

Bill Summary

The Armed Forces Tribunal (Amendment) Bill, 2012

- The Armed Forces Tribunal (Amendment) Bill, 2012 was introduced in the Rajya Sabha on August 13, 2012 by the Minister of Defence, Mr. A.K. Antony. The Bill was referred to the Departmentally Related Parliamentary Standing Committee on Defence on August 27, 2012. The Bill seeks to amend the Armed Forces Tribunal Act, 2007 (the Act).
- The Act establishes the Armed Forces Tribunal to adjudicate certain matters. These matters 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 Tribunal is also empowered to hear appeals arising out of orders, findings or sentences of court martial held under these Acts.
- Under the Act, the tenure of the Chairperson and members of the Tribunal 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 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 same powers in respect of contempt of itself as a High Court. The Contempt of Courts Act, 1971, will apply, subject to certain modifications. References to a High Court will include a reference to the Tribunal and those to the Advocate General will be construed as referring to the Attorney-General, Solicitor-General or Additional Solicitor-General.

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