



# Manipur shows the way

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## **Its anti-lynching law breaks important ground in attempting to control hate crimes and ensure police action**

- Six months have passed since the Supreme Court — anguished by what it described as ‘horrific acts of mobocracy’ — issued a slew of directions to the Union and State governments to protect India’s ‘pluralist social fabric’ from mob violence.
- It also urged Parliament to consider passing a law to combat mob hate crime.
- The Union and most State governments have done little to comply with the directions of India’s highest court.
- But Manipur became the first to pass a remarkable law against lynching, late last year.

### **Comprehensive in definition**

- The Manipur law closely follows the Supreme Court’s prescriptions, creating a nodal officer to control such crimes in every State, special courts and enhanced punishments.
- But its weighty significance lies in that it breaks new ground in some critical matters concerning hate violence in India, and shows the way in which the Union and other governments need to move if they are serious about combating hate crimes.
- Its definition of lynching is comprehensive, covering many forms of hate crimes.
- The law, however, excludes from its provisions solitary hate crimes.
- For the law to apply instead it requires that these hate crimes are undertaken by mobs (defined as a group of two or more individuals, assembled with a common intention of lynching), thereby excluding from its provisions solitary hate crimes.
- This restriction of numbers is arbitrary, since the essence of what distinguishes these kinds of crimes is not the numbers of attackers but the motivation of hate behind the crimes; therefore, provisions of this

law should apply to all hate crimes, not just lynching, regardless of the numbers of persons who participate.

### **On the public official**

- The most substantial and worthy contribution of the law is that it is the first in the country dealing with the protection and rights of vulnerable populations which creates a new crime of dereliction of duty of public officials.
- Equally pathbreaking is that it removes the protection that is otherwise extended to public officials charged with any offence committed while acting in their discharge of official duty.
- The second momentous contribution of the Manipur law is that it does away with the requirement of prior state sanction before acting on a hate crime.
- The third substantial feature is that it clearly lays down the duty and responsibility of the State government to make arrangements for the protection of victims and witnesses against any kind of intimidation, coercion, inducement, violence or threats of violence.

### **Rehabilitation**

- The last substantial contribution of the law is requiring the state to formulate a scheme for relief camps and rehabilitation in case of displacement of victims, and death compensation.

### **Suggestions**

- But the law needs to prescribe a much more expansive framework of mandatory gender-sensitive reparation on an atonement model, requiring the state to ensure that the victim of hate violence is assisted to achieve material conditions that are better than what they were before the violence, and that women, the elderly and children are supported regularly with monthly pensions over time.
- If emulated by the Union and other State governments, such a sterling law could substantially prevent hate attacks, ensure public officials are faithful to their constitutional responsibilities and victims, and that their families and communities are assured of protection and justice.

### **Conclusion**

- This is the India we must claim — of safety, fairness and fraternity.

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