

GAHC030000932026



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/12/2026

Smt. C Laltanpuui
W/o R.L Peka (L)
R/o Kelvi Apartment, Tanhril Vengpui, Tanhril, Mizoram

VERSUS

The State of Mizoram and 7 Ors.
R/b the Chief Secy. to the Govt. of Mizoram, Mizoram New Secretariat Complex,
Khatla, Aizawl, PIN - 796001 2:Secretary to the Govt. of Mizoram
Home Department
New Secretariat Complex
Khatla
Aizawl
PIN - 796001

3:Inspector General of Police (Hqrs) and Chief Public Relation Officer
Mizoram Police Media Cell
Aizawl
Mizoram

4:Officer-In-Charge
Vaivakawn Police Station
Vaivakawn
Aizawl
PIN - 796009

5:Sh. Lalthanmawia
Chairman
Tanhril Local Council
Tanhril
Aizawl
Mizoram

6:Sh. RS Larinsanga

President
Young Mizo Association (YMA)
Tanhрил Branch
Tanhрил Branch
Tanhрил
Aizawl
Mizoram

7:Sh. A Lalchungnunga
President
Mizo Upa Pawl (MUP)
Tanhрил Branch
Tanhрил
Aizawl
Mizoram

8:Smt. Zothansangi
President
Mizo Hmeichhe Insuihkhawm Pawl (MHIP)
Tanhрил Branch
Tanhрил
Aizawl
Mizora

Advocate for the Petitioner : Mr J C Lalnunsanga

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1-4

BEFORE
HON'BLE MR. JUSTICE RAJESH MAZUMDAR
ORDER

Date : **27.08.2026**

Heard Mr. J.C. Lalnunsanga, learned counsel for the petitioner. Also heard Ms. Lalnunhlui, learned Govt. Advocate for respondent Nos. 1-4 and Mr. Robert Laltlana, learned counsel for respondent Nos. 5-8.

2. The present petition has been filed invoking the jurisdiction of this Court

under Article 226 of the Constitution of India, since the petitioner is aggrieved by an eviction notice dated 27.01.2026 issued by the members of the Young Mizo Association, Tanhril Branch, Mizo Upa Pawl, Tanhril Branch and Mizo Hmeichhe Insuihkhawm Pawl, Tanhril Branch and also aggrieved by the alleged inaction of the State respondents against the mob action taken against the family of the petitioner whereby her property had been damaged and they had also been threatened.

3. The petitioner has prayed for the following relief:-

a) quashing/setting aside the impugned Eviction notice dated 27.01.2026 passed by the respondent Nos. 5 to 8.

b) quashing/setting aside impugned Mizoram Police Press Statement No.F.14018/1/25-PR/19 Dated: Aizawl, the 27th January, 2026 passed by the respondent No. 3.

c) registration and arrest of all the culprits involved in vandalism and destruction of the properties of the petitioner.

d) defreezing the account of the petitioner's husband MRB Account No. 25022028914 at MRB Ramrikawn Branch.

e) payment of compensation amounting to Rs. 7,61,130/- (Seven lakhs sixty one thousand one hundred thirty).

4. During the pendency of this petition, the eviction notices issued to the family of the petitioner had been withdrawn, and the bank account of the husband of the petitioner maintained at the MRB, Ramrikawn Branch had also

been activated. Thus, the prayers of the petitioner at serial nos. a) and d) of the prayer clause were redressed while the petition was awaiting adjudication.

5. The genesis of the grievances raised by the petitioner in this writ petition relates to an incident where a young girl had left her home at around 11 a.m. on 01.12.2025, and though she was last seen boarding an auto at around 5 p.m. at Tanhril Vengthar, thereafter, her whereabouts were not known. On 03.12.2025, the Young Mizo Association, Tanhril Branch issued a missing person notice, which was widely posted in the local WhatsApp group and was also circulated in Facebook and WhatsApp groups outside the Tanhril area.

6. The body of the missing girl was discovered at around 5:25 p.m on 13.12.2025 near the MZU Football Playground. An investigation was carried out with regard to the unnatural death of the girl.

7. On 16.12.2025, the husband of the petitioner fell from the first floor of their home and, in view of the injuries sustained, the son of the petitioner carried his father in their personal vehicle and admitted him to the nearest hospital at Chawnpui. The Secretary of the Tanhril Branch of the Young Mizo Association accompanied the son of the petitioner. The husband of the petitioner expired at around 12:00 noon on 16.12.2025.

8. Following this incident, the authorities investigating the unnatural death of the Mizo girl as referred to hereinbefore suspected the husband of the petitioner to be involved in the death of the Mizo girl and concentrated their investigation at the home and vehicle of the husband of the petitioner. On 27.01.2026, the

Inspector General of Police (Headquarters) and Chief Public Relations Officer of the Mizoram Police Media Cell issued a press statement wherein, amongst others, it was indicated that the deceased girl was pregnant at the time of her death and that while investigating the death of the husband of the petitioner, suspected blood stains were found at various places inside the vehicle. It was further stated that the husband of the petitioner was the last person to have been contacted by the deceased girl. It was also stated that during further investigation at the site where the body was recovered, cervical vertebrae and 8 teeth suspected to belong to the deceased girl had also been recovered and were sent along with the blood stain sample from the vehicle for forensic laboratory testing.

The press release further stated that forensic examination reports confirmed that the blood stains found inside the vehicle, which was used to carry the husband of the petitioner to the hospital, matched the deceased girl's blood and that the tooth recovered from the spot also belonged to her. As per the press release, the husband of the petitioner had been identified by the investigating authority as the principal accused responsible for the murder of the deceased girl.

9. Based on the press release, on the same day itself, an eviction notice was issued by the Presidents of the three Associations named hereinbefore, stating that the family of the main culprit would no longer be allowed to reside within the jurisdiction of the Tanhril Local Council.

10. In and around the same time, a large mob gathered at the residence of the petitioner, where some construction was being carried out, and resorted to stone-pelting. The mob also burned the house of the petitioner along with many construction materials. The mob resorted to vandalism and looting of valuables from the house of the petitioner. It is the case of the petitioner that though police personnel were present at the place of occurrence, they remained mute spectators and no steps were taken for protecting the property of the petitioner. The petitioner alleges that the press notification issued by the police authorities had laid the foundation for the mob violence perpetrated on her property.

11. The respondents No. 1 to 4, i.e. the State authorities, have filed an affidavit in opposition to the writ petition through the Under Secretary, who claimed to be well versed with the facts of the case, and has stated that the Mizoram Police Press Statement issued vide No. F.14018/1/25-PR/19 dated Aizawl, the 27th January, 2026 was an official public document regarding a murder case investigation based on evidence. With regard to the alleged mob violence, it has been stated that a suo motu FIR was registered on 29.01.2026 vide Vaivakawn P.S. Case No. 20/2026 under Section 326 (g)/ 324(5)/ 191 (2) BNS. It has been stated in the affidavit that, though several persons who were involved in the commission of the offences have been identified and evidence has been collected, the accused could not be arrested due to the volatile situation in the locality. It was stated in the affidavit that the police took all

possible steps and necessary action to maintain law and order and protect the life and property of the petitioner and her family by the police.

It has been further stated in the affidavit that analysis of the Call Detail records, the CCTV footage and the forensic reports during the police investigation indicated possible involvement of the accused. It has been stated that disclosing the identity of a suspect in a high-profile murder case is a standard practice to prevent rumours and to update the community. It has been stated in the affidavit that the dissemination of the press release by third-party media outlets is an independent exercise of the "Freedom of Press" and the same is beyond the control of the Police. It has been contended in the affidavit that "such" public reactions are spontaneous consequences of a high-profile criminal disclosure and did not stem from any specific intent or instruction from the Police. It has been stated that it cannot be denied that on the particular day, the police were heavily outnumbered.

It has been admitted in the affidavit that the scooter belonging to the daughter of the petitioner had been set ablaze by the angry crowd, and it has been admitted that the bank account of the deceased husband of the petitioner had been temporarily frozen at the request of the investigating officer as a necessary step in the investigation.

12. The respondents no. 5 to 8 have filed a common affidavit to explain their action of issuing the eviction notices to the petitioner and her family. It has been stated that after the Mizoram Police had issued the press release, there

were many social media posts against the family members of the petitioner, and it was apprehended that the deceased husband of the petitioner, being a weak person, could not have committed the murder alone without the involvement of his family members. The hurt caused to the feelings of the relatives of the deceased girl victim had ignited the angry mob to gather and approach the rented premises of the petitioner. However, the family of the petitioner had already left the locality. It has been further stated that the mob mounted pressure on the leaders of all the NGO demanding that the family of the petitioner leave Tanhril, otherwise, they would be ready to continue their vandalism. In such circumstances, despite the knowledge that they did not have authority to evict the petitioner or her family but with the expectation of pacifying public anger, the statements impugned in this writ petition were made, merely stating that the family of the petitioner would not be allowed to reside within the jurisdiction of the Tanhril Local Council. Except for circulating the message in the Community WhatsApp group, no other action was taken. It was further stated that the funeral of the husband of the petitioner took place at Kolasib and the petitioner had also taken a migration certificate from Young Mizo Association, Tanhril Branch of her own wish.

By another affidavit filed by the respondents no. 5 to 8, it was stated that the said respondents did not have statutory or legal authority to evict the petitioner and her family from Tanhril and the statement had been circulated only to diffuse public anger and to avert further violence at that time. The

concerned respondents had also expressly withdrawn the notice and stated that they did not seek to act upon, enforce or rely upon the statement in any manner whatsoever.

13. In view of the stand taken by the respondents No. 5 to 8 in their affidavit, the grievance against the said respondents to the extent of issuing the eviction notices stands redressed.

14. The petitioner had filed rejoinder affidavits stating that though the mob violence admittedly took place in the presence of the police personnel, the alleged suo motu FIR had been registered after three days. The petitioner had questioned the stand of the respondents No. 1 to 4 in expressing their inability to bring the culprits of vandalism and mob violence to book and had referred to the directions issued by the Apex Court in ***Tehseen S. Poonawala vs Union of India and others***, reported in ***(2018) 9 SCC 501***.

15. Mr. J.C Lalnunsanga, learned counsel for the petitioner, has submitted that the fact that the police authorities had issued a press release implicating the husband of the petitioner in a so-called "high-profile murder case" and that such press release had led to a mob uprising which had vandalised the private property of the petitioner cannot be, and in fact, are not, disputed by any of the parties to this litigation. He has further submitted that it is a settled position that the police authorities are barred from issuing press releases. The learned counsel has referred to several judgments of the Apex Court to substantiate the stand of the petitioner that the act of the Police Authorities in issuing the press

release was beyond the permissible action and that the petitioner would be entitled to fair compensation. He has also relied upon the judgments to submit that no individual or self-standing vigilante has the authority to take the law into their own hands or to punish others. He has submitted that vigilantism and mob rule are contrary to the Constitution of India and the statutory law and further that 'mob violence' must be prevented through strict state action, which would require immediate registration of an FIR, protection of the victim's family, effective investigation and expeditious trial before a Fast Track Court. He has submitted that the failure by police and District Officials to prevent, investigate and facilitate a prompt trial of the mob violence faced by the petitioner and her family constitutes deliberate negligence and/or misconduct on the part of the law enforcing agencies, warranting appropriate action. He has submitted that the impugned press release dated 27.01.2026 violated the fundamental right to privacy of the petitioner and her family members.

The learned counsel has submitted that from an evaluation of the stand taken by the respondents No. 5 to 8 in their affidavit-in-opposition, it would be apparent that the press release issued by the police authorities ignited the angry mob to cause serious damage to the property of the petitioner. He has submitted that the impugned press release amounted to a public declaration of guilt against the husband of the petitioner, who had expired by that time, without holding any trial and without there being any judicial finding or any conviction in accordance with law. The press release was an act of public

condemnation, replacing conviction with suspicion. He has submitted that the impugned press release was issued in violation of the Police Manual for Media Briefing, where, at Chapter-8 in Clause 8.1, 8.2 and 8.3, it has been laid down that evidence theories, compensations, witnesses' accounts, forensic details, call detail records, CCTV snippets, and investigative tactics are to be withheld. He has submitted that once the police authorities resorted to igniting public outrage against the family of the petitioner, it would not lie in their mouth to plead helplessness, more so when the consequences could already be foreseen. He has submitted that even assuming, for the sake of argument, that a limited disclosure is permissible regarding the identity of a suspect in a 'high profile' murder case, the disclosures as made in the present case violated the constitutional boundary of fairness, restraint, and proportionality. The impugned press release had pre-charged the guilt of the husband of the petitioner, destroyed the family reputation and exposed innocent family members of the petitioner to retaliation from a mob.

He has submitted that the police personnel present at the location where the petitioner's property had been set on fire were mere spectators who did not take action for the protection of either the petitioner and her family or of their property. The police personnel remained static when the scooter of the petitioner's daughter was snatched and burnt, and they remained static when the mob set the building material along with the under-construction building ablaze.

The learned counsel has submitted that the respondents have admitted that the perpetrators of the mob violence were not arrested when they were destroying the property, and even when the writ petition has been taken up for adjudication, the stand of the respondent authorities remains that no arrests were made on the apprehension that such arrests were likely to incite tension. He has submitted that such an admission on the part of the respondent authorities would send a dangerous message that public outrage can override criminal law. He has submitted that while the respondents have shown promptness in publicly naming a deceased person as a prime suspect, they have resorted to extraordinary restraint in identifying suspects involved in an act of 'mob violence'.

The learned counsel has submitted that the petitioner had suffered a loss of property worth Rs. 7,61,130/- and the respondent has not contested the evaluation of the loss of property stated by the petitioner.

The citations relied upon by the learned counsel for the petitioner, along with the relevant reliance, are listed herein below for ease of reference.

1. Shri Saithanpuia vs State of Mizoram, (WP(C) 68 of 2024, Disposed of on 13.09.2024), para 9 and 10.
2. Shri Gospel Lalruatfela and another vs. the State of Mizoram and others, (WP(C) 135 of 2024, disposed of on 27.3.2025), paras 9 and 10 :
3. People's Union for Civil Liberties vs State of Maharashtra, reported

in (2023) 9 SCC 186, para 3,7,8,9,12 and 16

4. Tehseen S. Poonawalla Vs. Union of India & Ors., reported in (2018) 9 SCC 501, para 19,34, B.40.13 to 40, C-40.22, 42

5. Justice K S Puttaswamy(Retd.) vs Union of India and ors, reported in (2017) 10 SCC 1, para 118,119,298,644,650, 652.3.

16. Mr. Robert Laltlana, the learned counsel appearing for the respondents No.5 to 8, has submitted that the respondents No. 5 to 8 have already withdrawn the notices. He has submitted that the respondents maintain the stand that the notices were issued only with the expectation of pacifying the agitated mob, and not with any intention to actually effectuate the eviction of the petitioner and her family from the Tanhril Region.

17. Ms. Lalnunhlui, learned Government Advocate appearing for the respondents No. 1 to 4, has submitted that the press release had been issued to disseminate information of a 'high profile' murder case. It has been a practice in the past to issue such press releases so that the citizens are kept aware of the developments in the investigation. The learned counsel has submitted that the press release was not intended to evoke the ire of any mob or to instigate any persons to act against the petitioner and her family. She has submitted that it is admitted by the respondents No. 1 to 4 that the property of the petitioner had to face the wrath of a mob, inasmuch as some building material kept at the premises had been set on fire. She, however, submits that the respondents No.

1 to 4 cannot be held in any manner to be responsible for such mob action and therefore, the question of adequate compensation to be granted to the petitioner and her family cannot, and does not arise. She has submitted that in any event, if the petitioner or her family is found to be entitled to damages, in view of the judgment of the Apex Court in **In Re: Destruction of Public & Private Properties VS State of A. P.**, reported in **(2009) 5 SCC 212**, the Apex Court has held that a sitting or a retired High Court Judge or a sitting or a retired District Judge shall have to be appointed as Claims Commissioner to estimate the damages and investigate the liabilities, if any.

18. I have heard the learned counsel appearing for the parties. None of the respondents dispute the contents of the press release or the eviction notices, the mob violence and the destruction of private property of the petitioner and her family, which followed as an aftermath of the public disclosure made by the police authorities.

19. In People's Union for Civil Liberties (supra), one of the issues dealt with by the apex court was the propriety and procedure of media briefings by police personnel. While acknowledging the right of the media to report on matters involving the commission of crime, the Apex Court also noted the competing rights of the accused and the victims/survivors of crime, which are of immense significance. At the stage of investigation and even trial, every accused is entitled to the presumption of innocence. It was recognised that while disclosure of relevant details involves public interest, at the same time, the

rights of the accused and of the victims/survivors of crime have a direct bearing on the fundamental right to life and personal liberty. The Apex Court was of the view that the Union Ministry of Home Affairs should prepare a comprehensive manual on media briefing by police personnel. A direction was issued to all the Directors General of police to communicate to the Union Ministry of Home Affairs the suggestions for preparation of appropriate guidelines within a month from the date of the order. Thereafter, the Union Ministry of Home Affairs was required to proceed to prepare the guidelines after considering the views which have been received from the Director General of police and after consulting other stakeholders, including representative segments of the print and electronic media who may have suggestions on the issue. Accordingly, a police manual had been formulated, and the criminal appeal was disposed of on 5 January 2026. The relevant contents have already been quoted in the foregoing paragraphs.

20. In Re: Destruction of Public & Private Properties versus State of A.P. and Ors., the Apex Court held as follows:

15. In the absence of legislation the following guidelines are to be adopted to assess damages:

(I) Wherever a mass destruction to property takes place due to protests or thereof, the High Court may issue suo motu action and set up a machinery to investigate the damage caused and to award compensation related thereto.

(II) Where there is more than one state involved, such action may be taken by the Supreme Court.

(III) In each case, the High Court or Supreme Court, as the case may be,

appoint a sitting or retired High Court judge or a sitting or retired District judge as a Claims Commissioner to estimate the damages and investigate liability.

(IV) An Assessor may be appointed to assist the Claims Commissioner.

(V) The Claims Commissioner and the Assessor may seek instructions from the High Court or Supreme Court as the case may be, to summon the existing video or other recordings from private and public sources to pinpoint the damage and establish nexus with the perpetrators of the damage.

(VI) The principles of absolute liability shall apply once the nexus with the event that precipitated the damage is established.

(VII) The liability will be borne by the actual perpetrators of the crime as well as organisers of the event giving rise to the liability - to be shared, as finally determined by the High Court or Supreme Court as the case may be.

(VIII) Exemplary damages may be awarded to an extent not greater than twice the amount of the damages liable to be paid.

(IX) Damages shall be assessed for:

(a) damages to public property;

(b) damages to private property;

(c) damages causing injury or death to a person or persons;

(d) Cost of the actions by the authorities and police to take preventive and other actions

(X) The Claims Commissioner will make a report to the High Court or Supreme Court which will determine the liability after hearing the parties.

21. In the case of S Poonawala (supra), the Apex Court had issued the following guidelines:

“40. In view of the aforesaid, we proceed to issue the following guidelines:-

A. Preventive Measures

40.1 *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.*

40.2 *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 this judgment, as such time period is sufficient to get the task done in today's fast world of data collection.*

40.3 *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.*

40.4 *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.*

40.5 *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.

40.6 *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.*

40.7 *The Home Department of the Government of India must take initiative and work in co-ordination with the State Governments for sensitising the law enforcement agencies and 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.*

40.8 *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.*

40.9 *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.*

40.10 *It shall be the duty of the Central Government as well as the State Governments 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.

40.11 *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.*

40.12 *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

40.13 *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.*

40.14 *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).*

40.15 *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.*

40.16 *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 this judgment. In the said scheme for computation of compensation, the State Governments shall give due 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.

40.17 *The cases of lynching and mob violence shall be specifically tried by designated court/Fast Track Courts earmarked for that purpose in each district. 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. We may hasten to add that 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. It shall be the duty of the State Governments and the Nodal Officers in particular to see that the prosecuting agency strictly carries out its role in appropriate furtherance of the trial.*

40.18 *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.*

40.19 *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.*

40.20 *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.*

40.21 *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.*

C. Punitive Measures

40.22 *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.*

40.23 *In terms of the ruling of this Court in Arumugam Servai v. State of Tamil Nadu, (2011) 6 SCC 405, the States are directed to take 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.*

41. *The measures that are directed to be taken have to be carried out within four weeks by the Central and the State Governments. Reports of compliance be filed within the said period before the Registry of this Court."*

22. In ***Kodungallur Film Society & Anr. vs Union of India & Ors.*** reported in **(2018) 10 SCC 713**, the Apex Court added the following guidelines:

C. Liability of person causing violence

a) If a call to violence results in damage to property, either directly or indirectly, and has been made through a spokesperson or through social media accounts of any group/organization(s) or by any individual, appropriate action should be taken against such person(s) including under Sections 153A, 295A read with 298 and 425 of the Indian Penal Code, 1860.

b) In instances where a group/organisation has staged a protest or demonstration resulting in violence and damage to property, the leaders and office bearers of such group/organisation should physically present themselves for questioning, on their own, within 24 (twenty four) hours, in the police station within whose jurisdiction the violence and damage occurred. Any such person(s) failing to present himself/herself in such manner without any sufficient reason should be proceeded against as a suspect and legal process must be initiated forthwith against him/her including for being declared an absconder in accordance with law.

*c) A person arrested for either committing or initiating, promoting, instigating or in any way causing to occur any act of violence which results in loss of life or damage to property may be granted conditional bail upon depositing the quantified loss caused due to such violence or furnishing security for such quantified loss. In case of more than one person involved in such act of violence, each one of them shall be jointly, severally and vicariously liable to pay the quantified loss. If the loss is yet to be quantified by the appropriate authority, the judge hearing the bail application may quantify the amount of tentative damages (which shall be subject to final determination thereof by the appropriate authority) on the principle stated in paragraph 15 of the decision in *In Re: Destruction of Public and Private Properties (supra)*, after hearing the submissions of the State/agency prosecuting the matter in that regard.*

D. Responsibility of police officials

a) When any act of violence results in damage to property, concerned police officials should file FIRs and complete investigation as far as possible within the statutory period and submit a report in that regard. Any failure to file

FIRs and conduct investigations within the statutory period without sufficient cause should be considered as dereliction of duty on behalf of the concerned officer and can be proceeded against by way of departmental action in right earnest.

b) Since the Nodal Officer(s) holds the overall responsibility in each district to prevent mob violence against cultural establishments and against property, any unexplained and/or unsubstantiated delay in filing FIRs and/or conducting investigations in that regard should also be deemed to be inaction on the part of the said Nodal Officer(s).

c) With reference to the videography mentioned in paragraphs 5(iv), 10 and 12 of In Re: Destruction of Public and Private Properties (supra), the officer-in-charge should first call upon from the panel of local video operators maintained by the concerned police station to video-record the events. If the said video operators are unable to record the events for whatever reason or if the officer-in-charge is of the opinion that supplementary information is required, then he/she can also call upon private video operators to record the events and request the media for information on the incident in question, if need be.

d) Status reports of the investigation(s)/trial(s) concerning such offences as set out hereinabove, including the results of such trial(s), shall be uploaded on the official website of the concerned State police on a regular basis.

e) In the event of acquittal of any person(s) accused of committing such offences as set out hereinabove, the Nodal Officer(s) must coordinate with the Public Prosecutor for filing appeal against such acquittal, in the right earnest.

E. Compensation

a) The person/persons who has/have initiated, promoted, instigated or in any way caused to occur any act of violence against cultural programmes or which results in loss of life or damage to public or private property either directly or indirectly, shall be made liable to compensate the victims of such violence.

b) Claims arising out of such acts of violence should be dealt with in the manner prescribed in paragraph 15 of In Re: Destruction of Public and Private Properties (supra).

c) This compensation should be with regard to the loss of life or damage done to any public or private properties, both movable and immovable.

23. In the present case, the press release had been issued when the investigation was ongoing and, therefore, the provisions of clause 8.3 of chapter 8 of the police manual, which came into operation as aforesaid, were required to have been kept in view. To the contrary, the Mizoram police press statement had disclosed not only the identity of the victim but had also referred to the call detail records, disclosing the mobile phone SIM numbers of the victim. It also disclosed the manner in which the body of the victim had been recovered and the stage of decomposition, etc. The press release further revealed that the victim was pregnant, that the identity of the father was unknown and that the victim had intended to marry a prospective groom who was an elderly pensioner. The press release further stated that the husband of the petitioner herein was one of the prime suspects. It was further revealed in the press report that suspected bloodstains were found in the vehicle. The manner of analysis of the victim's phone and its correlation with the phone of the deceased husband of the petitioner had also been stated in detail. The nature of the bodily remains which were recovered, including the bone and the tooth, was also disclosed. The contents of the forensic report confirming the matching of the blood of the victim and the other details were also divulged. The protocol laid down by the police manual was violated when disclosure beyond the permissible factors had been made. The police press release had disclosed evidence theories, forensic details and investigative tactics.

24. The immediate impact of such a press release was that the public at large was put on notice that the husband of the petitioner, an older man, might have had some connection to the death of the victim. This disclosure had admittedly and obviously led to public outrage and mob violence. The actions undertaken by the mob, which violated the right of the petitioner to her property and personal liberty, are already a matter of record. The personal property of the petitioner and her family, including the construction materials and the scooter of her daughter, had been set ablaze. The public outrage was to the extent that the petitioner and her family had to leave the household premises where they were staying on rent. The local non-government organizations that function in the locality, in their own words, were forced to issue statements that the petitioner and her family would not be allowed to stay in the locality. There was a clear and present threat to the life and property of the family of the “accused”, which, the petitioner insists, was instigated by the Press Release. The irony we notice in this case is that the respondents, in their affidavit, have tried to justify the failure to afford protection to the property of the petitioner and her family by stating that the police personnel were heavily outnumbered; however, no indication has been given as to the steps which were initiated or attempted to be taken for affording protection.

25. The fact of damage caused to the property of the petitioner is an admitted position, and the valuation of the damaged property asserted by the petitioner has not been contested or disputed by any of the respondents.

26. The respondents have asserted that an FIR had been lodged regarding the vandalism and mob violence, and in fact, perpetrators of illegality were identified. Still, again, helplessness has been expressed in arresting the identified accused involved in the violence. It is not the stand of the respondent authorities that any of the accused have been chargesheeted or that the matter has been forwarded to the appropriate forum of law for Trial. The fact that the law-enforcing agencies have expressed their failure to maintain law and order in the face of an angry mob is, to say the least, most unfortunate.

27. In view of the findings of this Court that the press release complained of in this writ petition violated the Protocol laid down in the "Police Manual for media briefing" (supra), and in view of the admitted position that the petitioner and her family had to face the wrath of a mob, in connection with which an FIR had been registered and some accused have also been identified. In view of the directions issued by the Apex Court in judicial pronouncements, the following directions are issued:

1. The impugned Press Release is declared to violate the protocol laid down in the Police Manual for media briefing. The authority who had issued the aforesaid press release shall cause the same to be recalled forthwith and in any case, within a period of 7 days from the date of receipt of a certified copy of this order.
2. The respondent no.1 shall cause a copy of the "Police Manual for Media Briefing" to be circulated to the offices of the respondents nos. 2 and 3

forthwith, and the respondents nos. 2 and 3 shall have the same circulated to all police stations.

3. The investigating officer dealing with the FIR stated to have been lodged with regard to the mob violence shall act in accordance with the guidelines laid down by the Apex Court in the cases cited hereinabove. The jurisdictional Superintendent of Police shall monitor the progress of the case on a weekly basis. Delay, negligence or lapses in the investigation/prosecution would be dealt with in accordance with the guidelines laid down by the Hon'ble Apex Court in that regard.

4. Mr. Lalngaihmaria Zote, Additional District and Sessions Judge, Aizawl Judicial District, Aizawl, is appointed as the Claims Commissioner as per the guidelines of the Hon'ble Supreme Court. The learned Claims Commissioner shall be at liberty to suggest the necessity of appointment of an Assessor to assist him and may also suggest the name of such assessor. The Learned Claims Commissioner shall process the claim for compensation and forward his recommendations to the Registry of this Court within a period of 3 months from the date of receipt of a copy of this order. The respondent No. 1 shall facilitate the learned Claims Commissioner by providing necessary logistical support as and when required by the learned Claims Commissioner.

5. The Registry shall place the report/recommendations of the learned Claims Commissioner before this Court along with the records of this Writ

petition expeditiously on receipt of the report/recommendations for passing of necessary orders on the claim of compensation by the petitioner.

28. List on 4th of December, 2026 along with report of the Learned Claims Commissioner.

JUDGE

Comparing Assistant