



KAMARAJ IAS ACADEMY
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Mob lynching

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Why is in news? SC asks Centre, six States to respond to plea on lynchings

The Supreme Court asked the Centre and at least six States to respond to a plea about recurring lynchings and mob violence.

The plea said gruesome incidents of mob fury and vigilantism continue to happen despite a five-year-old top court judgment, which had made the government machinery squarely accountable for protecting the lives of victims, including minority community members.

The **court had warned that the rising wave of frenzied mobs** — fed by fake news, self-professed morality and false stories — would consume the country like a “typhoon-like monster”.

The court asked the Home Ministry and heads of police forces of Maharashtra, Odisha, Haryana, Rajasthan, Bihar, Madhya Pradesh to respond to the petition.

On July 10, the top court, in a separate case, decided to take stock of what the Centre and State governments have done so far to punish lynchings, mostly spurred by communal hate, since its July 2018 judgment.

The judgment had condemned these “**horrendous acts of mobocracy**” as an anathema which requires a special law and punishment.

Mob Lynching:

Mob lynching is a **heinous act of premeditated extrajudicial killing** carried out by a group to punish an alleged transgressor or intimidate a community.

The **absence of a separate definition for lynching in the Indian Penal Code (IPC)** and inadequate provisions to deal with such crimes have raised concerns about the growing incidents of mob violence in the country.

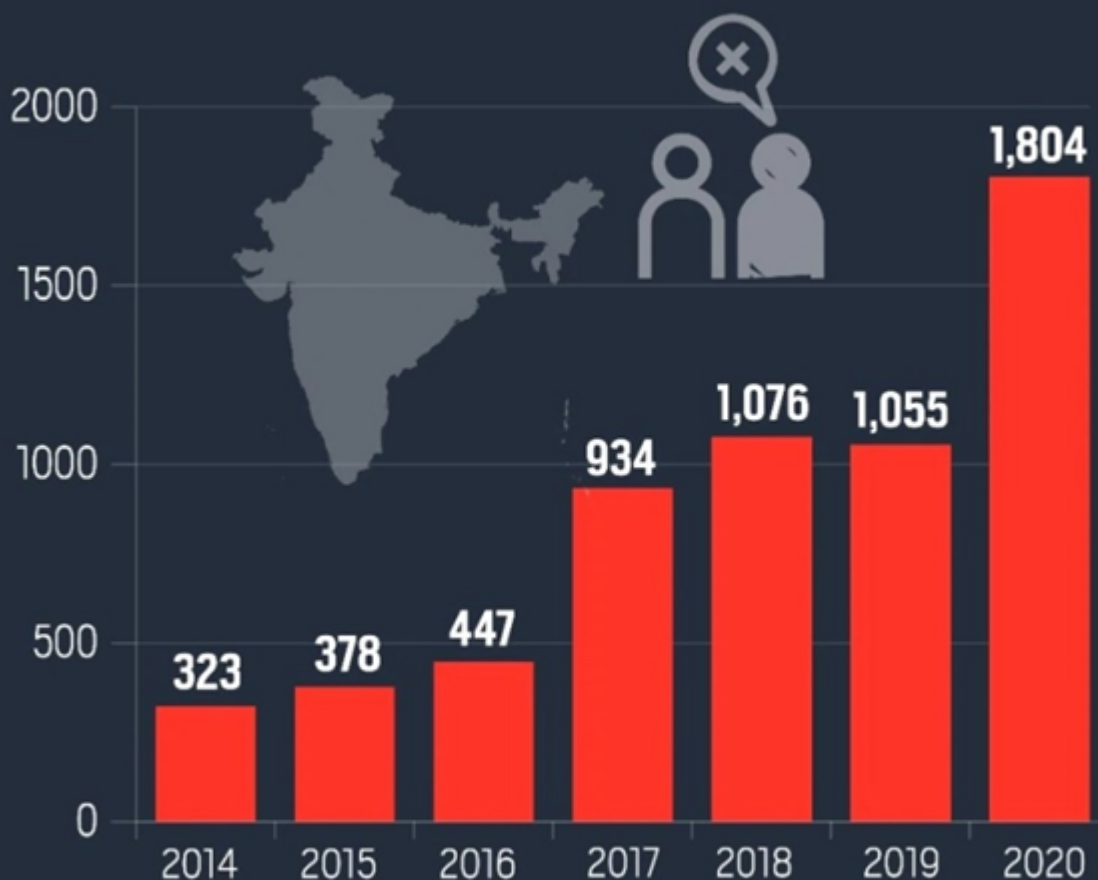
In the **Tehseen Poonawala Case (2018)**, the Supreme Court **warned against the rising wave of frenzied mobs** fuelled by fake news, self-professed morality, and false stories. The court foresaw these incidents as “creeping threats” and emphasized the necessity to curb them promptly.

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CASES REGISTERED FOR PROMOTING ENMITY ON BASIS OF RELIGION, RACE & PLACE OF BIRTH



Note: Figures from 2014-2017 include cases under Sec. 153A, 2018-2019 include Sec. 153A & 153B, 2020 include Sec. 153A & 153AA

Source: NCRB

Call for Special Law and Punishment: The 2018 judgment **condemned mobocracy** as an anathema and **called for special laws and stringent punishments** to address the issue effectively.

The **Jharkhand Assembly passed the Prevention of Mob Violence and Mob Lynching Bill, 2021**, which aims at providing “effective protection” of constitutional rights and the prevention of mob violence in the state.

Types of Mob-lynching:

Mob-Lynching based on the causes can be classified into five types. They are: **Communal based, Witchcraft, Honour killing, Bovine-related mob lynching, Suspicion of Child lifting, Theft cases.**

Causes for Mob Lynching:

People are **intolerant in accepting the acts of law** and go on to punish the alleged person assuming the act to be immoral.

Biases based on various identities like caste, class, religion, etc: mob lynching is a hate crime that is **rising due to the biases or prejudices** among various castes, classes of people, and religions.

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It is one of the crucial reasons that agitate the growing **rise in mob lynching activities**.

Inefficient working of justice rendering authorities is the primary reason why people take law into their own hands and have no fear of the consequences.

Police officers play an important role in protecting the life of the people and maintaining harmony among the people but due to their **ineffective investigation procedure**, this hate crime is rising day by day.

Other issues:

Mob lynching is a **violation of human dignity, Article 21** of the Constitution, and a gross infringement of the Universal Declaration of Human Rights.

Such incidents **violate the Right to Equality and Prohibition of discrimination**, which are enshrined in **Articles 14 and 15** of the Constitution of India.

However, it is **nowhere mentioned in the law of the land** and is hence simply put as murder since it has **not been yet incorporated under the Indian Penal Code**.

Measures:

Create awareness among the people

The appointment of a **designated nodal officer**, not below the rank of Superintendent of Police for taking measures to prevent prejudice-motivated crimes like mob violence and lynching.

States were directed to **set up designated fast track courts** in every district to exclusively deal with cases involving mob lynchings.

The court had also mooted the **setting up of a special task force** with the objective of procuring intelligence reports about the people involved in spreading hate speeches, provocative statements and fake news which could lead to mob lynchings.

Directions were also issued to **set up Victim compensation schemes** for relief and rehabilitation of victims.

Home Ministry to Co-ordinate with State Government to sensitize the law enforcement agencies

The **immediate lodging of an FIR** if an incident of lynching or mob violence comes to the notice of the local police. It is the duty of the Station House Officer who has **registered the FIR to inform the nodal officer in the district**, who in turn should ensure that the families of the victims are spared of any further harassment.

The investigation of the crime should be **personally monitored by the nodal officer** and the investigation and chargesheet are filed within the stipulated period in law.

Any **failure to comply with the court's directions** by a police or district administration officer would be considered as an "act of deliberate negligence and/or misconduct for which appropriate action must be taken against him/her and not limited to departmental action under the service rules".

The departmental action shall be taken to its logical conclusion preferably within six months.

States should **take disciplinary action against their officials** if they did not prevent the incident an incident of mob lynching, despite having prior knowledge of it, or where the incident has already occurred, such official(s) did not promptly apprehend and institute criminal proceedings against the culprits.

Way Forward:

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Lynchings are an abomination that must have no place in a democratic society, which India prides itself to be.

Lynchings are a **uniquely unsettling derailment of governance** — while an act of mob violence is itself a sign of failure of law enforcement, it is committed in an apparent consideration that there can be no legal recourse.

In a pathological subversion of principles, the **police inaction in cases of mob violence** is reciprocated by an apparent public sanction of **extrajudicial punishments** by the police.

All this bodies ill for the country. Mob violence **indeed defames the country** and there must be stringent intervention by the police to bring an end to this.

The **political leadership** also has a role to play in questioning the social consent that allows mob violence.