



**LAW RELATING TO THE ARMED FORCES IN INDIA (1999).** By  
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LATELY THE armed forces personnel are going to civil courts for redressal of their grievances like supersession in promotions, court martial cases, injustice regarding pay and pensions and so on. However, in the absence of case laws in military matters the state high courts and the Supreme Court of India did not have the rulings given earlier on the same and similar legal issues. Fortunately, the present volume covers rulings given by various high courts and Supreme Court on military law and service conditions of the armed forces as well as civilians paid from the defence forces and also the civilians that come under the Army Act.

The authors have given the contents in an alphabetical and chronological fashion so that a reader does not find it difficult to trace the subject matter he is interested in, in the least possible time. The authors have given table of reported and unreported cases again in an alphabetical order and have shown these separately. The reported cases are from the Supreme Court, high courts of various states, and central administrative tribunal (CAT) of various zones. Cases reported in the All India Reporter (AIR), All India Service Law Journal, Civil Law Reporter, Civil Law Journal, Service Law Reporter, Service Law Journal, and so on have been incorporated in the volume at relevant places.

Besides Army, Navy and Air Force Acts and Rules, and Manual of Indian Military Law (MIML), the author has dealt with the Central Reserve Police Force (CRPF) Rules, Criminal Procedure Code (CPC), labour and industrial cases, Defence Services Regulations, Indian Evidence Act and so on. The administrative action like the one taken against former Admiral Vishnu Bhagwat has been dealt in details. There is no appeal against the administrative action proceedings except in the Supreme Court. This action is taken in rare cases. However, normally the armed forces personnel are either tried summarily or by a court-martial, where an accused is given sufficient time and opportunity to defend himself including the help of a civilian lawyer. It is the biggest tool with the armed forces to deal with the cases when quick justice is called for and there is no time to go for a court-martial, which does take time. The author has been able to include the rulings and case laws upto April 1999 issued from time to time.

The Supreme Court of India and high courts of a number of states have examined and interpreted a number of important provisions of the



Army Act and the Army Rules pertaining to the administration of justice in the army over the years. The authors in this volume have made concerted efforts to list various rulings relevant to the laws concerning the army personnel in particular and air force and navy personnel and also the civilians that fall under the Army Act in general.

All the topics concerning the Army Act and the service matters relating to the defence personnel have been divided in a number of broad groups and arranged in an alphabetical order. Each group has been further sub-divided into proper sequence of various issues pertaining to that topic. For example the subject 'Administrative Action' has been dealt with under number of topics – Army Act section 19, Army Rule 14, show cause notice, financial regulations, termination of service, after abortive court martial, limitation period, deprivation of appointment, natural justice, effective date for an award censure order, presidential pleasure and so on. Similarly, 'Court Martial' has been dealt with under topics such as its history, inquiry prior to compliance of Army Rule 22 and the period of limitation and so on. Accordingly, in order to find the relevant case law on say, 'Is Court Martial a Tribunal', one is required to look for the above topic under the relevant main head *viz*, "Constitution of India."

In case a particular topic has relevance to more than one group, it has been included in all the relevant groups. For example, the topic 'alternate remedy' would be found under the head 'Constitution of India' as also under 'Writs'. Similarly, 'Parole' will also be found under 'Convict'; 'Leave' under 'Study Leave'; 'Imprisonment' under 'convict' and so on.

For the sake of uniformity, all citations of law cases reported in various journals have been described with surname first, followed by the initials and then the military rank held by the petitioner. Since the Indian army is modeled on the British army pattern, the rulings pertaining to the court martial cases of western armies have also been included, as the same would have relevance in understanding the military ethos and the rationale guiding the jurisdiction of the civil courts over the men in uniform.

As the armed forces personnel most frequently refer the Army Act, Army Rules, Defence Service Regulations and the Indian Evidence Act, hence these have also been incorporated in this volume. The notes to Army Act and Army Rules have also been reproduced as Appendix I & Appendix II. The authors have dealt the case laws meticulously and succinctly.

The authors have explained Constitution of India including the fundamental rights and other relevant articles in details. There is a separate chapter on disability pension, which is relevant to the soldiers who have been boarded out due to disability or disability due to action.



A chapter on 'Ex-servicemen' is of great importance for all defence personnel, as they all have to retire one day or the other. It includes, counting of army service, benefits of past army service, definition of ex-servicemen, war service benefits, reservation for the post of released armed forces personnel, pay fixation, absorption on permanent basis, concessions, loans from banks, employment and so on.

This volume will be useful for the armed forces personnel, military training institutions, members of the bar, staff officers serving in various formations and also for the ex-servicemen to update themselves regarding the latest service conditions and disciplinary cases prevalent in the army.

Recently, the Law Commission has recommended an armed forces tribunal, where the defence services personnel will be filed for redressal and its decision will not be challengeable in the high courts. However, these could be challenged in the apex court. Even then, this volume will be of great help the armed forces personnel.

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