

Understanding and Addressing Mob Lynching: Historical Perspectives, Legal Challenges, and Pathways for Reform in India

Shaziya Sagar Durrani¹, Mohammad Hussain²

¹Ph.D. Scholar, Department of Law, University of Kashmir, India
Email: [durrani.shaziya0412\[at\]gmail.com](mailto:durrani.shaziya0412[at]gmail.com)

²Professor, Head of the Department, Department of Law university of Kashmir, India

Abstract: Mob lynching, one of those horrific hate crimes in which a person is targeted by a group of people, and the violence is equivalent to crimes against human body or property, both public and private. It is a disturbing phenomenon characterized by the extrajudicial killing of individuals by a group of people, acting together, target and illegally kill a person. The Supreme Court of India has referred to these mobs' horrific acts of mobocracy as Horrendous acts of Mobocracy. [[https://m.thewire.in/article/rights/two-years-since-sc-judgment-the-spectre-of-mob-violence-continues-to-loomlarge/amp/Retrieved on 7th june, 2023](https://m.thewire.in/article/rights/two-years-since-sc-judgment-the-spectre-of-mob-violence-continues-to-loomlarge/amp/Retrieved%20on%207th%20june,%202023)] This research paper aims to provide a comprehensive understanding of mob lynching, its historical context, root causes, consequences, and potential solutions to address this issue. By examining various factors influencing mob mentality, such as social media, polarization, and the lack of effective law enforcement, we can gain insights into the dynamics that contribute to mob violence. The paper also analyzes the legal and judicial perspectives, including international human rights frameworks and national laws, to assess the response to mob lynching and the effectiveness of the Justice system. Through case studies, the research delves into notable mob lynching incidents, providing deeper insights into the factors involved. Lastly, in this paper, emphasis has been laid on the provisions of Indian Penal Code under which the incidents of lynching are currently being addressed. Based upon the analyses of these provisions, paper attempts to address the broader issue pertaining to the need of a separate legislation or an amendment to the Indian Penal Code, in order to deal with the offence of lynching and concludes with recommendations for legislative and policy measures, strengthening law enforcement, and promoting education, awareness, and intercommunity dialogue to combat mob lynching and create a safer and more just society.

Keywords: mob lynching, criminal justice system, rule of law, hate crime

1. Introduction

"It may be true that the law cannot make a man love me, but it can keep him from lynching me, and I think that's pretty important."

-Martin Luther King, Jr.2

Mob lynching is a disturbing and alarming phenomenon characterized by the extrajudicial killing of individuals by a group of people. Oxford English dictionary defines "lynching" as the act of killing(s) done by a mob without any legal authority or process involved.¹ The consequences of mob lynching are far-reaching and devastating. Not only do innocent lives perish in these acts of violence, but the broader societal impact is significant. Fear, mistrust, and the erosion of social cohesion plague communities affected by mob lynching, leading to a breakdown in the fabric of society. Furthermore, mob violence undermines the rule of law, weakening the justice system and perpetuating a sense of lawlessness and impunity.² Factors such as the rise of social media, misinformation dissemination, polarization, and hate speech play a pivotal role in fuelling mob mentality. The

influence of these factors in organizing and inciting violence cannot be overlooked. Additionally, the lack of effective law enforcement contributes to the emboldening of mobs, further perpetuating the cycle of violence and posing a challenge to combating mob lynching.³

Legal and judicial perspectives are essential in addressing mob lynching. International human rights frameworks also condemn mob violence and emphasize the responsibility of states to protect individuals from such acts.⁴ Understanding existing national laws and regulations related to mob violence is crucial for assessing the legal framework in different jurisdictions. Moreover, examining the judicial response and conviction rates in mob lynching cases provides insights into the effectiveness of the justice system in dealing with this issue.⁵ Media and public perception also play a significant role

¹ Oxford Dictionary of India (2 ed. John Simpson ed. 1989).

²Khan, A., & Ahmed, F. (2020). Mob Lynching in India: Understanding the Root Causes. *Journal of Sociology and SocialAnthropology*, 4(2), 123-139./Retrieved on 7th june,2023

³ United Nations Human Rights Council. (2018). Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. Retrieved from <https://www.ohchr.org/EN/Issues/Executions/Pages/AnnualReports.aspx>/ on 7th june,2023

⁴ United Nations General Assembly. (2018). Universal Declaration of Human Rights. Retrieved from <https://www.un.org/en/universal-declaration-human-rights/> retrieved On 8th june,2023

⁵ International Commission of Jurists. (2020). India: Flawed Investigation and Prosecution Fuel Impunity for Mob Violence.

in shaping the narrative surrounding mob lynching incidents. The media's portrayal of these events can influence public opinion and perceptions, which, in turn, can impact the course of justice and the public's attitude towards mob violence. Legislative and policy measures, strengthening law enforcement, education, awareness, and sensitization programs, and promoting intercommunity dialogue are among the proposed solutions to address this grave issue. Mob lynching represents a significant challenge to societies worldwide, threatening human lives, social cohesion, and the rule of law. By comprehensively understanding the root causes, consequences, and influencing factors, we can develop proactive measures to prevent and combat mob violence. It is imperative that concerted efforts are made at the individual, community, and institutional levels to create a safer and more just

2. Mob Lynching in united states and global spread

Mob lynching in the United States emerged primarily in the post-Civil War era and targeted various marginalized groups, notably African Americans. This tactic was originally used against black people with the primary goal of suppressing them. Following that, in the seventeenth century, when there were so many riots in England due to political unrest, so many occurrences of mob lynching were reported. During Reconstruction Era (1865-1877), After the abolition of slavery, mob lynching was used to assert white supremacy and intimidate African American society for all⁶. Furthermore, During Jim Crow Era (1877-1950s) and Civil Rights Movement (1950s-1960s), Lynchings were used to maintain racial segregation and suppress African American rights⁷ and was employed as a means of terrorizing civil rights activists.⁸ According to certain studies, there were 4730 people lynched in the United States of America between 1882 and 1951, with 3437 of them being black and 1293 being white, highlighting the racial turmoil in the country at the time. When southern democrats regained power and began controlling state

legislatures in 1892, the number of Mob lynchings reached an all-time high.

However, by the end of the twentieth century, all southern states had passed new laws prohibiting blacks and poor whites from voting and isolating them from public life. During that time, the law was highly divisive, with 3500 black and 1300 white Americans lynched. These occurrences have been on the rise for years, thanks to the backing of local law enforcement. It is one of the most improper practices because, many times, innocent individuals are forced to become victims as a result of rumors. The practice of mob lynching spread beyond the United States through colonial powers.⁹ It became prevalent in some Latin American countries, targeting various marginalized groups.¹⁰ Mob lynching emerged as a result of interethnic tensions and political conflicts in several African countries¹¹. In several Asian countries, Mob lynching incidents, often driven by religious or ethnic tensions¹². In addition, several German courts had rules for imposing fines or penalties in situations of lynching

3. Lynching in India

Rig Veda, one of the world's oldest and greatest manuscripts, gives significance to the concept of harmony between men. However, it is a saddening fact that the country to which such manuscripts belong involves in the hate crime of mob lynching and uses religion etc., as a justification for it¹³. Mob Lynching, even though is a new glossary in Indian scenario, but has been coming from time to time through the world society for centuries. The mob lynching in India has been on different issues which has been observed by the political parties of the country from their own point of view and whether the place is on the road or in the parliament, they use it to achieve their own personal political motives. The reasons behind mob lynchings can vary, including religious, communal, caste-based, or other social tensions. While it is challenging to provide an exhaustive list of all incidents,

As Diogenes said; The mob is the mother of tyrants.¹⁴; Lynching now seems to be the new normal in India; the cases of mob lynching are on a rise in the nation. There have been various instances of mob lynching which shook the people of

Retrieved from <https://www.icj.org/india-flawed-investigation-and-prosecution-fuel-impunity-for-mobviolence/on> 8th June, 2023

⁶ 10. Memphis Riot of 1866/Refer: The Atlantic, "The Memphis Massacre of 1866: The Untold Story" (2016). Retrieved from <https://blogs.memphis.edu/memphismassacre1866/on> 8th June, 2023

⁷ The Wilmington Insurrection of 1898/Retrieved from <https://www.britannica.com/event/Wilmington-coup-and-massacre/on> 8th June, 2023/And the Omaha Race Riot of 1919/Retrieved from https://en.m.wikipedia.org/wiki/Omaha_race_riot_of_1919/on 8th June, 2023

⁸ The Murder of Emmett Till in 1955/Retrieved from <https://www.britannica.com/biography/Emmett-Till/on> 8th June, 2023, And the 16th Street Baptist Church bombing in 1963./Retrieved from https://en.m.wikipedia.org/wiki/16th_Street_Baptist_Church_bombing#:~:text=The%2016th%20Street%20Baptist%20Church,a%20white%20supremacist%20terrorist%20group./on 8th June, 2023

⁹ The Jallianwala Bagh massacre in British India (1919)/<https://www.britannica.com/event/Jallianwala-Bagh-Massacre/Rtrieved> On 9th June, 2023

¹⁰ The lynching of Júlio Mesquita and his son in Brazil (1892)

¹¹ The Aluu Four lynching in Nigeria (2012) https://en.m.wikipedia.org/wiki/Aluu_Four_lynching/ Retrieved on 9th June, 2023

¹² The Ramgarh lynching in India (2017)/Retrieved from <https://sabrangindia.in/article/ramgarh-lynching-case-sc-sees-no-reason-entertain-petition-filed-against-bail-accused-men/amp/on> 9th June, 2023

¹³ <https://blog.finology.in/Legal-news/mob-lynching/> Retrieved on 9th June, 2023

¹⁴ 16. Book 6: The Cynics" Book by Diogenes Laertius translated by R. D. Hicks, 1925./Retrieved from AZQuotes.com Web site: <https://www.azquotes.com/quote/79035/on> 9th June, 2023

India and terrorized the souls of Indians. Some of them have been described as under:

a) 1984 Anti-Sikh Riots:

In the aftermath of the assassination of Prime Minister Indira Gandhi on October 31, 1984, riots broke out in Delhi and other parts of India, primarily targeting Sikhs. Several instances of mob violence, including killings and brutal attacks on Sikhs, occurred during this period¹⁵.

b) 1992 Mumbai Riots

Following the demolition of Babri Masjid in Ayodhya, Uttar Pradesh, on December 6, 1992, communal violence erupted in various parts of India, including Mumbai. Mobs targeted individuals from different religious communities, resulting in several deaths and widespread destruction.¹⁶

c) 2002 Gujarat riots

The Godhra train burning incident on February 27, 2002, led to communal violence in Gujarat, primarily targeting Muslims. Mobs engaged in widespread killings, arson, and looting, resulting in the deaths of an estimated 1,000 to 2,000 people, mostly Muslims.¹⁷

d) 2006 Bhiwandi Lynching

The 2006 Bhiwandi lynching was the murder of two police constables in Bhiwandi, Thane district, Maharashtra, India by a Muslim mob. They were killed and then burned after police had shot at a mob pelting stones causing the death of two Muslim men. The bodies of the policemen were discovered at a distance variously stated as 200 metres and 500 metres from a police outpost. An existing curfew was extended after the event, described by The Times of India as a lynching. Some reports said the constables were stabbed to death. The police constables have been identified as R.Y. Jagtap of the Bhiwandi police station and B.R. Gangurde of the Napoli police station.¹⁸

e) 2013 Jhankar Saikia Mob Lynching

The Jhankar Saikia Mob Lynching case happened in the Diphu town of the Karbi Anglong District in Assam on 25 June 2013 when a Diphu College student named Jhankar Saikia and his father, Haren Saikia, refused to pay a fare of Rs. 30 to the

auto-rickshaw driver as they argued that the regular fare was only Rs. 20. Both of them were attacked by a mob as a result of this. The local eyewitnesses said that at the time of the incident, the policemen were on duty however, they did not try to stop the mob. As a result of the injuries Jhankar died in the hospital. The trial commenced in 2018 and at the end of the trial, 12 of the total 19 people against whom charges were filed were convicted and sentenced to life imprisonment, 2 of them had absconded, 1 of them was tried in the Juvenile Court, and 4 of them were acquitted¹⁹

f) 2015 Dimapur mob lynching

The 2015 Dimapur mob lynching was a case of mob lynching that took place in Dimapur, Nagaland, India, on 5 March 2015." A mob of about 7000-8000 people broke into a prison, dragged a man detained under Accused of rape out of the Dimapur Central Jail, paraded him naked and beat him to death in a case of vigilante justice. The incident took place in the backdrop of widespread public anger over rising sexual violence against women in India and a controversy over a ban on the documentary India's Daughter, based on the 2012 Delhi gang rape, and concerns in Nagaland over illegal immigration from Bangladesh²⁰

g) 2015 Dadri lynching

The 2015 Dadri lynching refers to case of lynching in which a mob of villagers on 25th September attacked the home of 52-year-old Mohammed Akhlaq, killing him, for suspicion of slaughtering a cow. According to some sources Mohammad Akhlaq died in the attack, and his son, 22-year-old Danish, was seriously injured. Later it came out by the Forensic Reports that it was a lamb meat and not the beef meat.²¹

h) 2017 Alwar mob lynching

The 2017 Alwar mob lynching was the attack and murder of Pehlu Khan, a dairy farmer from Nuh district of Haryana, allegedly by a group of 200 cow vigilantes affiliated with right-wing Hindutva groups in Behror in Alwar, Rajasthan, India on 1 April, 2017. Six others who were with Pehlu Khan were also beaten by the cow vigilantes.²²

¹⁵ Human Rights Watch, "India: Events of 1984," available at: <https://www.hrw.org/reports/1991/India924.htm> Retrieved on 11th June, 2023

¹⁶ Human Rights Watch, "India: Communal Violence and the Denial of Justice," available at: <https://www.hrw.org/reports/1996/India3.htm> Retrieved on 11th June, 2023

¹⁷ Human Rights Watch, "India: Gujarat Officials Took Part in Anti-Muslim Violence," available at <https://www.hrw.org/news/2002/04/30/india-gujarat-officials-took-part-anti-muslim-violence> /Retrieved on 11th June, 2023.

¹⁸ 2006 Bhiwandi lynching/Retrieved from https://en.m.wikipedia.org/wiki/2006_Bhiwandi_lynching /on 11th June, 2023

¹⁹ 2013 Jhankar Saikia mob lynching/Retrieved from https://en.m.wikipedia.org/wiki/2013_Jhankar_Saikia_mob_lynching /on 11th June, 2023

²⁰ 2015 Dimapur mob lynching/Retrieved from https://en.m.wikipedia.org/wiki/2015_Dimapur_mob_lynching /on 11th June, 2023

²¹ The Indian Express, "Mohammad Akhlaq's murder in Dadri: What was said and what happened on September 28," available at: <https://indianexpress.com/article/india/india-others/dadri-lynching-what-was-said-and-what-happened-on-september28-2015/>

Retrieved on 11th June, 2023 And 2015 Dadri lynching/Retrieved from https://en.m.wikipedia.org/wiki/2015_Dadri_lynching /on 11th June, 2023

²² The Indian Express, "Alwar lynching: Pehlu Khan died of shock caused by injury, says autopsy report," available at: <https://indianexpress.com/article/india/alwar-lynching-pehlu-khan-died-of-shock-caused-by-injury-says-autopsy-report->

i) 2017 Jharkhand mob lynching

The 2017 Jharkhand mob lynchings were cases of mob lynching that took place in May 2017 in Kolhan division, Jharkhand, India. At least nine people were killed, including 4 Muslim cattle traders, in four different incidents²³

j) 2017 Junaid Lynching case:

Four young Muslim boys namely Junaid, Hasim, Moin and Mausim were returning from their Eid shopping in 2017 when they were attacked by a mob in the third coach of a Mathura bound train. They were asked by some passengers to vacate the seats and soon they started abusing and misbehaving with the boys. The four of them decided to get off the train at Faridabad. However, they failed to get out of the coach because of the rush at the railway station. The matters got worse when one of the assailants took out a knife and stabbed Junaid when he tried to intervene. When the train stopped at Asaoti Railway Station, Junaid was thrown out of the train. He was declared dead when he was brought to the hospital.²⁴

k) 2018 Jharkhand Lynching:

In June 2018, a mob lynched a Muslim man, Tabrez Ansari, in Jharkhand on suspicion of theft and forced him to chant religious slogans. Tabrez Ansari was beaten for several hours before being handed over to the police. He succumbed to his injuries four days later.²⁵

l) 2020 Palghar mob lynching

On 16 April 2020, a vigilante group lynched two Hindu Sadhus and their driver in Gadchinchale Village, Palghar District, Maharashtra, India. The incident was fuelled by WhatsApp rumours of thieves operating in the area during the country wide corona virus lockdown. The vigilante group of villagers had mistaken the three passengers as thieves and killed them. 1] Policemen who intervened were also attacked; four policemen and a senior police officer were injured.²⁶

m) 2021 Singhu border lynching

The 2021 Singhu border lynching" refers to the lynching incident that occurred in the early hours of 15 October 2021 at Delhi's Singhu border, resulting in the death of Lakh Bir Singh, a Dalit Sikh from Tarn district of Punjab, India. The

4699466/Retrievedon12thjune,2023/And.

https://en.m.wikipedia.org/wiki/2017_Alwar_mob_lynching on 12th june,2023

²³Retrievedfromhttps://en.m.wikipedia.org/wiki/2017_Jharkhand_mob_lynching on 12th june,2023

²⁴Retrieved from <https://cjp.org.in/junaid-khans-lynching-a-timeline-of-his-case-since-2017/amp/> on 12th june,2023

²⁵The Wire, "Jharkhand Lynching: Victim Was Thrashed for 7 Hours, Forced to Chant 'Jai Shri Ram'," available at: <https://thewire.in/communalism/jharkhand-lynching-victim-was-thrashed-for-7-hours-forced-to-chant-jai-shri-ram/> Retrieved on 12th june,2023

²⁶Times of India, "Palghar lynching: Accused dragged 2 seers out of car, beat them to death," Retrieved from : <https://timesofindia.indiatimes.com/city/mumbai/palghar-lynching-accused-dragged-2-seers-out-of-car-beat-them-to-death/articleshow/75228557.cms> on 12th june,2023

murder began with the victim's hand and a leg being chopped off, and later his body was hanged on a barricade near the farmers' protest site. "A Nihang Sikh group took responsibility for the lynching and killing, claiming that the man committed sacrilege of their holy scripture. A Nihang accepted his role in the murder, and surrendered on the same day. The second accused, who also belongs to the Nihang group, was arrested by the Amritsar police. After being taken into the police custody, the second accused claimed that he had surrendered before the police. Meanwhile, the Samyukta Kisan Morcha (SKM) distanced itself from the alleged lynching of the man, and agreed to cooperate with the police in the investigation. The Bhim Army extended financial support for the family of the victim and demanded an impartial probe from the CBI. In addition, 15 Dalit organizations have also called for strict action against the culprits in the killing of Lakhbir Singh at the Singhu border. Meanwhile, the victim's family has complained to the "National Commission for Scheduled Castes" about the lack of support from the Punjab state government.²⁷

4. Causes for Mob Lynching in India

Mob lynching in India is a complex issue with various factors contributing to its occurrence. While it is difficult to pinpoint a single cause for every case, there are several underlying reasons that have been identified by experts, scholars, and human rights organizations. Here are some common factors that contribute to mob lynching incidents in India:

- **Religious and Communal Tensions:**

Religious and communal tensions have played a significant role in some instances of mob lynching in India. Incidents involving religious minorities or interfaith relationships have often been fuelled by religious polarization and prejudice.²⁸ These tensions can be aggravated by political factors, social divisions, and historical conflicts

- **Cow Vigilantism:**

Cow vigilantism refers to acts of violence perpetrated by self-proclaimed cow protectors against individuals suspected of slaughtering or consuming cows, which are considered sacred by certain communities in India. These incidents have contributed to a rise in mob violence, often leading to lynching. Vigilante groups take the law into their own hands, bypassing legal processes and resorting to violence.²⁹

²⁷Retrieved from https://en.m.wikipedia.org/wiki/2021_Singhu_border_lynching on 12th june,2023/And

²⁸Human Rights Watch, "Violent Cow Protection in India: Vigilante Groups Attack Minorities," 2019. Retrieved from <https://www.hrw.org/report/2019/07/18/violent-cow-protection-india/vigilante-groups-attack-minorities> on 13th june,2023

²⁹Human Rights Watch, "India: Reining in Vigilante Violence, 2019. Retrieved

- **Spread of Misinformation and Rumors:**

The rapid dissemination of false information and rumors through social media platforms has played a significant role in inciting mob violence in India. Misinformation regarding child kidnappings, cow slaughter, and religious conversions has led to mobs attacking innocent individuals based on unfounded rumors.³⁰ Rumors can easily spread through messaging apps, leading to mass panic and violence.

- **Weak Law Enforcement and Impunity:**

Inadequate law enforcement and a lack of timely intervention by authorities have contributed to the prevalence of mob lynching incidents in India. In some cases, law enforcement agencies have been slow to respond or have failed to take preventive measures, allowing mobs to act with impunity.³¹ This lack of effective action can further erode public trust in the justice system

- **Socioeconomic Factors and Marginalization:**

Socioeconomic factors, including poverty, caste discrimination, and marginalization, also play a role in mob lynching incidents. In some cases, mob violence has been driven by caste-based prejudices and the marginalization of certain communities.³² These factors create an environment where mob violence can flourish, perpetuating cycles of violence and discrimination.

- **Mob Psychology:**

People have less fear of being punished when they act in groups as it's harder to identify real culprits. Further, there is dispersion of responsibility and guilt unlike in individual action.

- **Political Patronage:**

In the competitive electoral politics, the culture of political mobilization based on social faultlines for polarization of electorate into vote banks and use of violence for garnering support and intimidating opponents, has gained strength. Few

elected representatives also sometimes come out in open defence of the attackers.³³

- **Administrative Failure:**

Given the state of the police and judiciary in the country, there is a wide-ranging perception that 'culprits' go unpunished, and that there is a chance that the accused in heinous crimes like rape, child lifting and cow-slaughter will go scot-free. Vigilantism is a consequence of this basic failure of the government in providing justice. A recent report by Delhi-based NGO Common Cause and CSDS mentioned that, "35% of police personnel interviewed for the survey think it is natural for a mob to punish the "culprit" in cases of cow slaughter, and 43% think it is natural for a mob to punish someone accused of rape."³⁴

- **Rumours on social media:**

Misinformation and propaganda as spread through platforms like Facebook, WhatsApp. E.g. recent rumours regarding child lifters have incited many impulsive and unplanned acts of violence across the country. Societal factors: The idea of the so-called form of 'instant' justice is immensely popular. Further, the socio-political framework of the country involves people with deep fissures and mistrust, prejudices and biases based on caste, religion etc.

- **No database to analyse trends:**

In the "Crime in India" report, National Crime Records Bureau (NCRB) publishes crime data as provided by all States/Union Territories, under various crime heads which are defined under the Indian Penal Code and Special & Local Laws. No separate data for mob lynching is maintained by NCRB.

However As per NCRB data, details of cases registered under Communal/Religious Rioting during the year 2017, 2018, 2019, 2020 & 2021 are given below in table³⁵:

Year	Communal/Religious Rioting
2017	723
2018	512
2019	438
2020	857
2021	378

However, based on the content analysis of news reports, some NGOs and media outlets have compiled some data on the number and nature of mob lynching incidents according to their causes such as Communal tensions and religious divides ,

from(<https://www.hrw.org/news/2019/08/01/india-reining-vigilante-violence>) on 13th june,2023

³⁰International Human Rights Clinic at Harvard Law School, "Violent Hate Crimes in India: A Rising Tide of Vigilante Violence," 2019.Retrieved from

(https://clinics.law.harvard.edu/ihrcl/files/2019/10/Vigilante-Violence-Report_Final.pdf) on 13th june,2023

³¹Human Rights Watch, "Broken System: Dysfunction, Abuse, and Impunity in the Indian Police," 2019. Retrieved from (<https://www.hrw.org/report/2019/07/09/broken-system/dysfunction-abuse-and-impunity-indian-police>) on 13th june,2023

³².Human Rights Watch, "Hidden Apartheid" Retrieved from <https://www.hrw.org/news/2007/02/13/india-hidden-apartheid-discrimination-against-dalits> on 13th june,2023/ and from <https://idsn.org/portfolio-items/hidden-apartheid-caste-discrimination-against-indias-untouchables-human-rights-watchchrj-2007-publication/> on 13th june,2023

³³Retrieved from <https://www.newsclick.in/jharkhand-polls-mob-lynching-victims-live-fear-political-patronage-accused-C2%A0C2%A0C2%A0&on> 13th june,2023

³⁴Retrieved from https://www.commoncause.in/uploadimage/page/Status_of_Policing_in_India_Report_2019_b_Common_Cause_and_CSDS.pdf on 13th june,2023

³⁵<https://sansad.in/getFile/annex/258/AU55.pdf?source=pqars> retrieved on 7-10-2023

Vigilantism, Social media, Weak law enforcement ,Etc, from 2010 to 2023 in India for some of the years. Below is a table that summarizes the data from some of these sources, along with graphical Representation and Men, women, Children’s approximately involved:

The data shows that the total number of cases of mob lynching in India from 2010 to 2023 is 477 including other 75 cases, in which 513 people were killed and 1,348 Injured.

5. Existing Laws and Other Remedies

Mob lynching due to communal tensions and religious divides from 2010 to 2023	The data of mob lynching due to vigilantism from 2010 to 2023
171 incidents	90 incidents
171 Deaths	90 Deaths
348 Injured	180 Injured
Source of above data:	Source of above data:
Mob lynching in India - Civildaily. https://www.civildaily.com/mob-lynching-india-civildaily/	Mob lynching in India - Civildaily. https://www.civildaily.com/mob-lynching-india-civildaily/
https://ass-isa.com/secular-perspective/mob-lynching-changing-patterns-of-communal-violence-in-india-part-ii/	Tracking mob lynching in two charts-The Hindu. https://www.thehindu.com/data/tracking-mob-violence-in-two-charts/
What is behind India's epidemic of 'mob lynching' - Al Jazeera. https://www.aljazeera.com/opinions/2017/7/6/	Cow vigilante violence in India - Wikipedia. https://en.wikipedia.org/wiki/Cow_vigilante_violence_in_India

The data of mob lynching due to social media in India from 2010 to 2023	The data of mob lynching due to weak law enforcement in India from 2010 to 2023
106 incidents	34 incidents
113 Deaths	37 Deaths
280 Injured	68 Injured
Source of above data:	Source of above data:
ing and Social Media - Yale Journal of International Affairs. https://www.yalejournal.org/publications/mob-lynching-and-social-media/	Mob lynching in India - Civildaily. https://www.civildaily.com/mob-lynching-india-civildaily/
Mob lynching in India - Civildaily. https://www.civildaily.com/mob-lynching-india-civildaily/	Lynchian: Mob Lynching Cases Across India - The Quint. https://www.thequint.com/quantab/lynching-in-india/
16 lynchings in 2 months. Is social media the new serial killer? - https://www.indiatoday.in/india/story/16-lynchings-in-2-months-is-social-media-the-new-serial-killer-716111	en wikipedia.org. https://en.wikipedia.org/wiki/Lynching

Steps taken by the Government:

- States such as Manipur, West Bengal and Rajasthan have passed laws against mob lynching.³⁶
- The State Law Commission of UP recommended jail terms ranging from seven years to life imprisonment for those convicted for mob lynching. In its draft legislation, the commission also recommended, "up to three-year term for dereliction of duty by a police officer or a district magistrate."³⁷
- Two high-level committees have been constituted by the Central government to suggest ways and legal framework to effectively deal with incidents of mob violence and lynching. One of the committees is being headed by Union Home Minister and the other by Union Home Secretary.³⁸
- Central government on its parthas asked states to appoint a nodal officer in each district to prevent the incidents of mob violence and lynching.³⁹

5.1 Legal Provisions:

- Section 223(a) of the Criminal Procedure Code, 1973 contains the provision for persons being charged for an offense jointly when they are accused of the same offense committed in the course of the same transaction which is applicable on two or more people.⁴⁰
- The Indian Penal Code (IC), 1860 also has some proximate sections related to hate speech and hate crimes under Sections 153A (promoting enmity between different groups and doing acts prejudicial to maintenance of harmony), 153B (imputation, assertions prejudicial to national integration).⁴¹
- Section 34 of the Indian Penal Code provides punishment for acts done by several persons in furtherance of common intention, where each person is equally liable for the act.⁴²
- Section 120B (criminal conspiracy), 147(rioting),148(rioting armed with deadly weapons) and143/149 (unlawful assembly) of Indian Penal Code are

³⁶Retrieved from <https://www.thehindu.com/news/national/anti-mob-lynching-bills-passed-by-4-assemblies-at-various-levels-of-non-implementation/article65052872.ece/amp/on> 14th june,2023

³⁷Retrieved from <https://amp.scroll.in/latest/930229/mob-lynching-up-law-panel-drafts-stringent-law-proposes-seven-years-to-life-in-jail-for-attackers/on> 14th june,2023

³⁸Retrieved from <https://m.thewire.in/article/law/two-high-level-government-committees-to-deal-with-mob-violence-lynching/amp/on> 14th june,2023

³⁹Retrieved from https://m.timesofindia.com/india/centre-asks-states-to-appoint-nodal-officer-form-task-force-to-check-lynching/amp_articles/65121395.cms/on 14th june,2023

⁴⁰Retrieved from <https://devgan.in/crpc/section/223/#:~:text=Provided%20that%20where%20a%20number,such%20persons%20would%20not%20be/on> 15th june,2023

⁴¹Retrieved from <https://www.barandbench.com/amp/story/columns/hate-speech-and-rise-in-promoting-enmity-between-groups-cases-do-we-need-a-new-specific-law/on> 15th june,2023

⁴²Retrieved from <https://www.barandbench.com/amp/story/columns/hate-speech-and-rise-in-promoting-enmity-between-groups-cases-do-we-need-a-new-specific-law/on> 15th june,2023

some other provisions related to offences against public tranquillity.⁴³

- Punishment for lynching may come under Section 302 (murder), 304 (culpable homicide not amounting to murder), 307 (attempt to murder) etc.⁴⁴

5.2 Judicial approach

In **Krishnamoorthy Case**⁴⁵ of 2015 Supreme Court stated that “the law is the mightiest sovereign in a civilized society. The majesty of law cannot be sullied simply because an individual or a group generate the attitude that they have been empowered by the principles set out in law to take its enforcement into their own hands and gradually become law unto themselves and punish the violator on their own assumption and in the manner in which they deem fit.” The Court observed that “no one is allowed to take law into his own hands on the fancy of his shallow spirit of judgment. Just as one is entitled to fight for his rights in law, the other is entitled to be treated as innocent till he is found guilty after a fair trial”.

In **Nandini Sundar and others v. State of Chhattisgarh**⁴⁶ Court opined that “it is the duty of the States, as to strive, incessantly and consistently, to promote fraternity amongst all citizens so that the dignity of every citizen is protected, nourished and promoted. Court held that to prevent such incidents is the responsibility of the States

In **Mohd Haroon case**⁴⁷ case it is held that “it is the responsibility of the State Administration in association with the intelligence agencies of both the State and the Centre to prevent recurrence of communal violence in any part of the State.

In **Tehseen S. Poonawalla case**⁴⁸, this court stated that, “lynching and mob violence are creeping threats that may gradually take the shape of a Typhon-like monster ... instigated by intolerance and misinformed by circulation of

fake news and false stories”. Moreover it has been highlighted by the supreme court that the state and central government must take preventive, remedial and punitive measures to curb the issue of mob lynching out of which the main steps are as follows:

Preventive measures

- The state governments would appoint a senior police officer, not below Superintendent of Police's rank as a nodal officer in each district. The nodal officer shall be helped by one of the DSP rank officers in the district for taking actions to stop the incidents of mob violence and lynching. A special task force shall be made to get the intelligence reports about such individuals who are likely to indulge in such crimes of violence or who are engaged in spreading hate speeches, provocative statements, and made-up news..
- Police officers should use their power under **Section 129 of CrPC** to deal with cases of mob lynching and under circumstances where he or she thinks that a similar crime may be committed in their presence.
- A warning should be given by the Central and State governments on radio and television and other media platforms, including the official website of the law enforcing agencies that lynching and mob violence will invite serious actions under the law.
- The Central and State governments should take steps to curb and stop the dissemination of violent posts on social media platforms which tend to provoke mob violence and lynching of any kind.
- Police are to register FIR under **Section 153A of IPC** and relevant provisions of law against individuals who spread the hateful message on social media platforms which is likely to provoke mob violence and lynching cases.
- The state government shall be directed by the Central Government's advisories, which shall show the seriousness of the situation and the actions to be taken by the state government.

Remedial measures:

- If any case of mob lynching comes to the local police station's notice, an FIR under sec 153A of Indian penal code should be immediately lodged by the police without any delay and they shall inform about the same to the district's Nodal Officer.
- The nodal officer shall personally monitor the investigation in such cases to ensure an effective investigation and that the charge sheet is filed within the statutory period.
- The state government shall prepare a compensation scheme in light of **Section 357A** of CrPC to help the victims' family
- Fast track courts should be established to ensure speedy trials of the cases of lynching and mob violence.
- The trial courts should award the maximum sentence to the convict to set stern examples in lynching and mob violence cases

⁴³Retrieved from [https://blog.ipleaders.in/offences-against-public-tranquillity/?amp=1/on 15th june,2023](https://blog.ipleaders.in/offences-against-public-tranquillity/?amp=1/on%2015th%20june,2023)

⁴⁴Retrieved from [https://indiankanoon.org/doc/1560742/on 15th june,2023](https://indiankanoon.org/doc/1560742/on%2015th%20june,2023)

⁴⁵Retrieved from [https://indiankanoon.org/doc/654638/and https://www.hindustantimes.com/cities/delhi-news/uphaar-case-shocked-and-disappointed-by court-ruling-says-neelam-krishnamoorthy-101658256676414- amp.html/on 15th june](https://indiankanoon.org/doc/654638/and%20https://www.hindustantimes.com/cities/delhi-news/uphaar-case-shocked-and-disappointed-by-court-ruling-says-neelam-krishnamoorthy-101658256676414-amp.html/on%2015th%20june)

⁴⁶Retrieved from <https://lexpeeps.in/nandini-sundar-v-state-of-chhattisgarh/?amp=1/> and <https://www.ijlmh.com/case-comment-on-nandini-sundar-ors-vs-state-of-chhattisgarh-air-2011-sc-2839/> on 15th june,2023

⁴⁷*Mohd. Haroon and others v. Union of India and another*, (2014) 1 SCC 701.

⁴⁸*Tehseen S. Poonawalla vs. Union of India and Others*, (2018) 9 SCC 501.

- The victim or the next of the deceased victim's kin shall receive free legal aid under the **Legal Services Authorities act 1987**

Punitive measures

If a police officer or an officer of the district administration is found to have failed to follow the directions of the Court to stop and/or to investigate and/or to facilitate the speedy trial of any crime of lynching and mob violence, then it shall be acknowledged as an act of deliberate negligence and misconduct.

6. Analysing the Judgement

This judgment lays down specific suggestions which should have eliminated or at least drastically reduced this crime. Some of them are discussed below along with the way in which they have malfunctioned:

It is critical to note that the judgment has three parts as guidelines, namely preventive, remedial and punitive. Much emphasis was given on the preventive part in order to paralyze the commission of this crime in its initial stages. The Court suggested forming a special task force to procure intelligence reports on subjects likely to commit or incite such offence. The Director- General of Police and Secretary of Home Department of the States were directed to take regular meetings at least once a quarter with all nodal officers and State Police Intelligence heads. The question arises whether such meetings have been transformed into reality, and what are their outcomes? If the answer is optimistic, it casts severe doubt on their efficacy as crime rates relating to mob lynching are rising.

One of the most effective methods of controlling such crime was suggested by Senior Counsel Ms Indira Jaising. She proposed for police patrol in sensitive areas. No such initiatives have been reported in the likes such as incidents being halted by patrolling police cars. Instead in several instances, the family members of the victim and witnesses of the crime have reported that delay in the arrival of the police was a significant cause for aggravation of the situation leading to the victim's death and effective deployment of police personnel could have prevented the crime from taking place.

The Court also recommended that the Parliament create a specialized offence for mob lynching and allocate adequate punishment. Despite the Court's inclination for a particular law, the Centre which is responsible for legislation in Parliament did not implement the Court's recommendation. The Centre constituted a group of Ministers (GoM) for the purpose of considering the nature of legislation to be brought in. The idea of the creation of a particular law seems far from reality in light of such slothful developments.

While the Supreme Court cited various insightful literature of American Civil Rights movement proponent Martin Luther King Jr. and American Jurisprudence on Liberty etc., it failed

to provide a concrete and realistic definition of mob lynching in its judgment which has left the Parliament open to initiate an endless debate as to what constitutes this crime and the methodology and quantum of punishment. In the absence of this much-needed definition the crime of mob lynching is being dealt with a general manner since it is partly covered under Section 302 (murder), 307 (attempt to murder), 323 (causing voluntary hurt), 147 (rioting), 148 (rioting armed with deadly weapons) and 149 (unlawful assembly) of the Indian Penal Code (IPC), 1860. This has utterly violated the idea of a separate crime and has decimated the required attention with regard to the sensitivity of this crime.

The Hon'ble Supreme Court's guidelines have also been neglected in the context of the Centre and state governments' failure to follow the direction to broadcast on radio and television that lynching and mob violence of any kind would attract severe consequences under the law. The concluding recommendation of the case was a separate offence for lynching; however, as of now, NCRB (National Crime Records Bureau) neither recognizes 'Mob Lynching' as a separate branch of crime maintains separate statistics on it.

7. Suggestions to help prevent mob lynching

To prevent mob lynching, which is a heinous act and a violation of human rights, it is important to address the underlying causes and implement strategies that promote tolerance, education, and justice. Here are some suggestions to help prevent mob lynching:

- 1) **Strengthen law enforcement:** Ensure that law enforcement agencies are adequately trained, equipped, and responsive to prevent mob violence. They should be trained in crowd management, conflict resolution, and handling sensitive situations.
- 2) **Raise awareness:** Conduct public awareness campaigns to educate people about the consequences and illegality of mob violence. Utilize various mediums such as television, radio, social media, and community meetings to spread the message of tolerance, empathy, and respect for the rule of law.
- 3) **Community engagement:** Foster strong community relationships through dialogue, engagement, and mutual understanding. Encourage community leaders, religious leaders, and influential individuals to actively promote peace, harmony, and non-violence.
- 4) **Legal reforms:** Review and strengthen existing laws to address mob violence and lynching specifically. Introduce strict penalties and fast-track legal procedures for mob violence cases to ensure swift justice.
- 5) **Protection of vulnerable groups:** Pay special attention to the protection of marginalized communities who are often the targets of mob violence. Implement measures to safeguard their rights, provide support, and ensure their security.
- 6) **Police accountability:** Establish mechanisms for ensuring police accountability and transparency. Hold law enforcement officials accountable for any negligence or complicity in mob violence incidents.

- 7) Rapid response systems: Develop effective and swift response systems to address incidents of mob violence. This may include a dedicated helpline, special task forces, and emergency response teams trained to defuse tense situations.
- 8) Strengthen judiciary: Ensure a fair and efficient judicial system that prioritizes cases related to mob violence. Establish specialized courts or fast-track processes to handle such cases, ensuring justice is served swiftly.
- 9) Education and awareness programs: Include values of tolerance, respect, and non-violence in the educational curriculum. Promote critical thinking, empathy, and cultural understanding among students to create a more inclusive and harmonious society.
- 10) Media responsibility: Encourage responsible reporting by the media, avoiding sensationalism and inflammatory content. Media outlets should promote unbiased reporting, highlight the consequences of mob violence, and contribute to fostering a culture of peace and justice.

It's important to note that preventing mob lynching requires a multi-faceted approach involving various stakeholders, including government authorities, law enforcement agencies, civil society organizations, community leaders, and individuals. Combining these efforts can help create a society where mob violence is condemned and prevented.

8. Conclusion

A number of individuals without having a reconsideration conform to kill someone shows the intolerance behaviour of Indians which might be developed because flack of education and awareness. It's been found that within the cases of mob lynching; most of the victims are male, female and even children, poor, of a low caste and minority community. Often these crimes are against the marginalized community of the society.

This drastic situation, which is prevailing in India, demands a special law on the violence of mob lynching. From Human rights, fundamental rights, to moral rights all the legal instruments are talking about the upliftment of the marginalized and excluded sections of the society. Yet, most of the crimes are happening against them. It's an understatement that intolerance of the Indians is of such a level that they consider themselves above law and make unfavourable circumstances against law and order. Such situations create panic and terrorize environment within the society which somehow restrain the expansion and development of the society. Belief within the class structure, blind faith in religion and dependency on superstitions itself shows the intellectual level of the people of India.

As stated there are no specific laws at the central level to punish the acts of mob lynching yet some states have formulated their own laws to punish the commission of this crime. The accused of mob lynching have been punished under various provisions of the Indian Penal Code and the

Criminal Code of Procedure. However, there is a need to formulate laws not just to punish those involved in mob lynching but also to prevent such acts of mob lynching.

Strict laws are the need of the hour in order to maintain the rule of law and to ensure peace and stability in the nation. A new law prohibiting and punishing mob lynching will bring about fear in the minds of the offenders and will help on establishing a new and better legal system.

To solve out such problems, in conjunction with stringent laws there's a requirement to spread quality education and awareness among people. The police work into most of mob attack cases in rural India revealed almost similar modus-operandi which must be improvised. Preservation of life is that the most vital right for a private and therefore the state has got to protect it. The preventive, remedial and punitive measures laid down by the Supreme Court must be followed strictly. The role of media, civil societies and NGO's must enhance during a positive direction. These kind incidents are a blot on the face of our democracy because we've a democracy, not mobocracy in India.