

Immediate

No. 11034/54/2018-ISBIV
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
(INTERNAL SECURITY - 1 DIVISION)

North Block, New Delhi
Dated, the 23rd July, 2018

To

- (i) The Chief Secretaries of all States/UTs
- (ii) Directors General of Police of all States/UTs

Subject: Incidents of violence and lynching by mobs - regarding
Sir/Madam,

Incidents of violence and lynching by mobs in some parts of the country, fuelled by various kinds of rumours and unverified news such as of child-lifting, theft, cattle smuggling, etc. are a matter of serious concern. Such instances of persons taking the law in their own hands run against the basic tenets of the rule of law.

2. In this context, this Ministry vide letter of even number dated 04.07.2018 had issued an advisory to all States/UTs for adopting effective measures to prevent and curb such incidents. Earlier, an advisory was issued on 09.08.2016 on disturbances by miscreants in the name of protection of cow.

3. As per the Constitutional scheme, 'Police' and 'Public Order' are State subjects. State Governments and UT Administrations are responsible for controlling crime, maintaining law and order, and protecting the life and property of citizens. Accordingly, effective measures should be taken by State Governments and UT Administrations to prevent violence and lynching by mobs and to afford equal protection of the law to all citizens irrespective of caste, creed or religion. Action should be taken as per law against perpetrators of violence.

5. The Hon'ble Supreme Court has also taken serious note of the said concern and has inter alia issued several directions on 17.07.2018 in Writ Petition (Civil) No. 754 of 2016 to State Governments to take preventive, remedial and punitive measures to curb the incidents of mob lynching in the country. A copy of the said order is available at: www.supremecourtindia.nic.in.

4. The key directions of the Hon'ble Apex Court to the State Governments in this regard are summarized at Annexure.

5. All State Governments / UT Administrations and their law enforcement agencies are requested to implement the aforesaid directions of the Hon'ble Apex Court in letter and spirit.

6. A detailed report on the action taken in the matter may please be sent to this Ministry at the earliest.

Encl: Annexure

Yours faithfully,

GAW
23/07/18

(Gopi Chandra
Chhawaniya) Director
(Internal Security-I)

Copy to:

- 1) PS to HM / Mos (H) / Mos (R)
- 2) PPS to HS / SS (IS) / AS CCS)

Key directions of the Hon'ble Supreme Court to the State Governments on
17107.2018 in Writ Petition (Civil) No. 754 of 2016

- (i) The State Governments shall designate, a senior police officer, not below the rank of Superintendent of Police, as Nodal Officer in each district. Such Nodal Officer shall be assisted by one of the DSP rank officers in the district for taking measures to prevent incidents of mob violence and lynching. They shall constitute a special task force so as to procure intelligence reports about the people who are likely to commit such crimes or who are involved in spreading hate speeches, provocative statements and fake news.
- (ii) The State Governments shall forthwith identify Districts, Sub-Divisions and/or Villages where instances of lynching and mob violence have been reported in the recent past, say, in the last five years. The process of identification should be done within a period of three weeks from the date of Supreme Court judgment i.e. 17th July, 2018.
- (iii) The Secretary, Home Department of the concerned States shall issue directives/advisories to the Nodal Officers of the concerned districts for ensuring that the Officer In-charge of the Police Stations of the identified areas are extra cautious if any instance of mob violence within their jurisdiction comes to their notice.
- (iv) The Nodal Officer, so designated, shall hold regular meetings (at least once a month) with the local intelligence units in the district along with all Station House Officers of the district so as to identify the existence of the tendencies of vigilantism, mob violence or lynching in the district and take steps to prohibit instances of dissemination of offensive material through different social media platforms or any other means for inciting such tendencies. The Nodal Officer shall also make efforts to eradicate hostile environment against any community or caste which is targeted in such incidents.
- (v) The Director General of Police/the Secretary, Home Department of the concerned States shall take regular review meetings (at least once a quarter) with all the Nodal Officers and State Police Intelligence heads. The Nodal Officers shall bring to the notice of the DGP any inter-district co-ordination issues for devising a strategy to tackle lynching and mob violence related issues at the State level.
- (vi) It shall be the duty of every police officer to cause a mob to disperse, by exercising his power under Section 129 of CrPC, which, in his opinion, has a tendency to cause violence or wreak the havoc of lynching in the disguise of vigilantism or otherwise.

(vii) The Director General of Police shall issue a circular to the Superintendents of Police with regard to police patrolling in the sensitive areas keeping in view the incidents of the past and the intelligence obtained by the office of the Director General.

(viii) Wide publicity and awareness campaign should be done by the State Governments on radio and television and other media platforms including the official websites of the Home Department and Police of the States, that lynching and mob violence of any kind shall invite serious consequence under the law.

(ix) All Law Enforcement & Intelligence Agencies of the State Governments shall monitor the social media platform and shall take action under the legal provision contained in Information Technology Act and other relevant law to curb and stop dissemination of irresponsible and explosive messages, videos and other material on various social media platforms which have a tendency to incite mob violence and lynching of any kind. The police shall cause to register FIR under Section 153A of IPC and/or other relevant provisions of law against persons who disseminate irresponsible and explosive messages and videos having content which is likely to incite mob violence and lynching of any kind.

(x) Despite the preventive measures taken by the State Police, if it comes to the notice of the local police that an incident of lynching or mob violence has taken place, the jurisdictional police station shall immediately cause to lodge an FIR, without any undue delay, under the relevant provisions of IPC and/or other provisions of law.

(xi) It shall be the duty of the Station House Officer, in whose police station such FIR is registered, to forthwith intimate the Nodal Officer in the district who shall, in turn, ensure that there is no further harassment of the family members of the victim (s).

(xii) Investigation in such offences shall be personally monitored by the Nodal Officer who shall be duty bound to ensure that the investigation is carried out effectively and the charge-sheet in such cases is filed within the statutory period from the date of registration of the FIR or arrest of the accused, as the case may be. State Governments and the Nodal Officers in particular to shall ensure that the prosecuting agency strictly carries out its role in appropriate furtherance of the trial.

(xiii) The State Governments shall prepare a lynching/mob violence victim compensation scheme in the light of the provisions of Section 357A of CrPC within one month from the date of the Supreme Court judgment i.e. 17th July, 2018. In the said scheme for computation of compensation, the State Governments shall give due regard to the nature of bodily injury, psychological injury and loss of earnings including loss of opportunities of employment and education and expenses incurred on account of legal and medical expenses. The said compensation scheme must also have a provision for interim relief to be paid to the victim(s) or to the next of kin of the deceased within a period of thirty days of the incident of mob violence/lynching.

(xiv) Wherever it is found that a police officer or an officer of the district administration has failed to comply with the aforesaid directions in order to prevent and/or investigate and/or facilitate expeditious trial of any crime of mob violence and lynching, the same shall be considered as an act of deliberate negligence and/or misconduct for which appropriate action must be taken against him/her and not limited to departmental action under the service rules. The departmental action shall be taken to its logical conclusion preferably within six months by the authority of the first instance.