Mob lynching

Lynching, a form of violence in which a mob, under the pretext of administering justice without trial, executes a presumed offender, often after inflicting torture and corporal mutilation. The term lynch law refers to a self-constituted court that imposes sentence on a person without due process of law.

The Manipur Law defined mob lynching 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.”

Steps taken to counter mob lynching in India:

1. The West Bengal (Prevention of Lynching) Bill, 2019 provides for three years to life imprisonment to those injuring a person and capital punishment or rigorous life imprisonment for those causing death and a fine up to Rs.5lacs.
2. Rajasthan also passed an anti-lynching bill.
3. Manipur was the first state to pass a law against lynching.
4. 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.

Supreme Court’s Guidelines on Preventing Mob Lynching, 2018

- 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 Director General of Police (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.
- The Central and the state governments should broadcast on radio and television and other media platforms including the official websites that lynching and mob violence of any kind shall invite serious consequence under the law.
- Curb and stop the dissemination of irresponsible and explosive messages, videos and other material on various social media platforms which have a tendency to incite mob violence. Register FIR under relevant provisions of law against persons who disseminate such messages.
- State governments shall prepare a lynching/mob violence victim compensation scheme.
- Ensure that there is no further harassment of the family members of the victims.
- If a police officer or an officer of the district administration fails to do his/her duty, the same will be considered as an act of deliberate negligence for which an appropriate action must be taken against him/her.

Protection from Mob Violence Act (Manipur State):
Manipur became the first state to pass a remarkable law against lynching or Protection from Mob Violence Act.

Main features of the Act:

Definition

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 (defined as a group of two or more individuals, assembled with a common intention of lynching).

Duty of the state

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.

Responsibility on Public Official

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.

No prior sanction

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. But 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. The Manipur law does away with this requirement, which would make acting against hate crimes far more effective and non-partisan.

Rehabilitation

The last substantial contribution of the law is requiring the state to formulate a scheme for relief
camps and rehabilitation in case of displacement of victims, and death compensation.