

Armed Forces Tribunal Act 2007

Chapter I - Preliminary

(1) This Act may be called the Armed Forces Tribunal Act, 2007.

(2) It shall come into force on such date as the Central Government may, by notification, appoint.

Section 2 - Applicability of the Act

(1) The provisions of this Act shall apply to all persons subject to the Army Act, 1950(46 of 1950), the Navy Act, 1957(62 of 1957) and the Air Force Act, 1950(45 of 1950).

(2) This Act shall also apply to retired personnel subject to the Army Act, 1950(46 of 1950) or the Navy Act, 1957(62 of 1957) or the Air Force Act, 1950(45 of 1950), including their dependants, heirs and successors, in so far as it relates to their service matters.

Section 3 - Definitions

In this Act, unless the context otherwise requires,--

(a) "Administrative Member" means a member of the Tribunal who is not a Judicial Member within the meaning of clause (g);

(b) "application" means an application made under sub-section (2) of section 14;

(c) "appointed day" means the date with effect from which the Tribunal is established by notification under section 4;

(d) "Bench" means a Bench of the Tribunal;

(e) "Chairperson" means the Chairperson of the Tribunal;

(f) "court martial" means a court martial held under the Army Act, 1950(46 of 1950) or the Navy Act, 1957(62 of 1957) including the disciplinary courts constituted under the Act or the Air Force Act, 1950(45 of 1950);

(g) "Judicial Member" means a member of the Tribunal appointed as such under this Act, and includes the Chairperson, who possesses any of the qualifications specified in sub-section (2) of section 6;

(h) "Member" means a member (whether Judicial or Administrative) of the Tribunal and includes the Chairperson;

- (i) "military custody" means the arrest or confinement of a person according to the usages of the service and includes naval or air force custody;
- (j) "notification" means a notification published in the Official Gazette;
- (k) "prescribed" means prescribed by rules made under this Act;
- (l) "President" means the President of India;
- (m) "rules" means the rules made under this Act;
- (n) "service" means the service within or outside India;
- (o) "service matters", in relation to the persons subject to the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950, mean all matters relating to the conditions of their service and shall include--

- (i) remuneration (including allowances), pension and other retirement benefits;
- (ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;
- (iii) summary disposal and trials where the punishment of dismissal is awarded;
- (iv) any other matter, whatsoever,

but shall not include matters relating to--

- (i) orders issued under section 18 of the Army Act, 1950(46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957(62 of 1957) and section 18 of the Air Force Act, 1950(45 of 1950); and
 - (ii) 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, 1950(46 of 1950), the Navy Act, 1957(62 of 1957) and the Air Force Act, 1950(45 of 1950);
 - (iii) leave of any kind;
 - (iv) summary court martial except where the punishment is of dismissal or imprisonment for more than three months;
- (p) "summary disposals and trials" means summary disposals and trials held under the Army Act, 1950(46 of 1950), the Navy Act, 1957(62 of 1957) and the Air Force Act, 1950(45 of 1950);
 - (q) "Tribunal" means the Armed Forces Tribunal established under section 4.