

# **The Defence Services (Inquiry) (Special Provisions) Ordinance, 1969**

( Ordinance NO. XIX OF 1969 )

**An Ordinance to make provision for a uniform procedure for inquiring into the conduct of a member of a Defence Service serving otherwise than in an organisation or unit of his service.♣**

WHEREAS it is expedient to make provision for a uniform procedure for inquiring into the conduct of a member of a Defence Service serving otherwise than in an organisation or unit of his service and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the 25th day of March, 1969, read with the Provisional Constitution Order, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

**Short title and commencement** 1. (1) This Ordinance may be called the Defence Services (Inquiry) (Special Provisions) Ordinance, 1969.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

**Definitions** 2. In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) “board of inquiry” means a board of inquiry convened under this Ordinance;

<sup>1</sup>[(b) “Chief of Staff,” in relation to a person whose conduct is inquired into under this Ordinance, means the Chief of Army Staff, Naval Staff or Air Staff, as the case may be;]

(c) “commanding officer”, in relation to a person subject to this Ordinance, means the head of the organisation or the commanding officer for the

purpose of the service law of the unit in or to which such person is for the time being serving or attached;

(d) “service law”, in relation to a person whose conduct is inquired into under this Ordinance, means the <sup>2</sup>[\* \* \*] Army Act, 1952 (XXXIX of 1952), the <sup>3</sup>[\* \* \*] Air Force Act, 1953 (VI of 1953), or the <sup>4</sup>[\* \* \*] Navy Ordinance, 1961 (XXXV of 1961), to which such person is subject;

(e) “unit” includes a naval ship, vessel or establishment of which there is a commanding officer for the purposes of the <sup>5</sup>[\* \* \*] Navy Ordinance, 1961 (XXXV of 1961).

**Inquiry into the conduct of certain persons subject to service law**

3. The conduct of a person subject to a service law shall, notwithstanding anything contained in such law, be inquired into by a board of inquiry in accordance with the provisions of this Ordinance and the rules made thereunder where the conduct to be inquired into-

(a) relates to a period when he was serving or attached, except on secondment, in or to an organisation or unit other than that of the service to which he belongs, or

(b) is that of such person together with that of another person who was not, during the period to which the conduct relates, subject to the same service law.

**Convening of board of inquiry**

4. Where the conduct to be inquired into under section 3 is that of the commanding officer or that of the commanding officer together with the conduct of another person, a board of inquiry shall be convened by the Chief of Staff <sup>6</sup>[\* \* \*] to which the commanding officer belongs and, in any other case, by the commanding officer.

**Composition of a board of inquiry, etc.**

5. (1) A board of inquiry shall consist of a president and such other persons and be convened in such manner, and the inquiry shall be conducted in accordance with such procedure, as may be prescribed by rules.