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Air HQ/23406/685/PS

18 Dec 96

HQ Western Command, IAF)
HQ Eastern Command, IAF)
HQ Central Command, IF)
HQ SWAC, IAF) For SOsA/SAASO
HQ Training Command, IAF)
HQ Southern Command, IAF)
HQ Maintenance Command, IAF)

HABITUAL OFFENDERS POLICY
DISCHARGE UNDER RULE 15 (2) (g) (ii), AIR FORCE
RULES 1969 IN RESPECT OF AIRMEN AND UNDER
RULE 15 (2) (k) READ WITH RULE 15 (2) OF AIR
FORCE RULES 1969 IN RESPECT OF NCs (E)

1. The aim of this letter is to apprise your HQs regarding modifications introduced in our earlier policy on Habitual Offenders, both for Airmen and NCs(E), issued vide our letters number Air HQ/C 23406/685/PS dated 14 Aug 84 and 11 Sep 87 respectively and also to issue consolidated guidelines to process such cases.

2. **Back Ground.** The existence of Habitual Offenders amongst the airmen, the adverse effects of their repetitive indiscipline on the general administration and overall discipline of the Air Force had been a cause for worry. To deal with such personnel a policy was formulated by Air HQ in 1984 for airmen and subsequently made applicable to the NCs (E). Over the last 12 years, there have been a spate of court cases by the affected airmen and NCs(E) wherein this policy was challenged. Though some flaws surfaced, not a single judgement has gone against the service. The policy has been upheld by the Honourable Supreme Court of India on 23 Feb 96 in the case of Union of India & Others Vs Corporal AK Bakshi & Ors. In order to improve upon the existing policy based on the observations forwarded by field units, a committee was formed and the following needs were considered and reviewed accordingly :-

(a) Training period being a formative stage in the career of airmen, there was a need to review whether the punishments incurred during this period should be reckoned for the application of this policy or not.

(b) There was a need to suitably evaluate and acknowledge the interim period of good conduct after a bad phase in the individual's career.

(c) Publicity of the policy amongst the airmen and NCs (E).

3. **Modifications.** After due considerations following modifications have been approved :-

(a) Punishment entries incurred during ab-initio training are not to be counted, i.e. the policy should henceforth be applicable only after completion of ab-initio training.

(b) A clear period of eight years with no entries whatsoever (Red/Black Ink) will be treated as good conduct justifying condonation of all earlier entries.

(c) Wide publicity should be given to the policy.

4. **Applicability/Authority.** This policy will be applicable to all airmen upto and including the rank of MWO and be processed under Rule 15 (2) (g) (ii) of Air Force Rules 1969, the cases of NCs (E) will be processed under Rule 15 (2) (k) read with Rule 15 (2) of the Air Force Rules 1969. The final authority empowered to consider and discharge an airman/NC(E) or to afford a chance to him as per the merit of the case rests with the following :-

(a) AOP : In respect of all airmen including and upto the rank of MWO.

(b) AOC-in-C of the : NCs (E) posted/attached to respective Commands units within their Commands.

(c) Commanding Officer : NCs(E) posted/attached to units directly under the or the CAS, IAF. Air Headquarters.

However, before passing orders as per the laid down procedures the Commanding Officers will invariably refer

Sd/-
(NI Razzaqui)
Gp Capt
D P S
For A O P

Encls: As stated

Copy to: -

SO to CAS

SOs to PSOs

All AcsAS

All Dirctors

All Units under Air HQ

Appendix to Air HQ
letter

DISCIPLINE ; AIRMEN/NCs(E)
PROCEDURE TO BE FOLLOWED WHILE PROCESSING
THE CASES OF HABITUAL OFFENDERS

Annexures: 1. Warning : Potential Habitual Offenders –

Airmen/NCs(E).

2. Second Time Warning when a chance was given by the Competent authority.

3. Second Time Warning when punishment awarded earlier is expunged.

4. Second Time Warning when Potential Habitual Offender fulfils the criterion of Habitual Offenders Policy.

5. Show Cause Notice.

6. Fresh Show Cause Notice.

7. Data Sheet.

1. **Aim.** This appendix lays down the procedural details of action required to be taken at various stages/levels to process a case under Habitual Offenders Policy as modified vide para-5 to 8 of Air HQ letter No. Air HQ/C 23406/685/PS dated 18 Dec 96.

2. **Warning Letter.**

(a) Immediately after an airman/NC(E) is declared as Potential Habitual Offender as per laid down criteria, the Commanding Officer of the individual is to issue him precautionary warning in writing. The warning letter is to be issued with reference to the criteria on the threshold of which the individual has reached. He is to be informed that he is getting another opportunity to mend himself and any addition of another punishment entry either Red or Black as the case may be, will result in his discharge from service. Receipt of the warning letter will be obtained on the duplicate copy. The receipted copy of the warning letter is to be retained in the service documents and the copy thereof in the office/case file. A standard format of the warning letter is placed at Annexure-1 to this Appendix. It *also bears the annotation required to be obtained on the duplicate copy from the airman/NC(E) concerned.*

(b) Whenever the case of an airman/NC(E) is considered by the competent authority for final orders and he is afforded one more chance, a warning letter is required to be issued to him by his Commanding Officer again. This will be treated as second time warning. The standard format for such second time warning is placed at Annexure-2 to this Appendix.

(c) In a case where an individual has been warned in accordance with this policy and subsequently a punishment awarded to him prior to the issue of warning is expunged a second time warning will be required to be issued when he again fulfils any of the criterion laid down for Potential Habitual Offender. Standard format for such second time warning is placed at Annexure-3 to this Appendix.

(d) The policy letter lays down three criterion under para 5 (a), (b) & (c) namely, a total of six punishment entries (Red and/or Black), Four Red Ink entries and four punishment entries (Red and/or Black) for repeated commission of any one offence. Therefore an individual who has acquired a total of five punishment entries or three Red Ink entries or three entries for repeated offence reaches the threshold of criteria laid down at para-5 (a), (b) or (c) respectively and is declared to be a Potential Habitual Offender with reference thereto. However, there can be a case where an individual has been declared Potential Habitual Offender with reference to criteria at para-5 (a), (b) or (c) and he commits offences thereafter and is also punished but does not fulfil the criteria with reference to which he was warned (award of Black Ink entries or any entry for offences other than the one earlier reported as the case may be). For such a case also an individual will be

