

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 2449**

TO BE ANSWERED ON THE 8TH AUGUST, 2018/SHRAVANA 17, 1940 (SAKA)

LEGISLATION FOR MAKING LYNCHING A SEPARATE OFFENCE

**2449. SHRIMATI AMBIKA SONI:
DR. T. SUBBARAMI REDDY:**

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Supreme Court has asked Government to bring a separate legislation for making lynching a separate offence, in view of increasing incidents;

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

(c) the measures taken to stop mob violence and lynching incidents due to fake news and rumours in the social media; and

(d) how many persons have been booked under various sections of IPC for spreading rumours and leading to lynching and mobocracy, in the last one year, the details thereof?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)**

(a) & (c): 'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India and State Governments are primarily responsible for prevention, detection, registration and investigation of crime and for prosecuting the criminals through their law enforcement agencies. However, the Ministry of Home Affairs have issued advisories to the States and UTs, from time to time, to maintain law and order and ensure that any person who takes law into his/her own hand is punished promptly as per law. Ministry of Home Affairs have issued an advisory to all States/UTs for taking prompt and strict action against

miscreants who take law into their own hands in the name of protection of cow vide advisory dated 09-08-2016. An advisory dated 04.07.2018 on the issue of recent incident of lynching of persons by mobs in some States, fuelled by rumours of lifting/kidnapping of children was issued to the States and UTs wherein State Governments and UT Administrations have been advised to keep watch for early detection of such trends having potential for violence, and take all required measures to counter them effectively and to deal firmly with persons taking law into their own hands. An advisory was also issued on 23.07.2018 to the State Governments/UTs in pursuance to the Hon'ble Supreme Court's Judgement dated 17.07.2018 in Writ Petition (Civil) No. 754/2016, incorporating the key directions of the Hon'ble Supreme Court. Copies of these Advisories are available on Ministry of Home Affairs' website: <https://mha.gov.in>.

The Hon'ble Supreme Court in its Judgement dated 17.07.2018 has, *inter alia*, recommended the Parliament to create a separate offence for lynching and provide adequate punishment for the same.

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. Government has further

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

(d): The National Crime Records Bureau (NCRB) does not maintain specific data with respect to mob lynching.
