**IS CRIMINAL LIABILITIES ON TABLIGHI JAMAAT RIGHT?**

From the various sources we also get to know the fact that in India no one talks about the government’s delayed response regarding bans on travel and religious congregations, universal airport screening and extremely low testing rates. The Tablighi Jamaat head’s irresponsible conduct has been blamed entirely for the spread of the infection, added to the demonisation of the larger community.

In this we will discuss whether the criminal charges imposed against them were important.

Subsequently, when cases of people affected by COVID-19 started being reported from several countries, the blame game started – and how! The United States started calling it the China virus, some in the United States blamed orthodox Jews, African nations pointed the finger at  the white race, Pakistan found fault with the Shias, and we in India have put the entire responsibility for the spread of the novel Coronavirus on the Tablighi Jamaat .

And, despite the fact that Tablighi Jamaat is just one small sub-group of the Deoband school, the entire Muslim community was demonised.

Is This Blame Game Right??

We should also keep in mind that Article 25 gives freedom of religion to “all persons”, hence foreigners who come to India even on tourist visas are at par with citizens and do have the right to profess, practice and propagate their religion. Of course, this freedom is subject to public order, health and morality and other fundamental rights. For instance, the government has now closed all religious places and, therefore, no one, including a foreigner, today has the fundamental right to pray in any religious place of worship.

If some TV channels termed Tablighi Jamaat’s irresponsible acts ‘corona jihad’, others straightaway declared that it was responsible for the criminal conspiracy of spreading COVID-19, making viewers familiar with the term ‘super spreaders’.

It is important to remember that almost all the 1500 people who were eventually evacuated from the Nizamuddin mosque on March 30 and 31 were themselves victims, not perpetrators or culprits.

**The charges framed against the TJ head and advisers**

On the complaint of the Nizamuddin Police Station SHO, Mukesh Walia, an FIR was filed on March 31 against Tablighi Jamaat leader and seven others under Section 3 of the Epidemic Diseases Act,1897, and Sections 269, 270 and 271 read with Section 120B of the Indian Penal Code (IPC), 1860. Through these sections he is being accused of disobeying orders of a public servant and spreading infectious disease.

On April 15, another charge was added: the Tablighi Jamaat head was booked on charges of culpable homicide not amounting to murder (Section 304, IPC). The punishment for culpable homicide is life imprisonment or 10 years imprisonment.

The Epidemic Diseases Act,1897, is an archaic colonial law that merely empowers state governments and the central government to prescribe temporary regulations to be observed during a dangerous epidemic if ordinary laws are found to be insufficient.