

# Anti-mob lynching bills

February 17, 2022

**In news—** Bills passed against mob lynching in the last four years by **four states Rajasthan, West Bengal, Jharkhand and Manipur** have not been implemented with the Union government taking a view that **lynching is not defined as a crime under the Indian Penal Code (IPC).**

## **Bills of four states-**

- In 2018, the Manipur Assembly passed the The Manipur Protection from Mob Violence Bill, recommending life imprisonment for those involved in mob violence if it led to death.
- On August 5, 2019, the Rajasthan Assembly passed the Rajasthan Protection from Lynching Bill, 2019, providing for life imprisonment and a fine from ₹1 lakh to ₹5 lakh to those convicted in cases of mob lynching leading to the victim's death.
- On August 30, 2019, the West Bengal Assembly passed a legislation- the West Bengal (Prevention of Lynching) Bill, 2019 that proposes a jail term from three years to life for those involved in assaulting and injuring a person and also defines terms such as "lynching" and "mob."
- On December 22, the Jharkhand Assembly passed the Prevention of Mob Violence and Mob Lynching Bill, 2021, providing for punishment from three years to life imprisonment.
- Some of these bills are yet to receive a nod from the governor or reserved by the Governor for consideration of the President and some are being examined by the Union Home Ministry.
- The Ministry examines the State legislations on three grounds—repugnancy with Central laws, deviation from national or central policy and legal and constitutional

validity.

### **Why is there a delay in passing these bills?**

- As per the Union Home Ministry, there is no separate" definition for lynching under the IPC, adding that lynching incidents could be dealt with under Sections 300 and 302 of the IPC, pertaining to murder.
- In 2017, the National Crime Records Bureau (NCRB) collected data on mob lynching, hate crimes and cow vigilantism but it was not published and discontinued as these crimes are not defined and the data were found to be unreliable.

### **What is Mob lynching?**

- It is a **term used to describe the acts of targeted violence by a large group of people.**
- The violence is tantamount to **offences against human body or property- both public** as well as private.
- The **mob believes that they are punishing the victim for doing something wrong** (not necessarily illegal) and they take the law in their own hands to punish the purported accused without following any rules of law.
- Aptly **referred to by the hon'ble Supreme Court as a 'horrendous act of mobocracy'** mob lynchings have a pattern and a motive.
- More often than not, innocent people are targeted on the basis of some rumor, misinformation or suspicion.

### **Supreme Court judgment on Mob lynching-**

In 2018, the Supreme Court asked Parliament to make lynching a separate offence. The Court had given 11 prescriptions regarding Mob Lynching.

- The **state governments shall designate a senior police officer in each district for taking measures** to prevent incidents of mob violence and lynching.

- The **state governments shall immediately identify districts, sub-divisions and villages** where instances of lynching and mob violence have been reported in the recent past.
- 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.
- It shall be the **duty of every police officer to cause a mob to disperse**, which, in his opinion, has a tendency to cause violence in the disguise of vigilantism or otherwise
- **Central and the state governments should broadcast on radio and television** and other media platforms including the official websites that lynching and **mob violence shall invite serious consequence** .
- **Curb and stop dissemination of irresponsible and explosive messages, videos** and other material on various social media platforms. Register FIR under relevant provisions of law against persons who disseminate such messages.
- Ensure that there is **no further harassment of the family members of the victims**.
- State governments shall prepare a **lynching/mob violence victim compensation scheme**.
- **Cases of lynching and mob violence shall be specifically tried by designated court/fast track courts** earmarked for that purpose in each district. The trial shall preferably be concluded within six months.
- **If it is found that a police officer or an officer of the district administration has failed to fulfill his duty, it will be considered as an act of deliberate negligence**.
- To set a stern example in cases of mob violence and lynching, **the trial court must ordinarily award maximum**

**sentence upon conviction of the accused person.**