

LAWS RELATING TO THE INDIAN DEFENCE SECTOR- MODULE-I

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Introduction

Special Laws

Judicial Powers through Command

PRE INDEPENDENCE

British Laws for Europeans

Mutiny Laws

Indian Army Act 1911

Navy Discipline Act 1934

Indian Air Force Act 1932

Need for Amendment after Independence

- ☐ Self sufficiency
- ☐ adopting to new consitutional setup
- ☐ bridging gap between Army and Civil Laws
- ☐ Rationalisation of punishments

JUDGE ADVOCATES GENERAL

JAG ARMY

JAG NAVY

JAG AIR

COAST GUARD LEGAL

Scheme of Army Act, 1950

- ☐ Offences committed by Army personnel described in section-2
- ☐ New offences and punishments
- ☐ Civil offences to be applied
- ☐ Resolve conflict of jurisdiction
- ☐ Concurrent Jurisdiction
- ☐ Speedy justice is the key

Important Provisions

- Chap-I: Title, commencement
 - Section-2: Persons subject to Act
 - Section-3: Definitions
- Chap-II: App of Act to other forces
- Chap-III: Commission, Appointment, Enrolment
- Chap-IV: Conditions of service
- Chap-V: Service privileges
- Chap-VI: Offences and punishments
- Chap-IX: Arrests
- Chap-X: Courts Martial

Persons Subject to Army Act

- ☐ Officers, JCOs, Warrant Officers
- ☐ Persons enrolled
- ☐ Persons belonging Indian Reserve Force
- ☐ Indian supplementary Reserve Force
- ☐ TA officers
- ☐ Holding commission in the Army in Indian Reserve officers
- ☐ Officers appointed to the Indian regular reserve of officers
- ☐ Any other person subject to military law, when notified by central govt.

Army Rules 1954

205 Rules in 7 chapters

- Chap-I: Preliminary Rules
- Chap-II: Commission, Enrolment and Attestation
 - ❖ Rule-9: Form of oath and affirmation
- Chap-III: Dismissal, Removal, Discharge, Release and Retirement
- Chap-IV: Restrictions on fundamental rights
 - ❖ Political, non military activities
 - ❖ Associations
 - ❖ Communication to press
- Chap-V: Investigation of charges and courts martial

Army Rules 1954

□ Chap-VI: Courts of Inquiry

- ***“Note: There is no time scale Lt. Col Rank now”***

Service Privileges

- ☐ No attachment and arrest in certain cases
- ☐ Remedy for service complaints
- ☐ Mainly from arrest for debts
- ☐ Priority in hearing of cases

ARMY

The Army Act, 1950

- Army Rules, 1954
- Army (suspension of sentences) Act, 1917

INDIAN AIR FORCE

Air Force Act, 1950

- Regulations for the Air Force, 1964
- Air Force Rules, 1969

Navy Act

- Post World War-I: Converting Royal Indian Marine as a Combatant Force
- 1919 suggested amendment to apply British Naval Discipline Act.
- Indian Naval Discipline Act
- 1934 Converting Royal Indian Marine as Royal Indian Navy
- Indian Navy Discipline Act 1934 is a reflection of section 66 Gol. Act 1919 later repeated by Section-105 of Gol Act 1935.

INDIAN NAVY

The Navy Act, 1957

- Regulations for the Navy

Differences in Inter Service Laws

- ☐ Army and Air Force Acts similar
- ☐ Naval Act 1957: Delay due to a Committee to review Discipline act in UK
- ☐ Army has four types of Court Martial
- ☐ Air Force has 3 types
- ☐ Navy has only one in peace time and one more in Wartime
- ☐ No revision or confirmation of a sentence by court martial in Navy

INDIAN COAST GUARD

Coast Guard Act, 1978

- Coast Guard (discipline) Rules, 1983
- Coast Guard (General) Rules, 1986
- Coast Guard (Condition of Service) Rules, 1986
- Coast Guard (Seniority and promotion) Rules, 1987
- Coast Guard (ceremonial) Rules, 1988



DEFENCE JUSTICE SYSTEM IN INDIA

- ☐ Introduction
- ☐ Court-Martial
- ☐ Court-Martial Proceedings in Indian Army
- ☐ Court Martial Proceedings in Indian Air Force
- ☐ Court-Martial Proceedings in Indian Navy
- ☐ Investigation of Charges
- ☐ Proceedings of Court-Martial
- ☐ Parole

LAWS RELATING TO THE INDIAN DEFENCE SECTOR- II

- Indian Reserve Forces Act, 1888
- Works of Defence Act, 1903
- Armed Forces (emergency Duties) Act, 1947
- Reserve and Auxiliary Air Forces Act, 1952
- Defence and Internal Security of India Act, 1971

LAWS RELATING TO THE INDIAN DEFENCE SECTOR- II

- National Security Guard Act, 1986
- Special Protection Group Act, 1988
- Disaster Management Act, 2005
- Cantonment Act, 2006
- Indo-Tibetan Border Police Force Act, 1992
- Assam Rifles Act, 2006
- Sashastra Seema Bal Act, 2007

ROLE OF ARMED FORCES TRIBUNAL AND APPEALS FROM COURT-MARTIAL

- ☐ Introduction
- ☐ Object of Armed Forces Tribunal Act, 2007
- ☐ Establishment of Tribunal and its Benches
- ☐ Jurisdiction
- ☐ Power to Punish for Contempt
- ☐ Statutory Limitations

ROLE OF ARMED FORCES TRIBUNAL AND APPEALS FROM COURT-MARTIAL

- ☐ Procedure
- ☐ Appeal
- ☐ Transfer
- ☐ Armed Forces Tribunal (Amendment) Bill, 2012
- ☐ Subjects of Adjudication by the Tribunal