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Air HQ/ S 25437/Lgl

23 Feb 06

HQ WAC, IAF
HQ SWAC, IAF
HQ CAC, IAF
HQ SAC, IAF
HQ EAC, IAF
HQ TC, IAF
HQ MC, IAF

(For SOA / SASSO)

**AMALGAMATION OF 'DISCIPLINARY' AND 'LEGAL'
FUNCTIONS AT AIR HQ AND COMMAND HQ**

1. Reference is made to Air HQ/S25437/Lgl dated 12 Jan 06.
2. The captioned subject was discussed during the AOC-in-C Conclave on 18 Feb 06. It has been decided that to begin with, on experimental basis for a period of six months, the 'legal' related functions of the Dte of PS at Air HQ and Command P1 Section at Command HQ be assigned to the Deptt of JAG (Air)/CJA Section at Air HQ and Command HQ, respectively.
3. It is, therefore, intimated that 'legal' related functions of Command P1 Section at Command HQ be handed over to an Officer, who shall perform his duties under the control and supervision of the CJA. Such Officer is to be known by the nomenclature of 'Officer I/C Command P1 (Discipline)' and would be responsible for the processing & disposal of disciplinary cases and other issues having legal bearing. He should not be detailed as Trial Judge Advocate in a Court Martial, during the period of his appointment. An illustrative and not exhaustive list of suggested subjects, which may form part of the Charter of Duties of the said appointment, is enclosed as Appendix 'A'. Until Judge Advocate qualified officers are posted for performing duties of 'Officer I/C Command P1 (Discipline)' the existing O I/C P1 is to be placed under CJA for these duties. Necessary staff and equipment, commensurate with the work-load and responsibilities of the new appointment, be also placed under the CJA.

4. It is, however, clarified that existing appointment of O I/C Command P1 at Command HQ would continue to subsist. The Officer holding such appointment shall look after other General Discipline, welfare & ceremonial related functions, not handled by the 'Officer I/C Command P1 (Discipline)' and would be responsible to CPSO/SPSO for the performance of his duties.

5. The above said changes have primarily been effected with a view to reduce the time-frame for the disposal of disciplinary & legal related matters and ensuring professional advice on such issues. It is also expected that such an arrangement would ensure better synergy between different agencies handling the disciplinary cases. The pros and cons of the new system are proposed to be further discussed during the AF Cdrs' Conference in Oct 06.

6. At Air HQ to maintain the independence and impartiality of the legal advice of the Deptt of JAG (Air), a separate section, to be known as 'Personal Discipline' (as bifurcated from the Dte of PS) would be established under the overall control of the JAG (Air). The concerned Officers and Staff would be transferred from the Dte of PS to Deptt of JAG (Air). A list of subjects, which would form part of the Charter of Duties of the appointments of 'Discipline' under JAG(Air) and that of Dte of PS, are enclosed as Appendices 'B' & 'C', respectively.

7. It is, therefore, requested that the abovesaid changes may be effected forthwith at the Command HQ. A report on the efficacy of the new arrangement, observed at your Command HQ, may be forwarded to this HQ by 15 Sep 06.

(HS Garkal)
Air Marshal
AOA

Encls: As Stated

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VCAS

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AOP

DG (I&S)

AOM

AA to the CAS

All Dtes under AOA

SUBJECTS OF O I/C COMMAND P1 (DISCIPLINE)

- (a) **Courts Martial and Summaries of Evidence**
- (i) Examination of Summaries of Evidence.
 - (ii) Convening and confirmation of Courts Martial proceedings, including processing of petitions under Sec 161 AFA.
 - (iii) Despatching of proceedings and correspondence pertaining to Courts Martial.
 - (iv) Liaison with CJA for summary disposal of cases of officers / WO under Section 86 of the Air Force Act.
 - (v) Custody of Officers/ Airmen - Action with Air HQ and Units.
 - (vi) With-holding of pay and allowances of personnel in prolonged custody.
 - (vii) Submission of Courts Martial progress return to AOC-in-C and Air HQ.
- (b) **Courts of Inquiry / Formal Investigation** - Examination of all Courts of Inquiry / Formal Investigations, received at Command HQ and examination thereof for procedures and advise on discipline /administrative action.
- (c) **Administrative Dismissal /Removal** - Actions regarding administrative dismissal / removal of Officers and Airmen.
- (d) **Summary Disposal of Cases**
- (i) Examination of all weekly minor offence reports, observations and remedial actions.
 - (ii) Processing appeals of personnel for remission of sentences.

(e) **Administrative Action** - Processing all cases for award of censure (Service Displeasure, Displeasure and Reproof). Correspondence with Command and Air HQ.

Appendix 'B'
(Refers to Para 6 of
Air HQ/S 25437/Lgl
Dated 23 Feb 06)

SUBJECTS OF PERSONAL DISCIPLINE
(UNDER JAG(AIR))

- (a) Provisions of Air Force Act, Air Force Rules and Regulations for Air Force pertaining to Discipline.
- (b) Court Martial, Summary Disposal, and Administrative action.
- (c) Court cases pertaining to discipline – Policy and Individual cases.
- (d) Court of Inquiry – Policy – Rendering advice on disciplinary aspects on individual Courts of Inquiry.
- (e) Implementation of policy on Habitual Offenders and individual cases.
- (f) Statutory Representations from aggrieved Air Force personnel against Court Martial/Summary Disposal/Censures/Harassment.
- (g) Maintenance of disciplinary records of all Air Force Officers and disciplinary clearance there of.
- (h) Administrative dismissal/removal – policy and individual cease.
- (i) All disciplinary cases arising out of misconduct/offences by Air Force Personnel.
- (j) Appeals/petitions in respect of Court Martial/Summary of Evidence & Summary disposal etc.
- (k) Court Martial – Convening and confirmation action.
- (l) Petitions U/S 161 AF Act 1950 – Consideration, processing and disposal by the Competent Authority.
- (m) Concurrent Jurisdiction – Policy & Individual Cases.
- (n) Custody – Policy & Individual Cases

- (o) Air Force Law/Regulations - Amendments
- (p) Summary disposal/Summary of Evidence/Court Martial – Policy and Individual cases.
- (q) Progress return Courts Martial.

Appendix 'C'
(Refers to Para 6 of
Air HQ/S 25437/Lgl
Dated 23 Feb 06)

SUBJECTS OF DTE OF PS

- (a) Devolution of Command – Policy
- (b) Personal Matters
 - (i) Marriage – Policy and individual cases of Plural Marriages/ Marriages with foreign nationals.
 - (ii) Debts by Air Force Personnel – Policy and individual cases.
 - (iii) Living out permission to Air Force personnel, under their own arrangement without any financial aspect, - Policy and individual cases.
 - (iv) Grant of Maintenance allowance to wives and children of Air Force Personnel – Policy and individual cases.
- (c) Property and Estates
 - (i) Property returns by Air Force personnel – Policy and Individual cases.
 - (ii) Disposal of Estates of deceased Air Force personnel.
 - (iii) Wills – Policy and procedure.
- (d) Welfare Matters
 - (i) Welfare – Policy and individual cases.
 - (ii) Liaison with Directorate General of Resettlement, Kendriya Sainik Boards, Air Force Association and Air Force Wives Welfare Association on welfare matters.
 - (iii) Dealing with matters pertaining to Welfare Funds administered by Kendriya Sainik Board and National Defence Funds.

(iv) Policy on Electoral Rolls – Policy, procedure and liaison with civil and sister services.

(v) ACES grant/Air Force Reserve Fund.

(vi) Concessions by State Govts/Cash Award to Gallantry Award winners.

(vii) Acceptance and retention of gifts by Air Force personnel in their individual capacity.

(viii) Recommending financial assistance to the needy ex-IAF personnel from AF NPFs.

(ix) Resettlement/Rehabilitation of Ex-Servicemen and war widows.

(e) Representing Air HQ as ex-officio member on the following Committee/Organisations: -

(i) Managing Committee, IAF Central Welfare Fund.

(ii) Managing Committee, IAF Benevolent Fund Association.

(iii) Managing Council IAF Benevolent Fund Association.

(iv) Executive Committee, IAFBA.

(v) Board of trustee AFGIS

(vi) Board of management, Air Force Naval housing Scheme.

(vii) AF trustee on Bengal Masonic Association (Inter Services-Trust).

(f) Policy and Duties in relation to Right to Information Act, 2005.

(g) ECHS

SUBJECTS OF DUTIES OF O I/C COMMAND P1**(a) General Discipline**

- (i) Correspondence on casualties and condolence messages.
- (ii) Correspondence on private debts.
- (iii) Correspondence on property returns.
- (iv) Correspondence on communication with Press Lecture and Broadcasts.
- (v) Correspondence on Crests and Mottos of Units.
- (vi) Correspondence on Elections.
- (vii) Correspondence on Marriages and Divorces- Grant of maintenance Allowances.
- (viii) Receipt and issue of Medals and Stars.

(b) Drill and ceremonials

(c) VVIP/VIP visits

(d) Dress Regulations

(e) Mess Administration

(f) Honours and Awards

(g) Air Force Bands