

# News

---

**AFT lacks the authority to punish noncompliance with its final orders through contempt of court: Delhi High Court.**



***According to a Division Bench, the High Court's contempt authority can be used to handle non-compliance with final AFT rulings.***

In *Union of India v. Lt Col Mukul Dev*, the Delhi High Court held that the Armed Forces Tribunal (AFT) lacks the authority to punish for civil contempt in situations where its final instructions are not followed.

***A Division Bench consisting of Justices C Hari Shankar and Om Prakash Shukla ruled that, although the provision is narrowly defined, Section 19 of the Armed Forces***

***Tribunal Act (AFT Act) gives the tribunal the authority to punish someone for contempt of court.***

It punishes actions like interrupting or disturbing tribunal sessions or using derogatory or threatening language. However, the Court emphasized that simply disregarding a final order does not constitute "interruption or disturbance" once proceedings are over.

The Court stated that "***disobedience of a final order passed by the AFT would not, however, attract Section 19 because subsequent disobedience of the said order cannot result in interruption or disturbance of the proceedings before the AFT, as the proceedings come to an end with the passing of the final order.***"

***Nonetheless, the Bench noted that the AFT may pursue a contempt action under Section 19 against the individual in question if any disregard for an interim order issued by the AFT impedes or disrupts subsequent proceedings before it.***

It further stated that the High Court's contempt power under Section 10 of the Contempt of Courts Act, 1971, may be used to resolve non-compliance with final AFT rulings.

When the Central government filed a plea contesting the ruling of a Full Bench of the AFT that determined that repeated non-compliance with its orders, 5,612 of which were allegedly pending implementation, amounted to contempt under Section 19 of the AFT Act, the Bench delivered its findings.

***The tribunal reasoned that deliberate disobedience interfered with its operations and that it was within its statutory authority to punish for contempt. Rule 25 of the AFT (Procedure) Rules, 2008, which acknowledges the tribunal's inherent authority to carry out its orders, was also cited.***

After the parliament retracted a 2012 amendment bill that specifically proposed giving the tribunal High Court-like contempt jurisdiction, the government contested that view, claiming that the AFT Act does not grant the AFT civil contempt powers and that such authority cannot be assumed by implication.

***The Court encouraged the government to lawfully contest unfavorable decisions rather than disregard them as it concluded the case. It emphasized that military troops shouldn't be involved in protracted legal disputes and that orders that are not enforced***

***without a stay are undesirable.***

The Union of India was represented by attorneys Aakanksha Kaul, Aditya Kashyap, Varun Pratap Singh, and Ashima Chopra, along with Additional Solicitor General (ASG) Vikramjit Banerjee.

***Lt Col Mukul Dev was represented by attorneys Rajiv Manglik, AK Trivedi, Ajit Kakkar, and Sonal Singh.***

Lawread