

Bill against Mob lynching

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Manifest pedagogy: Mob lynching as an issue needs to be studied from four different perspectives as there is a possibility of asking questions on it in four different sections

1. Indian Society
2. Governance aspects
3. Internal Security aspects
4. Ethics

Hence a student should explore all the above 4 dimensions

In news: West Bengal Assembly recently passed a Bill to prevent and punish mob assaults and lynching.

Placing it in syllabus: Social evil of mob assaults (not explicitly mentioned)

Static dimensions: Causes for mob lynching

Current dimensions:

- Manipur Act on it
- West Bengal Act on it
- Rajasthan law
- Solution

Content:

A wave of lynching of the members of **lower and marginalised sections** of society has swept the country for various reasons, including **alleged theft, child lifting, cow protection and caste-related violence**. The elements that have fuelled these assaults include *religious fanaticism, increased penetration of social media and politicians*, who have ranged from being

apathetic to instigators of violence.

On September 28, 2015, villagers in Bisahra village close to Dadri, UP, accused a person named Mohammed Akhlaq of stealing and slaughtering a calf for Eid. An announcement was allegedly made from the local temple's public address system to gather a mob, which then proceeded to Akhlaq's house.

Akhlaq and his son Danish were dragged out and beaten with rods and bricks. Their fridge was raided and a leftover meat curry was seen as proof that they had killed a cow (Akhlaq's family insisted it was goat meat). Akhlaq died from the assault. Danish was severely injured and had to undergo brain surgery later. Within days, a Union minister called the lynching an "accident". In spite of the brutal nature of the crime, all the Dadri accused have got bail and are out of jail now.

Dadri set a template. Cow protection vigilantes would assault men they accused of either killing cows or transporting cattle to be slaughtered. Moreover, these would then not be treated as ordinary crimes. The vigilantes would often be supported, sometimes explicitly, by political parties and governments.

In March 2016, two cattle traders were lynched and their bodies hung from a tree in Jharkhand. In July 2016, four Dalit men were assaulted in Una, Gujarat for skinning dead cows and their assault filmed by the perpetrators themselves. In 2017, a dairy farmer Pehlu Khan was lynched on a busy Rajasthan Highway with his assault filmed and distributed widely. The six men accused by Khan in his dying declaration were absolved by the police of any guilt.

The reign of gau raksha gangs on highways in North and West India means a collapse of the vital cattle economy in these regions. Farmers who would earlier sell off their barren cows and unproductive bulls now are finding no buyers. Not only does the farmers suffer a loss of income but also these unsold

animals are now often eating the crops. In Ahmedabad, people who abandon cattle are being booked for culpable homicide.

Lynchings, however, has not remained limited to religious hysteria over cow protection. The easy spread of rumours using social media, an apathetic administration and a mercurial population meant a spate of mob violence with varied motivations. The same social media apps which carried reports of the cows being killed also transmitted rumours of children being kidnapped.

On June 27, 2017, a mentally ill woman was lynched in West Bengal after a 14-year old child went missing in the area and rumours of Bangladeshi child abductors being active in the area. In June, 2018, a mob in Assam beat two young men to death again on the suspicious of being child lifters.

May, 2018 saw multiple mob attacks in Andhra Pradesh of Hindi-speaking people as false rumours spread that child abductor gangs from Bihar and Jharkhand were active in the state. In July, 2018, five men from a nomadic tribe were beaten to death in Maharashtra.

There are no government statistics of hate crimes in India but as per a few media outlets, there have been 117 gau-raksha related incidents of violence in India since 2015 (according to IndiaSpend). So strong is the force of the mob that even the Opposition parties have been muted on the issue.

Manipur Protection from Mob violence Act, 2018:

In December 2018, **Manipur became the first state** to pass a remarkable law against lynching or Protection from Mob Violence Act.

Main features of the Act:

- Its **definition of lynching** is comprehensive, covering many forms of hate crimes. These are “*any act or series*

of acts of violence or aiding, abetting such act/acts thereof, whether spontaneous or planned, by a mob on the grounds of religion, race, caste, sex, place of birth, language, dietary practices, sexual orientation, political affiliation, ethnicity or any other related grounds ”.

- It requires that hate crimes are undertaken by mobs and excludes solitary hate crimes.
- It clearly lays down the duty and responsibility of the State government to make arrangements for the protection of victims and witnesses against any kind of intimidation, coercion, inducement, violence or threats of violence.
- It also prescribes the duty of State officials to prevent a hostile environment against people of the community who have been lynched, which includes economic and social boycott, and humiliation through excluding them from public services such as education, health and transport, threats and evictions.
- It lays down that “any police officer directly in charge of maintaining law and order in an area, omits to exercise lawful authority vested in them under the law, without reasonable cause, and thereby fails to prevent lynching shall be guilty of dereliction of duty” and will be liable “to punishment of imprisonment of one year, which may extend to three years, and with fine that may extend to fifty thousand rupees”.
- No prior sanction is required to register crimes against public officials who fail in their duties to prevent hate crimes such as lynching.
- It does away with the requirement of prior state sanction before acting on a hate crime. ((All hate crimes today should attract Section 153A of the Indian Penal Code, which is related to fostering enmity between people on the basis of religion, race, language and so on)).
- It requires the state to formulate a scheme for relief

camps and rehabilitation in case of displacement of victims, and death compensation.

West Bengal Act on lynching:

- The West Bengal Assembly recently passed the **West Bengal (Prevention of Lynching) Bill, 2019** to prevent and punish mob assaults and lynching.
- It defines lynching as any attempt or act of violence by a mob on the “grounds of religion, race, caste, sex, place of birth, language, dietary practices, sexual orientation, political affiliation, ethnicity, or any other ground”.
- It proposes a jail term from three years to life for those involved in assaulting and injuring a person.
- The Bill provides for framing the West Bengal Lynching Compensation Scheme.
- The bill proposes a maximum punishment of life imprisonment and fines ranging from Rs 1 lakh to Rs 5 lakh for offences.
- The legislation prescribes the appointment of a nodal officer for periodic assessment of local intelligence inputs on potential flashpoints, and mandates that lynching incidents be investigated by an officer not below the rank of an inspector.
- It also calls for witness protection and compensation for victims, adding that any allegation of threat, coercion or inducement of witnesses must be brought to the notice of a court within 24 hours.
- It also proposes a maximum one-year jail term and a fine up to Rs 50,000 for “publishing, communicating or disseminating offensive material by any method – physical or electronic”.
- Those who create “a hostile environment for a person or a group of persons” face a maximum prison term of three years and fine up to Rs 1 lakh.

Rajasthan anti-lynching bill:

- The Rajasthan legislative assembly recently passed 'The Rajasthan Protection from Lynching Bill, 2019' ((**second state after Manipur to pass such bill**)).
- The Bill defines the mob as a group of two or more individuals.
- It defines lynching as "an act or series of acts of violence or those of aiding, abetting or attempting an act of violence, whether spontaneous or preplanned, by a mob on the grounds of religion, race, caste, sex, place of birth, language, dietary practices, sexual orientation, political affiliation or ethnicity".
- For the offence of an assault by the mob, leading to the victim suffering grievous hurts, the bill provides for jail terms up to 10 years and a fine of ₹25,000 to ₹3 lakh.
- In cases of the victims suffering simple injuries, the Bill proposes imprisonment up to seven years and a fine up to ₹1 lakh.
- For hatching a conspiracy of lynching or aiding, abetting or attempting such an offence, the Bill seeks to punish the offenders in the same manner as if he actually committed the offence of lynching.
- The Bill also empowers the State police chief to appoint a state coordinator of the rank of Inspector General of Police to prevent the incidents of lynching in the State with the district Superintendents of Police acting as the district's coordinator, to be assisted by a Deputy Superintendents of Police, for taking measures to prevent incidents of mob violence and lynching.
- The Bill also enlists various other offences related to the lynching such as dissemination of offensive materials, propagation of hostile environment and obstructing legal processes, which would be punishable with jail terms varying from three to five years.
- The Bill also stipulates the provision of compensation to victims by the State government as per the Rajasthan Victim Compensation Scheme.

- It also binds the State government to take necessary measures to rehabilitate the victims of mob lynching, suffering displacements from their native places.

According to the state government, as after 2014, 86% cases of mob lynching reported in the country happened in Rajasthan there was a need for such a law.

Solution:

In 2018, Supreme Court (SC) recommended to enact a law against the incidents of mob lynching and proposed to nip the evil in the bud and to prevent spreading of hatred or incitement to mob lynching by creating special offences against such acts. SC also gave **11-point prescription** to deal with the crime and directed all state governments to comply with its guidelines to prevent lynching in the name of cow vigilantism or any other reason.

The government recently told the SC that it has set up an empowered group of ministers to consider an antilynching law. Currently lynching is covered under the Indian Penal Code (IPC). Though the court had asked all states to comply with the guidelines, only nine states have done it so far.

The top court had said that it was the duty of the states to strive and promote fraternity amongst all citizens, as such mob violence was being instigated by intolerance and misinformed by circulation of fake news and false stories. The apex court had said there was a need to enact a special law as it would instill a sense of fear for law amongst those who involve themselves in mob lynching.

11- point prescription by SC:

-> 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.

-> 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.

-> 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.