

FORCES LAW REVIEW

Volume I, 2025

Honorary Chief Editors

Franklin Rosenblatt
Shruti Bedi
Navdeep Singh

THE BROWSER



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About Forces Law Review

Forces Law Review (FLR) is the first-ever international journal on law featuring matters of the Defence Services and other uniformed forces, such as the Police, the Paramilitary, and the Armed Police Forces.

The National Institute of Military Justice (NIMJ), Washington DC, USA, and the Centre for Constitution & Public Policy (CCPP), University Institute of Legal Studies, Panjab University, Chandigarh, India, have joined hands to produce the journal as part of a unique global academic cooperative effort.

This volume contains an opening section of contributed opinion pieces approved by the editors, followed by the summary/gist, headnotes and text of important judgments from all over the world, principally from constitutional/appellate courts with precedential value, and ending with a section on briefs of recent important developments on the subject.

In addition to the editorial oversight undertaken by three nominated Honorary Chief Editors, the Editorial Advisory Board comprising reputed personalities from the fields of law, judiciary, and academia has guided the effort.

The summaries have been prepared by six Student Editors selected from the USA and India.

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(In Alphabetical Order)

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March 22, 2025

MESSAGE

I am delighted to extend my best wishes on the launch of the *Forces Law Review* (FLR), a significant initiative dedicated to advancing the study and understanding of military law and law relating to other uniformed forces. By compiling key judgments, legal analyses, and expert opinions, this journal will serve as a valuable resource for legal practitioners, scholars, and policymakers working in this specialized field.

The legal framework governing the armed forces and other uniformed services presents unique challenges that demand careful scrutiny and informed deliberation. By fostering scholarly engagement, *Forces Law Review* will contribute to a deeper understanding of these critical issues and support the evolution of legal thought in this domain.

I commend the Chief Editors and the entire editorial team for their dedication to this initiative and have no doubt that FLR will play a pivotal role in shaping discourse in military law inspiring meaningful legal advancements.

(AUGUSTINE GEORGE MASIH)

Justice Rajendra Menon
(Former Chief Justice, Delhi High Court)
Chairperson



Armed Forces Tribunal
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04th April, 2025

Message

It is with immense pride that I introduce the inaugural volume of *Forces Law Review*—the first global, collaborative publication dedicated to military law.

The launch of *Forces Law Review* marks a significant milestone in the evolution of military legal scholarship and I am honored to witness this pioneering effort come to life, bridging gaps in military legal thought and practice across jurisdictions.

This inaugural volume seeks to address the pressing legal challenges and opportunities arising from contemporary military operations. From the intersection of technology and warfare to the complexities of international humanitarian law, we face an unprecedented need for legal frameworks that evolve alongside the rapidly changing landscape of military engagement. Through this journal, we aspire to foster a forward-thinking dialogue on the future of military law—ensuring justice, accountability, and compliance in an era of constant transformation.

The collaborative nature of this endeavor is especially noteworthy. By bringing together voices from diverse legal traditions and perspectives, *Forces Law Review* exemplifies the power of global cooperation. It reaffirms that, despite our differences, the rule of law must remain the foundation of military conduct worldwide.

I encourage readers and contributors alike to look beyond the boundaries of conventional military law and consider the long-term implications of the legal principles we uphold today. *Forces Law Review* is not merely a reflection of where we stand—it is a vision for where we must go.

Congratulations to the National Institute of Military Justice, Washington DC and the Centre for Constitution & Public Policy, University of Legal Studies and Punjab University, Chandigarh and all who have contributed to this landmark achievement. I look forward to seeing how this journal will continue to shape the future of military law.



(Justice Rajendra Menon)

Professor Renu Vig

Vice - Chancellor



PANJAB UNIVERSITY

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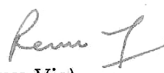
MESSAGE

It is a matter of great pride that the inaugural edition of the *Forces Law Review* (FLR) is being launched as a collaborative effort between the National Institute of Military Justice (NIMJ), Washington DC, and the Centre for Constitution & Public Policy (CCPP), University Institute of Legal Studies, Panjab University, Chandigarh. This pioneering initiative marks a significant step toward advancing scholarship in the domain of military law at a global level.

The *Forces Law Review* fills a crucial gap by providing a dedicated platform for legal discourse on issues pertaining to military and uniformed forces, including matters of discipline, service conditions, and constitutional principles that govern their functioning. By bringing together significant judgments from around the world, expert analyses, and thought-provoking opinion pieces, this journal will serve as a valuable resource for academics, practitioners, policymakers, and members of the armed forces.

Panjab University has always been committed to fostering academic excellence and encouraging meaningful legal research. The launch of *Forces Law Review* is a testament to this commitment and to the dedication of the editorial team in creating a journal of high scholarly value. I congratulate the Chief Editors, Editorial Advisory Board, Student Editors, and all contributors for their efforts in bringing this initiative to fruition.

I extend my best wishes for the success of *Forces Law Review* and hope that it will grow to become a leading publication in the field of military law, contributing to informed legal discussions and policy developments across jurisdictions.


(Renu Vig)

Message

I am very honoured to be invited to join such a distinguished group of experts in military justice on the editorial board of the Forces Law Review. It is a little surprising that a journal on military justice has not been published before now at a global level, but better late than never.

This publication will provide judges, practitioners and commentators with an invaluable resource. My experience as a judge advocate over the last fifteen years has taught me that there is much to learn from other jurisdictions. As Judge Advocate General in the United Kingdom, I regularly look beyond our shores for guidance on how legal issues have been resolved. In a world where the role of the armed forces is under considerable focus, the Forces Law Review will be a valuable resource to those who practise, study and advise on military justice.

It is particularly fitting that Eugene Fidell, who has made such an important contribution to global military justice, should write the very first article.

His Honour Judge Alan Large

Judge Advocate General, United Kingdom

Honorary Chief Editors

Franklin Rosenblatt

The current President of the *National Institute of Military Justice*, Washington DC, USA. he teaches Law at Mississippi College School of Law in Jackson, Mississippi, USA where his scholarship focuses on criminal law. He is a retired Judge Advocate from the United States Army where he served for 20 years and attained the rank of Lieutenant Colonel. After his military service, he joined the litigation department at a major law firm where he headed the firm's Military & National Security Law practice group. He participated in numerous military operations around the globe, including in the Balkans, Southwest Asia, and Southeast Asia. He frequently speaks and writes on military law topics and has co-authored multiple military justice books. He was also a part of the historic "Yale Draft" (Principles) on Military Justice, an improvement of the existing United Nations document on the same subject, at a *Yale Law School* conference attended by global jurists and representatives of the United Nations. Franklin also serves as a Court of Appeals judge with the Mississippi Army National Guard. He is also associated with the *International Society of Military Law and the Law of War*, Brussels, Belgium.

Professor Shruti Bedi

Currently Professor of Law and Director of the *University Institute of Legal Studies*, Panjab University, Chandigarh, India. An internationally recognized legal scholar, she is the first International Fellow at the *National Institute of Military Justice*, Washington DC, USA with Navdeep Singh, and a Visiting Professor at *Universitas Airlangga*, Indonesia. She also serves as the Director of the *Centre for Constitution and Public Policy*. With ten books

and over 90 publications to her credit, her work also explores constitutional law, counterterrorism, and AI law. A TEDx speaker and recipient of The Phenomenal She, 2022 award by the Indian National Bar Association, she has been honoured by the British High Commission for her contributions to India-UK legal heritage.

Navdeep Singh

Former Major and practicing lawyer at the Punjab & Haryana High Court, India on the constitutional side, he is a globally recognised expert and practitioner of constitutional law, military-related law and reform in administration of justice, including military justice. He was also the founder President of the Armed Forces Tribunal Bar Association, Chandigarh, India. Along with Franklin Rosenblatt, he too was a Member-Participant of the “Yale Draft” at the *Yale Law School*. He is a former Member of a high-level Committee of Experts constituted by the Indian Ministry of Defence on directions of the Prime Minister to reduce litigation and initiate reform in redressal of grievances in the Armed Forces. He is Member of *International Society for Military Law and the Law of War* at Brussels, Belgium, the first International Fellow of the *National Institute of Military Justice* at Washington DC, USA and one of the five appointed members of the military justice advisory committee of the *Commonwealth Secretariat* at London.

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2.	Lt Col K B O'brien N.O. vs Minister of Defence and Military Veterans & Anr	Constitutional Court of South Africa	20 December 2024	(2025) I FLR 73 (South Africa)	73
3.	Om Prakash Yadav vs Niranjan Kumar Upadhyay & Others	Supreme Court of India	13 December 2024	(2025) I FLR 136 (India)	136
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5.	Union of India vs Saroj Devi	Supreme Court of India	3 December 2024	(2025) I FLR 207 (India)	207
6.	Omvati Devi vs Union of India	Punjab and Haryana High Court, India	29 November 2024	(2025) I FLR 216 (India)	216
7.	Colonel Jagpreet Singh Bakshi and Another vs Union of India	Punjab and Haryana High Court, India	12 November 2024	(2025) I FLR 221 (India)	221
8.	S. P. Pandey vs Union of India	Supreme Court of India	21 October 2024	(2025) I FLR 232 (India)	232
9.	Isac D. Mendoza, Staff Sergeant vs United States	United States Court of Appeals for the Armed Forces	7 October 2024	(2025) I FLR 242 (USA)	242
10.	Union of India vs Lt Col Rahul Arora	Supreme Court of India	9 September 2024	(2025) I FLR 284 (India)	284
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13.	Pushplata vs State of Haryana	Punjab and Haryana High Court, India	27 July 2024	(2025) I FLR 315 (India)	315
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18.	The General Manager of Veterans' Affairs New Zealand vs The Estate of Lieutenant Colonel Tā Harawira Gardiner KNZM	High Court of New Zealand	20 July 2023	(2025) I FLR 434 (New Zealand)	434

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