

AIR FORCE ORDER**BY****AIR CHIEF MARSHAL AY TIPNIS, PVSM, AVSM, VM ,ADC****CHIEF OF THE AIR STAFF****NO 20/2000****AIR HEADQUARTERS****NEW DELHI, Friday, 22 September 2000****ACQUISITION AND DISPOSAL OF IMMOVABLE AND MOVABLE PROPERTY**

Reference

COSC Directive issued vide Government of India Ministry of Defence

(Military Wing) letter No. DMW/35112/1/COS Dated 27 Aug 91.

Appendices

- A Initial report at the time of commissioning or enrolment, on immovable and movable property possessed.
- B Report or Application - Acquisition of immovable property.
- C Report or Application - Disposal of immovable property.
- D Report or Application - Acquisition of movable property.
- E Report or Application - Disposal of movable property.
- F Channel for submission of Property Returns/

Reports - Air Force Personnel.

1. All Air Force personnel are required to report the acquisition or disposal of property, movable or immovable, beyond the laid down monetary limits, whether in their own names or in the names of their family members, except those transactions which are conducted by the family members exclusively out of their own earnings and possessions. The report must be submitted forthwith but in no case later than 12 months from the date of completion of the transaction.
2. Prior permission of the Superior Authority as prescribed in this AFO will be obtained in following cases:-
 - a. When a transaction is conducted otherwise than, with or through a regular/reputed dealer or agent.
 - b. When a transaction, irrespective of the value, is conducted with a person with whom the Officer or Airman has any official dealings.
3. Whenever required by the order of the Superior Authority, all Air Force personnel will be liable to furnish not only a full and complete statement of any movable or immovable property held or acquired by them or by any member of their family and also disclose the means by or the source from which such property was acquired.

Value of property for reporting

4. Reports in terms of this AFO are required to be submitted only with respect of property of value as stated below:-
 - (a) Immovable property -- Rs 2,00,000/- and above
 - (b) Movable property Rs 25,000/- and above

Procedure for reporting

5. All Air Force personnel on acquiring or disposing of any immovable or movable property will submit a report, in duplicate, on the appropriate Appendix to this AFO duly countersigned by next superior Air Force Authority through normal channel as specified in Appendices F to this AFO.

After this has been seen by the Superior Air Force authority, the reports will be disposed off as under:-

a. Officers

- (i) DPS Air HQ - 1 Copy
- (ii) Individual - 1 Copy

b. Airmen

- (i) AF Record Office - 1 Copy
- (ii) Individual - 1 Copy

6. (a) **Movable Property.** The expression "Movable Property" includes any movable item such as jewelry, Motor Car, Motor Cycles, Scooter, Refrigerator, TV Set, Radio, Radiogram, VCR, Tape Recorder, Insurance Policy, Shares Securities, Debenture, Fixed Deposits, Money received on account of Races, Lotteries and loans advanced by the individual service personnel whether secured or not.
- (b) **Immovable property.** The expression "Immovable Property" includes a plot, house, flat, farm-land etc.
- c. **Members of Family** In relation to a male means his wife, children or any other person wholly dependent on him, whether or not residing with him. In relation to a female means her husband, children or any other person wholly dependent on her, whether or not residing with her.
- d. **Transaction** Any acquisition or disposal of immovable or movable property will be treated as a transaction when full and final payment has been made or received or the physical transfer of the possession of property takes place.
- e. **Transaction through a Regular Reputed Dealer.** This will also include a transaction where payment is made/received through the agency of a bank or by cheque.

Initial Report

7. Every newly commissioned officer, including one commissioned from ranks is to within three months of commissioning, submit an Initial Report as per Appendix 'A' to this AFO showing all reportable immovable and movable property owned, acquired, inherited or held in lease or mortgage by him/her or any member of his/her family. 'NIL' returns are required. The report is to be forwarded to the Superior Air Force Authority prescribed in Para 5 above for retention in the officer's records. The report is to be forwarded to Air HQ (Directorate of Personal Services) for retention in the officer's records.

8. **Airmen** - Every airmen is to, within three months of the date of his enrolment, submit an initial property report as per Appx 'A' to this AFO to his Commanding Officer showing all reportable immovable and movable property owned, acquired, inherited or held in lease or mortgage by him or by any member of his family. NIL returns are NOT required. The report is to be retained with airman's service documents.

Subsequent Reports

9. After submission of the initial report, subsequent reports are to be submitted only when there is any acquisition/disposal of property. Such subsequent reports are to be submitted as per proforma in Appendix 'B' to 'E' of this AFO as applicable.

Re-employed Personnel

10. Retired Personnel who are re-employed in the Air Force are subject to the Air Force Act and are covered by this AFO. However, on commencement of re-employment no initial report in terms of para 7 is necessary.

Personnel Posted Abroad- Acquisition of Second Car and Mid Term Sale of Car

11. Purchase of a second car by an officer posted abroad at the station of posting requires prior approval of the Central Government. There is a ban on mid term sale of cars by Service Personnel posted abroad. This ban is relaxed only in unusual/exceptional circumstances with the prior approval of the Central Government. All reports are to be forwarded to Air HQ (Dte of PS) through the concerned Head of the Mission/Post.

Procedure for Reporting/Seeking Permission for Acquisition/Disposal of immovable and Movable Property.

12. Reports of Acquisition/Disposal of Property, or applications seeking permission to acquire or dispose off property are to be reported or submitted as

per Appendix 'B' to 'E' of this AFO as applicable. All such reports /applications, duly countersigned are to be forwarded through proper channel for approval of the respective Superior Air Force Authority. Where prior permission in terms of para 2 above has been obtained, a subsequent report should be rendered on completion of the transaction. Reports submitted by all Service Personnel are to be retained alongwith the service documents of the individual, after approval by the Commanding Officer. Approved reports in respect of airmen posted abroad are to be forwarded to the AFRO for retention in the documents. One copy of reports or applications in respect of officers is to be forwarded to Air HQ.

Renting/Letting out of House to Foreigners

13. Written sanction of Ministry of Defence will be obtained through Air HQ prior to renting/letting out a house to foreigners, foreign missions and foreign organisation (including international organisations). One copy there of will be sent to the office maintaining the Record of Service.

Guidelines for submission of Property Return.

14. (a) **Acquisition of Plot and Construction of House.** The acquisition of a plot of land is to be reported immediately on acquisition. In case a house is constructed on that land, on completion of construction, another report should be submitted. Interim reports are not required.

(b) **Acquisition of Plot/Flat/House on Installment Payment.** When an individual acquires a flat or a house or a plot under AWHO, AFNHB, DDA, HUDCO or such agencies, he will submit a report of the initial payment, subject to its being above the prescribed monetary limits. In case the initial payment is less than the prescribed monetary limits, the officer will submit an application to the effect that he intends to acquire property and will also indicate approximate cost of the plot/flat/house. Installments paid thereafter need not be reported. In all cases, a final report is to be submitted when actual possession of the flat or the house or the plot of land has been obtained.

a. **Property under Hindu Undivided Family.** Transactions of immovable property from individual ownership to "Hindu Undivided Family" or vice versa or creation of trust in favour of family members are required to be reported.

b. **Shares, Debentures and Insurance Policies.** When shares or Debenture certificates are purchases, a report on Appendix 'D' to this AFO will be submitted, as it amounts to acquisition of movable property. Sums received on account of sale of shares or debentures, or matured insurance policies will be reported to as per Appendix 'E' to this AFO as it amounts to disposal of movable property. If any property is acquired with the matured value of an insurance policy, a separate report for such acquisition should be rendered.

c. Purchase of any movable property exceeding Rs 25,000/- in value for the construction or extension of a house shall be reported to the Superior Air Force Authority in terms of Appendix 'D' to this AFO.

d. Investments in Unit Trust of India, Treasury Savings Deposits, National Savings Certificates, Post Office Time Deposits etc shall be reported as transaction in movable property if the value of any such transaction exceeds Rs 25,000/-. Depositing of money in and receiving final payment from the Cumulative Time Deposit Account whether operated with a Bank or a Post Office need not be reported even if the amount in question exceeds Rs 25,000/-. Fixed Deposits in a Bank or Deposit in a Savings Accounts made by a member of the Defence Services from out of his salary or accumulated savings need not be reported.

e. Contributions by a member of the Defence Service towards the construction of a building on a plot of land owned by a member of his family, exceeding Rs 25,000/- either in cash or kind shall be reported.

f. Subscriptions to a Chit Fund where annual subscriptions exceeds Rs 25,000/- should be reported. Previous sanction of Superior Service Authority should be obtained if the member of the Defence Services has official dealings with the company or if it is not a Registered Chit Fund Company. Also, a member of the Defence Services should obtain prior permission of the Superior Service Authority for receiving the amount from the Chit Fund when the amount to be received is the sum total of the contribution payable by all subscribers for any one installment less the discount or commission payable to the Chit Fund Company by bid before the expiry of the period upto which the subscription is to be made. However, if the amount is received at the time of maturity a report should only be made to the Government, if the amount exceeds Rs 25,000/-.

g. On Life Insurance Policies, a report should be made to the Superior Air Force Authority if the annual premium exceeds Rs 25,000/- If the annual premium first determined is less than Rs 25,000/- but, on conversion, exceeds Rs 25,000/- a report is necessary at that stage. No report is necessary on receipt of the sum assured as survival benefit on maturity of the policy. Where the annual premium on Life Insurance Policies does not exceed Rs 25,000/- a report need not be submitted at the time of taking the policy but a report should be submitted at the time of receiving the sum assured as survival benefit/ on maturity of the policy.

h. Prior intimation to the Superior Air Force Authority is necessary for transaction in immovable property with State Housing Boards in regard to purchase of residential plots, flat etc.

i. **Gifts, Races and Lotteries etc.** Gifts received/given, winning in races or lotteries will be reported if the value exceeds the limits laid down in para 4, above.

(l) **Appreciation or Depreciation of Property.** Appreciation or depreciation of property is not the criteria for reporting any transaction.

a. Whenever a transaction has been conducted in cash, a photocopy of the cash receipt should be attached with the report.

15. **Evaluation of Immovable Property.** Assessors of municipality or Corporation are authorised to assess the value of a plot, house or agriculture land but where assessment is not possible, approximate value in relation to prevalent rates of construction is required to be shown.

Transaction Not Required to be Reported.

16. The following transactions need not be reported :-

- a. Loan taken by an individual, unless the amount of loan is utilised for acquisition of any property. In that case a certificate specifying the terms and conditions of repayment of loan from the person from whom loan has been taken will be produced. Individuals are, however, advised to keep a proper record of loans received or repaid, so that in the event of a subsequent enquiry, the genuineness of the transaction can be established.
- b. Any withdrawal from DSOP Fund except when the amount is utilised for acquisition of property.
- c. Policies under GIS and PLI.
- d. Transfer of money from one bank account to another in the same bank or different banks, the accounts being in the same name.
- e. Transactions conducted by any member of the family exclusively out of their own earnings.
- f. Advance of rent which is to be adjusted against future rents.

17. This order supersedes AFO 20/89.

Case No. Air HQ/C 23531/2/PS

AY Tipnis
Air Chief Marshal
Chief of the Air Staff

Appendix 'A'

(Refer to Para 7 of AFO 20/2000)

**STATEMENT OF IMMOVABLE/MOVABLE PROPERTY ON
INITIAL ENTRY/*COMMISSION FOR THE YEAR ENDING**

(To be rendered within one month of first commissioning or three months of first enrolment)

1. Rank & Name _____ 2. Service No. _____ 3. Appointment _____

4. Branch/Trade _____ 5. Present Unit _____

Description of property (give House No, Name of Taluk, or Village, Town or City, Sub division, District and State, If Land, give its area also or (make of Car/Scooter, Registration No etc	Pres-ent Value	If not in own name, state in Whose name held and his or her share and relationship with the member of Defence Services	How acquired whether by purchase, lease mortgage, inheritance, gift or otherwise with date of acquisition and name of/details of person from whom acquired	Financial liabilities including inherited debts and liabilities incurred during subsequent years be reported	Annual income from the property	Remarks
1	2	3	4	5	6	7

PART – I : IMMOVABLE PROPERTY

PART – II : MOVABLE PROPERTY

*Strike out whichever is not applicable

Signature /Date _____

Station _____

Countersigned _____

Appendix 'B'

(Refer to Para 9

of AFO 20/2000)

REPORT/APPLICATION FOR ACQUISITION OF**IMMOVABLE PROPERTY**

1. Rank & Name and Personal Service No
2. Branch/Trade
3. Appointment
4. Present Unit
5. Purpose of application
(Reporting of acquisition/
prior permission for acquisition)
6. Probable date of acquisition
7. Mode of acquisition :
By Purchase or construction)
8. (a) Full details about location viz Municipal No/Street/Village/
Taluk/District and State in which situated with house No and if land
its survey No and area. In case of Cultivable land, dry or irrigated land.
(b) Whether freehold or leasehold
(c) Whether the applicant's interest in
the property is full or in part
(in case of partial interest, the extent
of such interest must be indicated).
(d) In case the transaction is not exclusively in the name of the Government servant, particulars of ownership and share of each
member)
9. Purchase price of the property
(Market value in case of gifts)
10. Source or sources from which financed/proposed to be financed

- (a) Personal savings
- (b) Other sources giving details

11. (a) Name and address of the party with whom transaction is proposed to be made.

(b) Is the party related to the applicant ?

If so, state the relationship

(c) Did the applicant have or is likely to have any dealings with the party in his official capacity at any time or in the near future.

(d) How was the transaction arranged (whether through any statutory body or a private agency through advertisement or through friends and relatives. Full particulars to be given)

12. Any other relevant fact/information Which the applicant may like to mention.

DECLARATION

I, _____ hereby declare that the particulars given above are true. I request that I may be given permission to acquire property as described above from the party whose name is mentioned in Item 11 above.

OR

I, _____ hereby intimate the proposed acquisition of property by me as detailed above. I declare that the particulars given above are true.

Station _____ Signature _____

Date _____ Designation _____

Remarks of the Countersigning Officer

(The countersigning officer must indicate whether the information is complete in all respects and sources of finance stated to be used by the applicant are reasonable and correct.

COUNTERSIGNED

Appendix 'C'

(Refer to Para 9

of AFO 20/2000)

REPORT/APPLICATION DISPOSAL OF**IMMOVABLE PROPERTY**

1. Rank & Name
2. Service No
3. Branch/Trade
4. Appointment
5. Present Unit
6. Place where property is situated
(Taluk, District and State must be indicated).
7. Full Details of property to be Disposed off /Disposed off(House No, and if land, its survey No ., area)
8. Value of property to be disposed off/
Disposed off.
9. Name and relationship with person
In whose name transaction conducted
10. How disposed off / to be disposed off
(Whether by sale, gift or otherwise).
11. Name and address of person/dealer to
Whom property is sold.
12. Name and address of regular/reputed dealer
(if any) through whom transaction conducted.
13. (a) How payment received or proposed
to be received.
(b)If payment received by cheque/draft ,

Give details of cheque/draft including Bank on which drawn.

14. Full details of purchase of the property
(i.e purchase value, date of purchase, from whom
purchased and how the payment was made.
15. If transaction completed direct and the
payment made in cash without prior permission
reason for not obtaining prior permission
of the competent authority.

Signature _____

Station and Date _____

Remarks of countersigning officer:-

(Indicate whether the information submitted is complete in all respects).

COUNTERSIGNED

Appendix 'D'

(Refer to Para 9

of AFO 20/2000)

REPORT/APPLICATION ACQUISITION OF

MOVABLE PROPERTY

1. Rank & Name
2. Service No
3. Branch/Trade
4. Appointment
5. Present Unit
6. Details of movable property (in case
of Motor Cars & Scooters Motor cycles
give registration No Model).
7. Amount for which purchased/ or
being purchased
8. Source of financing eg Savings, loans
and gifts
9. Name & details of person from whom

article is acquired/or being acquired

10. Name & address of any regular/reputed

Dealer through whom transaction

conducted or is being conducted.

11. (a) How was the payment made or

proposed to be made.

a. If payment made by Cheque

or draft, give details of Cheque/Draft

including Bank on which drawn

12. Date of acquisition.

13. Authority for transaction if not

Purchased through a regular/reputed dealer

And the payment made in cash

14. If transaction conducted not through a

Regular /reputed dealer and the payment is

Made in cash without prior permission, reasons

For not obtaining prior permission of the

Competent authority.

Signature_____

Station and Date _____

Remarks of Countersigning Officer :-

(Countersigning Officer must indicate whether the information submitted is

complete in all respects and sources of finance stated by the officer are reasonable and correct).

COUNTERSIGNED

Appendix 'E'

(Refer to Para 9 of AFO 20/2000)

REPORT/APPLICATION DISPOSAL OF**MOVABLE PROPERTY**

1. Rank & Name
2. Service No
3. Branch/Trade
4. Appointment
5. Present Unit
6. Details of Movable property (in case of Motor Cars and Scooters/ Motor Cycles give Registration No And Model).
7. Amount for which sold or proposed to be sold
8. Name and details of person/dealer to whom article is disposed off
9. Name and address of any regular/reputed dealer through whom transaction is conducted/or is being conducted
10. Whether the payment received/to be received by Cheque/Draft or in cash(give details of Cheque/Draft including bank on which drawn.
10. Date of Sale
12. Indicate full details of purchase
of the article i.e. date of purchase
from whom purchased, amount for
which purchased and how payment
was made
13. Whether report on acquisition of the
property was rendered. If no, reasons
for not reporting. If yes, give details
14. Authority for transaction if not sold
through a regular/reputed dealer and
the payment also made in cash
15. If transaction conducted not through
a regular/reputed dealer and payment
received in cash without prior permission
permission of the competent authority

Signature _____

Station & Date _____

Remarks of Countersigning Officer:-

(Indicate whether the information is complete in all respect).

COUNTERSIGNED

Appendix 'F'

(Refer to Para 5 of

AFO 20/2000)

CHANNEL FOR SUBMISSION OF PROPERTY RETURNS/REPORTS**AIR FORCE PERSONNEL**

1. The movable and immovable property returns/reports when required to be submitted on occasions prescribed in this AFO must be submitted to the following authorities:-

(a) Chief of the Air Staff - RM for perusal
and AOA, Air HQ for record

(b) Air Marshals, AVM, Air Cmde _ AOA, Air HQ

(c) All Group Captains DPS, Air HQ

(d) Wg Cdrs posted at Air HQ) DPS, Air HQ

or in units directly under Air HQ)

(including officers posted to Misc)

establishments of Air HQ and)

officers on loan/deputation to)

other Deptts/Organisations))

(e) Sqn Ldrs and below posted to) DDPS , Air HQ

Air HQ and units directly under Air)

HQ (including officers posted to the)

misc establishments of Air HQ and)

officers on loan/deputation etc to.

Other Deptts/Organisations)

(f) Officers posted abroad or those) Head of the Mission

in posted to PHS for duties abroad,) that country

irrespective of rank)

(g) Wg Cdrs and below not covered by SOA/SAASO of respective Sub paras (d) to (f) Command HQ

a. Airmen including Hony Commissioned) Commanding officer

(h) Officers, MWO/WOs/JWOs -

(j) Airmen serving on deputation to) - OIC PHS C/O AFCAO

Civil departments or serving in)

Organisations outside the Air Force)

(k) Airmen posted abroad - Senior most Air Officer or the Staff in the Indian Mission in that country . Where there is no Air Force officer in staff of such Indian Mission, the Head of the Mission in that Country

2. **Countersignature.** Reports/returns on acquisition or disposal of the property and applications for prior permission are to be duly countersigned as indicated below, before these are forwarded for approval: -

- (a) Officers posted at units/Station- Commanding Officer
- (b) Commanding Officers of lodger units – AOC/Station Commander
- (c) Commanding Officer of independent units- SOA/SAASO
- (d) Officers posted at Command HQ- Respective Branch Head
- (e) Officers posted at Air HQ- Respective Director
- (f) Officer on deputation/loan etc to – Head of the Deptt/Org Other Deptt/Organisation
- (g) Officers posted abroad- Air Attache or Head of Mission
- (h) All Airmen- Section Commander

AIR FORCE ORDER**BY****AIR CHIEF MARSHAL AY TIPNIS, PVSM, AVSM, VM, ADC****CHIEF OF THE AIR STAFF****NO 23/2000****AIR HEADQUARTERS****NEW DELHI, Friday 06 October 2000****GUIDELINES REGARDING ACCEPTANCE OF GIFTS****BY AIR FORCE PERSONNEL**

Reference

- a. MOD OM No 25(2)-66/D(Coord) dated 09 Jan 67.
- b. MOD OM No3(3)/S/69-D(Coord) dated 31 Jan 70
- c. MOD OM No 25(4)/82/D(Coord) dated 17 May 83
- d. MOD OM No F.4(5)/86/D(Coord) dated 01 Jun 87

Appendices

A - Application for permission for retention of gifts received by

AF personnel from Indian nationals or societies/organisations in India.

B - Arms and ammunitions in a prohibited category –

Schedule I to Arms Rules 1962

C & D - Details of arms/ammunitions received as gifts and certificate

to be given by AF personnel to Air HQ (Dte of Int)

E - Application for permission for retention of gifts received by

AF personnel from foreigners

F - Application for permission for retention of gifts received by

AF Organisations from foreigners.

Introduction

1. Any person subject to the Air Force Act shall not directly or indirectly accept any gift, gratuity or reward in respect of any act performed by him in his official capacity, without the consent of the Government; nor shall he accept any gift, gratuity or reward from any person to whom he is in a position to show favour or disfavour directly or indirectly, in the exercise of his official functions, or, in circumstances wherein acceptance might place him in an embarrassing position or tend to influence him in the proper discharge of his duties.

2. Similarly, all personnel are to ensure that their wives and dependent children do not accept gifts which are likely, or may be construed, to have as their object, the influencing of a person in the discharge of his official duties. Furthermore, gifts from relatives or personal friends likely to have that object are to be refused.

3. Guidelines on the subject are classified as under –

Section I - Gifts received within the Service or from Indian national/body

Section II - Gifts received from foreign dignitaries/nationals/bodies

SECTION I - GIFTS RECEIVED WITHIN THE SERVICE OR FROM

INDIAN NATIONAL/ORGANIZATIONS

Acceptance of Gifts on Specified Occasions

4. Air Force Personnel may accept gift(s), with the prior sanction of the competent authority, on the following occasions:-

(a) Transfer - Memento or gifts of value not exceeding Rs 500/-

(b) Marriage - Memento or gifts of value not exceeding Rs 1500/-

(c) Retirement/ - Memento or gifts of value not exceeding Rs 1500/-

Honourble Discharge

(d) Public Reception- Gifts of value not exceeding Rs 1000/-

5. The competent authority to approve the above gifts are as under:-

Recipients Approving Authority

(i) AOCs- in-C & PSOs CAS

(ii) AOC/Stn Cdrs of units under Air HQ AOA

and officers of the rank of Air Cmde and

above posted at Air HQ (through Directorate

concerned/AOC, AF Stn, New Delhi)

(iii) AOC/Stn Cdrs of units under Command Respective AOC-in-C

and all officers posted at Command HQ

(iv) Other Air Force personnel Respective AOC/Stn Cdrs

6. Application seeking permission for acceptance of gifts is to be submitted to the competent authority as per proforma at Appendix A.

Acceptance of Gifts of Value more than the Specified Limit or Presented on other Occasions

7. Gifts whose value is more than the monetary limit specified on Para 2 above or presented on occasions other than mentioned in Paragraph 2 above shall not be accepted by Air Force Personnel without the prior sanction of Air Headquarters. All such cases are to be submitted as per Appendix 'A' to Director Personal Services at Air Headquarters, through proper channel, for sanction of the CAS/AOA..

Gifts/Hospitality offered by Commercial Firms/Organizations

8. Permission will not be granted to Air Force personnel, save on exceptional circumstances, for acceptance of gifts/hospitality made to them by

Indian Commercial Firms/Organizations which has had or has or is likely to have official dealings with the personnel , as well as any contracting firms with Government of India. It is mandatory to obtain prior sanction of Air Headquarters when it becomes unavoidable to refuse such gifts/ hospitality. The procedure mentioned in Paragraph 7 would be followed for obtaining sanction.

SECTION II – GIFTS RECEIVED FROM FOREIGN DIGNITARIES/ NATIONALS/ORGANIZATIONS

Acceptance of Gifts Offered by Foreign Dignitaries

9. Air Force personnel are required to obtain the prior permission of the competent authority before accepting gifts from foreign dignitaries either in India or abroad. However, in the circumstances, when such gifts have to be accepted by a member of Air Force without the prior sanction of the Competent Authority either for want of time or for other good reasons, it is obligatory for the recipient to make a prompt report, irrespective of value of gift to his Commanding Officer or appropriate Superior Officer. Application for permission for retention of some or all the gifts by the recipient as per Appendix 'E' along with the valuation report are to be sent to Air Headquarters(Dte of Intelligence). Air Headquarters will obtain orders of the Competent authority and communicate to the recipient. Permission for retention of gifts will not be given as a routine measure. Each case would be decided by the Competent Authority on merit. Pending a decision regarding retention of the gift, the same is to be deposited by the recipient for safe custody with his Commanding Officer or appropriate Superior Officer. The gifted item is not to be put to use till retention is authorised by the Competent Authority. Any Air Force personnel who fails to obtain these orders within a reasonable time, lays himself open to disciplinary action.

10. Gifts offered to AF Personnel going Abroad on Deputation/Special Mission or Serving Abroad. When visiting foreign countries as guests, Air Force personnel shall not accept cash gifts by way of 'expense money' or payment for transport, hotel and similar bills by the host country. When gifts in kind are offered, the person offering the gift is to be requested politely to refer the matter to the Indian Mission in that country, who should in turn, time permitting, make a reference to Government of India, Ministry of Defence. If however, there is no time, the Head of the Mission/Air Attache will himself decide whether or not the presents are to be accepted and the decision would be communicated to Ministry of Defence. Personnel receiving such gifts are to obtain the formal permission of the competent authority subsequently before retaining any such gift.

11. Gifts offered to AF Personnel going abroad as a Member of a Team/ Delegation. Air Force personnel forming part of the teams/delegations visiting foreign countries may accept, if offered by host Government, only token gifts in kind not having high monetary value. Gifts of cash or articles of high monetary value should be politely declined. The recipient shall, within thirty days of receipt of the gift/presentation and if received while visiting any foreign country within thirty days from the date of return to India, intimate in writing to the Secretaries, Ministry of Home Affairs, External Affairs and the Ministry of the Department sponsoring the delegation of which he is a member, through Air Headquarters (Dte of Intelligence) the following:-

- a. The facts of his having received such gift or presentation.
- b. The foreign source from which it is received.
- c. Its approximate market value in the country of origin.
- d. The place at which, and the date on which, it was received and
- e. Such other details relating thereto as he may, in the circumstances, consider appropriate.

12. Every gift/present received by a member of IAF as part of the delegation to foreign country shall be deposited by him with the Secretary to the Government of India, in the Ministry of the Department which had sponsored the delegation of which he was a member, within thirty days from the date of intimation of its receipt by him. In case of a gift/present received in a foreign country by a member of the delegation sponsored by the Air Force, the head of the delegation will ensure that Air Headquarters (Dte of Intelligence) is informed of the same within a reasonable period, not exceeding 30 days, giving details as at Paragraph 11 (b) to (e).

Monetary Limit for Retention of Gifts

13. AF personnel may be permitted by the Competent Authority to retain gifts received by them from foreign dignitaries, if the value of every such gift or presentation, the market value in the country of origin of which, as assessed in accordance with Paragraph 16, does not exceed three thousand rupees:

- a. Provided that where more than one such gift or presentation received by him while he is in one delegation, such AF personnel would be entitled to retain only one such gift or presentation.
- b. Provided further that where more than one gift or presentation has been received by such AF personnel, while he is in one delegation, and the aggregate market value, in India, of all such gifts or presentations, does not exceed Rs 1,000/- as determined by the leader of the Indian delegation, he may retain all such gifts/presentations.

13. The Competent Authority may permit the retention of gifts such as swords, ceremonial robes etc, which are symbolic in nature and not of any practical face value.

14. In case where the assessed value of the gift which the recipient wishes to retain is more than Rs 3,000/-, he has the option to purchase the gift on payment of an amount equal to the assessed value of gift plus the customs duty payable thereon minus Rs 3,000/-.

Assessment of the Value of Gifts

15. If the estimated value of gift(s) received from one dignitary at a time exceeds Rs 1,000/- , the following action is to be taken by the Commanding Officer or other superior officer:-

(a) Gifts received by personnel posted in Delhi/New Delhi. The value of the gift(s) is to be assessed by Toshakhana of the Ministry of External Affairs through Air Force Station, New Delhi/HQ Western Air Command as the case may be.

(b) Officers stationed outside Delhi. The gift(s) to be valued through the nearest local Customs Officer by the Commanding Officer or appropriate Superior Officer (other than the recipient).

(c) Officers stationed outside India. The gift(s) is to be valued by the Head of Mission concerned or by a suitable agency under his orders.

Competent Authority for Permitting Retention of Gifts from Foreign Dignitaries/Nationals/Organizations

16. The competent authority for issuing orders regarding retention of gift(s) are as under:-

Recipient of Gift Approving Authority

a. All gifts received by the Chief of Air Staff - Ministry of Defence

(b) Gifts received by other IAF personnel Ministry of Defence

where the total assessed value of gifts

received from one dignitary at one time is

more than Rs 1500/-

(c) Gifts with value of Rs 1500/- or less

(i) in case of PSOs/AOsC-in-C CAS

(ii) in case of other IAF personnel VCAS/AOA

Note:- The Chief of Air Staff has authorized the VCAS to approve retention of gift(s) received by IAF personnel from foreign commercial firms/visiting foreign delegations/dignitaries and when on a visit abroad as a member of a team or delegation. D Int is to send a six monthly return of gifts authorized by the VCAS, i.e., by 10th of Jan and Jul each, to DPS.

18. In cases of gifts received from a foreigner in India, no customs duty will be payable where the value of the articles does not exceed Rs 3,000/-

19. In the case of gift(s) received abroad, it is obligatory on the part of the recipient to declare all such articles to the Customs at the port of disembarkation and pay customs duty on them as applicable under the Rules.

20. When a gift is not allowed to be retained by the recipient the Competent Authority may permit the gift to be presented to an establishment/unit in the Defence organisation. Details of such gifts will be entered by the concerned unit in relevant records and the articles will be accountable like other articles possessed by the unit/establishment. In other cases where retention of gifts is not authorised, the same is to be despatched to/ deposited in the Toshakhana of Ministry of External Affairs at State expense. The recipient may, if he so desires, purchase the article deposited by him, in accordance with the Toshakhana Rules. In the case of officers posted abroad, gifts, if not retained/purchased by the recipients, are to be retained at the office of the Head of Mission/Post as an exhibition piece or as an object de'art.

Gifts Offered by Other Foreigners or Foreign Missions

21. Gifts presented by members of foreign Missions or foreigners (other than foreign dignitaries) to Air Force personnel should not be accepted by them and declined politely explaining that regulations preclude accepting of such gifts. In case of inability to decline the gift, the Air Force personnel should submit a report to Air Headquarters as per Appendix E. Air Headquarters would refer all such cases, irrespective of the value of gifts, to MOD for a decision.

Gifts Offered by Foreign Commercial Firm

22. The guidelines are similar to those for Indian Commercial firms. In exceptional cases, where it may be proposed to grant permission for acceptance of gift made by a foreign commercial firm, Air Headquarters would refer all such cases, irrespective of the value of gifts, to Ministry of Defence for decision. Air Force personnel are not permitted to accept offers of cost of passage to foreign countries and/or hospitality by way of free boarding and lodging by foreign firms directly or indirectly through their agents/representatives in India. The only exception to this will be in respect of facilities for training abroad offered by foreign firms (who obtain reimbursement from the foreign Government concerned) as part of their programme.

Gifts of Fire Arms & Ammunition

23. The firearms and ammunitions described in Category I Arms Rules 1962 are generally not allowed to be imported into the country for private use. Air Force personnel are, therefore, not to accept gifts of arms and ammunition in a prohibited category. The gift should be declined politely explaining the import restrictions imposed by the Government of India. Schedule I to Arms Rules 1962, is published at Appendix 'B' to this order for guidance.

24. However, cases for retention of gifts of other categories of arms and ammunitions will continue to be processed by Air Headquarters with Ministry of Defence. Information as per Appendices 'C', 'D' and 'E' would be invariably submitted to Air Headquarters (Dte of Intelligence) for processing with Ministry of Defence.

Gifts Offered to Command/Units

25. All gifts offered to a Command/unit by a foreign national are not to be accepted without the prior approval of Air Headquarters (Dte of Intelligence). Application for the approval of Air Headquarters will be made on proforma at Appendix 'F'. Gifts may be either for retention in the unit visited by the foreign dignitary or for retention by the individual to whom it is presented. Generally, gifts like plaques and other articles bearing emblems of the States of the visiting dignitaries are intended for the unit and not for retention by an individual.

Gifts Offered to Air Force Advisor/Attache on Termination of Assignment

26. If an Air Advisor/Service Attache, on termination of his assignment in a particular country, receives from his colleagues in the diplomatic corps or from the Head of State or the Government of that country, any souvenir gift (ie silver salver or a cigarette box etc), he may be allowed by Ministry of Defence to retain such gifts, without any payment , even though the value of such gifts may exceed Rs 3,000/- . This concession, however, is not applicable to gifts of such items as jewellery and other expensive presents which are not strictly souvenirs.

Gifts offered to Spouses/Dependents of AF Personnel

27. The spouses and dependents of Air Force personnel should also try to decline gifts offered by foreign dignitaries/foreigners/commercial firms. If a gift cannot be declined the instructions applicable to the Air Force personnel will apply to them also and the report about acceptance and request for retention or otherwise should be made by the Air Force personnel concerned.

28. This supersedes Air Force Orders 21/84 and 14/85.

Case No Air HQ/23481/8/1/PS(Wel)

Air Chief Marshal

Chief of the Air Staff

(Refers to Para 6

of AFO /2000)

APPLICATION FOR PERMISSION FOR RETENTION OF GIFTS**RECEIVED BY AIR FORCE PERSONNEL FROM INDIAN****NATIONALS/SOCIETIES/ORGANISATIONS IN INDIA**

1. Particulars of the recipient :-

(a) Rank	(b) Name		
(c) Number	(d) Branch	(e) Unit	

2. Particulars of the donor :-

3. Occasion for the gift :-

4. Complete details of the gift:-

5. Cost of the gift (with assessing authority):-

6. Source of funds from which purchased:-

Date

Signature of the applicant

Action at Unit

Retention of Gift Recommended/Not Recommended/Approved/Not Approved.

Date:-

Signature of Commanding Officer

Action at Command HQ

Retention of Gift Recommended/Not Recommended/Approved/Not Approved

Date:- Signature of Competent Authority

Action at Air Headquarters**Retention of Gift Approved/ Not Approved**

Date:- Signature of Sanctioning Authority

Appendix B

(Refers to Para 23

of AFO /2000)

ARMS AND AMMUNITIONS IN PROHIBITED CATEGORY –**SCHEDULE I TO ARMS RULES 1962****Category Arms Ammunitions**

1. (a) Prohibited arms as defined in Sec 2(1)(i) Prohibited ammunition as defined in and such other as the Central Government Sec 2(1)(h) and such other article may by notification in the official Gazette, as the Central Government may by specify to be prohibited arms. Notification in the official Gazette specify to be prohibited ammunitions.

(b) Semi-automatic fire arms other than those Ammunitions for arms of Category included in Category 1(c) and III (a) smooth 1(b) bore guns having barrel of less than 20" in length.

(c) Bolt action semi automatic rifle of .303" or Pistols, revolvers or carbines.

7.62mm bore or any other bore which can chamber and fire services ammunition of .303" or 7.62mm calibre; musket of .410" bore or any other bore which can fire .410" musket ammunition; or any bore which can chamber and fire .380" or .455" rimmed cartridges or Service 9mm or .45" rimless cartridges.

(d) Accessories for any fire-arms designed or - Nil adapted to diminish the noise or flash caused by the firing thereof.

Appendix 'C'

(Refers to Para 24

**DETAILS OF ARMS/AMMUNITIONS RECEIVED AS GIFTS TO BE
GIVEN BY AIR FORCE PERSONNEL TO AIR HEADQUARTERS**

a. Details of Arms

- i. Category/Type of weapon
- ii. Make, Bore and Identification Markings.
- iii. Length of barrel.
- iv. Country of manufacture.
- v. Year of manufacture, if indicated or known
- vi. Whether Automatic/Semi automatic/Manual
- vii. Estimated cost, as assessed by Customs Authorities of India
- viii. Whether the weapon falls under the categories 1(b), 1(c) and 1(d) specified in Schedule I of Arms Regulations (Para 23 of the AFO refers)

(b) Details of Ammunition

- i. Type of Ammunition
- ii. Make and Bore
- iii. Quantity
- iv. Country of manufacture
- v. Year of manufacture, if indicated or known
- vi. Estimated cost as indicated by Customs Authorities in India.
- vii. Whether the ammunitions falls under the categories 1(b), 1(c) and 1(d) specified in Schedule I of Arms Regulations (Para 23 of the AFO refers)

(c) Details of Accessories

- i. Type of Accessory (eg Silencer/Telescope/Device for diminishing flash, noise etc.
- ii. Make and Identification markings, if any.
- iii. Country of Manufacture
- iv. Year of manufacture, if indicated or known
- v. Estimated cost of each item as assessed by Custom Authorities in India.

Date: -

Signature of Applicant

Countersignature

Date: -

Commanding Officer

Appendix D

(Refers to Para 24 of

AFO /2000)

CERTIFICATE TO BE RENDERED TO AIR HEADQUARTERS BY AF

PERSONNEL WHO HAVE RECEIVED ARMS/AMMUNITIONS AS GIFT

I _____ certify that :-

- a. Possession of cited weapon will not violate the provisions of Para 1374 of Regulations for the Air Force.
- b. The Arms/ammunition shall be kept and maintained with a valid licence in accordance with the provisions laid down in Regulations for the Air Force, Chapter XXVII Section I.
- c. On retirement/discharge or in the event of transfer of the weapon to a licence holder, who is not exempt from payment of Customs Duty, the weapon (if imported as part of personal equipment free of custom duty/licence fee), will be presented to the nearest Custom Authorities for assessment of customs duty and issue of civil licence for further retention. Failing either of the conditions, the weapon will be surrendered to the civil police.
- d. The arms/ammunition received as gift will not be sold/disposed off prior to retirement or earlier than the specified period, if any, whichever is later.
- e. Air HQ (DPS) would be informed in terms of AFO 118/76 in case the Arms/Ammunition/Accessories are disposed off.

Signature.....

Rank.....

Name

Number

Date Unit

Appendix E

(Refers to Para 23)

**APPLICATION FOR PERMISSION FOR RETENTION OF
GIFTS RECEIVED BY AF PERSONNEL FROM FOREIGNERS**

1. Particulars of the recipient :-

	(a) Rank	(b) Name	(c) Number	(d) Branch	(e) Unit
--	----------	----------	------------	------------	----------
2. Particulars of the donor.
3. If the donor is commercial firm or its representative,
 - a. State whether the gift has been received as member of the Indian delegation or otherwise.
 - b. If the gift was received as member of Indian delegation, indicate the constitution of the delegation.
4. The occasion for the gift.
5. Place where received and date
6. Brief description of the gift(s) received :-
 - a. _____
 - b. _____
 - c. _____

Note - A complete description as possible is to be given eg., in the case of watches

- a. Make (ie name of the manufacturer)
- b. Whether steel, chrome, rolled gold or gold or custom made etc.
- c. Number of jewels.
- d. Any other description/details which may be supplied.
- e. Any specialities like day-date calendar, alarm, etc,

In the case of camera

- (a) Make (i.e. name of the manufacturer, whether reflex camera or otherwise).
- (b) Nature and power of lense/lenses.
- (c) Whether cine or ordinary or otherwise.
- (d) Whether with or without flash.

7. With whom has the gift been deposited.

8. ** (a) Value of the gift (excluding customs duty).

(b) Authority for valuation..

9. In case the gift was received during the visit of the receipt abroad.

(a) Whether the gift was imported free under the Baggage Rules applicable to him.

(b) If not exempted under the Baggage Rules _____

(i) The amount of customs duty levied.

(ii) Whether the customs duty had been paid or is yet to be paid.

Date : _____

Signature of Individual/Recipient

Date : _____

Countersignature Commanding Officer

Action of Air Headquarters

Retention of gift(s) Approved/Not Approved.

Date : _____

Signature of the Sanctioning Authority

These examples are given for illustration only.

In the other cases suitable description in similar details must be given.

** In case the value of the gifts which the recipient wishes to retain is less than Rs. 3,000/=, a certificate in accordance with para 26 will accompany this proforma.

Appendix F

(Refers to Para 25

of AFO /2000)

APPLICATION FOR PERMISSION FOR RETENTION OF GIFTS RECEIVED BY AF ORGANISATIONS FROM FOREIGNERS

1. Particulars of the recipient (individual receiving the gifts on behalf of the Unit) :-

(a) Rank (b) Name (c) Number (d) Branch (e) Unit

2. Particulars of the donor.

3. Occasion for the gift.

4. If the donor is a commercial firm or its representative.

a. State whether the gift has been received as a member or Indian delegation or otherwise.

(b) If the gift has been received as member of Indian delegation, indicate the constitution of the delegation.

5. Place where received and date.

6. Brief description of the gift(s) received :-

(a) _____

(b) _____

(c) _____

Note - As complete a description as possible is to be given.

7. With whom the gift has been deposited.

8. (a) Value of the gift (Excluding customs duty)

(b) Authority for valuation,

9. In case the gift was received during the visit of the recipient abroad.

a. Whether the gift was imported free under the Baggage Rules applicable to him.

b. If not exempted under the Baggage Rules:-

a. The amount of customs duty ;

And

i. Whether the customs duty has been paid or is yet to be paid.

10. Where is it proposed to be kept ?

(i.e. CO's Office, Unit Mess, Unit Reading Room

or any other place).

Dated : _____

Signature of the Commanding Officer

1. Gift(s) referred to above, have been deposited with _____

for safe custody, pending disposal instructions.

2. Valuation report as per para 16 of the AFO is attached.

Date : _____

Signature of the Commanding Officer0

Action at Air Headquarters

Retention of gift(s) Approved/Not Approved.

Dated : _____

Signature of the Sanctioning Authority

AIR FORCE ORDER

BY

AIR CHIEF MARSHAL AY TIPNIS, PVSM, AVSM,VM, ADC**CHIEF OF THE AIR STAFF****No. 24/2000****AIR HEADQUARTERS****NEW DELHI, Friday, 06 October 2000****PAYMENT OF MAINTENANCE ALLOWANCE TO WIFE/CHILDREN****UNDER SECTION 91(i) AND 92 (i) OF AIR FORCE ACT, 1950**

1. Under Section 91 (i)/92 (i) of the Air Force Act, 1950 penal deductions may be made from the pay and allowances of an officer or airman/NCs (E) by an order of the Central Government or any prescribed officer, as the case may be, of any sum for any period deemed fit for the maintenance of the spouse or his legitimate or illegitimate child/children independent of any proceedings pending in a civil/criminal court. Applications for grant of such maintenance allowance are to be dealt with in the manner detailed in this AFO.
2. In case the matter has already been adjudicated upon under either criminal or civil law and orders are passed, which the individual does not honour, a case for sanctioning maintenance allowance will be initiated as laid down hereafter.
3. In case the spouse is already in receipt of maintenance allowance under the provisions of the Air Force Act and a court order to the same effect is passed, the court order should be given due consideration while dealing with the question of cessation/alteration in allowance. Where a warrant has been issued for levying the maintenance amount due, including arrears, the Court orders should be given effect under the aforesaid provisions of the Air Force Act.
4. In the event of the petitioner alleging plural marriage against the spouse, while also praying for maintenance allowance, the case of plural marriage should not delay the processing of the petition for maintenance allowance and action to terminate service of the Air Force Personnel concerned should be processed independently though simultaneously.
5. Application for grant of maintenance allowance may either be submitted independent of court proceedings or accompanied by a decree/order of a civil/ criminal court. All applications received by an Air Force formation are, in the first instance, to be forwarded to the unit of the officer/airman/NCs (E). The Commanding Officer is to interview the individual concerned and impress upon him his social and legal obligation to maintain his spouse and children. He is also to be told that such an obligation continues until the marriage is either legally annulled or a divorce granted. The obligation in respect of children continues until they are in a position to support themselves. The Commanding Officer is also to explain that any false statement made by the individual in this connection would render him liable for disciplinary action. The individual is to be shown a copy of the application against him and asked to submit a written statement as regards to the facts stated in the application.

Application for Maintenance Allowance Based on Order of a Criminal Court

6. If the application is based on an order of a criminal court granting maintenance allowance, under Section 125 Cr. PC the case will not be processed under Section 91 (i) or 92 (i) of the Air Force Act. The petitioner is to be intimated and advised to progress the matter accordingly under the Cr. PC. However, the officer/airman/NCs(E) may be advised, and a record is to be kept, to the effect that: -
 - (a) He should respect the court orders and pay the maintenance allowance /arrears regularly, unless he obtains a stay from a competent court.
 - (b) Default in payment may result in his arrest/imprisonment and/or attachment of Pay and allowances.

Action to be taken when Orders for Attachment of Salary under Cr. PC are Received

7. When an individual fails to pay the maintenance allowance ordered by the criminal court under Section 125 Cr. PC, the court may pass an order directing the employer to deduct the amount of maintenance as a fine from the pay and allowances of the concerned individual. When such order is received by the unit of the affected individual, the following action shall be taken within two working days: -
 - (a) A formal letter acknowledging the orders and stating that action is in hand to comply with the order, will be sent to the concerned court under intimation to all concerned.
 - (b) Original Court Order is to be forwarded to Air HQ (Directorate of Personal Services) under intimation to all concerned (A Court certified true copy of the court order is to be enclosed).

(c) Air HQ (Directorate of Personal Services) will forward the original court order to the AFCAO (under intimation to all concerned) with instructions to make recommended monthly deduction from the individual's pay and allowances and remit the same to the court as directed in the court order. The monthly deductions recommended should be such that the total deductions in any one month does not exceed the limitation laid down vide Section 95 of the Air Force Act, 1950, (i.e. one half of pay and allowances of any month).

8. When orders have been passed under section 125 Cr. PC, 1973 which the Air Force personnel has not complied with and a warrant of enforcement is received from the Court, the orders must be implemented without fail. In cases where arrears of maintenance allowance have accumulated to a large amount, an order to recover the arrears in amounts not exceeding 50% of the pay and allowances per month, must be passed. The court must be informed of the provisions of the Air Force Act and also the amount and number of installments in which the amount will be recovered. It must be borne in mind that Section 28 of the Air Force Act, 1950 does not afford immunity from attachment from orders of a criminal court. Therefore, orders passed under Sections 125 and 128 Cr. P.C., 1973, must be implemented immediately to obviate contempt of court proceedings.

Application for Maintenance Allowance Independent of Court Proceedings

9. While acknowledging the request of the wife, the information may be obtained whether she is employed, and if so also, obtain the details of her emoluments. The wife will also be asked to intimate details of any independent source of income and movable/immovable property which she may possess and any income there from. Details of spouse/children will be checked from the unit records and in case of doubt the same may be cross checked/confirmed from appropriate authority/Air Headquarters.

10. Where the request for maintenance allowance is independent of court proceedings, the Commanding Officer is to interview the individual. In case the Commanding Officer is of the opinion that a reconciliation is not feasible and the individual declines to maintain his spouse and legitimate/illegitimate children, he may be served with a show cause notice asking him to explain why maintenance allowance should not be granted to the applicant under Section 91 (i) or 92 (i) of AF Act, 1950, as the case may be.

11. Each case will be processed on its merits for which it will be imperative to ensure the following: -

- (a) The petitioner is the legally wedded wife of the person, or his legitimate/illegitimate child; and
- (b) The person complained against is neglecting to maintain the petitioner; or refuses without good reasons to have the petitioner stay with him; or
- (c) The petitioner, with good reasons, is not prepared to stay under the protection of the person and is unable to maintain herself, and/or dependent children; or
- (d) The husband and wife mutually do not wish to live together.

12. In case the individual denies being married to the petitioner, he/she will be asked to produce necessary evidence of marriage such as marriage registration certificate, marriage invitation card, photographs and statements of important persons who attended the marriage, certificate from village sarpanch etc. Similarly in case the person denies the fact that he is the father of the legitimate/illegitimate child, the petitioner would be asked to submit necessary evidence in this regard. Based on this evidence Directorate of Personal Services at Air HQ will decide whether the plea of the petitioner is to be accepted or he/she is to be asked to obtain a declaratory decree to establish her status as spouse or legitimate/illegitimate child/children.

13. The CO may, after satisfying himself as laid down in para 11, recommend that penal deductions should be made from the pay and allowances of the individual and maintenance allowance granted when the officer/airman/NC(E) accepts the facts of marriage.

14. The application/complaint of the petitioner alongwith the detailed report covering all the issues raised therein with specific recommendations of the CO and all intermediate formations shall be forwarded to Air Headquarters (Directorate of Personal Services).

15. In cases where it is clearly established that the spouse is living in adultery, or if, without sufficient reason, she refuses to live with her husband, she should be advised to take recourse to a court of law and should not normally be granted maintenance allowance unless there are reasons to be recorded, to the satisfaction of the competent authority.

16. While making recommendations for the grant of maintenance allowance, the legitimate financial commitments and the income of the individual are to be taken into account. The quantum of the maintenance allowance recommended is to be considered in the light of the following :-

- (a) The amount sanctioned will not be more than:-
 - (i) One third of the pay and allowances, for the spouse and legitimate children.
 - (ii) One-fourth of the pay and allowances in respect of illegitimate children.
- (b) For the purpose of sub-para (a) above, the expression "Pay and Allowances" includes all sums payable to a person, in respect of his service, under the provisions of the Pay and Allowances Regulations, after deductions on account of income tax, provident fund subscriptions (if the spouse/children are the nominees), P.L.I./GIS premia ((if the wife/children are the nominees), and the family Assistance Scheme. Any sums paid directly by the person to the L.I.C. of India in respect of the policies on his life will also be similarly deducted from the "Pay and Allowances" of the person, provided that the amount of the policy would be payable to his wife/children on maturity, in the event

of the policy becoming a claim prior to maturity. The onus of claiming deductions in respect of payments made directly to the L.I.C. would lie with the person concerned, who would also have to satisfy the Commanding Officer that the wife/children are the beneficiaries of the policy/policies in respect of which deductions are claimed and the policy / policies are kept alive and unencumbered.

(c) Maintenance allowance u/s 91/92 of AF Act is to be granted for a limited period of maximum 5 years at a time or till reunion or divorce or grant of maintenance allowance by a Civil Court or discharge/retirement of the individual subject to AF Act, whichever is earlier. After expiry of five years or due to any reasons found to be genuine by the competent authority before expiry of 5 years the maintenance allowance may be reviewed by the competent authority and if so required for the reasons to be recorded the quantum of maintenance allowance may be altered/(reduced or increased) or the allowance completely ceased by passing fresh orders to that effect.

(d) The total amount of recovery is not to exceed in any one month, one half of the pay and allowances for that month as per limitation laid down in Section 95 of Air Force Act, 1950.

17. When an applicant who was sanctioned maintenance allowance under the provisions of Section 91(i)/92(i) of the Air Force Act, 1950, subsequently applies for enhancement of maintenance allowance on the ground such as increased pay of husband/father or growing age of children, the concerned service personnel shall be served with a fresh Show Cause Notice asking him to explain as to why maintenance allowance should not be enhanced. On receipt of his reply, if any, the application shall be dealt with in accordance with the procedure laid down above.

18. In case the spouse of a person subject to AFA is granted a maintenance allowance by Civil Court, no further maintenance allowance will be granted under section 91/92 of AF Act, 1950. The quantum of maintenance allowance granted on the basis of an order by Civil Court will neither exceed the decree amount nor the amount as per sub para 16 (a) above.

19. This supersedes AFO No. 17/91.

Case No. Air HQ/C 23498/562/PS

AY TIPNIS

Air Chief Marshal

Chief of the Air Staff

AIR FORCE ORDER**BY****AIR CHIEF MARSHAL AY TIPNIS, PVSM, AVSM, VM, ADC****CHIEF OF THE AIR STAFF****NO 05/01****AIR HEADQUARTERS****NEW DELHI, Friday, 05 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 of 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.

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.

(AY Tipnis)

Air Chief Marshal

Chief of the Air Staff

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

APPENDIX 'A'

(Refers to AFO 05/01 -)

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

1. Immediately a casualty of the nature referred to in para 2 of the A.F.O 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 P.O.R 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.
- (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/lighters, 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 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 I.A.F (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 .

Deserter

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

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) along with 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 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 an Officer/MWO/WO/JWO 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 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 provisions 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 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 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 there under, 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 paras (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 about the entitled beneficiary to the estate, the following information will invariably be furnished inter-alia 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.

APPENDIX 'B'

(Refers to AFO 05/01)

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) Rules 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 Sections 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.

(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.