

ORAL ANSWERS TO QUESTIONS

MR. CHAIRMAN: Now, Question Hour. Before that, I would like to inform the Members that there is an invitation to all of you to join me for lunch today at the official residence of Vice-President at 1.10 p.m. And, accordingly, the House will also be meeting only at 3.00 p.m. to facilitate Members to go and come back to the House. Please take note of the same and come, and also do justice to the job.

Now, Question Hour. Q. Nos. 166 and 167 can be clubbed together and taken up together.

Law to handle cases of lynching

*166. SHRI TIRUCHI SIVA : Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government proposes to draft a law to specifically handle cases of lynching; and

(b) what provisions of the existing laws can be used to bring the perpetrators of the crime to justice?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NITYANAND RAI) : (a) and (b) A Statement is laid on the Table of the House.

Statement

(a) and (b) A Group of Ministers was constituted by the Government to deliberate on the matter and make recommendations. The Group of Ministers has since met and the Government is seized of the matter.

Lynching incidents can be dealt with under Section 300 & 302 of Indian Penal Code (IPC). Section 302 provides that whoever commits murder shall be punished with death or imprisonment for life and shall also be liable to fine. Offence of murder is a cognizable, non-bailable and non-compoundable offence.

'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India and State Governments are 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 has issued advisories to 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. An advisory dated 04.07.2018 was issued to the States and UTs to keep watch on circulation of fake news and rumours having potential of inciting violence, take all required

measures to counter them effectively and to deal firmly with persons taking law into their own hands.

Further, 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.

SHRI TIRUCHI SIVA: Sir, to end mob lynching, the Supreme Court has given an eleven-point prescription and the Union Government has also given advisories to the State Governments. Sir, taking these into consideration, Manipur is the first State to have passed an anti-mob violence Bill and the Rajasthan Assembly has also passed an anti-lynching Bill. But, both the Bills are waiting for the assent of the President. What is the status of those Bills and when will they come into effect?

श्री नित्यानन्द राय : सभापति महोदय, माननीय सदस्य ने जो प्रश्न किया है, उसमें मुख्य रूप से जो इनका प्रश्न है कि दो राज्य- मणिपुर और राजस्थान, अभी जो जानकारी उपलब्ध कराई गई है, इस विषय पर मणिपुर और राजस्थान राज्य के विधान मंडलों द्वारा पारित दो विधेयक, जिन्हें राज्यपाल द्वारा राष्ट्रपति महोदय के विचारार्थ सुरक्षित रखा गया है, प्राप्त हुए हैं। इस प्रकार विधेयकों की जांच केन्द्रीय मंत्रालयों के साथ परामर्श करके की जाती है, जिसका परामर्श चल रहा है।

श्री सभापति : उन्होंने पूछा है कि कब करेंगे?

श्री नित्यानन्द राय : अभी परामर्श चल रहा है, जब यह परामर्श पूरा हो जाएगा तो उसके बाद...

MR. CHAIRMAN: Okay.

SHRI TIRUCHI SIVA: Sir, there is no clear definition under the IPC about anti-lynching and as of now, it is dealt with only under Sections 300 and 302. Sir, I would like to know from the Union Government as to whether the Government would come forward to amend the I.P.C., to have special provisions for anti-lynching. Otherwise, Sir, again we have to invoke the already existing law. Moreover, anti-lynching is a mob violence and it is a moral policing, I think an Amendment to the I.P.C. alone would do the justification.

MR. CHAIRMAN: Are you planning any Amendment to the I.P.C.?

श्री नित्यानन्द राय : माननीय सभापति महोदय, माननीय सदस्य ने ठीक बोला है कि मॉब के द्वारा जो घटनाएं होती हैं, अलग से उसकी कोई परिभाषा नहीं दी गई है। इस प्रकार की हत्या के केस में वही धारा 302 ही लगती है। इसमें धारा 339 भी है, धारा 300 भी है और धारा 331 भी है। इसके स्वभाव पर इसका अलग-अलग विश्लेषण होता है, लेकिन भारतीय दण्ड संहिता की धारा 302 और धारा 304 (क) अंतर्गत फांसी की सज़ा का प्रावधान भी है। फांसी की सज़ा दण्ड विधान की सबसे अंतिम सज़ा होती है और सबसे अंतिम सज़ा का प्रावधान अपने संविधान में है। फिर भी माननीय प्रधानमंत्री जी और माननीय गृह मंत्री जी- न्याय का शासन स्थापित हो, कानूनों को प्रासंगिक व सरल बनाया जाए, इस पर बल देते हैं। माननीय गृह मंत्री जी ने सभी राज्यों, केन्द्र शासित प्रदेशों, प्रशासकों तथा उपराज्यपालों को अर्द्धशासकीय पत्र लिखकर सुझाव आमंत्रित किए हैं।

SHRI TIRUCHI SIVA : Sir, am seeking your protection. My question was very specific.

MR. CHAIRMAN: I understand. Now, Shri Syed Nasir Hussain.

SHRI SYED NASIR HUSSAIN: Sir, my question is related with Shri Tiruchi Siva's question और मैंने इसका answer भी देखा है। सर, एक हास्यास्पद situation है कि सरकार की एजेंसीज़ ने mob-lynching के बारे में डेटा collect किया है। सरकार का answer यह है कि उसकी ही एजेंसीज़ द्वारा जो डेटा collect हुआ है, वह उसको unusable मानती है और कहती है कि यह unreliable data है।

श्री सभापति : आपका सवाल क्या है?

श्री सैयद नासिर हुसैन : नहीं सर, यह उनका answer है।...(व्यवधान)...

श्री सभापति : आपको answer पढ़ने की जरूरत नहीं है।...(व्यवधान)...

श्री सैयद नासिर हुसैन : सर नहीं, मैं answer ... (व्यवधान)...

श्री सभापति : यह आपका काम नहीं है।...(व्यवधान).... आप सवाल पूछिए।

श्री सैयद नासिर हुसैन : सर, यह सवाल उसके बेसिस पर ही है।...(व्यवधान).... यह सप्लीमेंटरी है।...(व्यवधान).... तो मेरा सवाल यह है।...(व्यवधान)....*

श्री सभापति : आपको कमेंट्री करने का अधिकार नहीं है।...(व्यवधान).... आप सवाल पूछना चाहते हैं?...(व्यवधान)....

श्री सैयद नासिर हुसैन : मेरा सवाल यह है।...(व्यवधान)....

श्री सभापति : अगर आप सवाल पूछना नहीं चाहते हैं,...(व्यवधान)... तो छोड़ दीजिए।...(व्यवधान)... श्री आनन्द शर्मा जी।

श्री सैयद नासिर हुसैन : सर, मेरा सवाल ...(व्यवधान)... मेरा सवाल यह है...(व्यवधान)...

MR. CHAIRMAN: What you speak will not go on record. You can't make general commentary and defame the country. ...(Interruptions)... Don't defame the country and don't bring community in the House. ...(Interruptions)...

SHRI SYED NASIR HUSSAIN: I am just stating the fact. ...(Interruptions)...

Number of lynchings in the country

*167. SHRI SYED NASIR HUSSAIN : Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that inspite of collecting data for 2017 under headings of mob-lynching, knap panchayat and murder by influential people, the same has not been published by the National Crime Records Bureau (NCRB) in its latest report;

(b) if so, the reasons therefor; and

(c) the data of the number of lynchings that have occurred in the last three years including the current year, State-wise?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NITYANAND RAI) : (a) to (c) A statement is laid on the Table of the House.

Statement

(a) to (c) National Crime Records Bureau (NCRB) publishes crime data under various crime heads which are clearly defined under the Indian Penal code and Special and Local Laws. NCRB for the first time collected data on some new additional parameters or crime heads including mob lynching, etc. for the year 2017 but it was observed that data was unreliable and their definitions were prone to misinterpretation. Therefore, NCRB did not consider it appropriate to publish such unreliable data separately.

MR. CHAIRMAN: Everything is a fact. ...(Interruptions)...

SHRI SYED NASIR HUSSAIN: It is a fact.

MR. CHAIRMAN: Don't argue with the Chair. Please sit down. ...(Interruptions)... Please sit down. कृपया आप बैठ जाइए।...(व्यवधान)...