

LAW AND BEYOND

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

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In July 2018, a Chief Justice of India-led bench of the Supreme Court delivered a stinging indictment of what it called “horrendous acts of mobocracy”, and warned against violent vigilantism propelled by prejudice and hatred — “lynching” — becoming “the new normal”. The Court directed the Centre to frame a law that dealt specifically with these crimes, and suggested the setting up of fast-track courts, lodging of FIRs without delay and framing of compensation schemes for victims and their families. The draft law submitted to Uttar Pradesh Chief Minister Yogi Adityanath by the UP State Law Commission would appear to take cognisance of the Court’s directive. The Uttar Pradesh Combating of Mob Lynching Bill (2019) proposes imprisonment (upto 10 years for serious injuries and upto life imprisonment in case of death) and stringent fines for perpetrators, as well as those involved in planning and abetting lynchings. Significantly, it also criminalises the “dereliction of duty” by police officers and the district administration.

The draft law is welcome for the much-needed signal it sends out — there must be accountability for hate crime. Far too often, the mob lynching phenomenon, disturbingly ubiquitous since 2014, has been met by the ruling political formation by denial or, at times, with what could be described as tacit and symbolic support. A report by IndiaSpend found that of all “bovine-related deaths” between 2011-2017, 97 per cent occurred after the [BJP](#) came to power in 2014. Take the murder of Mohammad Akhlaq in UP in 2015. The case, despite being before a fast-track court, has seen little progress. As on date, the court is yet to take cognisance of the charges framed against the accused. The accused in the case, out on bail, have been celebrated — one of them was even draped in the national flag after dying of natural causes. In fact, in January 2016, then BJP MP Yogi Adityanath said that Akhlaq should be charged (posthumously) for cow slaughter and the compensation his family received should be rescinded. There are incidents, across states, of the victims being charged by the police in cases of lynching, even as the will to arrest and prosecute the perpetrators seems weak. In this context, a state government-appointed commission in BJP-ruled UP does well to propose a law that recognises, first, that mob lynchings require urgent legislative and administrative intervention and, second, that police and administration must also share the blame for the climate that permits such violence.

But a new law can only be a first step. The state must follow it through. Then, in 2018, the apex court had also said “grandstanding of the incident by the perpetrators of the crimes including in the social media aggravates the entire problem”. The political and social sanction for violence, in the name of the cow or accompanied by chants of “Jai Shri Ram”, is integral to the sense of impunity that encourages the lynch mob. These can only be addressed with the active support of the political class and civil society.

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