

TOPIC OF THE WEEK

JUL'18 (22 to 28)

Topic: Supreme Court and Mob Lynching

To end mob lynching, Supreme Court gives certain measures

The Supreme Court on July 17, 2018 condemned mob lynching incidents across the country and urged the Parliament to enact a law to deal with the crime that threatens rule of law and the country's social fabric.

The Bench comprising Chief Justice Dipak Misra, Justice AM Khanwilkar and Justice DY Chandrachud ruled that a special law in this field would instill a sense of fear for law amongst the people who involve themselves in such kinds of activities.

The bench ruled that *"Horrendous acts of mobocracy cannot be allowed to become a new norm and has to be curbed with iron hands."* The apex court also asserted that it is States' duty to prevent any sort of mob vigilantism, be it Cow vigilantism or any other vigilantism of any perception.

History:

India has been struggling with rising incidents of mob lynching since 2015, when a Muslim man was killed in a village nearby Delhi only on the grounds that he was in possession of beef, thus, leading to cow vigilantism.

The ruling comes after reports of a number of mob lynching incidents in rural areas stemming from fake social media rumors of child kidnappers as well as cow vigilantism. Such incidents have become common due to lot of diversities and inequalities in our country and are sometimes politically driven.

Supreme Court's directions to deal with the mob

The court passed a slew of directions in this regard to deal with the mob lynching. Here are the preventive measures:

- The state governments will have to designate a senior police officer in each district for taking measures to prevent incidents of mob violence and lynching.

Week: 22nd to 28th July 2018

- The state governments need to 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 DGP about any inter-district co-ordination issues for devising a strategy to tackle lynching and mob violence related issues.
- Every police officer shall ensure to disperse the mob that has a tendency to cause violence in the disguise of vigilantism or otherwise.
- Central and the state governments shall broadcast on radio, television and other media platforms about the serious consequences of mob lynching and mob violence.
- There shall be curbing on irresponsible and explosive messages, videos and other material on various social media platforms that instigate such acts. The FIRs should be registered against persons who disseminate such messages under relevant provisions of law.

Week: 22nd to 28th July 2018

- Authorities shall ensure that there is no further harassment of the family members of the victims.

Remedial Measures

Despite the measures taken by the State Police, if it comes to the notice of the local police that an incident of lynching or mob violence has taken place, the jurisdictional police station shall immediately lodge an FIR. It shall be the duty of the Station House Officer in whose police station such FIR is registered, to intimate the Nodal Officer in the district.

Cases of lynching shall be specifically tried by designated court/fast track courts allocated for that purpose in each district. The trial shall preferably be concluded within six months. There shall be a "separate offence" for lynching and the trial courts must ordinarily award maximum sentence upon conviction of the accused person to set a stern example in cases of mob violence. The victim or the next of kin of the deceased in cases of mob violence and lynching shall receive free legal aid, if he or she engages any advocate.

Disciplinary Measures recommended

- If a police officer or an officer of the district administration fails to fulfill his duty, it will be considered an act of deliberate negligence.
- States are directed to take disciplinary action against the concerned officials if it is found that such officials did not prevent the incident, despite having prior knowledge of it or where the incident has already occurred and officials did not promptly initiated criminal proceedings against the culprits.

Conclusion:

In times of chaos and anarchy, the State has to act positively and responsibly to safeguard and secure the constitutional promises to its citizens. The State cannot turn a deaf ear to the growing rumblings of its people.

The horrendous acts of mob cannot be permitted to inundate the law of the land. Earnest action and concrete steps have to be taken to protect the citizens from the recurrent pattern of violence which cannot be allowed to become 'the new normal'.

Suggested Reading:

- ✓ <https://timesofindia.indiatimes.com/india/sc-asks-parliament-to-consider-new-law-to-deal-with-mob-lynching/articleshow/65019885.cms>
- ✓ <https://www.jagranjosh.com/current-affairs/supreme-court-passes-a-slew-of-directions-to-deal-with-mob-lynching-1531894105-1>
- ✓ <https://www.hindustantimes.com/india-news/to-end-mob-lynching-supreme-court-gives-an-11-point-prescription/story-pdknxkMYd3Caz3R27nSniP.html>
- ✓ <https://www.telegraphindia.com/india/supreme-court-asks-parliament-to-consider-new-law-to-deal-with-mob-lyn-dg1-245541>