

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

LOK SABHA
STARRED QUESTION NO. *31

TO BE ANSWERED ON THE 19TH NOVEMBER, 2019/ KARTIKA 28, 1941 (SAKA)

LAW ON LYNCHING

*31. SHRI SUBBARAYAN K.:
SHRI M. SELVARAJ:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Supreme Court had given any direction/observation on lynching/enactment of law on lynching in July this year;

(b) if so, the details thereof and the reaction of the Government thereto;

(c) whether it is a fact that a number of States have come forward to enact laws, making mob lynching a non-bailable offence and recommending life imprisonment for those involved in such violence; and

(d) if so, the details thereof and the reaction of the Government thereto?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI NITYANAND RAI)

(a) to (d): A statement is laid on the Table of the House.

STATEMENT IN REPLY TO THE LOK SABHA STARRED QUESTION NO. *31
FOR 19.11.2019

(a) & (b): The Hon'ble Supreme Court in its Judgment dated 17.07.2018 in Writ Petition(Civil) No.754/2016, has issued guidelines on preventive, remedial and punitive measures on lynching. The key directions given in judgement are as under:

- i. The State Governments shall designate a senior police officer, not below the rank of Superintendent of Police, as Nodal Officer in each district. 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.
- iii. The Nodal Officer shall hold regular meetings 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 and to eradicate hostile environment against any community or caste which is targeted in such incidents.

- iv. It shall be the duty of the Station House Officer, in whose police station an FIR about mob lynching 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).
- v. The Central Government should broadcast on radio and television and other media platforms that lynching and mob violence of any kind shall invite serious consequence under the law.
- vi. 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.
- vii. 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 Hon'ble Supreme Court's Judgement dated 17.07.2018.
- viii. It has been recommended to the Parliament to create a separate offence for lynching and provide adequate punishment for the same.

In pursuance to the Hon'ble Supreme Court's Judgment dated 17.07.2018, advisories dated 23.07.2018 and 25.09.2018 were issued to the State Governments/UT Administrations for taking measures to curb incidents of mob lynching in the country. The Government through audio-visual media has also generated public awareness to curb the menace of mob lynching. The Government has also sensitized the service providers to take steps to check the propagation of false news and rumours having potential to incite mob violence and lynching.

(c) & (d): As per the information available, two bills on the subject passed by the State Legislatures of Manipur and Rajasthan and reserved by the Governor for consideration of the President, have been received. The Bills so received are examined in consultation with the concerned Central Ministries.
