

## Lynching & the law

The Supreme Court order calling for a [special law to deal with lynching](#) sends a strong message about the growing phenomenon of mob violence. From vigilante violence targeting cattle traders in the name of cow protection, it has taken a new turn. While the former was organised vigilantism, the recent spate of killings seemingly comprises impulsive and unplanned acts of violence, fuelled by rumour and panic-inducing social media messaging. Last year the apex court reminded the Centre and the States they cannot remain silent while vigilantes take the law into their own hands in the name of cow protection. It asked all States to appoint nodal officers in each district to curb mobs. While the incidence of lynching and violence committed by self-styled *gau rakshaks* appear to have reduced since then, the [killing and attacks on those mistaken to be child-kidnappers](#) have had a disquieting rise. The police say the circulation of videos and other messages about child-lifters through messaging apps is the main reason. In its 45-page order, the Supreme Court has significantly located lynching and vigilante violence in a socio-political framework linked to disrespect for an inclusive social order, rising intolerance and growing polarisation. There is an implicit indictment of the preponderant mood of the times when it says that “hate crimes as a product of intolerance, ideological dominance and prejudice ought not to be tolerated”.

Lynchings destroy the very majesty of law, says SC

Besides directing specific preventive, punitive and remedial measures, a three-judge Bench headed by the Chief Justice of India has mooted the idea of [making lynching a separate offence](#). It says a special law would “instil a sense of fear” among those involved. Whether a special law is enough to ensure a greater level of deterrence is open to question, especially so when murder and mob violence are covered by existing provisions. But in sending this message out, the apex court has ensured that the issue cannot be brushed under the carpet and, *ipso facto*, has forced those who govern us to pay special attention towards curbing this madness. Any legislation though should be comprehensive, covering not only incidents of lynching, but also the extent to which criminality can be apportioned among rumour-mongers, instigators, principal offenders and those who are accessories to the crime. Whether it must penalise (and if so how) those who do nothing to stop such crimes or help bring the offenders to book, is another issue worth considering. The judgment places the onus on the law and order machinery to prevent and punish lynchings. But we must heed what it says on the role of bigotry, non-acceptance of plurality and diversity in creating an atmosphere where human beings are dehumanised: one in which freedom of speech, expression and personal choices are endangered.

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