

Standing Committee Report Summary

The Armed Forces Tribunal (Amendment) Bill, 2012

- The Standing Committee on Defence (Chairperson: Raj Babbar) tabled its report on the Armed Forces Tribunal (Amendment) Bill, 2012 on March 20, 2013. The Bill was introduced in the Rajya Sabha on August 13, 2012 by the Minister of Defence, Mr. A.K. Antony. The Bill seeks to amend the Armed Forces Tribunal Act, 2007.
- The Act establishes the Armed Forces Tribunal (AFT) to provide for quicker and less expensive resolution of disputes for the members of the three services (Army, Navy and Air Force). Matters would include disputes and complaints related to commission, appointments, enrolment and conditions of service in respect of persons subject to the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950. The AFT is also empowered to hear appeals arising out of orders, findings or sentences of court martial given under these Acts.
- The Committee recommends giving civil contempt powers to tribunal with regard to cases of retired defence personnel.
- However, the Committee was of the view that conferment of such powers with regard to serving defence personnel is not for now. They want that no serving defence officer should be made to appear before the tribunal for civil contempt. The Committee suggested that the Ministry could revisit this arrangement when the system has matured and stabilised.
- In addition, the Committee recommend that the civil contempt powers proposed to be given to the AFT shall be applicable to the Ministry of Defence and all other civilian organisations as well as to retired defence personnel.

Tenure and retirement age of members

- Under the Act, the tenure of the Chairperson and members of the AFT is four years. The Bill increases their tenure to five years. However, unlike under the present Act, they will not be eligible for reappointment.
- The Act states that if the Chairperson is a former Chief Justice of a High Court, he can hold office until he is 65 years. The Bill enhances the age limit of the Chairperson to 67 years. It is also proposes to enhance the age limit of the judicial members from 65 years to 67 years.
- The Committee was in agreement with amendments to the tenure and age of retirement of the members. They were of the view that the amendments would bring stability and continuity in the functioning of the AFT.

Power of civil contempt

- The Act provides for criminal contempt of the Tribunal. The Act does not contain any provision for civil contempt, i.e., the enforcement of the orders passed by the Tribunal. The Bill empowers the Tribunal with the power of civil contempt.

Pendency of cases

- The Committee highlighted that 4,605 cases were pending before various benches of the AFT, as on November 30, 2012. The Committee suggested that the appellate authority in the three services decide the representations of the aggrieved members by issuing an order giving reasons in a time bound manner. This would help reduce the burden on the AFT.

Administrative Control over the AFT

- There is a proposal to set up a Central Tribunal Division under the Ministry of Law and Justice, which will exercise control over all tribunals. Administrative control over the AFT will vest with this division. The Committee stated that this step would help build a strong and independent institution and they should be kept informed of the developments by the Ministry.

Vacancy of judicial member posts

- The Committee was disconcerted to note that the AFTs are functioning with a high number of judicial members' posts lying vacant. Such vacancies not only hamper the work of the AFT but also affect its service delivery. The Committee stated that the proposed amendments would help remedy this situation and reduce the pendency of cases.

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