

26. Remedy of aggrieved persons other than officers. —

- (1) Any person subject to this Act other than an officer who deems himself wronged by any superior or other officer may, if not attached to a troop or company, complain to the officer under whose command or orders he is serving; and may, if attached to a troop or company, complain to the officer commanding the same.
- (2) When the officer complained against is the officer to whom any complaint should, under, sub-section (1), be preferred, the aggrieved person may complain to such officer's next superior officer.
- (3) Every officer receiving any such complaint shall make as complete an investigation into it as may be possible for giving full redress to the complainant; or, when necessary, refer the complaint to superior authority.
- (4) Every such complaint shall be preferred in such manner as may from time to time be specified by the proper authority.
- (5) The Central Government may revise any decision by the (Chief of the Army Staff)¹ under sub-section (2), but, subject thereto, the decision of the (Chief of the Army Staff)¹ shall be final.

NOTES

1. For further information regarding complaints and petitions generally, see [Regs Army Para 361](#).
2. To come within this section or [AA.s.27](#), the complaint must be that the complainant has been denied or deprived of something to which he has a military right. A non-regular officer applicant for a permanent regular commission has a right to have his

¹ Substituted by Act No. 19 of 1955.

application fairly considered but has no right to be granted such a commission, consequently he cannot complain under [AA.s.27](#) if his application is refused unless he can produce some evidence that his application was not properly considered. Similarly a JCO or OR who is refused compassionate leave or a compassionate posting has no right of complaint under this section unless he can produce some evidence of improper motive for the refusal of leave, etc.

3. *Complaints may be made respecting such matter, but can be made by an individual only. The combined complaint of several can never be permissible, but should not, if well founded, be treated as mutinous, where it is plain that the only object of those making the complaint is to procure redress of the matter by which they think themselves wronged.*
4. *A person can only complain once under this section in respect of any such matter.*
5. *A complaint cannot legitimately be preferred to a superior officer except in the regular course defined by this section. The channels through which complaints must be preferred are specified in [Regs Army Para 361](#), and it is only where the immediate superior refuses or unnecessarily delays to redress or forward the complaint that direct application can be made to higher authority. The officer in question ought to be informed of the application being made to his superior. For definition of 'officer' and 'superior officer' see [AA.s.3\(xviii\)](#) and [\(xxiii\)](#) respectively.*
6. *The authority competent to dispose finally of the matter, complained of is the officer who, in pursuance of regulations or the custom of the service, is authorized to dispose of that matter. As a rule, he is the next superior officer to the officer against whom the complaint is made. If however, a person thinks himself wronged by his commanding officer in respect of his complaint not being redressed, it has been held that he may complain to the brigade commander.*
7. *A false accusation or false statement made in preferring a complaint under this section or [AA.s.27](#) is punishable under [AA.s. 56\(b\)](#); but the mere fact that a complaint appears to be baseless, or even frivolous, does not render the maker liable to punishment. As to the repetition of*

baseless complaints, or the submission of complaints in disrespectful language, see notes to [AA.s.63](#).

8. *The persons to whom this section applies have no right to petition to the Central Government on matters arising out of their military service.*

9. *For petition against order, finding or sentence of court-martial; see [AA.s.164](#) and notes thereto.*