

(c) if so, their findings in this regard ; and

(d) whether this brings the North West of our country within the striking range of the U.S. missiles ?

THE MINISTER OF DEFENCE (SHRI R. VENKATARAMAN) : (a) Yes, Sir.

(b) to (d) There is no reliable information to the effect that the coastal area of Baluchistan has been handed over to the USA for being used either by a Rapid Deployment Force or for setting up a missile base.

Miscarriage of Justice by Court Martial

1795. SHRI MADHAVRAO SCINDIA : Will the Minister of DEFENCE be pleased to state :

(a) whether Government are aware that sometime back a judge of the Delhi High Court while pronouncing judgement in the case of an aggrieved officer, had characterised the Court Martial as having "resulted in the miscarriage of justice" ; and

(b) if so, the details of the steps taken by Government to stop the recurrence of such instances of miscarriage of justice by Court Martial ?

THE MINISTER OF DEFENCE (SHRI R. VENKATARAMAN) : (a) and (b) In a judgement given on civil writ petition No. 510 of 1977 (case of Maj RS Bhagat Vs Union of India), the Delhi High Court quashed the proceedings of the General Court martial and set aside the sentence of dismissal passed against the officer. The High Court made some observations on the acceptance and rejection of certain pieces of evidence by the Court Martial and concluded by observing that it resulted in miscarriage of justice in that particular case. There is, however, no adverse criticism of the Army Act/Rules as such, in this judgement.

Sufficient safeguards have been provided in the Army Act and the Army Rules to ensure that there is no miscarriage of justice in trials by court martials. The proceedings of court martials are subject to thorough review by the officers of the judge Advocate General's Department. The confirming authority has the power to refuse confirma-

tion where there is likelihood of miscarriage of justice. In addition to this, the Central Government, the Chief of the Army Staff and other officers have been vested with the power under the Act to annual the proceedings if they are found to be illegal or unjust.

The Army Act & Rules also provide for trial of offences against the normal law of the land either by Court Martial or by Criminal (Civil) Courts and the question of jurisdiction is settled by established legal procedure depending on the merits of each case.

Detention of Civilian Employees of General Reserve Engineering Force and other Projects

1796. SHRI M.M. LAWRENCE :
SHRI ATAL BIHARI VAJ-
PAYEE :
SHRI T.S. NEGI :

Will the Minister of DEFENCE be pleased to state :

(a) whether some civilians of General Reserve Engineering Force of project Vartak, project Swastik, Eastern Store Division, Eastern Base Workshop and HQ DGBR were arrested and detained under military Custody during 1979 and 1980, beyond 60 days and 90 days without bringing them to the trial and without obtaining the sanction of COAS and Central Government contrary to the Army Rules 27(3) (i) and 27(3) (ii), respectively ;

(b) if so, details of such employees viz their particulars, units, dates of detention, dates of bringing to trial ;

(c) reasons for not obtaining sanction of statutory authorities for such detentions ;

(d) action taken against officers responsible for such detention ; and

(e) whether Government propose to sanction suitable compensation for such detention and annual the proceedings of General Reserve Engineering Force employees thus detained and reinstate them in service with all benefits, if not, the reasons therefor?

THE MIMISTER OF STATE IN THE
MINISTRY OF DEFENCE (SHRI K.P.