

**GOVERNMENT OF INDIA
DEFENCE
LOK SABHA**

STARRED QUESTION NO:356
ANSWERED ON:05.02.2004
AMENDMENT IN ARMY ACT, 1950
GADDE RAMAMOHAN

Will the Minister of DEFENCE be pleased to state:

- (a) whether there has been steep rise in the number of defence personnel moving the civil courts for justice during the last three years;
- (b) if so, the reasons for the same;
- (c) whether the Supreme Court of India sometime back cautioned the Ministry of Defence against the arbitrary use of certain provisions of the Army Act;
- (d) if so, whether the Government has any proposal to amend the Army, Navy and Air Force Act, 1950;
- (e) if so, the details thereof; and
- (f) if not, the reasons therefor?

Answer

MINISTER OF DEFENCE (SHRI GEORGE FERNANDES)

- (a) No uniform trend is discernible. In the Army and Air Force, moving the civil courts for justice seems to be on increase. However, in the Navy, there is a significant decrease in the personnel approaching the courts presently.
- (b) Does not arise.
- (c) The Supreme Court in the case of Lt. Col. PPS Bedi Vs Union of India (AIR 1982 SC 1413) suggested setting up of a judicial forum to act as an appellate body against the Courts Martial verdict. The Apex Court reiterated their suggestion in this context in the case of Union of India Vs Maj CS Gill.
- (d) Yes, Sir.
- (e) A proposal for setting up of an Armed Forces Tribunal to adjudicate the appeals arising out of the verdicts of Court-martial cases and service matters of Armed Forces personnel, is under active consideration of the Government.
- (f) Does not arise.