

**GOVERNMENT OF INDIA
DEFENCE
LOK SABHA**

UNSTARRED QUESTION NO:588
ANSWERED ON:27.07.2006
REVIEW OF MILITARY LAWS
Singh Shri Chandra Bhushan

Will the Minister of DEFENCE be pleased to state:

- (a) whether the Government is considering to review military laws;
- (b) if so, whether the Government has received any requests/representations from various quarters in this regard;
- (c) if so, the details thereof; and
- (d) the time by which the decision is likely to be taken in the matter?

Answer

MINISTER OF DEFENCE (SHRI PRANAB MUKHERJEE)

- (a) to (c): A statement is attached.
- (d) It is not possible to lay down any time frame in this regard.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (c) OF LOK SABHA UNSTARRED QUESTION NO. 588 FOR ANSWER ON 27.7.2006

Review of military laws is a continuous process. These laws are amended from time to time as per operational needs of the Armed Forces as also to bring them in consonance with latest judicial pronouncements and development. So far sixteen (16) amendments have been made in the three Armed Forces Acts i.e. the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950.

In the existing system of administration of justice in the Armed Forces, there is no provision for an independent adjudicatory forum for hearing appeals against the judgment of Courts Martial or for hearing complaints of defence personnel relating to service matters. The Supreme Court, Law Commission and the Estimates Committee of Parliament had earlier drawn attention to this aspect and made recommendations in this regard. The issue was also engaging the attention of the Government for quite some time. After careful consideration the Government has proposed to set up an independent Armed Forces Tribunal and accordingly a Bill was introduced in Rajya Sabha on 20.12.2005. The Bill was referred to the Standing Committee on Defence by the Hon'ble Speaker for examination. The Standing Committee in its 10th report related to Armed Forces Tribunal Bill, 2005 presented to the Lok Sabha on 23rd May 2006 and laid on the table of Rajya Sabha on the same date, have made several recommendations on the Bill.

The Standing Committee has also suggested that an expert committee be constituted to thoroughly review the Service Acts to bring them in tune with the norms being followed in other democratic countries. The Standing Committee has further desired that since the proposed Tribunal would deal with cases of all the three forces, a common disciplinary code be made so as to bring uniformity in dispensation of justice to the Armed Forces Personnel.