



## Law on Mob Lynching

---

 [drishtiias.com/current-affairs-news-analysis-editorials/news-editorials/18-01-2020/print](https://drishtiias.com/current-affairs-news-analysis-editorials/news-editorials/18-01-2020/print)

The spate of incidents of lynching over the past few years has led to a heightened sense of insecurity among the marginalised communities. Lynching is carried in the name of religion or because of the spread of rumours.

In this context, the Supreme Court in 2018 described lynching as a **“horrendous act of mobocracy”** and laid down guidelines for the Centre and State governments to frame laws specifically to deal with the crime of lynching.

In pursuance of this, the Manipur government came up first with its Law against lynching in 2018.

The Manipur Law is in sync with the Supreme Court guidelines.

- The Manipur Law **defined mob lynchings** as “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.”
- The Law specified that there would be **nodal officers** in each district to control such crimes.
- The most substantial and worthy contribution of the law is that it is the first in the country dealing with the protection and rights of vulnerable populations which defines a new **crime of dereliction of duty of public officials**.

It states that Police officers who fail to prevent the crime of lynching in their jurisdiction are liable to be imprisoned for a term that may extend from one to three years with a fine limit of ₹50,000.

- Equally pathbreaking is that it **removes the protection** that is otherwise extended to public officials charged with any offence committed while acting in their discharge of official duty.
  - All hate crimes can be penalised under Section 153A of the Indian Penal Code, relating to foster enmity between people on the basis of religion, race, language and so on.
  - However, registering this crime requires prior permission of the State government, and most governments use this power to shield perpetrators of hate crimes who are politically and ideologically aligned to the ruling establishment.
  - Under the Manipur law **no prior sanction** is required to register crimes against public officials who fail in their duties to prevent hate crimes such as lynching.
- The Law 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.
- The Law requires the state to **formulate a scheme for relief camps and rehabilitation** in case of displacement of victims, and death compensation.
 

This is significant as in most cases of lynching, it is found that States have only criminalised the victims, never supported the survivors who live not just in loss and fear.
- Inspired by this **Rajasthan and West Bengal** have formulated their version of laws to curb mob lynching.
 

The West Bengal law is more stringent as it provides for punishment for lynching to death, is punishable with the death penalty or life imprisonment and a fine of up to ₹5 lakh.

If emulated by the Union and other State governments, such a sterling law could substantially prevent hate attacks, ensure public officials are faithful to their constitutional responsibilities and victims, and that their families and communities are assured of protection and justice.

## Way Forward

---

Lynching has become a social menace all across India, therefore the centre should come with the law to deal with it. The law should incorporate the following provisions:

- It **should be applicable to all hate crimes**, not just lynching (for example honour killing), regardless of the numbers of persons who participate.  
Since the essence of what distinguishes these kinds of crimes is not the numbers of attackers but the motivation of hate behind the crimes, therefore, the law should provision dealing with solitary hate crimes.
- The law needs to prescribe a much more **expansive framework of mandatory gender-sensitive reparation**.
- The law should incorporate **penal action against doctors** who stand accused of dereliction of duty, for the delay in attending to victims of lynching.
- Under the **compensation scheme for the victims**, the amount should be recovered from the perpetrators of the crime.

### ***Drishti Mains Question***

In order to protect the pluralistic social fabric of Indian society, there is a need for a zero-tolerance attitude in dealing with mob lynching. Discuss.

---