

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
DEPARTMENT OF MILITARY AFFAIRS
LOK SABHA
UNSTARRED QUESTION NO. 1554
TO BE ANSWERED ON 28th July, 2023

PROCEEDINGS PENDING AGAINST ARMY OFFICERS

1554. SHRI ANUMULA REVANTH REDDY:

Will the Minister of DEFENCE be pleased to state:

- (a) the details of the disciplinary proceedings pending against Army officers along with their total number as on date;
- (b) the average duration of these pending proceedings;
- (c) the details of the disciplinary proceedings against Army officers which exceeded the recommended timeline for completion as per the military regulations during the last five years along with their total number;
- (d) whether the Government has identified any systemic issues/delays in deciding these such disciplinary proceedings; and
- (e) if so, the details thereof?

A N S W E R

MINISTER OF STATE
IN THE MINISTRY OF DEFENCE

(SHRI AJAY BHATT)

(a): The disciplinary proceeding pending against Army Officers are 118. Details are as under: -

- (i) Summary of Evidence stage – 75.
- (ii) Court Martial Stage – 43.

(b): Duration taken for completion of each stage involved in disciplinary proceedings: -

Sl. No.	Stage of Disciplinary Proceedings	Average	Remarks
(a)	Pre-trial Stage	6-8 Months	Including Summary of Evidence and Report on Application of Trial by Judge Advocate
(b)	Trial Stage	6-10 months	Including Court Martial and Report on Trial by Judge Advocate.
(c)	Confirmation Promulgation Stage	2-3 months	-

(c): 10 cases have exceeded the recommendation timeframe for completion i.e. three years. Details of the same are as given below: -

- (i) Time Barred – 5 (Administrative action initiated).
- (ii) Adverse Judicial verdict – 4 (Appealed in Supreme Court /Administrative action initiated).
- (iii) 01 Case has now been processed for obtaining Prosecution Sanction for trial of officers under civil court for the pending criminal liabilities.

(d) & (e): Issues identified contributing to delays and the suggested mitigation measures are as given below: -

Sl. No.	Issue Identified	Mitigation Measures
i.	Time taken in recording of Summary of Evidence and preparation of pre trial documents	Department advisories have been issued for strict implementation of laid down timelines for early completion of disciplinary proceedings.
ii.	Non availability of witnesses	Use of Judicial summons to be made to ensure availability of witnesses.
iii.	Stay from Armed Forces Tribunals/Civil Court	All actions for early vacation of stay are initiated through legal cells at formation level.
iv.	Non availability of accused post retirement	Some of the options which are resorted to with an aim to ensure availability of a retired person evading disciplinary proceedings are as below: - <ul style="list-style-type: none">(i) Issuance of judicial summons.(ii) Use of military and civil intelligence agencies.(iii) Withholding of pension.
