

MOB LYNCHING: A NEW FORM OF COLLECTIVE VIOLENCE

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ABSTRACT

Mob violence has become a grave concern in the socio-political landscape of India. Lynching is a planned extra-legal killing by a gathering. It is most frequently used to describe informal public a supposed offender, or to threaten a gathering. Mob lynching is the point at which an uncivilized crowd endeavors to assume control over equity, as opposed to following legitimate fair treatment. India has been observer a strange expansion in wrongdoing connected with crowd viciousness, for the sake of religion, capturing and so on however, the plague spread as careful against cow butcher, later in spread to hijacking and different kinds of wrongdoing. This article suggests that judicial intervention is most effectively understood through the lens of mob violence and hate crimes. In recent times, India has seen a surge in incidents of mob lynching, with minority groups, notably Muslims and Dalits, being the primary targets. This research article examines the consistent trends in such group-led aggression and emphasizes the urgent need for a clear law that classifies mob lynching and prescribes its consequences.

INTRODUCTION

Mob lynching refers to the extrajudicial killing of an individual by a group, often driven by the intention to mete out perceived justice without legal proceedings. These actions are typically driven by group outrage and often sidestep formal legal procedures. Over the past 18 years, India has seen a worrying surge in incidents of mob violence. Initially triggered by religious sentiments, particularly around cow slaughter, it later expanded to include crimes like kidnapping. Unofficial statistics suggest that around 120 people have lost their lives to such mob actions across the country.

Lynching is a violent act where a mob, believing they are delivering justice without a trial, often subjects the alleged offender to torture and mutilation before executing them. This kind of mob-driven "justice" frequently deprives the person of their right to a just trial, contradicting the principles of due process. The term "lynch law" describes the actions of self-appointed groups that take the law into their own hands, bypassing the formal legal system.

Such extrajudicial punishments, carried out by informal assemblies, are not only used to exact revenge on perceived transgressors but also to send

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a message or intimidate certain groups. This kind of group aggression can be viewed as an intensified form of unofficial social regulation practices, like charivari, mock procession, riding the rail, or tarring and feathering. However, lynching often escalates to become a public spectacle. In a nation that upholds the values of equality, fraternity, and justice, such mob rule is unacceptable. Ensuring the safety and rights of every citizen is the paramount responsibility of the state.

CONCEPTUAL ANALYSIS OF MOB LYNCHING

(I) Meaning:

Lynching is an act where an angry mob takes it upon themselves to punish a perceived offender, often without a proper trial. This often involves torture and severe physical harm. The concept of "lynch law" pertains to a self-appointed group that metes out punishment without adhering to the legal processes. Narendra Modi emphasized a development-focused agenda. He urged Hindus to care for cows rather than engaging in violence. He also highlighted the challenges of beef exports and the issue of stray cows ingesting plastic waste. On the other hand, Markandey Katju expressed that he consumes beef and doesn't view cows as holy. He advocated for swift justice and severe penalties for those who engage in such violent acts.

(II) Definition:

Collective Violence: This refers to the deliberate use of force by individuals who associate themselves as part of a group, whether this affiliation is temporary or long-lasting. When a substantial number of individuals engage in preplanned aggressive acts, it's termed as collective

violence.

Lynching (Lynch Law): Lynching is the act of executing someone without the due process of a formal trial by an authorized court. It often arises from strong sympathies for the supposed victim and a lack of regard for the accused.

(III) Important Mob Lynching

(a) Dadri Incident (2015): On the evening of 28 September 2015, a neighbor accused Akhlaq of killing his missing calf. A crowd assembled, demanding to inspect Akhlaq's house. Tensions escalated when an announcement from a local temple claimed Akhlaq's family consumed the calf's meat during Eid-ul-Adha. Given the reverence for cows in Hinduism, this incited significant anger among the locals.

(b) Dimapur Incident (2015): On 5 March 2015, in Dimapur, Nagaland, a massive crowd of around 7,000-8,000 individuals stormed a prison. They seized a man held on rape charges, publicly humiliated him by parading him undressed, and subsequently beat him to death, serving their version of vigilante justice.

(c) Jharkhand Event (2016): In the Balumath forests of Latehar district, Jharkhand, on 18 March 2016, two Muslim cattle traders, Mazlum Ansari (32 years old) and Imteyaz Khan (15 years old), were attacked and killed by suspected Cattle-Protection Activists. Their lifeless bodies were later found hanging from a tree.

(d) Alwar Episode (2017): In Alwar, Rajasthan, Pehlu Khan, a dairy farmer from Nuh district in Haryana, was violently assaulted and killed by an estimated group of 200 cow protectors, thought to be linked to certain right-wing factions. Six

individuals accompanying Khan were also harmed by these vigilantes.

(e) Bulandshahr Incident: The violent assault on police in Bulandshahr, Uttar Pradesh, by a crowd protesting an alleged cow slaughter underscores the increasing audacity of cow vigilantes. The Chief Minister of Uttar Pradesh described the incident as an "accident" rather than "mob lynching". This event raises concerns about the state of the cow economy in India, a country with the world's largest cattle population.

(f) Karbi Anglong Mob Lynching (2018): Two men were brutally beaten to death in Karbi Anglong, Assam the pretext of being child-lifters

(IV) Lynching Deaths in India: This is a crime against to innocent people so mostly innocent persons are face the situation and sum peoples cannot face this situation. It is therefore Mob lynching deaths in India many people deaths in every day.

(V) Growing trend of new form of lynching: Mob lynching is a serious problem in India. The need of our parliament made for mob lynching for special law. The present codified law does not sufficient so the growing trend of new form of mob lynching

RELEVANT SOME CODIFIED LAWS

1. Constitutional Provisions:

Under Article 15: Ensures that there's no discrimination based on Religion, Race, Caste, Sex, or Place of birth.

Under Article 19: Guarantees specific rights related to Freedom of Speech and Expression. This includes the right to speak and express freely, to gather peacefully without weapons, to form

associations or unions, to move unrestrictedly within India, and to live in any part of the country.

Article 20: Offers protection in terms of conviction for crimes.

Article 21: Ensures the protection of individual life and personal freedom.

Article 25: Grants freedom of conscience and the liberty to freely profess, practice, and spread religion.

Article 51: Stipulates the fundamental duties of citizens to work towards excellence in all individual and collective activities, pushing the nation to ever-greater achievements.

2. Indian Penal Code (I.P.C.):

(a) Section 34: Refers to acts done by multiple individuals with a shared intention. When multiple individuals commit a crime with shared intent, every person is deemed accountable for the action as though they did it by themselves.

(b) Section 149: States that every participant of an illegal gathering is accountable for an offence committed by any member in pursuit of the group's shared aim. If a member performs an act in line with the group's aim, or if it's an act that members knew could likely occur to achieve their common objective, every member present at the time of the crime is considered liable.

3. Code of Criminal Procedure:

(a) Cr. P.C. Section 144: Under the 1973 Criminal Procedure Code, Section 144 grants an executive magistrate the authority to forbid the gathering of more than four individuals in a specified area. According to 141-149 of the Indian Penal Code (IPC), the maximum punishment for engaging in rioting is rigorous imprisonment for 3 years and/or

fine.

(b) Section 107 in the Code of Criminal Procedure, 1973- An Executive Magistrate can take preventive measures if informed that someone might disturb public peace. They can require the person to present reasons why they shouldn't sign a bond, with or without sureties, to maintain peace for up to a year. Such proceedings can occur if the potential disturbance is within the Magistrate's jurisdiction or if there's someone likely to disturb peace from outside their jurisdiction. Globally, there's debate about the validity of preventive arrest, which is detaining someone expected to commit an offense in the future. In India, Sections 107 and 151 of the Code of Criminal Procedure, 1973, are frequently used for this purpose.

JUDICIAL INTERPRETATION: VIEWS OF THE SUPREME COURT OF INDIA

In a pivotal decision with significant implications, a three-judge panel of the Supreme Court in the case of **Tehseen S Poonawalla vs. Union of India and Others (Writ Petition (Civil) No. 754 of 2016, dated July 17, 2018)** — including Chief Justice Dipak Misra, Justice AM Khanwilkar, and Justice Dr. DY Chandrachud — recommended that Parliament consider creating a dedicated law against lynching. The court emphasized that "a civilized society is built upon the fear and respect for the rule of law." Given the noticeable uptick in baseless rumors and resultant violent incidents in recent years, the court opined that those participating in mob lynching, regardless of their reasons, should face severe consequences, including potential death penalties or life imprisonment.

From the beginning, the Court's decision was firm in its opposition to vigilantism. It emphasized that laws, created for the good of society and to guide conduct, should be upheld and implemented by the relevant authorities. Citizens are expected to respect and follow the law. It highlighted that no individual or group has the authority to enforce laws as they see fit, and that all are presumed innocent until proven guilty in a court of law.

Guidelines to Combat Mob Lynching:

(I) Preventative Measures:

- (i)** State governments should appoint a senior police officer of DSP rank as a nodal officer in every district to prevent mob violence and lynching.
- (ii)** A special task force should be established to gather intelligence on potential perpetrators of such acts.
- (iii)** FIRs should be promptly registered under Section 153-A of the IPC when required.

(II) Remedial Measures:

- (i)** If lynching or mob violence occurs, the local police must immediately file an FIR.
- (ii)** The station house officer must promptly inform the district's nodal officer, who will ensure the victim's family isn't further harassed.

C) Accountability Measures:

- (i)** If any police or district administration officer fails to follow these guidelines, it will be viewed as deliberate negligence or misconduct.
- (ii)** Disciplinary action, in line with service rules, should be taken against such officers, concluded preferably within six months.

STATE'S RESPONSIBILITY FOR LAW AND ORDER:

The court highlighted the state's obligation to prevent any form of mob vigilantism. It's the duty of the states to ensure individuals or groups don't take the law into their hands. Citizens can report law breaches to the police, but legal proceedings should occur in courts, not on the streets. The state has a responsibility to prevent unfortunate incidents and crimes.

ON THE RISE OF MOB VIGILANTISM:

The Court, while emphasizing the importance of upholding the rule of law, expressed serious concerns about the escalating trend of mob vigilantism. The Court firmly stated that such extrajudicial actions must be curtailed immediately. It held that, "Lynching is an attack against law and order and to the magnified upsides of the Constitution itself. We might say with next to no apprehension about inconsistency that lynching by rowdy crowds and uncouth brutality emerging out of prompting and incitement can't be permitted to turn into the request for the day. Vigilantism, regardless of its motivations, undermines the official structures of the State and disrupts the established order. Thus, the statement underscores the urgent need for state involvement to protect its citizens from rogue actors and those orchestrating lynchings and acts of vigilantism. The state's dedication to address and curb such events should be evident in its actions and strategies.

CONCLUSION

Through my research and analysis, given the prevailing judicial interpretations, it is evident that there is an urgent need for specialized provisions to

tackle lynching. The Supreme Court of India's guidelines underscore this urgency. The increasing incidents of mob lynching, coupled with public demands for effective measures against it, spotlight the problem. The vast number of unemployed youths in the state not only potentially fuels cow vigilance groups but also indicates a weakening state of security.

In simpler terms, the Court's guidance was unambiguous. Beyond the preliminary directives and its expressed concerns, the Court emphasized the need for legislative action, urging Parliament to intervene. The Court's recommendation was rooted in the belief that introducing specific provisions would effectively address the issue, delineating lynching as a distinct offense and ensuring suitable punishments. This would create a deterrent for those involved in such vigilante activities. From my perspective, it's imperative that any proposed legislation against mob lynching be rigorously enforced. A dedicated anti-lynching law is crucial to deter those who bypass the legal system in the name of justice.

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