beyond his control and subject to the extension of time being granted by the Director.

(8) *Action on the proceedings of a Commission of Inquiry*— The proceedings of a Commission of Inquiry shall be submitted by the Presiding Officer to the officer or be submitted by the Presiding Officer to the officer or authority who ordered the Commission of Inquiry. Such officer or authority on receiving the proceedings may either pass final orders on the proceedings himself, if he is empowered to do so, or refer them to a superior authority.

(9) *Copies of Commission of Inquiry proceedings*— A person subject to the Act against whom the Commission of Inquiry has given an opinion shall be entitled to copies of the proceedings of the Commission of Inquiry unless the Director orders otherwise in public interest.

164. *Records and Registers*.— The records and registers to be maintained in the offices of superior officers, posts, outpost detachments and other units and the proforma therefore shall be such as may be specified by the Director from time to time.

165. *Ministerial staff*.— The ministerial cadre posted with the superior officers shall be subject to the administrative control of the head of the office.

166. *Discharge Certificate*.— A person ceasing to be a member of the Force shall surrender to his immediate superior, his certificate of appointment and thereafter he shall be issued a Discharge Certificate as specified in Schedule-VIII.
