

No. 02/663/2018-1HG-IV

From

The Additional Chief Secretary to Government,
Haryana, Home Department.

To

1. The Director General of Police, Haryana.
2. All the Commissioners of Police, Haryana.
3. All the Superintendents of Police in Haryana.

Dated Chandigarh, the 31/08/2018

Subject: Directive/Advisory for measures to prevent incidents of mob violence and lynching-Compliance of direction dated 17.07.2018 passed by Hon'ble Supreme Court in Writ Petitioner (C) No. 754 of 2016-Tehseen S. Poonawalla Vs Union of India and Ors-Reg.

I am directed to refer to the subject noted above and to say that in order to curb the incidents of mob violence and lynching, the Hon'ble Supreme Court of India vide order dated 17.07.2018 passed in Writ Petitioner (C) No. 754 of 2016-Tehseen S. Poonawalla Vs Union of India and Ors., has issued guidelines on the preventive measures, remedial measures and punitive measures to be taken by the Government. In order to comply with the said guidelines, the Government have decided to issue following directives/Advisories:-

A. Preventive Measures

- (i) That the Commissioners of Police in the districts Gurugram, Faridabad and Panchkula and the Superintendents of Police in all the remaining districts in the State of Haryana are designated as Nodal Officers for the respective districts. The Nodal Officers shall be assisted by one of the ACP and DSP rank officer 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 districts namely Faridabad, Palwal, Gurugram, Mewat, Charkhi-Dadri, Rewari, Mahendergarh, Sonipat, Karnal and Kurukshetra are identified, where instances of lynching and mob violence have been reported in the past.
- (iii) The Nodal Officers of the concerned districts shall ensure 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 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, Haryana 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 law enforcement agencies sensitising by involving all the stake holders to identify the measures for prevention of mob violence and lynching against any caste or community and to implement the constitutional goal of social justice and the Rule of Law.
- (viii) 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. It singularly means that there should be seriousness in patrolling so that the anti-social elements involved in such crimes are discouraged and remain within the boundaries of law thus fearing to even think of taking the law into their own hands.
- (ix) The Director General of Police and the Nodal Officers shall broadcast on radio and television and other media platforms including the official websites of the Police Department lynching and mob violence of any kind shall invite serious consequence under the law.
- (x) It shall be the duty of the Police officials to take steps 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.
- (xi) 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.
- (xii) The Central Government shall also issue appropriate directions/advisories to the State Governments which would reflect the gravity and seriousness of the situation and the measures to be taken.

B. Remedial Measures

- (i) 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.
- (ii) 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).
- (iii) 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.

C. Punitive Measures

- (i) 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.
- (ii) Disciplinary action against the concerned officials if it is found that (i) such official(s) did not prevent the incident, despite having prior knowledge of it, or (ii) where the incident has already occurred, such official(s) did not promptly apprehend and institute criminal proceedings against the culprits.

2. The above instructions be brought to the notice of all the concerned for strict compliance. Any lapse on part of the concerned person shall be viewed seriously and action will be taken against the erring officers/officials in accordance with the Rules.



Superintendent, Home-IV,
for Additional Chief Secretary to Government, Haryana,
Home Department.



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From

The Additional Chief Secretary to Government,
Haryana, Home Department.
To

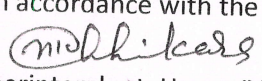
1. The Registrar General, Punjab and Haryana, High Court.
2. All the Commissioners of Police, Haryana-Nodal Officers.
3. All the Superintendents of Police in Haryana-Nodal Officers.

Dated Chandigarh, the 31/08/2018

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- (i) The Court of 1st Additional Sessions Judge in each district is designated, where cases of lynching and mob violence shall be specifically tried. Such courts shall hold trial of the case on a day to day basis. The trial shall preferably be concluded within six months from the date of taking cognizance. This direction shall apply to even pending cases. The District Judge shall assign those cases as far as possible to one jurisdictional court so as to ensure expeditious disposal thereof.
 - (ii) It shall be the duty of the Nodal Officers in particular to see that the prosecuting agency strictly carries out its role in appropriate furtherance of the trial.
 - (iii) To set a stern example in cases of mob violence and lynching, upon conviction of the accused person(s), the trial court must ordinarily award maximum sentence as provided for various offences under the provisions of the IPC.
 - (iv) The courts trying the cases of mob violence and lynching may, on application by a witness or by the public prosecutor in relation to such witness or on its own motion, take such measures, as it deems fit, for protection and for concealing the identity and address of the witness.
 - (v) The victim(s) or the next of kin of the deceased in cases of mob violence and lynching shall be given timely notice of any court proceedings and he/she shall be entitled to be heard at the trial in respect of applications such as bail, discharge, release and parole filed by the accused persons. They shall also have the right to file written submissions on conviction, acquittal or sentencing.
 - (vi) The victim(s) or the next of kin of the deceased in cases of mob violence and lynching shall receive free legal aid if he or she so chooses and engage any advocate of his/her choice from amongst those enrolled in the legal aid panel under the Legal Services Authorities Act, 1987.
2. The above instructions be brought to the notice of all the concerned for strict compliance. Any lapse on part of the concerned person shall be viewed seriously and action will be taken against the erring officers/officials in accordance with the Rules.


Superintendent, Home-IV,
for Additional Chief Secretary to Government, Haryana,
Home Department