

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
DEPARTMENT OF DEFENCE
LOK SABHA
UNSTARRED QUESTION NO.2663
TO BE ANSWERED ON 10th March, 2021

ARMED FORCES TRIBUNAL

2663. COL. RAJYAVARDHAN RATHORE:

Will the Minister of DEFENCE please be pleased to state:

- (a) whether any additional benches of the Armed Forces Tribunal (AFT), apart from the principal bench in Delhi and the benches in Chandigarh, Lucknow, Kolkata, Guwahati, Chennai, Kochi, Mumbai and Jaipur have been approved and if so, the details thereof;
- (b) whether any additional benches have been sanctioned at Kolkata, Guwahati, Chennai, Kochi, Mumbai and Jaipur, like the three in Chandigarh and Lucknow;
- (c) the number of judges and administrative member positions filled and vacant in each of the benches;
- (d) the numbers, details and the reasons for delay for each of the cases currently pending with the AFT, bench-wise;
- (e) whether the role of administrative members in the AFT have been altered and if so, the reasons therefor; and
- (f) the steps taken by the Government to address the lacunae in the functioning of the AFTs?

A N S W E R

MINISTER OF STATE
IN THE MINISTRY OF DEFENCE

(SHRI SHRIPAD NAIK)

(a) Two more Benches of AFT were notified by the Government at Jabalpur and Srinagar (functioning at Jammu) on 03.05.2016 and 16.11.2016 respectively.

(b) No, Sir.

...2/-

(c) There are 34 sanctioned posts of Members (17 Judicial Members & 17 Administrative Members) in AFT. Bench-wise details of filled & vacant posts of Members are enclosed at **Annexure-“A”**.

(d) The Bench-wise details of pendency of cases in AFT as on 28.02.2021 is enclosed at **Annexure-“B”**.

The “Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience & Other Conditions of Service of Members) Rules 2017” which governed the appointment of Members to various Tribunals (including AFT) were challenged before the Hon’ble Supreme Court in a series of petitions resulting in delay in appointment of Members to the AFT. The said Rules were struck down by the Apex Court vide Order dated 13.11.2019, and New Rules namely “Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience & Other Conditions of Service of Members) Rules 2020” were framed by the Government.

These New Rules were also challenged before the Hon’ble Supreme Court further delaying the appointment of Members. The matter was decided vide order dated 27.11.2020 of the Hon’ble Supreme Court.

(e) No, Sir. The role of Administrative Members is as per AFT Act 2007 and Rules there under.

(f) Government has recently appointed 05 Administrative Members and 01 Judicial Member in AFT in September, 2020.

The existing Members have also been nominated by the Hon’ble Chairperson, in exercise of the powers conferred upon him under Section 12 of the AFT Act, 2007 for taking up the cases of other Regional Benches, where the Members were not available.

Even during the pandemic of COVID-19, the cases relating to the Regional Benches of the Armed Forces Tribunal were being taken up through video conferencing.

**ANNEXURE-A REFERRED TO IN THE REPLY TO PART (c) OF LOK SABHA
UNSTARRED QUESTION NO. 2663 FOR ANSWER ON 10.03.2021 REGARDING
'ARMED FORCES TRIBUNAL'**

Bench	Member	Sanctioned Strength	In-Position currently	Vacant
Delhi	Judicial (including chairperson)	3	2	1
	Administrative	3	2	1
Chandigarh	Judicial	3	1	2
	Administrative	3	1	2
Lucknow	Judicial	3	1	2
	Administrative	3	1	2
Srinagar (functioning at Jammu)	Judicial	1	0	1
	Administrative	1	0	1
Jaipur	Judicial	1	0	1
	Administrative	1	0	1
Jabalpur	Judicial	1	0	1
	Administrative	1	0	1
Kolkata	Judicial	1	0	1
	Administrative	1	0	1
Guwahati	Judicial	1	0	1
	Administrative	1	0	1
Mumbai	Judicial	1	0	1
	Administrative	1	1	0
Kochi	Judicial	1	0	1
	Administrative	1	1	0
Chennai	Judicial	1	0	1
	Administrative	1	1	0
Total		34	11	23

ANNEXURE-B REFERRED TO IN THE REPLY TO PART (d) OF LOK SABHA UNSTARRED QUESTION NO. 2663 FOR ANSWER ON 10.03.2021 REGARDING 'ARMED FORCES TRIBUNAL'

Bench-wise total pendency of cases in AFT Benches as on 28.02.2021.

Benches	Cases Pending
Delhi	5553
Lucknow	1346
Chandigarh	4512
Kochi	964
Chennai	652
Kolkata	612
Jaipur	3154
Mumbai	564
Guwahati	104
Jabalpur	347
Srinagar (Functioning at Jammu)	1021
Total	18829
