Lax Response of the States to Mob Lynching

Why in news?

The Supreme Court has asked several States to respond to the petition filed by National Federation of Indian Women for their consistent failure to act against mob lynching.

What is mob lynching?

- Mob Lynching is the *act of violence by a group of people* towards an individual without a legal trial.
- It is an *illegal activity* done by the crowd of people who turn aggressive and kill an individual on the assumption that he is a criminal and held him guilty without any legal trial.
- **Victims-** Generally, Muslims, dalits and minorities have been the victims of mob lynching.

What are the causes of mob lynching?

- **Intolerance-** People are intolerant in accepting the law and try to punish the alleged person assuming the act to be immoral.
- **Biases-** Mob lynching is said to be rising because of the biases or prejudices among various castes, class & religions.
    - The 24-year-old Tabrez Ansari was brutally beaten by a mob in Jharkhand for alleged theft, eventually leading to his death.
- **Cow vigilantism**- Cow vigilantism is a scenario where people create violence in the name of cow protection.
    - The memory of murder of a dairy farmer, Pehlu Khan and his sons by self-described cow vigilantes in 2017 in Rajasthan still stays afresh.
- **Lack of speedy justice-** Inefficient working of justice is also one of the prime reasons why people take law into their own hands without fearing of consequences.
- **Poor law enforcement**- Police officers play a significant role in protecting person's life & maintaining harmony, but due to ineffective investigation procedure, hate crime is in the rise.
- **Lack of awareness-** Easy spread of fake news due to increase in the internet penetration.
- **Lack of data-** In 2017, the National Crime Records Bureau (NCRB) collected data on mob lynching, hate crimes and cow vigilantism, but it was not published as these crimes are not defined and the data were found to be unreliable.

Manipur is the first state to have a law for mob lynching in 2018.

What are the concerns of mob lynching?

- **Growth of communalism-** A rampant rise in lynchings and mob violence against a particular religious community revealed police apathy.
- **Violation of Constitution**
  - Articles 14 - Equality before the law
  - Article 15 - Religious non-discrimination
  - Article 21 - Right to life
- **Breach of duty-** Due to inefficiency of police administration to stop mob lynching it leads to breach of a duty of care.

Tehseen Poonawala vs Union of India in 2018
• Supreme Court held that it was the "*sacrosanct duty of the State"* to protect the lives of its citizens. • It stated that no right is higher in a secular, pluralistic and multiculturalist social order than the right to live with dignity and to be treated with humaneness. • Vigilantism *cannot become the "new normal*". No citizen can assault the human dignity of another, for such an action would comatose the majesty of law. • The court declared that the authorities of the States have the "principal obligation" to see that vigilantism does not take place. • "*Vigilantism cannot, by any stretch of the imagination, be given room to take shape".*

What is the issue now?

- **Contempt petition-** The Centre and States are facing a separate contempt petition in the Supreme Court for non-compliance with the *Tehseen Poonawala judgment.*
- National Federation of Indian Women (NFIW) also filed petition against several States for their consistent failure to act against mob lynching on Muslims by cow vigilantes.
- **Status report**- The apex court directed the States to file a status report containing year wise data from 2018 by September 30, 2023.

What were the remedial directives given by the Supreme Court?

- SC in 2018 described lynching as a "*horrendous act of mobocracy"* and laid down guidelines for the both Centre & state governments to frame laws particularly to deal with lynching.
- **Designated officer-** Appoint a designated nodal officer, not below the rank of Superintendent of Police to prevent prejudice-motivated crimes like mob violence and lynching.
- **Lodge FIR-** The immediate lodging of an FIR if an incident of lynching or mob violence comes to the notice of the local police.
- **Duty of Station House Officer**- To inform the nodal officer in the district about the registered FIR, to ensure that the families of the victims are secured from further harassment.
- The investigation of the crime should be personally monitored by the nodal officer.
- **Duty of police officer** – It is the duty of every police officer to cause a mob to disperse that seems to cause violence, in their opinion.
- **Victim compensation** -There should be a scheme to compensate victims of such prejudice-motivated violence.

- **Negligence of duty-** Any failure to comply with the court's directions by a police or district administration officer, would be considered as an act of deliberate negligence and/or misconduct.
- Appropriate action will be taken for negligence of duty within 6 months.
- **Role of States-** States should take disciplinary action against their officials if they did not did not prevent the incident of mob lynching,
    - Despite having prior knowledge of it, or
    - Where the incident has already occurred,
    - Official did not promptly apprehend and institute criminal proceedings against the culprits.

What lies ahead?

- **Designated Fast Track Courts-** States need to set up a designated fast track court in every district to deal exclusively with mob lynching cases.
- **Special Task Force-** The court had said that there is a need to set up of a special task force.
- **Compensation** - NHIW has directed the government to pay a "minimum uniform amount" to the victims of lynchings and mob violence.
- **Separate law**- Each state should have a separate law to deal with incidents like mob lynching.
    - Presently, only 3 states - Manipur, West Bengal & Rajasthan, have enacted laws against mob lynching.

References

1. The Hindu| States lax response to lynching
2. The Hindu| Lynching and mob violence
3. Deccan herald| SC issues notices to state

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