

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
DEPARTMENT OF MILITARY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO. 424
TO BE ANSWERED ON 03rd February, 2023

PROTECTION OF DEFENCE PERSONNEL

424. SHRI N.K. PREMACHANDRAN:

Will the Minister of DEFENCE be pleased to state:

- (a) whether the Government ensures the protection of Defence Personnel from the local police;
- (b) if so, the details of protection provided to the Defence Personnel against the harassment by local police;
- (c) whether the local police in-charge of law and order is legally liable to report the action taken against the Defence personnels alleging the charge of crime, if so, the details of action taken thereon;
- (d) whether the Government is aware of thereport regarding the manhandling of Defence personnels at Kilikolloor Police Station, Kollam in Kerala, if so, the details thereof;
- (e) whether the Defence Department initiates action to protect the Defence Personnel, if so, the details of the action taken thereon; and
- (f) whether the Government proposes to ensure adequate protection to Defence personnels and their family members, if so, the details thereof?

A N S W E R

MINISTER OF STATE

(SHRI AJAY BHATT)

IN THE MINISTRY OF DEFENCE

(a) to (f): 'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India. The State Governments are competent to deal with maintaining the law and order, protection of life and property of the citizens including actions on the basis of any specific or perceived threat situation.

The relevant acts of the Armed Forces do provide privilege from arrest to their personnel for debt under any process issued by or by the authority of any civil or revenue court or revenue officer. However, it is stated that the privilege from arrest is on civil or revenue process only and there is no privilege from arrest on any criminal process except as provided in section 45 and 475 of the Code of Criminal Procedure (Cr.PC.) Additionally, under section 197 of Code of Criminal Procedure, prior sanction from a competent officer is needed to prosecute a government servant for alleged criminal act done in discharge of his official duty and no court shall take cognizance of such offence except with the previous sanction of the Central Government.

All statutory provisions mentioned above are meant to provide protection to Armed Forces Personnel for any act done on furtherance of their official duties. These statutory safeguards are not applicable to their family members. However, in all cases, every possible assistance is provided to such personnel and their families by their Commanding officer or the nearest military authority.

The Government does ensure protection of Armed Forces Personnel, in their places of duty/operation. During their leave, while provision of physical security by the Armed Forces is not feasible, the service personnel, if required, are provided protection by the police itself or they approach the local military authorities, through their parent units for any kind of assistance.
