

TAKING ON THE MOB: ON RAJASTHAN LAW AGAINST MOB LYNCHING

Relevant for: Indian Society | Topic: Structure of Indian Society incl. Caste system

It is possible to argue that there is no need to create new criminal offences for 'lynching' and 'honour killing' because they remain plain murders. These are already punishable with death or life imprisonment. Yet, mob lynching and murderous attacks on young couples in the name of preserving family or community honour have emerged as preponderant social evils. It is but inevitable that societies come up with new ways of combating such hate crimes. Rajasthan has made bold to grapple with these two crimes by passing special penal laws. Vigilante mobs have unleashed a wave of crimes in the name of cow protection and preventing the sale of beef or transport of cattle; the spread of rumour and attempts to establish sectarian dominance have also contributed to this disturbing phenomenon. The Supreme Court zeroed in on the nub of the trend when it spoke of "rising intolerance and growing polarisation" in a judgment last year. It also mooted a special law to criminalise it and "instil a sense of fear" among those too quick to form a lynch mob. The passage of the Protection from Lynching Bill, 2019, makes Rajasthan the second State, after Manipur, to implement the suggestion. A positive feature is that it closely resembles the Manipur law in the way "lynching" is defined. It covers any act of violence, 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 or ethnicity. And two persons are enough to constitute a 'mob'.

According to the State's Parliamentary Affairs Minister, 86% of mob lynching incidents reported in India after 2014 were in Rajasthan. The Bill says that when a mob attack ends in death, it is punishable with life imprisonment and a fine of up to 5 lakh. There are lesser terms for causing injuries. As directed by the Supreme Court, the Bill provides for appointment of a nodal officer to prevent lynching and for district police chiefs to act as coordinators. It ensures compensation to victims and rehabilitation measures for those displaced. The opposition BJP, on expected lines, contended that the Bill was being brought in a hurry to please a community. However, it is a fact that Muslims have been prime targets of lynch mobs. The party's fulmination against the other Bill that prohibits interference in the "freedom of matrimonial alliances in the name of honour and tradition" was equally bereft of substance, as it cited societal norms and cultural practice to oppose the progressive law. In effect, it was batting for khap panchayats that seek to interdict inter-caste marriages. The Bill provides for both death and life imprisonment for killing in the name of honour, but it is doubtful if courts will look at all such murders as among the 'rarest of rare cases' that warrant the resort to the death penalty.

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