

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

STARRED QUESTION NO:21  
ANSWERED ON:26.02.2013  
ACQUITTAL IN TERROR CASES  
Acharia Shri Basudeb

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether it has come to the notice of the Government that several muslim youths who have spent long years in jail for alleged terror related violence were acquitted by the courts in the recent past;
- (b) if so, the details of such cases;
- (c) whether the family members of such youths have demanded action against the police officers and also sought adequate compensation package for those innocent youths;
- (d) if so, the reaction of the Government thereto and the assistance provided to them so far; and
- (e) the measures taken/proposed to be taken by the Government to ensure that such youths are not arrested by police on false charges?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRIR. P. N. SINGH)

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO LOK SABHA STARRED QUESTION NO. 21 FOR 26TH FEBRUARY, 2013.

(a) & (b) : No such data is centrally maintained as 'Law & Order' and 'Prisons' are State subjects as per the Seventh Schedule of the Constitution of India. However, after the formation of the National Investigation Agency (NIA) in 2009 for investigating cases pertaining to terrorism, 52 cases of terrorism and extremism have been assigned to NIA. In one of the cases assigned to the NIA - the Malegaon Bomb blast case of 2006 - thirteen persons were charge sheeted by the State Police - out of which nine were arrested and four were absconding. The NIA did not find any evidence against them and the nine arrested have been bailed out.

(c) to (e) : There are adequate constitutional and statutory provisions available to all persons including those who are accused of any offence including terrorism to seek legal remedies. Further, every action of the investigating agency is subject to court/legal scrutiny - including the issue of bail, conviction and sentencing. Acquittal by Courts is also an outcome of a free and fair trial. The law enables the Courts at the conclusion of trial, if it results in an acquittal, to pass strictures on the nature and quality of the investigation and evidence collected. However, in every case, acquittal from charges cannot be considered to prove that innocent civilians are being wrongly framed. The acquittal by the Courts may also be because of lack of sufficient evidence, which could establish/prove charges beyond all reasonable doubt. As far as the compensation package to the youth is concerned, it is for the Courts to pronounce compensation on prayer by the accused if he establishes that he was a victim of false and malicious prosecution. Persons guilty of false and malicious prosecution can also be charged under section 211 of IPC.