

Mob Lynching - Jharkhand's Tabrez Ansari Case - II

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Why in news?

The Jharkhand Police charged the 11 men arrested for Tabrez Ansari's lynching with 'culpable homicide' that would not amount to 'murder'.

What is the difference?

- The line between culpable homicide and murder is thin.
- Murder is punishable under Section 302 with death or life imprisonment.
- On the other hand, forms of culpable homicide attract either a life term or 10 years in prison under Section 304 of the IPC.
- It is the courts that usually assess the circumstances in which a homicide took place and decide whether it amounted to murder or not.

What is the police's argument?

- The two-pronged argument from the police side is that -
 1. the medical report gave the cause of death as 'cardiac arrest due to stress'
 2. the victim did not die immediately, but succumbed some days later
- The police also said that a second opinion from forensic experts was that the death was caused due to a combination of heart attack and the injuries.

What are the contentions?

- **Cause** - Merely attributing death to a heart attack is illogical without referring to the trauma caused by the physical assault.
- **Prosecution** - It may not make a legal difference to the prosecution whether the accused is given a life term for murder or mere culpable homicide not amounting to murder.
- However, invoking only the offence of culpable homicide may make it easier for the defence to claim that their offence lacked premeditation or intention.
- They could instead claim that they were deprived of their self-control by the "provocation" given by the victim.
- It is also unclear if the police would include accounts of claims that Ansari was forced to chant 'Jai Shri Ram'.

- Recording it may actually help establish a clear sectarian motive on the part of the crowd to turn into a lynch mob and attack him.
- **Precedent** - The narrative in lynching incidents that it was the victim who was at fault may be reiterated in future unless the prosecution resolutely makes a case of murder.

What does this call for?

- The suspicion that the Ansari case is being diluted underscores the need for a special anti-lynching law.
- Such a law could cover acts of group violence, whether spontaneous or planned.
- This may ensure that those who join lynch mobs do not gain from any ambiguity about their intentions.

Source: The Hindu

