

## **1. The Law isn't Enough**

### **Context:**

- ▶▶ The glaring absence of figures relating to incidents of lynching in the recently released national crime records bureau (NCRB) database on the pretext that the data received from the states were “unreliable” hints at a deliberate attempt to keep the figures under wraps.

### **Incidents of Lynching:**

- ▶▶ Figures available from various other sources indicate that in 63 incidents, 28 persons were killed between 2010 and 2017, of which 24 were Muslims. There have been 266 cases of lynching since 2014 and this continues to show an upward trend, casting an adverse impression about the role of the police in arresting such trends.

### **What is lynching?**

- ▶▶ Lynching is not just “mobocracy”; it is a collective hate crime.
- ▶▶ For Instance, Lynching may be sparked variously by disputes over allegations of cow smuggling or slaughter, or wild rumours of cattle theft or child kidnapping, or something even as trivial as a seat in an unreserved train compartment.
- ▶▶ Whatever the ostensible trigger, murderous mobs gather to lynch people of hated identities with gratuitous cruelty.

### **Main Reason for Lynching:**

- ▶▶ These hate crimes flourish most of all because of the enabling climate for hate speech and violence which is fostered and legitimised from above, which frees people to act out their prejudices;
- ▶▶ The impunity assured by state administrations to the perpetrators.
- ▶▶ The current phenomenon of lynching to be what intellectuals describe as “command hate crime”.
- ▶▶ By this underline, first, that these are hate crimes, not ordinary mob violence, as these mostly target identified minority communities and disadvantaged castes. And second, that these crimes are tacitly or openly encouraged by senior leaders of the political establishment.

### **Administrative Failure:**

- ▶▶ There is a recurring pattern in police action too. In most cases, they come in too late to save lives, and very often they register crimes against the victims and drag their feet to charge and arrest the attackers.

- ▶▶ There can be no denying that the police has played a partisan role in most incidents of lynching, After the lynching, police often tries to record the incident as a crime of cow smuggling, animal cruelty, rash driving and road rage.
- ▶▶ No effort was made to preserve evidence to make a strong case against the culprits.

### **The law isn't Enough:**

- ▶▶ The Supreme Court has directed the Centre and all states to frame stringent laws against lynching. While Manipur passed an anti-lynching law last November, Rajasthan and West Bengal have passed such legislation more recently.
- ▶▶ West Bengal's law is stringent, punishing with death those held guilty of lynching victims to death. But these will be futile unless they are strictly enforced on the ground. Political patronage to fundamentalist elements will deter the policemen from doing their duty.
- ▶▶ Among other recommendations, the Uttar Pradesh State Law Commission has stressed the need to take stringent action against officials for dereliction of their duties. The district magistrate and police officers can be imprisoned for a term extending upto three years with a fine upto Rs 5000.

### **Need of proactive measure of Administrative System:**

- ▶▶ Apart from monitoring fake news and arresting those who originate and forward news that could trigger mob violence or communal unrest, the police has to spread its intelligence dragnet to such an extent that any plan to upset the law and order machinery is reported to the control room within minutes.
- ▶▶ Districts that are communally sensitive ought to have additional armed and well-equipped companies to rush to any spot within minutes to handle frenzied mobs.
- ▶▶ Prompt investigations into incidents of mob lynching followed by arrests and trial by fast track courts could go a long way in curbing such incidents.
- ▶▶ It is likely that every effort will be made to influence the victims and witnesses to either withdraw the case or to give statements that would weaken the prosecution's case.

### **Conclusion:**

- ▶▶ The responsibility will, therefore, devolve on the police to protect the witnesses and the victims. In the interest of the victims and the witnesses, lynching must be made a non-bailable offence. Senior police officers also need to be taken to task if found guilty of dereliction of duty.