

in conviction during the year 1976— 80 is given below, year-wise:—

Year	No. of cases in which SCM was held	No. of cases which resulted in conviction
1976	1794	1691
1977	1332	1316
1978	1417	1381
1979	1448	1415
1980	1464	1427

### Summary Court Martial

2014. SHRI SUSHIL CHAND MOHANTA: Will the Minister of DEFENCE be pleased to state:

(a) whether it is a fact that in a Summary Court Martial, the Prosecutor himself is the Judge as also the Executor of the punishment awarded;

(b) whether the accused in a Summary Court Martial has no right to be represented by a Counsel and that the friend of the accused who is detailed is normally a junior officer or JCO having no right to address the court;

(c) whether there is no appeal against the sentence/punishment awarded by the Summary Court Martial;

(d) whether no other Democratic country has such an institution as 'Summary Court Martial' not even, the Indian Air Force and the Indian Navy;

(e) if so, whether Government propose to review the scope and powers of the Summary Court Martial in the Army Act, 1950; and

(f) if so, by when a decision is likely to be taken by Government on this regard?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SHIVRAJ V PATIL): (a) No, Sir.

(b) An accused person in a Summary Court Martial is not represented by a counsel but he has a right to be assisted by a person of his choice including a practising lawyer, who is known as the friend of the accused. The friend of the accused has no right to address the court but can suggest questions and advise the accused on all points.

(c) The aggrieved person can appeal either to the Central Government Or the Chief of Army Staff or any prescribed authority against the findings and sentence passed by the S.C.M.

(d) There is no Summary Court Martial in the Indian Air Force or the Indian Navy but an Officer Commanding in those Services, has been given the power of awarding summary punishments to prescribed extent. Under the Naval Act, a Commanding Officer has been given enhanced powers of summary punishments. Under the US system of the military administration of justice, there does exist an institution called 'Summary Court Martial'. Such court-martial has jurisdiction to try persons subject to the US Code except commissioned officer, warrant officer, cadets and midshipmen etc. and award confinement upto 30 days.

(e) No, Sir. The institution of Summary Court-Martial has been found to be effective in the military administration of justice which is a typical requirement of Army discipline and functioning.

(f) Does not arise.

### Amendment of De'hi Gurdwaras Act

2015. SHRI DHARAMCHAND JAIN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether there is any proposal under Government's consideration to amend the Delhi Gurdwaras Act; and