

No. 24013/34/CC/2016-CSR.III

Ministry of Home Affairs

(CS Division)

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New Delhi, Dated the 25<sup>th</sup> September, 2018.

To

The Chief Secretaries of all States/ UTs,  
All State Governments & UT Administrations.

**Subject:- Incidents of violence and lynching by mob - Regarding.**

**Sir/Madam,**

Incidents of lynching of persons by mob fuelled by various kinds of rumors, suspicions and unverified news, etc. are a matter of serious concern. The Hon'ble Supreme Court has also taken cognizance of the issues of mob violence and has given detailed directions in its Judgment dated 17.07.2018 in Writ Petition (Civil) No. 754 of 2016 to take preventive, remedial and punitive measures to curb the incidents of mob lynching in the country.

2. The directions of the Hon'ble Supreme Court were forwarded to the State Governments/UT Administrations for implementation in letter and spirit through an advisory dated 23.07.2018. As per the said directions of the Hon'ble Court, State Governments / UT Administrations are also required to file an Action Taken Report in the matter.

3. The matter was last heard in the Supreme Court on 24.09.2018 wherein the Hon'ble Court has specifically asked for action taken in compliance of the direction contained in Para 40 A (ix) under the heading 'Preventive Measures' of the Judgment dated 17.07.2018. A copy of the Supreme Court's order dated 24.09.2018 is enclosed at Annexure-I.

4. All State Governments / UT Administrations are once again requested to implement the directions of the Hon'ble Supreme Court in Judgment dated 17.07.2018 including the direction contained in Para A (ix) of the said judgement.

Encl. As above

Yours faithfully,

  
(S. K. Shahi)

Joint Secretary to the Govt. of India

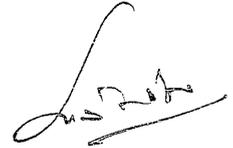
Tel: 011 -23092722

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.

Copy also to:-

1. ADG (Media), Ministry of Home Affairs, North Block, New Delhi.
2. Technical Director, NIC, North Block, New Delhi for uploading on the website of Ministry of Home Affairs.



(S. K. Shahi)  
Joint Secretary to the Govt. of India  
Tel: 011 -23092722

ITEM NO.5 &amp; 6

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).754/2016

TEHSEEN S. POONAWALLA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

[I.A.No.113796/2017 - Appropriate Orders/Directions;  
I.A.No.121361/2017 - Clarification/Direction;  
I.A.No.20073/2018 - Clarification/Direction;  
I.A.No.121734/2017 - Exemption from filing O.T.;  
I.A.No.121358/2017 - Exemption from filing O.T.;  
I.A.No.127557/2018 - Exemption from filing O.T.;  
I.A.No.126621/2018 - Exemption from filing O.T.;  
I.A.No.128348/2018 - Extension of time;  
I.A.No.36761/2017 - Impleadment;  
I.A.No.116511/2018 - Intervention Application;  
I.A.No.2/2017 - Intervention Application;  
I.A.No.6718/2018 - Intervention Application;  
I.A.No.121355/2017 - Intervention/Impleadment;  
I.A.No.113794/2017 - Intervention/Impleadment;  
I.A.No.9068/2018 - Permission to file additional documents/facts;

WITH

[ITEM NO.5.1 - W.P.(C) No.764/2016 (PIL-W)];  
[ITEM NO.5.2 - W.P.(C) No.768/2016 (PIL-W)];  
[ITEM NO.5.3 - W.P.(C) No.732/2017 (PIL-W)];  
[ITEM NO.5.4 - W.P.(CrI.) No.122/2017 (PIL-W)];  
[CONMT.PET.(C) No.1497/2018 in W.P.(C) No.754/2016 (PIL-W)  
(FOR ADMISSION)];

AND

[ITEM NO.6 - CONMT.PET.(C)NO.1986/2017 IN W.P.(C)NO.732/2017  
(FOR ADMISSION AND I.A.NO.141628/2017-EXEMPTION FROM FILING O.T.)].

Date : 24-09-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Signature Not Verified  
Digitally signed by  
SUBHASH CHANDER  
Date: 2018.09.24  
16:24:15 IST  
Reason:

Petitioner(s) Mr. Sanjay R. Hegde, Sr. Adv.  
Mr. Anas Tanwir, Adv.  
Mr. Fuzail Ahmad Ayyubi, Adv. [AOR]  
Mr. Ebaad, Adv.  
Mr. Jawad, Adv.

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Ms. Indira Jaising, Sr. Adv.  
Mr. Shadan Farasat, Adv. [AOR]  
Ms. Warisha Farasat, Adv.  
Ms. Rudrakshi Deo, Adv.  
Mr. Paras Nath Singh, Adv.

Mr. Colin Gonsalves, Sr. Adv.  
Ms. Mangla Verma, Adv.  
Mr. Satya Mitra, Adv. [AOR]

For Respondent(s)/  
Applicant (s) Mr. K.K. Venugopal, AG  
Ms. Binu Tamta, Adv.  
Ms. Rukhmini bobde, Adv.  
Ms. L. Charanya, Adv.  
Mr. B.V. Balaramdas, Adv. [AOR]  
Mr. Raj Bahadur Yadav, Adv.  
Mr. B. Krishna Prasad, Adv. [AOR]

Rajasthan

Mr. Tushar Mehta, ASG  
Mr. Shiv Mangal Sharma, Adv. AAG  
Mr. Puneet Parihar, Adv.  
Mr. Rohit K. Singh, Adv. [AOR]

Mr. Siddhartha Luthra, Sr. Adv.  
Ms. Archana Pathak Dave, Adv. [AOR]  
Mr. Santosh Kumar, Adv.

Mr. Sidharth Luthra, Sr. Adv.  
Mr. Ayush Anand, Adv.  
Mr. P.S. Sudheer, Adv. [AOR]  
Mr. Santosh Kumar, Adv.  
Mr. Bharat Sood, Adv.

Ms. Supriya Juneja, Adv. [AOR]  
Ms. Varsha Poddar, Adv.  
Mr. Subodh S. Patil, Adv. [AOR]

Mr. Sangram S.S., Adv.  
Mr. V. Batra, Adv.  
Mr. Shree Pal Singh, Adv. [AOR]

Meghalaya

Mr. Ranjan Mukherjee, Adv. [AOR]  
Mr. K.V. Kharlingdoh, Adv.  
Mr. Daniel Stone Lyngdoh, Adv.

J & K

Mr. M. Shoeb Alam, Adv. [AOR]  
Mr. Ujjwal Singh, Adv.  
Mr. Mojahid Karim Khan, Adv.

Nagaland

Ms. K. Enatoli Sema, Adv. [AOR]  
Mr. Amit Kumar Singh, Adv.

A&N Admn. Ms. G. Indira, Adv. [AOR]  
Mr. Mirnal Kathi Mondal, Adv.

Chhattisgarh Mr. Atul Jha, Adv.  
Mr. Sandeep Jha, Adv.  
Mr. Dharmendra Kumar Sinha, Adv. [AOR]

Uttarakhand Mrs. D. Bharathi Reddy, Adv. [AOR]  
Ms. Gitanjali N. Sharma, Adv.  
Ms. Vidyottma, Adv.  
Ms. Rachna Gandhi, Adv.  
  
Mr. Chanchal Kumar Ganguli, Adv. [AOR]

Gujarat Ms. Hemantika Wahi, Adv. [AOR]  
Ms. Jesal Wahi, Adv.  
Ms. Puja Singh, Adv.  
Ms. Vishakha, Adv.  
Ms. Mamta Singh, Adv.  
  
Mr. Nishant Ramakantrao Katneshwarkar, Adv. [AOR]  
  
Mr. Pradeep Misra, Adv. [AOR]

Uttar Pradesh Ms. Aishwarya Bhati, AAG  
Mr. Rajeev Kumar Dubey, Adv.  
Mr. Kamendra Mishra, Adv. [AOR]

Karnataka Mr. V.N. Raghupathy, Adv. [AOR]  
Mr. Parikshit P. Angadi, Adv.

Jharkhand Mr. Tapesht Kumar Singh, Adv. [AOR]  
Mr. Aditya Pratap Singh, Adv.  
Mr. Mohd. Waquas, Adv.  
  
Mr. B.V. Balaram Das, Adv. [AOR]

Madhya Pradesh Mr. Sunny Choudhary, Adv. [AOR]

Goa Mr. Shishir Deshpande, Adv. [AOR]  
Mr. Santosh S. Rebello, Adv.  
Mr. Anrag Sharma, Adv.

Odisha Mr. Sanjeeb Panigrahi, Adv. [AOR]  
Mr. Mohammed Shaffi Mather, Adv.

Tamil Nadu Mr. M. Yogesh Kanna, Adv. [AOR]  
Mr. S. Partha Sarathi, Adv.  
Mr. Raja Rajeshwaran, S., Adv.

Punjab Ms. Jaspreet Gogia, Adv. [AOR]  
Mrs. Anil Katiyar, Adv. [AOR]  
Mr. D. Mahesh Babu, Adv. [AOR]  
Mr. Adarsh Upadhyay, Adv. [AOR]

Puducherry Mr. V.G. Pragasam, Adv. [AOR]  
Mr. S. Prabu Ramasubramanian, Adv.  
Mr. S. Manuraj, Adv.  
Mr. Arjun Garg, Adv. [AOR]

Himachal Pradesh Mr. Abhinav Mukerji, Adv. [AOR][AAG]  
Mrs. Bihu Sharma, Adv.  
Ms. Pratishtha Vij, Adv.

Andhra Pradesh Mr. Guntur Prabhakar, Adv. [AOR]  
Ms. Prerna Singh, Adv.  
Mr. Gopal Singh, Adv. [AOR]

Kerala Mr. C.K. Sasi, Adv. [AOR]  
Ms. Nayantara Roy, Adv.

Tripura Mr. Shuvodeep Roy, Adv. [AOR]  
Mr. Rituraj Biswas, Adv.

Assam Mr. Shuvodeep Roy, Adv. [AOR]  
Mr. Somnath Banerjee, Adv.

Mizoram Mr. Pragyan Sharma, Adv.  
Mr. Mudit, Adv.  
Mr. P.V. Yogeswaran, Adv. [AOR]

Sikkim Ms. Aruna Mathur, Adv.  
Mr. Avneesh Arputham, Adv.  
Ms. Anuradha Arputham, Adv.  
Ms. Geetanjali, Adv.  
for  
M/s. Arputham Aruna & Co., Adv. [AOR]

Haryana Mr. Anil Grover, AAG  
Ms. Noopur Singhal, Adv.  
Mr. Sanjay Kr. Visen, Adv. [AOR]

Manipur Mr. Leishangthem Roshmani Kh., Adv.  
Ms. Maibam Babina, Adv.  
Ms. Anupama Ngangom, Adv.

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Ms. Rashmi Singhania, Adv. [AOR]

West Bengal

Mr. Suhaan Mukerji, Adv.

Ms. Astha Sharma, Adv.

Ms. Kajal Dalal, Adv.

Ms. Dimple Nagpal, Adv.

Mr. Amit Verma, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

W.P.(C)No.754/2016 etc.

On 07.09.2018 this Court took note of the submission advanced by Mr. K.K. Venugopal, learned Attorney General for India that the Union of India had constituted an Empowered Group of Ministers for the purpose of considering the nature of legislation to be brought in. Bearing that in mind, a direction was issued to the States and Union Territories to file their responses in consonance with our principal judgment and order dated 17.07.2018 within two weeks thence. Be it noted, by that date States of Tamil Nadu, Madhya Pradesh, Gujarat, Jharkhand, Tribura, Assam, Haryana, Uttar Pradesh, Rajasthan and Bihar and two Union Territories, namely, Lakshdweep and Puducherry had filed the Compliance Reports. It was further directed that all the States shall upload the action taken by them so that all concerned can be aware about the steps taken by the States, which are necessary for creating peace and harmony in the society and deterring individuals who take the law into their own hands.

It is submitted by Mr. Sanjay R. Hegde, learned senior counsel appearing for the petitioner that some of the States have complied with and also taken steps to create awareness for the purpose of maintaining peace and tranquility in the society and deterring the people who are engaged in moral policing. He has given a list of 12 States / Union Territories which have not filed affidavits in compliance of the abovementioned order. The list is as follows :

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- "1. Arunachal Pradesh
2. Dadra and Nagar Haveli
3. Daman and Diu
4. National Capital Territory of Delhi
5. Himachal Pradesh
6. Karnataka
7. Manipur
8. Meghalaya
9. Mizoram
10. Nagaland
11. Punjab
12. Telangana"

When we took up the matter, we have been apprised that States of Arunachal Pradesh, Himachal Pradesh, Manipur, Meghalaya, Mizoram and Punjab have either filed Compliance Report or are in the process of filing the same.

It may be noted that no one has appeared on behalf of State of Telangana. There is also no appearance on behalf of Union Territories of Dadra and Nagar Haveli; Daman and Diu; and National Capital Territory of Delhi.

As far as the States and Union Territories which have not filed Compliance Report are directed to do the same within a week hence.

Registry is directed to send a copy of the order passed today to the Chief Secretary of the National Capital Territory of Delhi and State of Telangana to do the needful.

As far as Union Territories of Dadra & Nagar Haveli and Daman & Diu are concerned, a copy of the order be sent to the respective Administrator/competent authority of the U.T. Administration for compliance of the same.

At this juncture, Mr. Sanjay Hegde, learned senior counsel submitted that he shall prepare a list of cases where no compensation has been awarded. According to him, some of

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the States/ Union Territories have framed the schemes and granted compensation but some have not. He shall prepare a separate chart in relation to each State/Union Territory and file the same before the Registry after serving a copy thereof on the counsel for the concerned States/Union Territories in the course of the day. After the chart is submitted, learned counsel for the respective State/Union Territory shall file response thereto within a week hence.

Ms. Indira Jaising, learned senior counsel has drawn our attention to Direction No.A(ix) which comes within the heading 'Preventive Measures' and has submitted that it has not been complied with. The said direction reads as under :

"(ix) The Central and the State Governments should broadcast 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."

On a query being made, Mr. Venugopal, learned Attorney General for India and Mr. Tushar Mehta, learned Additional Solicitor General appearing for Central Government submitted, the same shall be done, if not already done, within a week hence. Similarly, all the State Governments shall comply with the said direction absolutely religiously within a week from today.

It has to be borne in mind that the said direction was issued so that people would realise the gravity of their act and the effect on the law and order situation. The said purpose has to be put on the high pedestal and people must realise that involving in such kind of activities will invite the wrath of law.

Contempt Petition(C)Nos.1497/2018 and 1986/2017

It is submitted by Mr. Mehta, learned Additional Solicitor General appearing for the State of Rajasthan that

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pursuant to order dated 07.09.2018 he has filed the report on 20.09.2018. A copy thereof be served on Mr. Shadan Farasat, learned counsel who is assisting Ms. Indira Jaising.

All the matters

List after two weeks.

(Subhash Chander)  
AR-cum-PS

(H.S. Parasher)  
Assistant Registrar