Journal of Advances and Scholarly Researches in Allied Education
Vol. 16, Issue No. 1, January-2019, ISSN 2230-7540

Law Relating to Jurisdiction of Armed Forces Tribunal

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Abstract – The Armed Forces Tribunal has been constituted under the Armed Forces Tribunal Act, 2007 for the adjudication of complaints and disputes regarding service matters and appeals arising out of the verdicts of the courts-martial of the members of the three services (Army, Air Force and Navy) to provide for quick and less expensive justice to the members of the Armed Forces. The Act created the Armed Forces Tribunal, a semi-civilian appellate court, as a check on the operation of military justice.

Keyword: Army, Air Force, Navy, Armed Forces Tribunal, Court-Martial

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The Armed Forces Tribunal has been constituted under the Armed Forces Tribunal Act, 2007 for the adjudication of complaints and disputes regarding service matters and appeals arising out of the verdicts of the courts-martial of the members of the three services (Army, Air Force and Navy) to provide for quick and less expensive justice to the members of the Armed Forces. The Act created the Armed Forces Tribunal, a semi-civilian appellate court, as a check on the operation of military justice.

After operationalizing of all the benches, all the cases which were pending before the various High Courts had been transferred by the High Courts to respective benches of the tribunal and also number of fresh cases have been filed at principal bench and other regional benches.

A total of 15 benches are created across India. The responsibility for the creation of the regional benches at Mumbai and Kochi has been entrusted to navy, while that for one at Gauhati has been given to the air force. The remaining benches are created by the army. A table indicating the member of benches and the location follows.

Sr. No.	Location	No. of Benches
1	Delhi (Principal Bench)	3
2	Chandigarh	3
3	Lucknow	3
4	Kolkata	1
5	Gauhati	1
6	Mumbai	1
7	Kochi	1
8	Chennai	1
9	Jaipur	1

When the vice chairperson of a bench is satisfied that circumstances exist which render it necessary to have a sitting of the said bench at any place falling within its territorial jurisdiction other than the place or places at which it ordinarily sits, he may, with the previous consent of the chairperson, direct that, the additional bench holds its sitting at any such appropriate place.[1] In *Navdeep Singh* v. *Union of India[2]* the Armed Forces Tribunal is a part of, and dependent upon Ministry of Defence. Ministry of Defence controls its infrastructure, appointments rule making and much of everything else. If fright, since cases were hitherto being heard by the judiciary whose hallmark is independence, given the separation of powers under our democratic system. Even when a proactive rule is to be introduced or changed, the matter is referred to the defence services and departmental bureaucracy, which of course tends to be more inclined towards looking after its own interests and keeping the tribunal toothless.

Supreme Court in the case of *Union of India* v. *R. Gandhi[3]* held that tribunals cannot be made dependent on sponsoring or parent ministries for their functioning and that tribunals should function under the Ministry of Law and Justice and that neither the tribunal not its members shall seek or be provided with facility from the parent ministries or concerned department. It may be pointed out that the Armed Forces Tribunal nowhere provides that the tribunal shall be under the Ministry of Defence and that since 1997, including as recently as in August 2011, the Central Government has been stating on record, that efforts are on to make the functioning of tribunals autonomous and to bring them under the nodal control of the Ministry of Law.

Ministry of Defence is virtualparalyzed of the functioning of the tribunal.

Jurisdiction of Armed Forces Tribunal is of two types. First is original jurisdiction and second is appellate jurisdiction.

1. Original Jurisdiction

The Armed Forces Tribunal has original jurisdiction over service matters which are defined in Section 3 (o) of the Armed Forces Tribunal Act. It includes:

1.1 remuneration (including allowances), pension and other retirement benefits;

1.2 tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;

1.3 summary disposal and trials where the punishment of dismissal is awarded;

1.4 any other matter, whatsoever, but not include matters relating to-

1.4.1 orders issued under Section 18 of the Army Act, 1950, Section 18 of the Air Force Act, 1950 and Section 15(1) of the Navy Act, 1957 and;

1.4.2 transfers and postings including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, the Air Force Act and the Navy Act;

1.4.3 leave of any kind;

1.4.4 summary court martial except where the punishment is of dismissal or imprisonment for more than three months.

2. Appellate Jurisdiction

The Armed Forces Tribunal has jurisdiction in relation to any appeal against any order finding or sentence passed by a court-martial. Previously the appeals from courts-martial were only come before the army authorities or defence ministry, there was no judicial adjudication. But with the advent of Armed Forces Tribunal Act, 2007, a regular appeal lies against the findings and sentence of court-martial under Section 15 of the Act and all pending suits or other proceedings pending before any court including a High Court were transferred to this tribunal.

The Armed Forces Tribunal Act specifies the jurisdiction, powers and authority to be exercised by the tribunal in relation to matters of appeal against any order, decision, finding or sentence passed by a court-martial or any matter connected with it.[4] In the case of *Maj. Saurabh Saharan* v*. Union of India and Others[5]* the petitioner was serving as major in the army and was commissioned in year 2000. Whilst he was posted to 60 cavalry which was primarily associated with polo, he was in touch with foreign nationals and other sports persons. In respect of certain allegations leveled against him by a foreign national, Ms. Nancy Chapman, a United States citizen, court-martial proceedings were initiated. It was alleged that the petitioner had indulged in illegalities and violation of Army Rule 180. He was held guilty and punished for cashiered from service, along with rigorous imprisonment for three years. It was a matter of record that the petitioner had been in military custody since April 16, 2012 alleging a series of irregularities and illegalities in the conduct of court-martial proceedings. The petitioner approached the Armed Forces Tribunal, Principal Bench, New Delhi. The jurisdiction under Section 15 (3) had not, in any manner, been limited by Section 153 of the Army Act.

The relevant observation of the Armed Forces Tribunal was that there was no conflict between the two sections. Section 15 is the judicial power and Section 164 is an administrative power. Section 15 gives a judicial review power is already exercised and orders are passed by the authorities, then administrative remedy provided under Section 164 (2) automatically stand ousts. Section 21 of the Armed Forces Tribunal Act would not abrogate the power of the tribunal to entertain appeal against the order of court-martial. Even pendency of petition under Section 164 (2) of the Army Act does not prevent tribunal to entertain appeal under Section 15 of the Act of 2007 against order of court-martial.

In this case, it was held by the tribunal that any order, decision, finding or sentence passed by a court-martial or any other matter connected therewith or incidental thereto would be within the tribunal's authority and jurisdiction. The tribunal would be competent to pronounce upon the proceedings and procedure adopted by the court-martial, pending confirmation of sentence.

The Act specifies the right to any aggrieved person to prefer an appeal against any order, decision, finding or sentence passed by a court-martial in effective style and fixed method of procedure.[6] The tribunal is empowered to grant bail to a military accused under Section 15 (3) of the Act. The tribunal has no power to grant bail to a military convict. The power of the tribunal to grant bail to a military accused thus becomes even lower than that of the Sessions Court. Section 437 of the Code of Criminal Procedure states that “no accused shall be so released if there appears reasonable ground for believing that he has been guilty of an offence punishable with death or imprisonment for life”.

The tribunal may have discretion to grant bail to the armed forces personnel, as is being provided by the High Courts to the accused persons under Section 437 of Code of Criminal Procedure. The provision relating to bail needs to be amended to ensure that the tribunal enjoys the powers of an appellate court under Section 389 of Code of Criminal Procedure in granting the bail to a military accused or convict. Section 389 of Code of Criminal Procedure states that the suspension of sentence pending the appeal; release of appellant on bail:

1. Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail, or on his own bond.

Provided that the Appellate Court shall, before releasing on bail or on his own bond a convicted person who is convicted of an offence punishable with death or imprisonment for life or imprisonment for a term of not less than ten years, shall give opportunity to the Public Prosecutor for showing cause in writing against such release:

Provided further that in cases where a convicted person is released on bail it shall be open to the Public Prosecutor to file an application for the cancellation of the bail.

2. The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of an appeal by convicted person to a Court subordinate thereto.

3. Where the convicted person satisfies the Court by which he is convicted that he intends to present an appeal, the Court shall,-

3.1 where such person, being on bail, is sentenced to imprisonment for a term not exceeding three years, or

3.2 where the offence of which such person has been convicted is available one, and he is on bail, order that the convicted person be released on bail unless there are special reasons for refusing bail, for such period as will afford sufficient time to present the appeal and obtain the orders of the Appellate Court under Sub-Section (1), and the sentence of imprisonment shall, so long as he is so released on bail, be deemed to be suspended.

4. When the appellant is ultimately sentenced to imprisonment for a term or to imprisonment for life, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

In the case of *Updesh Kumar* v. *Union of India and Others*,[7] the petitioner was convicted by Summary General Court-Martial for an offence under Section 69 of the Army Act. He caused the death of naibsubedarGurmail Singh on Jan. 7, 2006. The Summary General Court-Martial found the petitioner guilty, and awarded the sentence being to be reduced to rank, to suffer imprisonment for life, and to be dismissed from service. Writ Petition was filed before Jammu and Kashmir High Court. During pendency of the petition, on Feb. 25, 2010, Misc. Petition No. 30 of 2010 was filed by the petitioner for suspension of sentence, *inter-alia*, on the ground of having been in custody for four years and there being nobody to look after the ailing mother. Some medical documents of the mother were also filed during the pendency of writ petition, praying that the matter to be transferred to the Armed Forces Tribunal, Regional Bench, Chandigarh. The petitioner prayed for grant of temporary bail on the ground of the petitioner's daughter being scheduled to be married on April 15, 2012. Photocopy of the marriage card was produced before the Armed Forces Tribunal. It was observed by the tribunal that looking to the gravity of the offence, the tribunal was not inclined to release him on bail, but he might be allowed to attend the marriage in custody for a period of two days at the place mentioned in the marriage card, duly escorted in police custody.

The tribunal allows an appeal against conviction by a court-martial where the finding of the court-martial is legally not sustainable due to any reason.[8] The Armed Forces Tribunal, Principal Bench, New Delhi in the case of *Major S. S. Chillar*v. *Union of India and Others[9]* considered a prayer against the punishment awarded by a General Court-Martial. The tribunal was of the opinion that the finding is totally defective. Defective in the sense that when the accused was not found guilty for possession of the hand grenade HE 36 Lot No. 610H KF-77, then no offence pertaining to this hand grenade could stand proved. The tribunal held that General Court-Martial was totally illegal and unsustainable in law. Then, the tribunal acquitted the accused.

The tribunal allows an appeal against conviction by a court-martial where the finding involves a wrong decision on a question of law.[10] In the case of *Ex Rfn. Satbir Singh* v. *Union of India and Others,[11]* the Armed Forces Tribunal, Principal Bench, New Delhi observed that the respondents had no real justification for the various legal inconsistencies that were brought out by the appellant. The tribunal was of the opinion that the entire proceedings of the Summary Court-Martial were a sham and had been completed after a period of almost nine months after

the incident, in a injudicious manner. The tribunal set aside the proceedings of the Summary Court-Martial.

There was a material irregularity in the trial resulting in miscarriage of justice, but, in any other case, may dismiss the appeal where the tribunal considers that no miscarriage of justice is likely to be caused or has actually resulted to the appellant.[12] It consists either in omitting to do something that is necessary for the due and orderly conducting of a suit, or doing it in an unreasonable time or improper manner. Irregularity points to a neglect of order or method, not according to the regulations, irregularity to the failure to observe that particular course of proceeding which, conformable with the practice of the court, ought to have been observed. But, in other cases, tribunal dismisses the appeal where it considers that there is no miscarriage of justice. The tribunal is empowered to dismiss the appeal where it considers that no miscarriage of justice is to be caused to the applicant. While dismissing an appeal, the tribunal gives reasons in writing. It may allow an appeal against conviction and pass an appropriate order.

In *Ex Signalman Vijay Kumar* v. *Union of India[13],* the Armed Forces Tribunal, Principal Bench, New Delhi was of the view that since no hearing under Army Rule 22 had been held and also that the plea of guilty was not in consonance with the summary of evidence wherein the appellant had repeatedly indicated that he was not guilty, it was incumbent upon the commanding officer to convert the 'plea of guilty' to 'not guilty' under the provisions of Army Rule 116 (4). The tribunal was of the opinion that there has been miscarriage of justice. It, therefore, set aside the proceedings of the Summary Court-Martial. Court-Martial proceedings would be of no consequence and would not stand the judicial scrutiny. The tribunal had referred to the judgment of Jammu and Kashmir High Court in the case of *Prithpal Singh* v. *Union of India[14]* mandating that signatures of the accused pleading guilty of charge be obtained and if there is an infraction of this procedural requirement, it would violate the mandatory procedural safeguard provided in Rule 115 (2) of the Army Rules[15] and would also be violative of Article 14 of the Constitution.

The tribunal may allow an appeal against conviction, and pass appropriate order[16]. A proper appeal lies against the court-martial proceedings before the tribunal, the tribunal has to examine all the procedure as well as substance of the criminal trial like in the court of appeal, including appreciation of the evidence, and it is apparently clear that the trials in the court-martial proceedings relating to civil offences or other penal code offences under the other Acts are properly conducted like a regular criminal trial. In *Rfn. (Tailor) Bhupal Ram Okesa*v. *Union of India[17],* the appellant was tried by Summary Court-Martial for commission of offence under Section 38 (1) of the Army Act for remaining absent without leave from February 18, 2000 to May 07, 2004. The appellant was dismissed from service from January 20, 2004 on the ground of desertion. The appellant challenged the impugned order of dismissal as illegal, unjust, improper and without jurisdiction and that he could not be tried twice for the same offence. It was an undisputed fact that the appellant was earlier tried by a Summary Court-Martial in year 2004 and said proceeding was set aside by the higher authority on review and he was directed to rejoin in his service forthwith, which he accordingly did. Same set of allegations like the earlier one were drawn up on September 20, 2006 then the tribunal was satisfied that the appellant admitted his guilt upon proper understanding of facts in issue. The appellant was under arrest while the proceedings against him continued. The tribunal observed that this work was done within half an hour only, which was practically impossible to discharge all the functions by the Summary Court-Martial.Itwas nothing but mechanical discharge of judicial function in a purported manner.

The appellant was not liable to be tried again for the same offence by a court-martial. Article 20 (2) of the Constitution of India protects a person from double jeopardy. It bars prosecution and punishment after conclusion of earlier proceedings on the same ground on the doctrine of *autrefois convict*. This valuable fundamental right of the appellant is also recognized by statute in Section 121 of the Army Act. There was another gross violation in conducting the proceeding against the appellant in as much as mandatory requirement of Rule 34 of the Army Rules was given a complete go by. In the instant case proceedings started at 1100 hours, ended just at 1130 hours and final sentence was pronounced at 1400 hours. So, after setting aside the proceedings, he was directed to rejoin his service on June 20, 2005 and the effect of these events would be that the appellant deemed to continue in his service till that date and in the process he completed 15 years of service in the result, the appeal was allowed by the Armed Forces Tribunal, Regional Bench, Gauhati.

The tribunal has the power to substitute for the findings of the court-martial[18]. In the case of *Lt. Cdr. AlokAmbastha*v. *Union of India[19],* the petitioner was sentenced "to be dismissed from naval service,a fine of Rs. 14,875/- and to suffer such other consequential penalties involved". This sentence was upheld by the chief of naval staff and also by the Central Government. In order to set the things right, and to avoid all confusions, the tribunal exercising its power under Section 15 (6) of the Act, held the petitioner guilty of the offence under Section 74 of the Navy Act. The tribunal, however, observed that the sentence of dismissal and fine of Rs. 14875/- awarded to the petitioner was too harsh. The tribunal set aside the sentence of dismissal and fine; and substituted as 'discharge' from the date of dismissal, with the order that the petitioner would be entitled to consequential benefits. Similarly, in the case of *Ex Col. A. K.Bhardwaj*v. *Union of India[20],* the tribunal substituted the punishment of 'forfeiture of 10 years of service for pension' against the

punishment of 'cashiering' awarded by the General Court-Martial.

When sentence is found too excessive, illegal or unjust, the tribunal can remit, mitigate, commute, enhance, release and suspend the sentence.

1. Remit: It means to let go back, to release from the guilt or penalty of, to cancel, to restore or to consign to a former condition[21]. The Armed Forces Tribunal, Principal Bench, New Delhi in the case of *Ex Major Rehman Hussain*v. *Union of India[22],* considered a prayer for quashing the proceedings of General Court-Martial. Applicant was charged under Sections 352, 354 and 376 (I) of the Indian Penal Code and Section 63 of the Army Act. The General Court-Martial found him not guilty of the first and second charge and guilty of third and fourth charge. He was sentenced to be dismissed from service. The applicant contended that the entire case against him was concocted and therefore, findings and sentence was required to be set aside.

The tribunal was of the opinion that the General Court-Martial correctly found the applicant guilty for charge number 4 and 5. Taking into consideration the period of service of the applicant on the date of incident and his record of service before the incident, the tribunal was of the opinion that the sentence awarded to the applicant was harsh. In order to meet the ends of justice, the tribunal remitted part of the sentence from five years of loss of seniority for promotion and pension to that of two years of loss of seniority for promotion only.

2. Mitigate: It means to minimize the severity of punishment. It involves awarding a less amount of the same species of punishment[23]. In the case of *Beant Singh* v. *Union of India[24],* the petitioner challenged the General Court-Martial proceedings, whereby he was held guilty of having committed an offence under Section 52 (f) of the Army Act. The writ petition was transferred to the Armed Forces Tribunal and treated as an appeal under Section 15 of the Armed Forces Tribunal Act, 2007. The appellant contended that the court-martial was in violation of the principles of natural justice, in that the appellant was not provided a defending officer of his choice thereby violating Army Rule 95, denied the opportunity of being represented by a counsel of his choice in terms of Army Rule 97 and denied the mandatory fair trial as envisaged under Article 21 of the Constitution.

The tribunal cited the decision of the Supreme Court in *Bachan Singh* v. *State of Punjab[25]* relating to the mitigating circumstances which should be given weight in the determination of sentence. There were numerous other circumstances justifying the passing of the lighter sentence; as there were countervailing circumstances of aggravation. It cannot be overemphasized that the scope and concept of mitigating factors in the area of death penalty must receive a liberal and expensive construction by the courts in accordance with the sentencing policy. The tribunal remanded the case to the Government to reconsider the mitigating circumstances, including the sentence awarded to GE(W) Agra, while awarding the sentence to the appellant.

3. Commute: It signifies a change to one less severe especially out of clemency. Commutation is a substitution of a less thing for a greater. It is changing the description of punishment by awarding a punishment lower in the scale of punishment.[26] In the case of *Wg. Cdr. M. S. NarsimhaRao*v. *Union of India[27],* a General Court-Martial tried the petitioner on four charges under Sections 41 (2) and 65 of the Air Force Act, 1950. He was awarded the punishment of dismissal from the service. The tribunal considered whether the charge numbers 2 and 3 leveled against the petitioner before the General Court-Martial have been proved beyond any reasonable doubt. The tribunal ordered that the order of the General Court-Martial in respect of charge number 2 as proved to be confirmed and the order of the General Court-Martial in respect of charge number 3 to be set aside. The tribunal while confirming the conviction of the petitioner modified the sentence alone to that of discharge instead of dismissal. Same decision was followed in the case of *Ex Cpl. Nitish Kumar* v. *Union of India[28],* in which the Principal Bench, New Delhi converted the punishment of dismissal into discharge.

Section 73 of the Air Force Act, 1950 does not include 'discharge' as punishment which could be awarded by a court-martial. Section 73 lists punishments which may be inflicted in respect of offences committed by persons subject to the Act.

The Armed Forces Tribunal can enhance the sentence awarded by a court-martial. No sentence is to be enhanced unless the appellant has been given an opportunity of being heard[29]. In *NaikYogendra Singh* v. *Union of India[30],* the Armed Forces Tribunal, Principal Bench, New Delhi held that after the trial of the petitioner by Summary Court-Martial, and the exercise of powers by the competent authority under Section 20 of the Army Act amounted to putting the accused in peril twice for the same offence. The tribunal referring to the

decision of the Supreme Court in *Union of India* v.*Harjeet Singh Sandhu[31],* observed that the commanding officer has no power under Section 20 of the Army Act to enhance the punishment awarded by the Summary Court-Martial.

The Armed Forces Tribunal can release the appellant on parole who has served part of a sentence and who remains under the control of and in the legal custody of a parole authority. The release on parole would not be applicable in the case of an offender who has been awarded death penalty or life imprisonment.[32] The Armed Forces Tribunal, Regional Bench, Kochi in the case of *K. Gopi*v. *Union of India[33]* held that the Summary General Court-Martial had not done justice to the responsibility that has been placed on them.The Summary General Court-Martial had not considered the effect of contradictions in the evidence of eye witnesses or whether the version as spoken by the eye witnesses is possible. The tribunal held that the prosecution failed to establish the guilt of the accused beyond doubt; hence he was entitled to an acquittal. The accused was found not guilty of the offences under Section 308 of the Indian Penal Code also. The conviction and sentences imposed on the accused was set aside.

The Armed Forces Tribunal can suspend a sentence of imprisonment and pass any appropriate order.[34]

The Armed Forces Tribunal does not have jurisdiction in the cases of Summary Court-Martial, where a punishment of imprisonment for three months or less (3rd punishment in the scale under Section 71 of the Army Act, 1950) has been awarded. Under Section 376 of Code of Criminal Procedure clears that there is no right to appeal where a court of session or metropolitan magistrate awards a sentence of three months of imprisonment, so why should it be available in the case of Summary Court-Martial. A large number of Summary Court-Martial trials have been criticizedby the Supreme Court, the High Courts and the Armed Forces Tribunals.[35]

The territorial jurisdiction of all the benches has also been clearly delineated as per Government notification. A person who has any cause of action arising in this territorial jurisdiction has right to approach the respective bench of the tribunal. Rule 27 says that in case any person finds it difficult to approach the tribunal bench of respective territorial jurisdiction, he can make an application to the chairperson to transfer the case from one bench to another.

The benches of tribunal also have power to hold circuit benches with prior approval of the chairperson. These territorial jurisdictions has been made for convenience of all the litigants but apart from that if any bench decides to hold circuit bench, it has full power to move to any particular area or place falling within their territorial jurisdiction and can dispose of the cases by holding a sitting in circuit bench with prior permission of the chairperson. This is a welcome step for the purposes of reaching out to needy public and to deliver justice at the doorstep of the litigants. This is an attempt to make it little more broad based so that it facilitates quick result with less expenses.[36]

CONCLUSION

The Armed Forces Tribunal Act, 2007 created the Armed Forces Tribunal against any order, findings or sentence passed by a court-martial. The tribunal is empowered to grant bail to a military accused on certain grounds. It can remit, mitigate, commute, enhance and release the sentence when it excessive or illegal. The tribunal may allow or dismiss the appeal and pass appropriate order for appropriate justice.

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5. TA No. 07 of 2012.
6. Armed Forces Tribunal Act, 2007, s. 15(2).
7. TA No. 22 of 2012.
8. Armed Forces Tribunal Act, 2007, s. 15(4)(a).
9. TA No. 246 of 2009.
10. Armed Forces Tribunal Act, 2007, s. 15(4)(b).
11. TA No. 454 of 2009.
12. Armed Forces Tribunal Act, 2007, s. 15(4)(c).
13. TA No. 630 of 2009, Naik Dinesh Chand Sharma v. Union of India, TA No. 180 of 2010, Ex. Col. Avijit Mishra v. Union of India and Others,OA No. 19 of 2011.
14. 1984 (3) SLR 675 (J&K).
15. If an accused person pleads “Guilty”, that plea shall be recorded as the finding of the court; but before it is recorded, the court shall ascertain that the accused understands the nature of the charge to

which he has pleaded guilty and shall inform him of the general effect of that plea, and in particular of the meaning of the charge to which he has pleaded guilty and of the difference in procedure which will be made by the plea of guilty, and shall advise him to withdraw that plea if it appears from the summary of evidence (if any) or otherwise that the accused ought to plead not guilty.

16. Armed Forces Tribunal Act, 2007, s. 15(5).

17. TA No. 49 of 2010.

18. Armed Forces Tribunal Act, 2007, s. 15(6)(a).

19. TA No. 84 of 2010.

20. TA No. 429 of 2010.

21. Armed Forces Tribunal Act, 2007, s. 15(6)(b)(i).

22. TA No. 361 of 2010.

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30. TA No. 543 of 2010.

31. AIR 2001 SC 1772.

32. Armed Forces Tribunal Act, 2007, s. 15(6)(d).

33. TA No. 11 of 2009.

34. Armed Forces Tribunal Act, 2007, s. 15(6)(e) and (f).

35. S. Harman Singh v. State (Delhi Administration), AIR 1976 SC 2140, Ex GnrKrishan Kumar v. Union of India, TA No. 312 of 2009, Satpal Singh v. Union of India, TA No. 536 of 2009 and Devi LalSahuv. Union of India, 2009(2) Services Cases Today 152 (Raj).

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