

**GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3803

ANSWERED ON:22.03.2001

BABRI MASJID DEMOLITION CASE

AJAY CHAKRABORTY;GULAM MEHMOOD BANATWALLA;SHRINIWAS DADASAHEB PATIL

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Allahabad High Court has set aside a decision by the special CBI court to frame charges in the Babri Masjid demolition cases against eight of the 49 accused including three Union Ministers;

(b) if so, the details thereof; and

(c) the reaction of the Government to the pronouncement of the High Court Verdict on such a procedural lapse of more than seven years of delay?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a): Yes Sir.

(b): The Hon`ble High Court in its judgement has held that the Notification dated 8thOctober, 1993 amending the earlier notification dated 9th September, 1993 is illegal, Without jurisdiction and violative of the provisions of Section 11 (1) of the Code ofCriminal Procedure, 1973 as well as Section 21 of the General Clauses Act,1897, since the former was not issues in consultation with the High Court.

(c): The judgement of the Hon`ble High Court concerns the State of U.P. and the Govt.of India has no concern with the judgement. However, the Hon`ble High Court hasobserved that the mistake in issuing the notification is curable and it is open for the State Govt. to cure legal infirmity.