Need for Strict Anti-Lynching Laws

What is the issue?

In yet another disturbing act, two tribal men were beaten to death by in Seoni, Madhya Pradesh on the suspicion that they were slaughtering cows.

What is mob lynching?

- Mob Lynching is that 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.
- Generally, Muslims, dalits and minorities have been the victims of mob lynching.
- 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.
- 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.

What steps have been taken to curb mob lynching?

- **Legal**- There was no separate definition for lynching under the IPC
- Provisions of IPC are applied to deal with instance of mob killing like Section 302 (murder), 307 (attempt to murder), 323 (causing voluntary hurt) 147 (rioting), 148 (rioting armed with deadly weapons) and 149 (unlawful assembly).
- Section 223A of the CrPC provides for criminal prosecution for crowds involving in similar crimes.
- **Supreme Court**- Supreme Court upholds *Tehseen Punawala vs. Union of India and others* issued disciplinary, remedial and preventive guidelines in the case of mob lynching and urged Parliament to enact legislation in this regard.
- The apex court has also issued notices to the Centre, the Human Rights Commission, along with 10 states accused of not complying with its guidelines issued last year to curb mob lynchings.
- **Government**- High level committee headed by Rajiv Gauba, Home Secretary was constituted.
- The central government constituted a panel to submit its report to Prime Minister as per the guidelines of the Supreme Court.
- Four States (Rajasthan, Jharkhand, West Bengal and Manipur) had passed laws against lynching but they were under various stages of implementation.
- **Other steps**- Whatsapp forwarding message has been restricted to only five chats, in order to stop the fake rumors to get spread so easily and fast.
- Not in my name campaign was organised to raise awareness.
- Manav Suraksha Kanoon (MASUKA) is a law against mob lynching which has been proposed by National Campaign against Mob Lynching (NCAML).

What are the concerns?

- **Government's position**- Union government is of the view that lynching is not a crime under the Indian Penal Code.
- Many state governments have come up with stringent laws on cow slaughter.
- There is also stigmatisation of communities such as Dalits, Muslims and tribals for their dietary habits and their dependence on cattle products for a livelihood.
- **Supreme Court judgement**- In 2005, the Supreme Court had justified the total ban on cattle slaughter by an expansive interpretation of the directive principles of state policy
- It relied on Articles 48, 48A, and 51(A) of the Constitution that seeks to preserve breeds used in agriculture and animal husbandry, explicitly prohibiting the slaughter of cows besides promoting compassion to animals.
- The judgment had overturned an earlier ruling in 1958 which had limited the ban only to useful cattle which are still engaged in agriculture and husbandry.

What is the need of the hour?

- For a well-informed political debate, it is imperative that we understand the contexts and motives of these crimes.
- Accurate data is the essential baseline needed to track the occurrence of lynching.
- A multi-pronged approach is needed with the help of laws like the Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011, or the Anti-Communal Violence Bill.
- There is also a need to promote social inclusiveness via laws, as seen in The Maharashtra Protection of People from Social Boycott (Prevention, Prohibition and Redressal) Act, 2016.
- There is also an urgent need to usher in police reforms to ensure better tackling of this menace in the future.

References

1. https://www.thehindu.com/opinion/editorial/cowed-down-the-hindu-editorial-on-the-need-for-strict-anti-lynching-laws/article65388509.ece
2. https://www.legalserviceindia.com/legal/article-844-mob-lynching-a-rising-threat.html
3. https://blog.ipleaders.in/draft-law-manav-suraksha-kanoon-masuka-national-campaign-mob-lynching/

SHANKAR IAS PARLIAMENT
Information is Empowering