

## THE RAJASTHAN PROTECTION FROM LYNCHING BILL, 2019

Prelims: Polity & Governance- Rights Issues, Policies

Mains:

GS-I- Social empowerment, communalism, regionalism & secularism.

GS-II- Mechanisms, laws, institutions and Bodies constituted for the protection and betterment of the vulnerable sections.

Context:

- » The Rajasthan legislative assembly passed a Bill providing for life imprisonment and a fine from ₹1 lakh to ₹5 lakh to those convicted in cases of **mob lynching leading to victim's death**.

Background:

- » Rajasthan had witnessed a number of lynchings in 2017, beginning with that of dairy farmer Pehlu Khan in April 2017.

Sociology of Lynching Cases:

- » The victims are always those living on the margins of the society.
- » The cow-vigilantes are motivated by an urge to **impose hegemony of values and cultural homogeneity**, by obfuscating diverse practices and beliefs.
- » They dare to defy the process of law, as their acts are powered by majoritarian sentiments.
- » This is not an issue within the narrow confines of law and order; it plays out on a broader canvass of **socio-cultural dynamics**.
- » It is the **tussle between rule of law and belief-systems**.
- » It is the friction between the privileges of the mainstream and the struggles of survival by the marginalized.

Provision of Rajasthan Protection from Lynching Bill, 2019':

- » The Rajasthan Protection from Lynching Bill, 2019 makes mob lynching a **cognisable, non-bailable and non-compoundable** offence punishable with life imprisonment and a fine up to Rs 5 lakh.
- » It defines lynching as "any act or series of acts of violence or aiding, abetting or attempting an 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, ethnicity".

- » Offences will be investigated by a police officer of the rank of inspector and above, and the DGP will appoint an officer of the rank of IG or above as State Coordinator.
- » In cases of "**hurt**" and "**grievous hurt**", **the convict may get up to seven and 10 years in jail respectively**; if it leads to death, the punishment is life imprisonment.
- » The Bill also makes conspirators accountable.

## Fast track Court

- » The bill on lynching proposes setting up fast track courts, providing relief and rehabilitation measures, including free-of-cost treatment for victims, compensation, and establishment of relief camps.
- » The bill also proposes the same level of punishment for conspiracy, abetment, aides or attempts to lynch.

## Similar Amendment Bill in Madhya Pradesh:

- » The proposed law in MP is an amendment to the existing Madhya Pradesh Govansh Vadh Pratishedh Act, 2004, which is against cow slaughter.
- » The Bill seeks to amend Sub-section (2) of Section 9 of the 2004 Act and propose a minimum jail term of six months that may be extended to one year.
- » When the same offence is committed by members of illegal assembly (mob) the minimum term will increase to one year and the maximum to five years.
- » The Bill proposes a lower term for those who abet and those who attempt to commit the crime.
- » punishment will double in case of those convicted for an offence they were previously convicted of. The minimum fine is Rs 5,000 and the maximum Rs 50,000.
- » The Bill seeks to insert Section 6D. While the rules are yet to be formed, these will specify who issues the transit permit of cow progeny, which will be pasted prominently on the vehicle. There is no provision in the 2004 legislation for issuing transit permit from other states.

## Guideline by Supreme Court in Case of Lynching:

- » The states shall designate a senior police officer not below the rank of police superintendent as nodal officer in each district. These officers will set up a task force to be assisted by one DSP-rank officer for taking measures to prevent mob violence and lynching. The task force will gather intelligence reports on people likely to commit such crimes or who are involved in spreading hate speeches, provocative statements and fake news

- The state governments shall immediately identify districts, sub-divisions and villages where instances of lynching and mob violence have been reported in the recent past. The process of identification should be done within a period of three weeks from the date of the judgment.

### **Remedial Measures:**

- Despite the preventive 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.

### **Deterrent Punishment:**

- The trial court must ordinarily award the maximum sentence under the provisions of the IPC.

### **Punitive Measures:**

- Departmental action must be taken against police or district officials who fail to act against the perpetrators. Such failure will be considered as an act of deliberate negligence and/or misconduct for which appropriate action must be taken. The action shall be taken to its logical conclusion preferably within six months.

### **Conclusion:**

- This is a complex issue which raises the conundrum of whether a democratic government should merely reflect majoritarian will or should pursue higher values of equality and justice and Bill against Mob Lynching is one step towards Justice.

GATEWAY