

No.43020/89/RTI/2018-CSR.III
Government of India
Ministry of Home Affairs
(CS Division)

Major Dhyan Chand National Stadium, India Gate,
New Delhi, dated 17 August, 2018

To,

✓ Shri Kareem Ansari,
Yugantar (YVX5CY23) (EP-897UV)
3-4-142/6, Barkatpura,
Hyderabad – 500027.

Sub:- Information sought under the Right to Information Act, 2005.

Sir,

I am to refer to your RTI application dated 07.07.2018, transferred by RTI Section, MHA vide their letter No. A.43020/01/2018-RTI dated 18.07.2018, received by the answering CPIO on 27.07.2018, on the subject noted above.

2. It is informed that Government has set up a high level committee chaired by the Union Home Secretary to deliberate in the matter and make recommendations. Government has further decided to constitute a Group of Ministers headed by the Union Home Minister to consider the recommendations of the high level committee. A copy of a Press Communique dated 23.07.2018 issued in this regard is enclosed. Further, the following advisories have also been issued to the States/UT Administrations to deal effectively for maintaining peace and to safeguard the interest of the people. A copy of each of these are enclosed.

Sl.No.	Subject	File No and date
1	Advisory on untoward incidents in the country in the name of protection of Cow.	24013/50/Misc/2016 – CSR.III dt 9.8.2016
2.	Advisory on incident of lynching of persons by Mobs fuelled by rumours of lifting/kidnapping of children	11034/54/2018 – IS.IV dated 4.7.2018.
3.	Advisory on incidents of violence and lynching by Mobs. This advisory has been pursuant to the Hon'ble Supreme Court's directions.	11034/54/2018 – IS.IV dated 23.7.2018.

3. An Appeal, if any, against this reply may be made within 30 days to Joint Secretary (CS), & Appellate Authority, (Telephone Number 011-23388024 and e-mail id jscs@nic.in), Ministry of Home Affairs, Heritage Building, 1st Floor, Major Dhyanchand National Stadium, New Delhi.

Yours faithfully,


(Krishan Kumar)

Deputy Secretary & CPIO

Tel No. 011-23075291

E-mai id krishan.kr08@nic.in

Copy for information to :-

1. Section Officer, RTI Section, MHA, North Block, New Delhi
2. Section Officer, IT Cell, Ministry of Home Affairs, North Block, New Delhi.

**PRESS INFORMATION BUREAU
GOVERNMENT OF INDIA**

**Government set up high level committee chaired by Union Home Secretary to check
mob lynching**

GoM headed by Union Home Minister to consider its recommendations

New Delhi: July 23, 2018

Government is concerned at the incidents of violence by mobs in some parts of the country. Government has already condemned such incidents and made its stand clear in the Parliament that it is committed to upholding the rule of law and adopting effective measures to curb such incidents.

As per the Constitutional scheme, 'Police' and 'Public Order' are State subjects. State Governments are responsible for controlling crime, maintaining law and order, and protecting the life and property of the citizens. They are empowered to enact and enforce laws to curb crime in their jurisdiction.

Accordingly, Ministry of Home Affairs has, from time to time, issued advisories to States/UTs for maintenance of public order and prevention of crime in their areas of jurisdiction. An advisory on addressing the issue of lynching by mob on suspicion of child lifting was issued on 04.07.2018. Earlier, an advisory was issued on 09.08.2016 on disturbances by miscreants in the name of protection of cow.

Government respects the recent directions of the Supreme Court on the issue of mob violence, and has issued an advisory to State Governments urging them to take effective measures to prevent incidents of mob violence and lynching and to take stringent action as per law. The State Governments have been advised to implement the directions issued in the matter by the Supreme Court on July 17, 2018.

In order to formulate appropriate measures to address the situation, Government has set up a high level committee chaired by the Union Home Secretary to deliberate in the matter and make recommendations. The Secretary, Department of Justice, Secretary, Department of Legal Affairs, Secretary, Legislative Department and Secretary, Social Justice and Empowerment are the members of the committee. The committee will submit its recommendations to the Government within four weeks.

Government has further decided to constitute a Group of Ministers headed by the Union Home Minister to consider the recommendations of the high level committee. The Minister, External Affairs, Minister, Road Transport and Highways; Shipping, Water Resources, River Development and Ganga Rejuvenation, Minister, Law & Justice and Minister, Social Justice and Empowerment are the members of Group of Ministers. The Group of Ministers will submit their recommendations to the Prime Minister.

BB/NK/PK/KGS/SS

No. 24013/50 /Misc./2016-CSR.III
Government of India/Bharat Sarkar
Ministry of Home Affairs

N.D.C.C. II Building, Jai Singh Road,
New Delhi dated the 9th August, 2016.

To,

The Chief Secretaries,
All State Governments/ UT Administrations.

Subject: Advisory on untoward incidents in the country on cattle in the disturbance of law and order by miscreants in the name of protection of Cow.

Sir/Madam,

Historically cattle have a very special, respected and venerated status in Indian culture and history. In this regard, Father of the Nation had stated that "Cow protection to me is not mere protection of the cow. It means protection of that [which] lives, is helpless and weak in the world".

2. Further, Directive Principles of State Policy provide for the preservation of cows. Article 48 of the Constitution of India reads as under:-

"48. **Organisation of agriculture and animal husbandry** - The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle."

3. Entry 15 of the State list of the 7th Schedule allocates the work of "Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice" to the States. Consequently laws pertaining to cow preservation or prohibition of slaughter vary from State to State.

4. In States where slaughter of cows is prohibited by law, such slaughtering would be in violation of law, and an offence.

5. However, that does not entitle any individual or group of persons to take action on their own to prevent the alleged slaughter or punish the alleged wrong doers.

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,

GAM
22/07/18

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

Copy to:

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

Immediate

No. 11034/54/2018-IS.IV
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
(INTERNAL SECURITY - I 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.supremecourtfindia.nic.in.

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

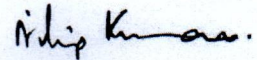
6. Section 39 of the Cr.PC requires that any person aware of the commission of certain offences or intention thereof, is required to give information to the nearest Magistrate or police officer of such commission or intention. Therefore, if an offence is committed, or about to be committed, such an offence, or possibility of offence is required to be brought to the notice of the concerned police authorities or magistrate for appropriate action as per law. **No person can, under any circumstances, take the law into their own hands.**

7. Any person, or persons, doing so have to be dealt with strictly under the relevant laws, and brought to justice in the quickest possible fashion, for the strictest punishment.

8. Recently some incidents have been reported where certain persons or groups have taken law into their own hands in the name of protecting cows and have committed crimes in pursuance thereof. This is not an acceptable situation.

9. The States are, therefore, enjoined upon, and expected, to ensure that any person who takes law into his/her own hands is dealt with promptly, and punished as per law. There should be no tolerance at all for such persons and full majesty of law must come to bear on them, without exception.

Yours faithfully,

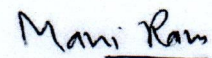


(Dilip Kumar)

Joint Secretary to the Govt. of India,
Tele No. 23438100

Copy for information and necessary compliance to:-

1. The Principal Secretary/ Secretary Home – All State Governments/UT Administrations.
2. The Director General of Police – All State Governments/UT Administrations.



(Mani Ram)

Under Secretary to the Government of India.

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IMMEDIATE

No.11034/54/2018-IS.IV
Government of India
Ministry of Home Affairs
(Internal Security-I Division)

North Block, New Delhi
Dated: 4th July, 2018

To

1. Chief Secretaries of all States / UTs
2. Directors General of Police of all States / UTs

Sir/Madam,

The recent incidents of lynching of persons by mobs in some States, fuelled by rumours of lifting/kidnapping of children, are a matter of serious concern. State Governments and UT administrations need to adopt measures to ensure that such unwarranted violence, based on unverified allegations circulating in the social media, is not allowed, as these have no place in a civilized society or the rule of law.

2. State Governments and UT administrations are advised to keep watch on the social media for early detection of such trends of circulation of rumors and fake news, having potential for violence, and take all required measures to counter them effectively. They are also advised to suitably direct their district administration to maintain regular interface with the local communities in this regard so as to be able to dispel such rumours and fake news.

4. State Governments and UT Administrations are further advised to identify vulnerable areas or localities, if any, and direct the district administration to conduct community outreach programmes, involving the local functionaries, for creating awareness and building confidence. The local administration should also establish suitable contact points in villages and towns for keeping abreast with the trends in social media.

5. It is equally important that complaints of kidnapping or abduction of children are promptly acted upon and in a manner that instills a sense of confidence in the affected family or locality that action as per law would be taken and the guilty would be brought to book. A statement showing the number of cases registered against kidnapping and abduction of children in the States/UTs for the years 2014, 2015 and 2016 is enclosed for ready reference. State Governments and UT Administrations are requested to take appropriate measures in this regard.

6. This issues with the approval of the Union Home Secretary.

Encl: as above.

Yours faithfully,



(S.C.L. Das)

Joint Secretary (IS-I)

Ph.23092548, Fax.23092551

Copy to:

1. PS to HM
2. PS to MoS(H)
3. PS to MoS (R)
4. PPS to HS
5. PPS to SS(IS)
6. PS to AS(CS)
7. PS to JS(WS)
8. PS to Adviser (ICT)

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NATIONAL CRIME RECORDS BUREAU (STATISTICAL BRANCH)

MHA may please refer to their FAX dated: 3rd July, 2018 on the Fake news article. As directed to NCRB to provide data of all States/Uts for last two years on the subject matter. The required information is attached herewith in Annexure-A. However, the national level comparison of the statistics is reproduced as under for ready reference

NATIONAL LEVEL CHILDREN STATISTICS ON
POCSO/RAPE, KIDNAPPING AND ABDUCTION AND
TOTAL CRIME AGAINST CHILDREN DURING 2014 TO
2016

YEAR	POCSO (SEC 4&6)/RAPE SEC 376 IPC	KIDNAPPING & ABDUCTION OF CHILDREN	KIDNAPPING & ABDUCTION OF CHILDREN TO COMPEL FOR MARRIAGE UNDER 366 IPC	TOTAL CRIME AGAINST CHILDREN
(1)	(2)	(3)	(4)	(5)
2014	18661	37854	12243	89423
2015	19654	41893	12516	94172
2016	19765	52253	16636	106958

SOURCE: CRIME IN INDIA

NOTE: FIGURES OF CASES REPORTED UNDER COL.4 ARE THOSE OF TECHNICAL KIDNAPPINGS PERTAINING TO CHILDREN TO COMPEL THEM FOR MARRIAGE UNDER 366 IPC

Regards,

KAMINI SHAW
ASSISTANT DIRECTOR (STAT)

CASES REGISTERED UNDER PCOCS (SEC. 4B(6)/RAPE SECTION 376 IPC, KIDNAPPING & ABDUCTION AND TOTAL CRIME AGAINST CHILDREN DURING 2014 TO 2016

ANNEXURE-A

Sl	State/UT	PCOCS (SEC 4B(6)/RAPE SEC 376 IPC			% VARIATION OVER PREV YEAR			KIDNAPPING & ABDUCTION OF CHILDREN			% VARIATION OVER PREV YEAR			TOTAL CRIME AGAINST CHILDREN (IPC+SLL)			% VARIATION OVER PREV YEAR				
		2014	2015	2016	2015	2016	2016	2014	2015	2016	2015	2016	2016	2014	2015	2016	2015	2016	2016		
1	Andhra Pradesh	522	621	459	19.0	-26.1	600	497	477	17.2	-4.0	2059	1997	1847	1997	1847	1997	1847	-3.3	-7.3	
2	Assam	45	44	49	2.2	11.4	66	120	54	81.8	-55.0	134	181	181	181	181	181	181	35.1	-26.5	
3	Bihar	265	585	585	120.8	0.2	152	383	1451	152.0	278.9	1185	2835	3964	2835	3964	2835	3964	104.7	39.8	
4	Chhattisgarh	151	158	170	4.6	-3.0	1585	1231	3257	-22.3	164.6	1844	1846	1989	1917	3932	1917	3932	-15.0	105.1	
5	Goa	1017	984	984	-0.3	-20.0	1844	1846	1989	0.1	7.7	4358	4469	4746	4469	4746	4469	4746	2.5	6.2	
6	Gujarat	57	50	40	-12.3	-20.0	134	102	88	-23.9	-13.7	330	242	230	242	230	242	230	-26.7	-5.0	
7	Haryana	383	1172	1054	206.0	-10.1	2101	1589	1749	-24.4	10.1	3719	3623	3637	3623	3637	3623	3637	12.6	0.4	
8	Jharkhand	417	485	532	16.3	9.7	816	1255	1226	53.8	-2.3	2140	3262	3099	3262	3099	3262	3099	28.4	-5.0	
9	Karnataka	37	28	21	-24.3	-25.0	139	244	167	75.5	-31.6	211	308	467	211	308	467	211	308	2.1	-2.1
10	Kerala	992	1073	1136	8.2	135.6	94	110	245	17.0	122.7	423	406	717	406	717	406	717	46.0	27.9	
11	Madhya Pradesh	2406	2248	2467	-6.6	16.4	130	171	154	36.4	33.5	3416	3961	4455	3961	4455	3961	4455	16.0	12.5	
12	Maharashtra	1837	2234	2292	21.6	2.6	6339	5265	6011	-16.9	14.2	15085	2384	2879	2384	2879	2384	2879	-0.3	20.8	
13	Manipur	42	33	39	-21.4	18.2	2616	6960	7949	166.1	14.2	8115	13921	14539	13921	14539	13921	14539	-14.8	6.0	
14	Mizoram	97	129	122	33.0	-5.4	69	52	62	-24.6	19.2	137	110	134	110	134	110	134	-19.7	4.6	
15	Nagaland	107	86	99	-19.6	15.1	43	48	59	11.6	43.8	213	257	240	257	240	257	240	20.7	-6.6	
16	Odisha	11	12	21	9.1	75.0	7	9	5	350.0	-44.4	178	186	188	186	188	186	188	4.5	1.1	
17	Punjab	846	1054	1258	24.6	19.4	800	986	1135	47.1	17.5	25	61	78	61	78	61	78	144.0	27.9	
18	Rajasthan	488	462	410	-5.3	-11.3	871	937	1006	7.6	7.4	2196	2562	3206	2562	3206	2562	3206	16.7	28.3	
19	Sikkim	906	771	858	-14.9	11.3	1814	1630	1831	-6.8	8.3	1762	1836	1843	1836	1843	1836	1843	4.2	0.4	
20	Tamil Nadu	47	40	66	-14.9	65.0	17	2	11	-88.2	450.0	93	64	4034	64	4034	64	4034	-4.9	9.4	
21	Telangana	655	1073	1169	63.8	8.9	390	398	371	2.1	-6.8	2354	2617	2856	2617	2856	2617	2856	-31.2	71.9	
22	Tripura	589	840	690	42.6	-17.9	634	608	727	-4.1	19.6	1930	2697	3909	2697	3909	2697	3909	39.7	7.9	
23	Uttar Pradesh	151	98	108	-35.1	10.2	88	92	100	4.5	8.7	1930	2697	3909	2697	3909	2697	3909	-30.9	7.5	
24	Uttarakhand	3480	2034	2115	-41.6	4.0	5875	5913	9657	0.6	63.3	14835	11420	16079	11420	16079	11420	16079	-23.0	40.8	
25	West Bengal	108	104	91	-3.7	-12.5	275	404	435	61.5	-2.0	489	635	676	635	676	635	676	29.9	6.5	
26	Andhra Pradesh	813	1106	718	36.0	-35.1	2351	1951	3467	17.0	77.7	4909	4963	7004	4963	7004	4963	7004	1.1	41.1	
27	Assam	17565	18602	18862	5.9	1.4	31239	34760	46113	11.3	32.6	79758	84189	98344	84189	98344	84189	98344	5.6	16.8	
28	Bihar	20	27	1	35.0	-96.3	12	28	25	133.3	-10.7	50	102	86	102	86	102	86	104.0	-15.7	
29	Chandigarh	32	41	41	28.1	0.0	130	164	145	76.2	-11.6	208	271	222	271	222	271	30.3	-18.1		
30	Daman & Diu	2	14	9	600.0	-35.7	8	14	10	75.0	-28.6	11	35	21	35	21	35	21	218.2	-40.0	
31	Delhi UT	1	4	8	300.0	100.0	4	21	20	475.0	-4.8	7	28	31	28	31	28	31	300.0	10.7	
32	Lakshadweep	1022	939	813	-8.1	-13.4	6452	6881	5934	6.6	-13.8	9350	9489	8178	9489	8178	9489	8178	1.5	-13.8	
33	Puducherry	0	0	2	-	-	0	0	0	-	-	1	2	5	2	5	2	5	100.0	150.0	
34	Tamil Nadu	1096	1052	903	-4.0	-14.2	5615	7113	6140	-44.4	20.0	38	56	71	56	71	56	71	47.4	26.8	
35	Uttar Pradesh	18661	19654	19765	5.3	0.6	37854	41893	52253	10.7	24.7	89423	94172	106958	94172	106958	94172	106958	3.3	-13.7	
36	West Bengal																			5.3	13.6

SOURCE: CRIME IN INDIA DATA
NOTE - 1. INCIDATES DIVISION BY ZERO

**Key directions of the Hon'ble Supreme Court to the State Governments on
17.07.2018 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 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 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 expedition 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.
