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AIR FORCE ORDER

BY

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CHIEF OF THE AIR STAFF**

No. 05

AIR HEADQUARTERS

NEW DELHI, Friday, 12 Jan, 2001

**STANDING COMMITTEE OF ADJUSTMENT/DISPOSAL
OF ESTATE—AIR FORCE OFFICERS/WARRANT
RANKS**

1. This AFO deals with the following :—
 - (a) Air Force Standing Committee of Adjustment.
 - (b) Disposal of Estate of Deceased, Deserter, Insane or Missing Air Force Officers/Warrant ranks.

Air Force Standing Committee of Adjustment

2. By virtue of the powers vested in him by Rule 19 of the Army and Air Force (Disposal of Private Property) Rules 1953, the Chief of the Air Staff hereby appoints Standing Committee of Adjustment to dispose of the property in camp/quarters of all the Officers/MWOs/WOs/JWOs subject to the Air Force Act, 1950, who die or desert or are ascertained to be unsound mind or while on active service are officially reported to be missing.
3. The Standing Committee of Adjustment shall consist of three persons, such persons being Officers or Officers and Civilian Gazetted Officers not below the grade of Civilian Staff Officer to be nominated from time to time by the Air Officer Commanding, Air Force Central Accounts Office, New Delhi.
4. On conclusion of its administration of the estate, the Standing Committee of Adjustment is to submit its proceedings (in duplicate) to Air Headquarters (Director of Personal Services) New Delhi under intimation to the Command and Unit concerned.

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Disposal of Estate of Deceased, Deserter, Insane or Missing Air Force Personnel

5. For disposal of the estate in accordance with the Army and Air Force (Disposal of Private Property) Act, 1950 as amended by Army & Air Force (Disposal of Private Property) Act 2000 and the Army and Air Force (Disposal of Private Property) Rules, 1953, it is considered expedient by the Air Force Standing Committee of Adjustment that certain actions be taken by the Commanding Officer or others as incorporated in Appendices "A" and "B" to this AFO to assist the Air Force Standing Committee of Adjustment.

6. This supersedes AFO 1095/76.

(File No. Air HQ/23441/791/PS)

AY TIPNIS

Air Chief Marshal

Chief of the Air Staff

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APPENDIX 'A'

(Refers to AFO 05/2001)

**DISPOSAL OF SURPLUS OF ESTATE OF DECEASED,
DESERTER, INSANE OR MISSING AIR FORCE OFFI-
CERS/WARRANT RANKS SUBJECT TO AIR FORCE
ACT**

Immediately a casualty of the nature referred to in para 2 of the AFO is notified, Standing Committee of Adjustment would require certain preliminary action as indicated in paras 2 to 7 below to be taken by the Commanding Officer (or the Adjutant or other Officer who may be delegated for the duty by the Commanding Officer) of the Station/Unit to which the individual belonged at the time of the casualty.

ACTION AT STATION/UNIT

Deceased

2. Notify the casualty through POR and forward a copy each thereof to the Standing Committee of Adjustment and Air Force Central Accounts Office

Public or Personal Property/Effects

3. With utmost speed arrange to collect and arrange for safe custody of all the personal property or effects of the individual concerned, which are found at the Station/Unit, in camp or quarters or at the Station to which he was attached. Prepare two inventories, listing separately, all items of Service Equipment or documents and individual's personal property/effects, as follows:—

(a) *Service or Public Property.* An inventory is to be made of all personal clothing and necessaries issued (otherwise than on payment) on loan, publications, records or documents (including identity card) and firearms belonging to the Government in possession or custody of the individual concerned. These items will be disposed of as follows and receipts obtained from the officers concerned :—

(i) Personal clothing and necessaries to the Equipment Officer.

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(ii) Firearms to the Station/Unit Armament Officer, and

(iii) Publications, records and documents (including Identity Card), to be disposed of in accordance with the orders issued from time to time. The existing orders are contained in AFO 100/80.

(b) *Personal Property/Effects*. Separate inventory is to be made of personal property/effects, including items of intrinsic and sentimental value (e.g. medals, orders or decorations, watches, cameras, cigarette cases/lighter, rings), items of bulky nature (e.g. motor cars/cycles, bicycles, wireless sets, furniture, carpets) and household goods (to be shown separately), clothing and uniforms, and arms and ammunitions. The Commanding Officer may however, abstain from securing and making an inventory of personal property effects, if so advised by the Standing Committee of Adjustment. All personal property/effects will be kept in safe custody pending receipt of instructions for their disposal from the Standing Committee of Adjustment. On receipt of instructions for the disposal of such effects from the Standing Committee of Adjustment, the Commanding Officer must be prepared to dispose of—

(i) Medals, orders or decorations, in accordance with Rule 15 (read with Rule 21 and 22) of the Army and Air Force (Disposal of Private Property) Rules 1953. and

(ii) Other personal property, which may have either to be handed over or despatched (in accordance with Rule No. 216 and 217 of the Travel Regulations (Revised Edition 1991) to the representative or a person appearing to be entitled to receive or to administer the estate, or sold by private sale or public auction in the most advantageous manner, as instructed by the Standing Committee of Adjustment.

N.B. : No personal effects will be sent to the Standing Committee of Adjustment by Station and/or Unit Commander without the prior authority of the Standing Committee of Adjustment.

(c) No sale of personal effects will take place without prior authority from the Standing Committee of Adjustment. When

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such property is sold by Public auction, a representative of the Standing Committee of Adjustment (who may be detailed by the Commanding Officer from his unit at the request of the Standing Committee of Adjustment) shall be present at the auction and shall furnish a certified statement of the particulars of the auction to the Standing Committee of Adjustment.

Cash and Accounting

4. (a) Deposit the cash found in the personal effects and the amount realised from the Sale/auction of personal effects, vide para 3(b) (ii) above, in the Public Fund and forward one copy of the I.A.F.F. (F)-1508 for receipt of money obtained from the Accounts Officer, to the Standing Committee of Adjustment.
 - (b) Ascertain, verify and prepare a list of all the Regimental and other debts in camp or quarters, including amounts due in regard to public property found deficient and the expenses incurred in relation to the disposal of the estate and intimate the same to the Standing Committee of Adjustment and Air Force Central Accounts Office (Non-effective Section).
 - (c) Claim the Funeral Allowances in accordance with the instructions issued from time to time. The existing instructions are contained in Rule 131 and 331 of the pay and Allowances Regulations for the IAF (1955 Edition).
 - (d) Forward the Pay Book and Clearance Certificate to Air Force Central Accounts Office, under intimation to the Standing Committee of Adjustment.
 - (e) Search carefully for a WILL or any other documents of a testamentary character or direction, if any, for disposal of medals, orders or decorations and the estate. If found, keep certified true copy and send the Original by registered post to the Standing Committee of Adjustment.

Desertion

5. Action will be taken by the Commanding Officer as per paras 2, 3 and 4 [except sub-paras 4(c) and (e) only].

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Insane or Missing

6. Action will be taken by the Commanding Officer as per paras 2, 3, & 4 [except sub-paras 4(c) and 4(e) only].

Unit Preliminary Report

7. The Commanding Officer will, after taking action in accordance with paras 2 to 6 above send to the Standing Committee of Adjustment by registered post a Unit Preliminary Report duly completed (in quadruplicate) alongwith the following documents/information with a copy to the Command concerned :—

(a) Letters, documents or personal papers, including those mentioned in paras 2, 3 and 4 above (Copies of inventory compiled as in para 3(a) and (b) above) together with estimated value of the effects listed therein to be sent in quadruplicate.

(b) Details of Non Public Funds and other debts in camp or quarters including amounts due in regard to public property found deficient or expenses incurred in relation to the disposal of the estate and sums due/any advance in respect of :—

(i) Quarters,

(ii) Mess, band and other service accounts.

(iii) Service clothing, appointments and equipments not exceeding a sum equal to three months pay of the Officer/MWO/WO/JWO and having become due within 18 months before the date of his death/desertion or being ascertained as of unsound mind or officially reported missing.

(iv) House building or purchase of motor car/cycle advance.

(v) Personal Computer advance.

(c) Receipts for stores handed in.

(d) List of Public claims.

(e) Names and addresses of the Banks/Post Offices with which the Officer/MWO/WO/JWO maintained his accounts

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together with account numbers and balances in such accounts alongwith the information as per para 11(a). (ii).

(f) Disposal of Medals, orders or decorations.

(g) Any other relevant particulars which may be helpful for disposal of the estate, including change of address of next of kin or legal representative, discovery of a WILL or a nearer kin or claimant to the estate, received afterwards which shall be promptly communicated to the Standing Committee of Adjustment.

8. On the death of Officer/MWO/WO/WWO while on temporary duty/attachment, the unit to which he proceeded on temporary duty/attachment will order a Board of Officers charged with responsibility for assembling, listing and taking possession of all the service equipment and personal effects of the deceased which he had taken to temporary duty/attachment unit. This Board is to prepare two lists. The first list will be in respect of service property found amongst the effects of deceased, and the second list will be in respect of the personal effects of the deceased, including cash. These two categories are to be separately packed and handed over to the Equipment Section of the temporary duty/attachment station together with the appropriate lists. Cash will be disposed of as per para 4(a) above. The Board is also to forward to the parent unit of the deceased four copies of each list. These lists will be handed over to the Committee of Adjustment at the parent unit for incorporation in the proceedings of that Committee. Finalisation of the Board proceedings should not take more than 48 hours.

9. The service equipment handed over to the temporary duty/attachment station, in pursuance of para 8 above, is to be taken on charge after categorisation by the Equipment Section of that unit and the appropriate voucher numbers are to be intimated to the parent unit, so that the items brought on charge at the temporary duty/attachment station can be struck off the charge of the deceased individual. The action is to be completed in all respects within seven days of the occurrence of the fatal casualty.

10. The temporary duty/attachment station will arrange to preserve the personal effects of the deceased in good order. In due course, after authority to despatch the personal effects of the deceased to the authorised recipient have been issued to the parent unit, it will be the duty of the parent unit to instruct the

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temporary duty/attachment unit to despatch the personal effects held by them direct to the person entitled to receive them, under intimation to the parent unit and the Air Force Standing Committee of Adjustment.

Action by the Standing Committee of Adjustment

11. In the case of a deceased officer/MWO/WO/JWO the Standing Committee of Adjustment will ascertain :—

(a) Whether or not the legal representative or entitled heir of the deceased is willing to pay or secure the payment of the classes of debts listed in para 7(b) and other expenses recoverable under the Act within three months of his death [see Rule 10 of the Army and Air Force (Disposal of Private Property) Rules 1953] and take over the estate under Section 3(4) of the Act *ibid* read with Section 4 thereof.

(b) Whether he or she wishes the Standing Committee of Adjustment to realise the Bank balances and Post Offices Savings Bank Account in accordance with provision of para 14.

(c) Whether the deceased had left any WILL or any other document of instructions of a testamentary character or direction for the disposal of his personal property or estate.

(d) Details of other relatives of the deceased, if any.

(e) Net value of the estate left by the deceased.

(f) Whether the estate is solvent, and whether the circumstances warrant handing it over to the Administrative General.

(g) Wishes of the representative of entitled heir regarding despatch of personal effects of the deceased.

12. After receipt of the intimation or documents, including the Unit Preliminary Report from the Commanding Officer, vide para 7 above, the Standing Committee of Adjustment will :—

(a) On the basis of IAFF(F) 1508, received from the Unit, collect the amount from the Imprest Account of the Air Force Central Accounts.

(b) Issue instructions to the Commanding Officer as to the disposal of personal effects, including fire-arms and for

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clearance of outstanding NPF/Service debts, listed in para 7(b), with a copy to the Command concerned.

13. Instructions in respect of deserters, insane and missing officers/MWOs/WOs/JWOs will be issued by the Standing Committee of Adjustment as and when necessary according to the circumstances of the case.

14. Under Section 3(2) (a) of the Army and Air Force (Disposal of Private Property) Act, 1950, the collection of the money from the deceased officer's Bank Accounts/Companies is obligatory only when it is necessary to make provisions for the payment of regimental and other debts in camp or quarters, the funeral expenses of the deceased and expenditure, if any, incurred in respect of the estate of the deceased. In other cases, collection of such amounts is discretionary. One of the criteria which the Standing Committee should take into consideration in the exercise of its discretion, is to ensure that if the estate held in the hands of the Committee is below the figure specified in Section 10 of the said Act (i.e. to say Rs. 2 lakhs) the money collected from the Bank should not have the effect of raising the total value of the estate (inclusive of the value of the deceased officer's property) to an amount above that figure. As per Section 10 read with Rule 25 of the Army and Air Force (Disposal of Private Property) Rules, 1953, the property can be handed over under the orders of the Joint Secretary, MOD to a person appearing to him to be entitled to receive the said property without the production of a probate, letters of administration etc, only if the value thereof does not exceed Rs. 2 lakhs. There is no provision in the Act for delivery of the estate of a deceased officer exceeding Rs. 2 lakhs to any person unless the probate/succession certificate/letters of administration or other conclusive evidence of title to such property is produced, the obtaining of which is not only time consuming but also an expensive process. It is, therefore, essential to ensure that this figure is not surpassed, otherwise apart from the aspect of delay, it would cause more harm than good to the beneficiary of the estate.

15. The personal effects left by the deceased in camp or quarters when collected by or on behalf of the Standing Committee of Adjustment as per para 3(b) are not to be handed over to the relatives/next of kin without obtaining the orders of the prescribed person i.e. Joint Secretary, Ministry of Defence, as required under Section 10 of the Act. Such delivery of effects unless it is in

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accordance with the provisions of sub-section (4) of Section 3 of the Army and Air Force (Disposal of Private Property) Act, 1950 as amended by Army & Air Force (Disposal of Private Property) Act 2000 and Rule 5 of the rules made thereunder, is challengeable as being contrary to law. Where, in any case property is delivered to any legal representative in accordance with the provisions of aforesaid section or rule, the documents listed at para (3), (4), (5) and (6) under items A of Schedule II of the Army and Air Force (Disposal of Private Property) Rules 1953 are required to be submitted by the Standing Committee of Adjustment. The term 'next-of-kin' in the context of the disposal of a deceased person's estate is irrelevant and its use may be avoided.

16. In cases of doubt the entitled beneficiary to the estate, the following information will invariably be furnished *in-alias* when seeking any clarification or advice :—

- (a) Religion of the deceased at the time of his death.
- (b) Details of the relations who have survived the deceased.
- (c) Value of the estate.
- (d) A copy of the last 'Will', if any.
- (e) A copy of the proceedings of the Air Force Standing Committee of Adjustment, if finalised.

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APPENDIX 'B'

(Refers to AFO 05/2001)

DISPOSAL OF SURPLUS OF ESTATE OF DECEASED, DESERTER, INSANE OR MISSING AIR FORCE OFFICERS/WARRANT RANKS SUBJECT TO AIR FORCE ACT

1. In accordance with Sub-Rule (3) of Rule 26 of the Army and Air Force (Disposal of Private Property) Rule 1953, the surplus of the estate of a person subject to the Air Force Act, 1950, who dies or being on active service is officially reported missing or is ascertained in the prescribed manner to be insane, which has not been paid to his representative (a person who has taken up representation from a Court of Law) or other entitled person under Section 3(7) (a) or 10 of the Army and Air Force (Disposal of Private Property) Act, 1950, Refers Rule 2(5) of The Army and Air Force (Disposal of Private Property) Act 1950 as amended by Army & Air Force (Disposal of Private Property) Act, 2000 will be disposed of as under :—

(a) In the case of an Officer/MWO/WO/JWO the Standing Committee of Adjustment will deposit the amount in the Civil Treasury to the credit of state and forward Treasury Receipt, together with necessary details of the amount to the Controller of Defence Accounts (Air Force) and forward its proceedings (report) to Air Headquarters (DPS) for obtaining orders of the prescribed person in accordance with Rules 24 and 25 of the Army and Air Force (Disposal of Private Property) Rules, 1953.

2. **Disposal of Credit Balance will be as follows :**

(a) The Controller of Defence Accounts (Air Force) in the case of an Officer/MWO/WO/JWO and Air Officer Commanding Air Force Central Accounts Office, will hold the deposit pending receipt of disposal instructions from the prescribed persons in accordance with Rules 24 and 25 of Army and Air Force (Disposal of Private Property) Rules 1953. Where it is decided to pay the credit balance (Comprising 'Pay' and 'Estate' elements) to the heir of the deceased or other personnel, the voucher, on which the amount is claimed should invariably show the two elements separately.

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(b) If it is decided that the money should lapse to Government the amount will be credited to the Controller of Defence Accounts, Air Force for credit to Sub Head "F" Other Misc. Receipts under Main Head IV of sub Maj-Head LXII-Defence Services Estimates.

3. Subject to the provisions of Section 3(7) (b) of the Army and Air Force (Disposal of Private Property) Act, 1950 and amended Army & Air Force (Disposal of Private Property) Act 2000 the surplus of the estate of a person who deserts while subject to the Air Force Act 1950, will be dealt with in the same manner as in para 1 above.

4. If the surplus of the estate of a deceased, deserter, insane or missing airman is not disposed of within the period specified in Rule 33(5) of the Army and Air Force (Disposal of Private Property) Rules 1953, the Officer Commanding of the Unit concerned will submit a report to Air Headquarters DPS, New Delhi showing the latest position of the case while stating the reasons for delay in the disposal of the case.

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