

**GOVERNMENT OF INDIA
DEFENCE
LOK SABHA**

UNSTARRED QUESTION NO:768
ANSWERED ON:27.07.2000
CHANGES IN ARMY ACT
A. KRISHNASWAMY;JAI PRAKASH

Will the Minister of DEFENCE be pleased to state:

- (a) whether the Supreme Court has termed the laws governing General Court Martials (GCM) in Army as archaic and criticised the Government for not bringing in changes in the Army Act;
- (b) whether even today the law relating to Armed forces remain static and needs changes keeping in view the apex courts observation made in 1982; and
- (c) if so, the time by which the inadequacies in the Army Act are likely to be amended?

Answer

MINISTER OF DEFENCE (SHRI GEORGE FERNANDES)

(a) to (c): A statement is attached.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (c) OF LOK SABHA UNSTARRED QUESTION NO. 768 FOR 27.7.2000

Honourable Supreme Court of India in the case of "Union of India and another versus Charanjit S. Gill and others". Civil Appeal No. 2865 of 2000 inter alia observed, "Even today the law relating to Armed Forces remains static which requires to be changed keeping in view the observations made by this Court in Prithi Pal Singh Bedi's case (supra), the constitutional mandate and the changes effected by other democratic countries. The time has come to allay the apprehension of all concerned that the system of trial by Court Martial was not the arch type of summary and arbitrary proceedings". The Law Commission of India in its report on amendment of Army, Navy and Air Force Acts, has taken into account the observations of the court in the case of "Lt Col Prithi Pal Singh Bedi versus Union of India and others" and recommended setting up of separate Tribunal (s) for the Armed Forces. On consideration of these recommendations, Government have decided, in principle, to set up an Armed Forces Tribunal for hearing of appeals against orders in cases of Court Martial as also for adjudication of service matters of Armed Forces personnel. The proposed Tribunal will have powers to decide questions of both law and facts that may be raised before it. Necessary legislative proposals are under consideration of the Government.