

# 1.<sup>1</sup> THE INDIAN FOREST SERVICE (CADRE) RULES, 1966.

In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951) the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules, namely:

**1. Short title and commencement.**- (1) These rules may be called the Indian Forest Service (Cadre) Rules, 1966.

(2) They shall be deemed to have come into force with effect from the 1st July, 1966.

**2. Definitions.**- In these rules, unless the context otherwise requires.-

(a) 'cadre officer' means a member of the Indian Forest Service;

<sup>2</sup>(b) 'cadre post' means any of the posts specified under item 1 of each cadre in the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966;

(c) 'State' means a State specified in the First Schedule to the Constitution and includes a Union territory;

<sup>3</sup>(d) State Government concerned, in relation to a Joint cadre, means the Joint Cadre Authority.

**3. Constitution of Cadres.**- 3(1) There shall be constituted for each State or group of States an Indian Forest Service cadre.

3(2) The Cadre so constituted for a State or a group of States is hereinafter referred to as a 'State Cadre' or, as the case may be, a 'Joint Cadre'.

**4. Strength of Cadres.**- 4(1) The strength and composition of each of the cadres constituted under rule 3 shall be as determined by regulations made by the central Government in consultation with the State Governments in this behalf.

4(2) The Central Government shall, <sup>4</sup>ordinarily at the interval of every five years, re-examine the strength and composition of each such cadre in consultation with the State Government concerned and may make such alterations therein as it deems fit:

Provided that nothing in this sub-rule shall be deemed to affect the power of the Central Government to alter the strength and composition of any cadre at any other time:

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<sup>1</sup> The Principal Rules were published vide MHA Notification No. 2/2/64-AIS (IV) dated 01.09.1966.

<sup>2</sup> Substituted w.e.f. 18.03.1972 vide DP Notification No. 6/21/7-AIS IV, dated 16.02.1972.

<sup>3</sup> Substituted vide DP Notification No. 13/4/71 AIS(I) dt. 11.01.1972.

<sup>4</sup> Amended vide DP&T Notification No. 11033/7/94-AIS (II) dated 10.03.1995.

Provided further that the State Government concerned may add for a period not exceeding<sup>5</sup> two years, and with the approval of the Central Government for a further period not exceeding<sup>4</sup> three years to a State or Joint Cadre one or more posts carrying duties or responsibilities of a like nature to cadre posts.

**5. Allocation of members to various cadres.-** 5(1) The allocation of cadre officers to the various cadres shall be made by the Central Government in consultation with the State Government concerned.

5(2) The Central Government may, with the concurrence of the State Government concerned, transfer a cadre officer from one cadre to another cadre.

**6. Deputation of cadre officers.-** 6(1) A cadre officer may, with the concurrence of the State Government or the State Governments concerned and the Central Government, be deputed for service under the Central Government or another State Government or under a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government or by another State Government.

6(2) A cadre officer may also be deputed for service under, -

- (i) a company, association or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by a State Government, a municipal corporation or a local body, by the State Government on whose cadre he is borne; and
- (ii) <sup>7</sup>an international organisation, an autonomous body not controlled by the Government or private body, by the Central Government in consultation with the State Government on whose cadre he is borne.

Provided that no cadre officer shall be deputed to any organisation or body of the type referred to in item (ii), except with his consent:

<sup>8</sup>Provided further that no cadre officer shall be deputed under sub-rule (1) or sub-rule (2) to a post carrying a prescribed pay which is less than, or a pay scale, the maximum of which is less than, the basic pay he would have drawn in the cadre post but for his deputation.

**7. Postings.-** All appointments to cadre posts shall be made-

7(a) in the case of a State Cadre, by the State Government; and

7(b) in the case of a Joint Cadre, by the State Government concerned:

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<sup>5</sup> Substituted vide DP&T Notification No. 11033/3/2000-AIS(II)-B dated the 14.07.2000.

<sup>6</sup> Substituted w.e.f. 25.10.69 vide MHA Notification No. 6/39/69-AIS(II) dated 09.10.1969.

<sup>7</sup> Substituted vide DP&T Notification No. 28020/4/91-AIS(II) dated 19.04.1993.

<sup>8</sup> Substituted vide DP&T Notification No. 11030/100/87-AIS(II) dated 20.05.1988.

<sup>9</sup>Provided that for the purpose of filling leave vacancies or for making temporary arrangements for a period not exceeding three months, the State Government may delegate to Heads of Departments, its powers of making appointments to cadre posts.

<sup>10</sup>7(c)(i) The Central Government in consultation with the State Government or State Governments concerned may determine the tenure of all or any of the cadre posts specified for the State concerned in item 1 of the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulation, 1966.

7(c)(ii) A cadre officer, appointed to any post for which the tenure has been so determined shall hold the minimum tenure as prescribed except in the event of promotion, retirement, deputation outside the State or training exceeding two months.

7(c)(iii) An officer may be transferred before the minimum prescribed tenure only on the recommendation of a Committee on Minimum Tenure as specified in the Schedule annexed to these rules.

**8. Cadre and ex-cadre posts to be filled by cadre officers-** <sup>11</sup>8(1) Save as otherwise provided in these rules, every cadre post shall be filled by a cadre officer.

8(2) A cadre officer shall not hold an ex-cadre post in excess of the number specified for the concerned State under item 5 of the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966.

8(3) The State Government may, with the prior approval of the Central Government, appoint a cadre officer to hold an ex-cadre post in excess of the number specified for the concerned State in item 5 of the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966 and for so long as the approval of the Central Government remains in force, the said ex-cadre post shall be deemed to be an addition to the number specified in item 3 of the said Schedule."

**9. Temporary appointment of non-Cadre officers to cadre posts-** <sup>10</sup>9(1) A cadre post in a State shall not be filled by a person who is not a cadre officer except in the following cases; namely: -

(a) if there is no suitable cadre officer available for filling the vacancy:

Provided that when a suitable cadre officer becomes available, the person who is not a cadre officer shall be replaced by the cadre officer:

Provided further that if it is proposed to continue the person, who is not a cadre officer, beyond a period of three months, the State Government shall obtain the prior approval of the Central Government for such continuance;

(b) if the vacancy is not likely to last for more than three months;

<sup>9</sup> Inserted vide DP&AR Notification No. 11051/1/76-AIS (I) (A) dated 10.01.1977.

<sup>10</sup> Inserted vide G.S.R. 504 (E). dated 24.08.2006.

<sup>11</sup> Inserted DP&AR Notification No. 14022/3/88-AIS(I), dated 13.10.1988.

Provided that if the vacancy is likely to exceed a period of three months, the State Government shall obtain the prior approval of the Central Government for continuing the person who is not a cadre officer beyond the period of three months.

9(2) A cadre post shall not be filled by a person who is not a cadre officer except in accordance with the following principles, namely: -

- (a) if there is a Select List in force, the appointment or appointments shall be made in the order of names of the officers in the Select List;
- (b) if it is proposed to depart from the order of names appearing in the Select List, the State Government shall forthwith make a proposal to that effect to the Central Government the post and may in the light of the advice given by the Union Public Service Commission give suitable direction to the State Government concerned.

**10. Report of the Central Government of vacant cadre posts.**- Cadre posts shall not be kept vacant or held in abeyance for periods exceeding six months without the approval of the Central Government for this purpose, the State Government shall make a report to the Central Government in respect of the following matters, namely:-

- (a) the reasons for the proposal;
- (b) the period for which the State Government proposes to keep the post vacant or hold it in abeyance;
- (c) the provision, if any, made for the existing incumbent of the post; and
- (d) whether it is proposed to make any arrangements for the performance of the duties of the post to be kept vacant or held in abeyance, and if so, the particulars of such arrangements.

**11. Holding of more than one post by a cadre officer :-** 11(1) The State Government concerned in respect of the posts borne on the State Cadre or the Joint Cadre as the case may be, may for the purpose of facilitating leave arrangements or for making temporary arrangements, for a period not exceeding six months, direct that any two cadre posts or a cadre post and an equivalent post may be held simultaneously by one single cadre officer:

<sup>12</sup>Provided that for the purpose of filling leave vacancies or for making temporary arrangements for a period not exceeding three months, the State Government may delegate to Heads of Departments, its powers of making appointments to cadre posts.

11(2) Where the State Government concerned is of the opinion that it is necessary so to do, it may, with the prior approval of the Central Government, order that the posts directed by it to be held simultaneously by one single cadre officer under sub-rule (1), may continue to be so held for a period beyond six months but, in any case, not beyond twelve months from the date with effect from which the posts were

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<sup>12</sup> Inserted vide DP&AR Notification No. 11051/1/76-AIS(I)(A) dated 10.01.1977.

first directed to be so held under sub-rule (1).

<sup>13</sup>**11A. Authority to exercise certain powers in respect of members of the Service serving in connection with the affairs of the States constituting a Joint Cadre.-** The powers of the State Government under the second proviso to sub-rule (2) of rule 4, under clause (i) of sub-rule (2) of rule 6 and under rules, 7, 10 and 11 in relation to the members of the Service serving in connection with the affairs of any of the Constituent States shall be exercised by the Government of that State.

**12. Interpretation.-** If any question arises as to the interpretation of these rules, the same shall be decided by the Central Government.

### <sup>14</sup>**Schedule**

#### **[See Rule 7 (c) (iii)]**

1. Composition of the State Committee to review minimum tenure.— (a) The Committee of Minimum Tenure constituted by the State Government shall consist of —

- (i) Chief Secretary — Chairman;
- (ii) Senior most Additional Secretary or Chairman, Board of Revenue or Financial Commissioner or an officer of equivalent rank and status — Member;
- (iii) Principal Secretary or Secretary, Department of Personnel in the State Government — Member Secretary;
- (iv) Principal Secretary or Secretary, Forest;
- (v) Principal Chief Conservator of Forest.

(b) In States where the Civil Services Board has been constituted, the State Government may entrust the work of the Committee to the Board.

2. Functions.—(a) The Committee on Minimum Tenure or Civil Services Board shall examine the cases of officers who are proposed to be transferred before completion of minimum tenure as determined for Item 1 of the Schedule to the Indian Forest Service (Fixation of Cadre Strength) Regulations, 1966.

(b) The Committee on Minimum Tenure or the Civil Services Board may consider for transfer before the tenure fixed under sub-clause (i) of clause (c) of rule 7 of the Indian Forest Services (Cadre) Rules, 1966 based on the necessary circumstances regarding which the Committee or the Civil Services Board shall satisfy itself.

<sup>13</sup> Inserted by DP & AR Notification No. 13/4/71-AIS(I) dated 11.01.1972.

<sup>14</sup> Inserted vide G.S.R. 504 (E) dated 24.08.2006.

- (c) The Committee on Minimum Tenure or the Civil Services Board may recommend the names of officers to the Competent Authority for transfer before completion of minimum tenure with reasons to be recorded in writing.
3. Procedure.—(a) The Committee on Minimum Tenure or the Civil Services Board shall seek detailed justification for the transfer of an officer before the prescribed tenure from the Administrative Department concerned of the Government.
- (b) The Committee on Minimum Tenure or the Civil Services Board shall.—(i) considers the report of the Administrative Department alongwith any other inputs it may have from other reliable sources.
- (ii) The Committee may have the option to obtain the comments/ views of the officer proposed to be transferred regarding the circumstances prescribed to it in justification of the proposal.
- (iii) The Committee shall satisfy itself regarding the inevitability of the premature transfer before making a recommendation to the government based on clear findings.
- (c) The Committee on Minimum Tenure or the Civil Services Board shall also submit a quarterly report in the prescribed form to the Central Government clearly stating the details of officers recommended to be transferred before the minimum prescribed tenure, with the reasons for the same.

## GOVERNMENT OF INDIA DECISIONS

### Government of India's Instructions under Rule 4:-

1. Rule 4 of the Cadre Rules provides for a review of the strength and composition of the cadre at the interval of every three\* years. The State Governments are therefore, requested to sponsor their triennial review proposals after taking into consideration their requirements at least for 3 years to avoid frequent proposals for amendments to the cadre schedule. However, in cases where changes in the cadre are considered unavoidable and cannot be delayed till the next triennial review, proposals may be made once in a year i.e. in the month of January. The State Governments are therefore requested to adhere to this procedure for proposing amendments to the Cadre Schedule.

*[G.I. Deptt. Of Pers & AR letter No. 6/10/68-AIS (I) dated 27-2-1968.]*

2. The question whether the posts in Public Sector Undertakings could be encadred in the AIS has been examined further and the Government of India have been advised that such posts cannot be encadred in the cadre schedules of the All India Services as cadre posts.

3. [G.I. DP & AR letter No. 4/12/70-AIS I dated 26.5.1971]

3.1. The Government of India have issued the following clarifications regarding rule 4 of the Cadre Rules and the various reserves against which officers holding posts other than cadre posts are to be shown:-

3.2 Under Rule 3 of the Cadre Rules, Cadres have been constituted for each State or group of States. The strength and composition of each of these cadres have been determined by the Regulations, framed under the Cadre Rules and have been shown in the Schedule to those Regulations. The term 'cadre post' has been defined as any post specified under item 1 of each cadre in the Cadre Schedule vide clause (b) of Rule 2 of the Cadre Rules.

3.3. The power to alter the strength and composition of cadre vests in the Central Government vide Sub-rule (1) of Rule 4 of the Cadre Rules. With a view to meeting emergent needs of the States' administration the State Government concerned has been authorised vide the second proviso under sub-rule (2) of Rule 4 of the Cadre Rules to add for a period not exceeding one year<sup>#</sup> to a State Cadre, one or more posts carrying duties or responsibilities of like nature to cadre posts. However, the posts so added by the State Government do not become cadre posts.

3.4. With a view to ensuring that the members of the Indian Administrative Service are not deployed on posts which do not require to be manned by officers of that caliber it has been provided vide sub-rule (1) of Rule 9 of the Indian Administrative Service (Pay)

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\* now every 'five years'.

<sup>#</sup> now amended as 'two years'.

Rules, 1954 (hereinafter referred to as "The Pay rules") that no such members shall be appointed to a post other than a post specified in the Schedule III to those Rules (hereinafter referred to as the Pay Schedule) unless a declaration is made that the said post is equivalent in status and responsibility to a post specified in the Pay Schedule. However, for sufficient reasons to be recorded in writing such a declaration may be dispensed with, vide sub-rule (4) of Rule 9 of the Pay Rules.

3.5. Neither a post which is declared equivalent in status and responsibility to a post included in the Pay Schedule nor a post in respect of which such a declaration has been dispensed with is a cadre post.

3.6. Powers under the second proviso under sub-rule (2) of Rule 4 of the Cadre Rules are to be invoked only for increasing the number of posts with a particular designation already included in the Cadre Schedule. If a post with a particular designation does not figure in the cadre schedule it cannot be created by invoking these powers. It will have to be created, where necessary, by the State Government, under their inherent powers and if a member of the Indian Administrative Service is to be appointed thereto such appointment should be regulated under Rule 9 of the Pay Rules.

3.7. When a post is created by invoking the powers under the second proviso the sub-rule (2) of Rule 4 of the Cadre Rules, further action under Rule 9 of the Pay Rules is not necessary, because the post will already be figuring in the Pay Schedule.

3.8. Thus, powers under sub-rule (2) of Rule 4 of the Cadre Rules and under Rule 9 of the Pay Rules are mutually exclusive and together are exhaustive, in so far as posts under the State Government are concerned.

*(Remaining part superseded by neither Department of Personnel & Training letter nor 11033/1/98-AIS (II) dated 13.6.2000)*

#### 4. DOPT Letter No. 11033/1/98-AIS (II) dated 23.4.98:-

4.1. Under second proviso to sub-rule 2 of Rule 4 of the Cadre Rules, the State Government is competent to add for a period not exceeding one year # and with the approval of the Central Government, for a further period not exceeding two years\*, to a State or Joint Cadre one or more posts, carrying duties or responsibilities of a like nature to cadre posts. Doubts have been raised whether such posts are to be considered as cadre posts or as ex-cadre posts against the State Deputation Reserve. It is hereby clarified that the posts which are created in exercise of the powers of the State Governments under the second proviso under sub-rule 2 of rule 4 of the Cadre rules are to be counted as temporary cadre posts added temporarily to the cadre schedule and as such, they are not to be counted against the State Deputation Reserve. However, only such posts which are created for increasing the number of posts with a particular designation already included in the cadre schedule would be counted in this category.

4.2. On the other hand, if a post with a particular designation does not figure in the

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# now amended as 'two years'.

\* now amended as 'three years'.



cadre schedule, it cannot be created by invoking this power. It can be created as per necessity by the State Government under their inherent powers and the members of the All India Services cannot be deployed to such a post unless a declaration is made that the post is equal in status and responsibility to a post mentioned in Schedule III to the respective Pay Rules under sub-rule 1 of rule 9 of the same Rules. However, for sufficient reasons to be recorded in writing such a declaration may be dispensed with vide sub-rule 4 of rule 9 of the respective Pay Rules.

4.3 *Neither a post which is declared equivalent in status and responsibility to a post included in the pay schedule, nor a post in respect of which such a declaration has been dispensed with, is a cadre post. Such a post is to be counted against the State Deputation Reserve.*

*[Remaining part superseded by DOPT letter no. 11033/1/98-AIS (II) dated 13.6.2000 (quoted below)]*

5. Copy of letter no. 11033/1/98-AIS(II) of Government of India Ministry of Personnel, P.G. & Pensions (Department of Personnel & Training) dated 13.6.2000 addressed to the Chief Secretaries of all States/UTs Clarifying the composition of Central and State Deputation Reserve.

5.1 Reference is invited to this Department's letter of even number dated 24.3.1998 and 6.8.99 and letter no. 11031/19/75-AIS(II), dated 16.4.1975 as well as letter number 4/12/70-AIS(I) of Department of Personnel dated 26.5.1971. In respect of the composition of the State Deputation Reserve and the Central Deputation Reserve, the matter has been further considered in this Department and it has been decided that this comprise different components as described below:-

- (i) The State Deputation Reserve will comprise the following:-
  - (a) All ex-cadre posts held by cadre officers under the control of the State Government including those on inter-cadre deputation to another State Government.
  - (b) All posts under a company, Association or a body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the State Government.
  - (c) All posts under a Municipal Corporation or Local Body under the control of the State Government.

5.2 The Central Deputation Reserve will comprise the following:-

All posts held by the all India Services officers under the control of the Central Government including posts under a company, association or body of individuals, whether incorporated or not which is wholly or substantially owned or controlled by the Central Government and all posts under Rule 6(2) (ii) of the IAS/IPS/IFS (Cadre) Rules, i.e. the posts in an international organisation, an autonomous body

not controlled by the Government or a private body.

5.3 To this extent, all the earlier orders issued in this respect shall stand superseded. This may be brought to the notice of all concerned.

6. The undersigned is directed to Ministry of Environment and Forest's O.M. No.12026/5/98-IFS.I dated 2nd June 1999 on clubbing of deputation tenure against posts in Autonomous bodies and forestry posts under the Central Staffing Scheme of Ministry of Environment and Forests. and to state that vide letter dated 16th April 1975, it has been decided that posts under international organisation or autonomous bodies not controlled by the Government or a private body counted against Central Deputation Reserve. Accordingly, the provisions of "cooling off" over all ceiling of 7 years outside the State for CSS and non CSS posts shall not come for these posts as well.

*(VO.M. No. 11033/1/98-AIS (II) dated 6.8.1999).*

**Government of India Decision below Rule 6:-**

1. Standard Terms & Conditions for deputation –

See Miscellaneous Instruction No.14 in Vol.I, Part I.

2. The terms of deputation of an officer, deputed on Foreign Service are normally issued by the lending authority, in consultation with the borrowing authority. In the case of the All India Services, however, the All India Services (Leave) Rules, 1955, the All India Services (Conduct) Rules, 1968 and the All India Services (Discipline and Appeal) Rules, 1969 provide that a member of an All India Services whose services are placed at the disposal of a company, corporation etc. by the Central Government or the Government of a State shall, for the purpose of these rules, be deemed to be a member of the Service serving in connection with the affairs of the Union or in connection with the affairs of that State, as the case may be. By virtue of the provision contained in these rules, if the terms of deputation of a member of an All India Service deputed to a public sector undertaking controlled by the Central Government, are issued by a State Government, 'Government' in his case will be a State Government concerned. It is, however, only proper that such a member of an All India Service should be under the control of the Central Government for the purposes of these Rules. In view of this, the terms of deputation of a member of an All-India service who is serving in connection with the affairs of a State and who is deputed to a public sector undertaking etc. controlled by the Central Government should be issued by the Ministry/Department of the Central Government which is administratively concerned with that organization in consultation with the State Government of Joint Cadre Authority on whose cadre the officer is borne.

*[G.I. DOPT Letter No. 13/27/74-AIS (II), dated 17.1.1975.]*

3.1. Rule 6(2)(ii) of the IAS(Cadre) Rules, 1954 and corresponding rules governing the Indian Police Service and Indian Forest Service enables deputation of a

member of the service to a non-Government body by the Central Government in consultation with the State Governments concerned.

3.2 The Rajya Sabha Committee on Subordinate Legislation in their 93rd report has observed that members of the All India Service should be deputed to such bodies only in exceptional circumstances for reasons to be recorded in writing. The above observations of the Rajya Sabha Committee may be kept in mind while recommending the deputation of members of All India Service to non-Government bodies.

*[G.I. DOPT Letter No. 28020/4/91-AIS-II dated 26.7.1993.]*

4.1. Rule 6(2)(ii) of the IAS(Cadre) Rules and the corresponding rules governing the IPS and IFS enable the deputation of a member of the Service to an international organisation, an autonomous body not controlled by Government or a private body, etc. In such cases, the Central Government is the authority competent to order such deputation and the consent of the State Government and the officer concerned is also required.

4.2. It is seen that in several instances officers of the All India Services are required to be sent on deputation to the Universities/teaching or training institutions of repute which are autonomous organisations and which are not controlled by the Government, and therefore, such deputations fall within the purview of Rule 6(2)(ii). It has now been decided that in all such cases, the State Government may themselves order the deputations in institutions located within the State, for a period of upto three years, provided that prior consent of the officer is obtained and the Central Government are kept informed of all such deputations. This provision will not apply to deputations to Central Universities/Deemed Universities or institutions established by the Government of India.

4.3. In regard to the question of the 'cooling-off' period required to be completed by an officer who was on Central deputation before being eligible to be deputed to a body referred to under Rule 6(2)(ii), presently there are no such requirements of a 'cooling-off' period. However, in order to ensure that officers at the end of Central deputation return to serve their States, it has been decided that all such officers will be required to 'cool-off' in their States at the end of their period of Central deputation before they can be considered for deputation under Rule 6(2)(ii) if their place of posting is located outside their own allotted States.

*[G.I. DOPT Letter No. 14017/16/91-AIS-II dated 13.10.1993.]*