

Dated Quetta the 19th December, 2017



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NOTIFICATION

No. SO(TA)/1-1/Misc:/2017/ 2356-2446, In exercise of the powers conferred by section 23(2) of the Balochistan Levies Force Act 2010, the Government of Balochistan is pleased to make the following Rules, namely:-

THE BALOCHISTAN LEVIES FORCE DISCIPLINARY RULES, 2015

1. Short title and application

- (i) These rules may be called Balochistan Levies Force Disciplinary Rules, 2015;
- (ii) They shall come into force at once and shall apply to all Levies employs of and below the rank of BPS-17.

2. Definitions

In these rules unless the context otherwise requires;

- (a) 'Accused' means Levies Officers/Official against whom an action is taken under these rules;
 - (b) 'Authority' means an authority competent to award punishment as per Schedule I appended to these rules;
 - (c) 'Levies personnel' means a member of Balochistan Levies Force who is subject to these rules;
 - (d) 'Misconduct' means conduct prejudicial to good order or service discipline in the Levies Force, contrary to Government Servants Conduct Rules, unbecoming of an officer and gentleman and any commission or omission which violates any of the provisions of law and rules regulating the function and duty of a Levies Officer/any act to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any Government Officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other condition of service of a Levies employee; and
- 'Punishment' means a punishment which may be imposed under these rules by an authority as indicated in Schedule I.

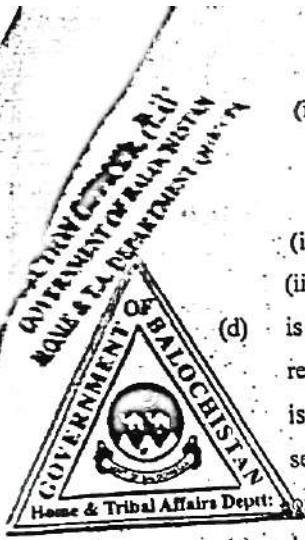
3. Grounds for punishment.

When a Levies personnel/employee, in the opinion of the authority-

- (a) is inefficient or has ceased to be efficient; or
- (b) is guilty of misconduct; or
- (c) is corrupt, or is reasonably be lived to be corrupt because,

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- (i) he is, or any of his dependents or any other person through him or on his behalf, is, in possession (for which he cannot reasonably account) of pecuniary resources of property disproportionate to his known sources of income; or
- (ii) he has assumed a style of living beyond his ostensible means; or
- (iii) he has a persistent reputation of being corrupt; or
- (d) is engaged, or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, and his retention in service is therefore prejudicial to national security, the authority may impose on him one or more punishments;
- (e) is found in a state of intoxication while on duty or after having been warned for any duty, or on parade;
- (f) strikes or attempts to force any Levy man/employee;
- (g) being in command of guard, picket or patrol, refuses to receive any prisoner or person duly committed to his charge, or releases without proper authority any prisoner or person placed under his charge, or negligently offers any such prisoner or person an opportunity to escape; or
- (h) being under arrest or in confinement leaves his arrest or confinement before he is set at liberty by proper authority; or
- (i) is grossly insubordinate or insolent to his superior officer in the execution of his office; or
- (j) refuses to superintend or assist in the making of any field work or other work of any description ordered to be made;
- (k) strikes or otherwise ill uses any member of the Balochistan Levies Force subordinate to him in rank or position;
- (l) fails to wear proper dress during duty hours, as specified in Balochistan Levies Force (Dress) Rules, 2015;
- (m) designedly or through neglect injures or loses or fraudulently disposes of his arms, clothes, tools, equipment, ammunitions, or levies necessities or any such articles entrusted to him or belonging to any other person; or
- (n) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or
- (o) does not, when called upon by his superior officer so to do, upon ceasing to be a member of Balochistan Levies Force forthwith or duly account for, all or any arms, ammunitions, stores, accoutrement or other property issued or supplied to him, or in his custody or possession, as a member of levies; or
- (p) absents himself without leave, or without sufficient cause for overstay leave granted to him; or
- (q) show cowardice on duty; or
- (r) deliberately evades the training courses on false and fabricated pretexts;
- (s) on conviction from the competent Court of Law he shall cease to be a member of the Levies Force;

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4. Punishment

The following are the minor and major punishments, namely:-

(1) (a) Minor Punishments.

- (i) Confinement of levies personnel upto 15 days to Quarter Guard;
- (ii) Censure;
- (iii) Forfeiture of approved service up to 2 years;
- (iv) Withholding of promotion up to one year;
- (v) Stoppage of increment for a period not exceeding 3 years without cumulative effect;
- (vi) Fine up to Rs. 1,000;
- (vii) Surrender of a levies personnel to the divisional headquarter or the D.G office with two years bar for posting transfer.

(b) Major Punishments:-

- (i) Reduction in rank/pay;
 - (ii) Compulsory retirement;
 - (iii) Removal from service; and
 - (iv) Dismissal from service.
- (2) (a) Removal from service does not, but dismissal from service does, disqualify for future employment.
- (b) Reversion from an officiating rank is not a punishment.
- (3) In this rule, removal or dismissal from service does not include discharge of a person,
- (a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
 - (b) appointed otherwise than under a contract, to hold a temporary appointment on the expiration of the period of appointment; or
 - (c) engaged under a contract, in accordance with the terms of the contract.

4-A. In case a Levies Officer is accused of subversion, corruption or misconduct, the competent authority may require him to proceed on leave or suspend him.

5. Punishment proceedings

The punishment proceedings will be of two kinds i.e. (a) Summary Levies Proceedings and (b) General Levies Proceedings and the following procedure shall be observed when a Levies personnel/employee is proceeded against under these rules:

- (1) When information of misconduct, or any act of omission or commission on the part of a Levies Officer liable for punishment provided in these rules is received by the authority, the authority shall examine the information and may conduct or cause to be conducted quick brief inquiry if necessary, for proper evaluation of the information and shall decide whether the misconduct or the act of omission referred to above should be dealt with in a Levies Summary Proceedings, in the Orderly Room or General Levies Proceedings.



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(2) In case the authority decides that the misconduct is to be dealt with in Levies Summary Proceedings, he shall proceed as under:-

- (i) The accused officer/official liable to be dealt with in the Levies Summary Proceedings shall be brought before the authority in an Orderly Room.
- (ii) He shall be apprised by the authority orally of the nature of the alleged misconduct, etc. The substance of his explanation for the same shall be recorded and if the same is found unsatisfactory, he will be awarded one of the minor punishments mentioned in these rules.
- (iii) The authority conducting the Levies Summary Proceedings may, if deemed necessary, adjourn them for a maximum period of 7 days to procure any additional information.

(3) If the authority decides that the misconduct or act of omission or commission referred to above should be dealt with in General Levies Proceedings he shall proceed as under:-

- (a) the authority shall determine if in the light of facts of the case or in the interest of justice, a 'departmental inquiry', through an inquiry officer is necessary. If he decides that it is not necessary, he shall-
- (b) by order in writing inform the accused of the action proposed to be taken against him and the grounds of the action; and
- (c) give him a reasonable opportunity of showing cause against that action: Provided that no such opportunity of showing cause shall be given where the authority is satisfied in the interest of security of Pakistan or any part thereof it is not expedient to give such opportunity.

(4) If the authority decides that it is necessary to have departmental inquiry conducted, through an Inquiry Officer, he shall appoint for this purpose an Inquiry Officer, who is senior in rank to the accused.

(5) On receipt of the findings of the Inquiry Officers or where no such officer is appointed, on receipt of the explanation of the accused, if any, the authority shall determine whether the charge has been proved or not. In case the charge is proved the authority shall award one or more of major or minor punishments as deemed necessary.

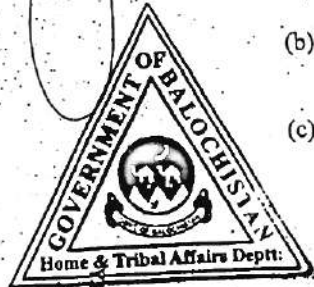
6. Procedure of departmental inquiry

(1) Where an Inquiry Officer is appointed the authority shall:-

- (a) frame a charge and communicate it to the accused together with statement of the allegation explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration.
- (b) Require the accused within 7 days from the day the charge has been communicated to him to put in a written defence and to state at the same time whether he desires to be heard in person.

(2) The Inquiry Officer shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him.

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- (3) The Inquiry Officer shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing and where any adjournment is given-
- it shall not be more than a week; and
 - the reasons therefore shall be reported forthwith to the authority.
- (4) Where the Inquiry Officer is satisfied that the accused is hampering, or attempting to hamper the progress of the inquiry he shall administer a warning and if thereafter he is satisfied that the accused is acting in disregard of the warning, he shall record a finding to that effect and proceed to complete the departmental inquiry ex parte.
- (5) The Inquiry Officer shall within 10 days of the conclusion of the proceedings or such longer period as may be allowed by the authority, submit his findings and grounds thereof to the authority.

7. Power of Inquiry Officer

- (1) For the purpose of departmental inquiry under these rules, the Inquiry Officer shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely: -
- summoning and enforcing the attendance of any person and examining him on oath;
 - requiring the discovery and production of documents;
 - receiving evidence on affidavits;
 - issuing commission for the examination of witnesses or documents.
- (2) The proceeding under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

8. Rules 5 and 6 not to apply in certain cases

Nothing in rules 5 and 6 shall apply in a case-

- Where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of imprisonment; or
- Where the authority competent to dismiss or remove a person from service or to reduce a person in rank, is satisfied that for reason to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

9. Procedure of inquiry against officer lent to other Government or Authority

- Where the services of a Levies Officer to whom these rules apply are lent to any other Government or to a local or other authority, in this rule referred to as the borrowing authority the borrowing authority shall have the powers of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these rules:
- Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule referred to as the lending authority of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be.
- If in the light of findings in the proceeding taken against the Levies Officer in terms of sub-rule (1) the borrowing authority is of opinion that any punishment should be imposed

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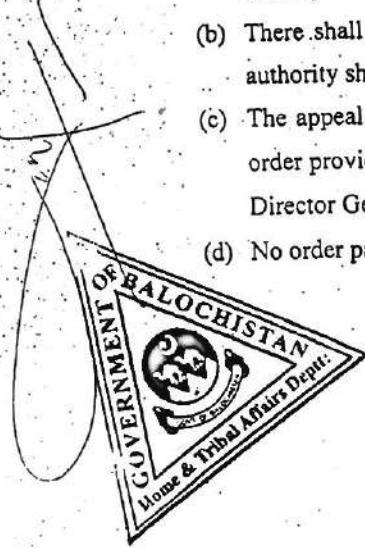
on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.

10. Representation by an Advocate

No party to any proceedings under the rules before the authority or Inquiry Officer shall be represented by an Advocate.

11. Appeal

- (a) An appeal shall lie only against the order of dismissal, removal from service, compulsory retirement, reduction in rank or time-scale, forfeiture of approved service and imposition of fine;
- (b) There shall be one appeal only from the original order, and the order of the appellate authority shall be final;
- (c) The appeal shall lie to the officer one step higher than the one who passes the original order provided that in case, of orders passed by the, Chief Secretary, Secretary Home and Director General of Levies, only a review petition would be admissible.
- (d) No order passed under these rules shall be subject to review by any Court/Tribunal.



BY ORDER OF
GOVERNOR BALOCHISTAN

CHIEF SECRETARY
GOVERNMENT OF BALOCHISTAN

The controller,
Government Printing & Stationery Department
Quetta.

No. SO(TA)/1-1/Misc:/2017/ 2356-2446

Dated Quetta the 19th December, 2017

A copy is forwarded for information to:

1. The Chairman, Balochistan Public Service Commission, Quetta.
2. The Chairman, Chief Minister's Inspection Team, Balochistan, Quetta.
3. The Principal Secretary to Governor of Balochistan, Quetta.
4. The Principal Secretary to Chief Minister, Balochistan, Quetta.
5. All Administrative Secretaries, Government of Balochistan, Quetta.
6. D.S (Staff) to Chief Secretary, Balochistan, Quetta.
7. The Director General, Balochistan Levies Force.
8. All the Divisional Commissioners, in Balochistan.
9. All the Deputy Commissioners, in Balochistan.
10. All the Zonal Directors, Balochistan Levies Force.
11. Private Secretary to Minister for Home & Tribal Affairs Department, Balochistan, Quetta.
12. Private Secretary to Secretary Home & Tribal Affairs Department, Government of Balochistan, Quetta.
13. Private Secretary to Chief Secretary, Balochistan, Quetta.

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HOME & T.A. DEPARTMENT QUETTA


(Khalid Sharif)
Section Officer (TA)

19/12/17

**\Schedule-I
See Rule"2"**

S.No	Class of Levies Personnel	Competent Authority	Appellate Authority
1.	Bps-17	Secretary Home	Chief Secretary
2.	BPS-16	Commissioner Concerned	Secretary Home
3.	BPS-08 to BPS-15	Deputy Commissioner Concerned	Commissioner Concerned in case of minor penalty
4.	BPS-08 to BPS-15	Deputy Commissioner Concerned	Director General Levies in case of major penalty
5.	BPS-1 to BPS-07 (For minor offences)	Assistant Commissioner Concerned	Deputy Commissioner Concerned
6.	BPS-1 to Bps-07 Up to 15 days quarter guard	Risaldar Major Concerned	Assistant Commissioner Concerned




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