

activity. No-Scalpel Vasectomy method has been introduced to make male sterilisation more popular. States have also been advised to involve the male multi-purpose workers for promoting male participation.

[Translation]

Procedure for Court Martial

2939. DR. LAL BAHADUR RAWAL: Will the PRIME MINISTER be pleased to state:

(a) the details of procedures being adopted to court martial any officer/employee;

(b) whether a review is not maintainable against court martial;

(c) if so, the reasons therefor; and

(d) if not, the number of cases pending with the Government for review and the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND HOLDING ADDITIONAL CHARGE OF MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MALLIKARJUN): (a) to (d). Under the Army Act, a very fair system for dispensation of justice has been provided. It generally conforms to the procedure in the Criminal Procedure Code (Law of the land). Pertinently, the military judicial system is fair not only to the accused but also the victim and the organisation.

On an offence coming to light, a Court of Inquiry composed of two or three members is assembled. Though it is not obligatory to hold a Court of Inquiry, generally in all complicated cases and where the identity of the offender and the nature of offence(s) are not known a Court of Inquiry is invariably held. In a case where the character or military reputation of a person subject to the Army Act is likely to be involved, he is afforded full opportunity to be present throughout the Court of Inquiry; to cross-examine any witness, to make a statement and to examine any witness in defence. When the offender and the offence are established prima-facie, cognisance of the offence(s) is taken and further proceedings initiated.

After the cognisance has been taken, the Commanding Officer conducts a hearing of the charge (c) in the presence of the accused, who is afforded full opportunity to cross-examine any witness, to examine any defence witness and to make a statement in his defence. At this stage, if the Commanding Officer is not satisfied of the existence of a prima-facie case, he dismisses the charge and the accused is exonerated completely. However, if a prima facie case is established the commanding Officer can either try the accused (if below officer rank) summarily, or refer the matter to the superior authority or order recording of the

Summary of Evidence, the accused is present throughout and is, once again, afforded full opportunity to cross-examine the prosecution witnesses, make any statement in defence and to examine any defence witnesses.

There are four kinds of Courts Martial under the Army Act; viz General Court Martial, Summary General Court Martial, District Court Martial and Summary Court Martial. All the courts martial are conducted strictly in accordance with the statutory provisions contained in the Army Act and the Army Rules. These are also regulated by the statutory provisions so far as their composition, jurisdiction and powers of punishment are concerned. At all the trials by courts martial or summary trials under the Army Act, the principles of natural justice viz a right to the accused to cross-examine prosecution witnesses, to examine witnesses in the defence and to make a statement in his defence are scrupulously adhered to. The law of evidence is applicable in its totality at all trials by courts martial.

A person who is convicted by a court martial has a right to submit a pre-confirmation petition (except in the case of a SCM) to the confirming authority. Even after confirmation a right is granted to the convict to submit a post-confirmation petition to the Central Government, the COAS and other Army authority superior in command to the confirming authority. All these authorities, to whom the petitions may be submitted, have statutory powers to reject the petition or to interfere in the proceedings and grant the redress as deemed fit/appropriate, on merits of a given case.

There are 14 petitions submitted by Commissioned Officers and 22 petitions submitted by Other Ranks at various stages of consideration.

Malaria

2940. SHRI DATTA MEGHE: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) the funds allocated to maharashtra for eradication of Malaria;

(b) whether the Maharashtra Government has said that the amount is insufficient; and

(c) if so, the steps taken to increase the allocation and to strengthen the National Malaria Eradication Programme?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (DR. C. SILVERA): (a) During 1995-96, Rs. 995.20 lakhs have been allocated as Central assistance to Maharashtra. This assistance is in the form of materials viz. insecticides, anti-malarial drugs etc.

(b) and (c). Proposals for augmenting the support