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Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



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MOB LYNCHING IN INDIA

AUTHOR – SHUBHAM GARG, STUDENT OF MAHARISHI MARKENDSWAR (DEEMED TO BE UNIVERSITY)

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Abstract

The mob lynching in India has become common in recent time. Lynching means the death of someone by a mob without legal approval. This article provides a complete analysis of Mob lynching and the criminal threat arising out of this criminal injustice Act to the humanity and its different aspects either through Indian eye of law and legal perspective or in a global level as the present scenario has pertained, with the very smooth negligence in the judiciary system. This Article covers all the perspectives of the communal harmony of a mob lynching which is done by public group or community. In a large against any individual or a targeted section in a particular and it also highlights whether it is good or not. This article analysis the judicial approach through various judgment pronounced by the court and role of police to restrict the mob lynching. And we analyze how it is necessary to implement proper laws to reduce this crime.

Keywords – Lynching, Honour killing, withcraft, Judiciary, substantial, punishment

Introduction:

Lynching is not defined as a hate crime under the substantial criminal code of India, the Indian Penal Code. Even a few years, NCRB collected data on the mob lynching case, but it was inaccurate and unreliable. But suddenly, what happened was that it came to the limelight. Recently, the special court for SC/ST Act, Manarkkand, convicted 14 accused persons in the Madhu lynching case, where Madhu's death was caused by lynching in 2018. She was a mentally challenged tribal youth who was killed due to a mere suspicion of theft of rice and spices from shops in Kerala. The Kerala court gave a sentence to 13 out of 14 convicted persons to rigorous imprisonment for 7 years under Section 304 Part II (Punishment for culpable homicide not amounting to murder read with Section 149 member of unlawful assembly guilty of an offense committed in prosecution of common object of the IPC). According to an India Spend analysis, the number of incidences of mob lynching is

increasing every year. The term 'Vigilance' according to the Cambridge dictionary, refers to law enforcement carried out by a self-appointed group of people without any legal authority. When one community believes about an issue disagrees with the views of the other community, an unlawful act of mob-lynching occurs as a result of conflict. In India, states like Uttar Pradesh, Haryana, Delhi, Gujarat, Karnataka, Rajasthan and Madhya Pradesh have the largest number of cow-related mob attacks. In India, Mob lynching has been a crime with a latent threat looming over people's heads. The majority fears the minority, creating a cycle of fears that leads to the crime of mob lynching. While there are many factors that can contribute to mob lynching, religion and a lack of respect for and belief in the country's legal system area at top of the list. Misunderstanding historical ideas can also set the fire ablaze.

There is no codified law in India prohibiting mob lynching, however Sub-section (a) of section 223 of the Criminal Procedure Code, 1973

contains the relevant provisions for person being charged jointly for the same offense committed in the course of the same transactions that is applicable to two or more people. Those who are lynched are treated inhumanely. They are frequently beaten, chained and hanged, resulting in serious injury or death.

This apprehension stems from a number of previous procedures. Since the founding of the Delhi Sultanate, there has been a rise in communal hostility in the so-called harmonious India. It has always been a superiority race since then.

During the invasion of India by sultans from other nations, Hinduism (India's only religion at the time) suffered greatly, and people began to hunt each other down. The hate crime of mob lynching is wreaking havoc in India.

The violence is a tantamount to offenses against human body or property – both public as well as private.

The mob believes that they are punishing the victim for doing something wrong and they take the law into their hands to punish the purported accused without following any rules of law.

Causes for Mob lynching:

- **Intolerance**

People are intolerant in accepting the acts of law and go on to punish the alleged person assuming the act to be immoral.

- **Biases:**

Biases based on various identities like caste, class, religion, etc: mob lynching is a hate crime that is rising due to the biases or prejudices among various castes, classes of people and religions.

- **Lack of Speedy Justice:**

Inefficient working of justice rendering authorities is the primary reason why people

take law into their own hands and have no fear of the consequences.

- **Inefficiency of police administration:**

Police officers play an important role in protecting the life of the people and maintaining harmony among the people but due to their ineffective investigation procedures, this hate crime is rising day by day.

Types of Mob- Lynching

Mob- lynching can be classified into following types:

- 1. Communal based:**

Unfortunately, many mob lynching incidents happen in India, often based on communal or religious differences, most of these are related to beef incidents. Here are a few examples:

- **Pehlu Khan lynching:** In 2017, Pehlu Khan, a dairy farmer from Haryana, was lynched by a mob in Alwar, Rajasthan, on suspicion of smuggling cows for slaughter.

- **Akhlaq lynching:** In 2015, Mohammad Akhlaq, a Muslim resident of Dadri, Uttar Pradesh, was beaten to death by a mob on the suspicion of storing beef in his house. The incident led to widespread outrage and condemnation.

- **Tabrez Ansari lynching:** In 2019, Tabrez Ansari, a Muslim man from Jharkhand, was beaten to death by a mob on suspicion of theft. Video footage of the incident showed Ansari being tied and beaten to death.

- **Palghar Lynching:** In 2020, two sadhus and their driver were lynched by a mob in Palghar, Maharashtra, on the suspicion of being child kidnappers. The incident got widespread, with some groups claiming that it was communal in nature.

- 2. Witchcraft:**

Many of us have heard about several incidents wherein women are burnt alive by a mob due to the suspicion of being related to witchcraft.

Unfortunately, mob lynching incidents in india have also been reported because of superstitions and beliefs related to witchcraft. Here are a few examples:

- **Assam Lynching:** In 2018, two men were lynched by a mob in karbi Anglong district of assam on suspicion of being witches. Nilotpal Das and abhijeet Nath, were the victims visiting a popular tourist spot when the mob attacked them.
- **Jharkhand Lynching:** In 2019, a woman was lynched by a mob in jharkhand on suspicion of practicing witchcraft. The victim, identified as suman devi, was beaten to death and the mob later burned her body.
- **Odisha Lynching:** In 2021, a man was lynched by a mob in odisha on suspicion of practicing black magic. The victim, identified as ganeswar behera, was beaten to death by a group of villagers.

3. Honour Killing:

Mob lynching incidents due to honor killings are a serious concern in india, particularly in some communities. It is a barbaric practice where individuals, usually women, are killed by family members or members of the community for allegedly bringing shame to their family or community. Here are a few examples of such instances:

- **Tamil Nadu lynching:** In 2016, a young couple was beaten to death by a mob in tamil nadu on the suspicion of eloping. The couple, who belonged to different castes, was in an unacceptable relationship with the family.
- **Haryana Lynching:** In 2018, a man was beaten to death by a mob in haryana on the suspicion of eloping with a woman from another caste. The incident took place in a village in Mahendergarh district.
- **Bihar Lynching:** In 2020, a man was beaten to death by a mob in bhojpur district of bihar on suspicion of having an affair with a married woman.

4. Bovine related mob lynching :

Bovine - related mob lynching incidents, also known as cow vigilantism, is considered the main cause of mob lynching in india. These incidents involve mobs attacking individuals or groups of people on suspicion of cow slaughter, transportation, or consumption. Here are a few examples of such incidents:

- **Alwar Lynching:** In 2018, a man named Rakbar Khan was beaten to death by a mob in Alwar, Rajasthan, on the suspicion of cow smuggling.
- **Jharkhand Lynching:** In 2019, a 24-year-old muslim man named Tabrez Ansari was lynched by a mob, forcing him to chant hindu slogans in jharkhand on suspicion of theft.
- **Dadri lynching:** In 2015, a 52-year-old muslim man named Mohammad Akhlaq was beaten to death by a mob in Dadri, Uttar Pradesh, on the suspicion of storing beef in his house.
- **Una flogging incident:** In 2016, four Dalit men were brutally beaten up by a mob in Una, Gujarat, on the suspicion of skinning a dead cow. The incident was captured on video.

Guidelines To curb Lynching Violence:

In Poonawala case asserted that "with regard to numerous incidents of lynching and mob violence which need not be specifically stated since we are going to issue certain directions covering the area of preventive, remedial and punitive measures."

Preventive Measures:

Court states that in every district there should be a senior officer a senior police officer, not below the rank of superintendent of police for taking measures to prevent incidents of mob violence and lynching. A special task force must be appointed to get the intelligence reports.

The court opined that "it shall be the duty of every police officer to cause a mob to disperse, by exercising his power under section 129 of

Crpc, which, in opinion, has tendency to cause violence, to wreak the havoc of lynching in the disguise of vigilantism or otherwise.

Remedial Measures:

The court instructed that despite the preventive measures the incident of lynching or mob violence takes place. FIR must be lodged without delay and safety of family members of the victim must be ensured. The investigation regarding mob lynching cases must be done especially by the Nodal officer. The victim compensation scheme including the interim relief under section 357A of criminal procedure code, 1973 must be prepared by the state Governments. Fast track courts must be appointed for cases of lynching and mob violence and maximum sentence as an example to create fear of law must be awarded to accused.

Punitive Measures:

Court laid down that wherever it is found that a police officer or an officer of the district administration has failed to comply with the aforesaid directions the same shall be construed.

Judicial approach:

In landmark judgment **Tehseen S Poonawala and the others v. Union of India on 17 July 2018**, comprising a three-judge bench of chief justice Dipak Mishra and Justice A.M Khanwilkar and D.Y Chandrachud of Supreme Court recommended that enactment of special law on mob lynching by the parliament may take place as “fear of law and veneration for the command of law constitutes the foundation of civilized society.” The present writ petition was preferred under article 32 of Indian Constitution to take immediate and necessary action against the cow protection group indulging in violence.

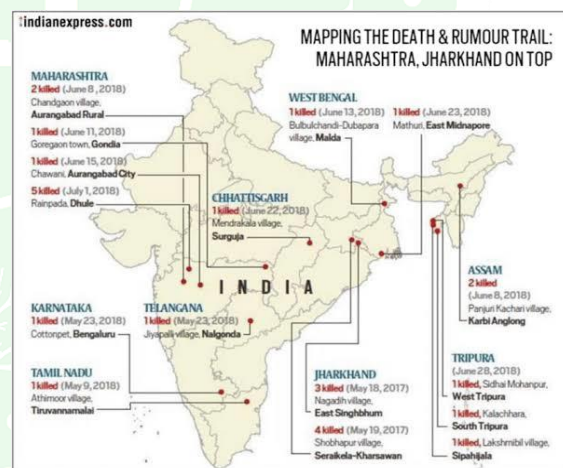
Role of police to reduce mob- Lynching:

Instead of assessing abstract motivation, Police officers may be asked to collect data on cow-

protection, interfaith relations, child- abduction, violence linked to religious and national symbols. While the incidence of mob lynching has increased across the country in the last three years, those who believe it is morally and politically justified do not hesitate to take the law into their own hands. The actions of such people pose a great threat to the people of minority groups in the country.

Be behaving as if there is no rule of law in the country, it creates a wave of fear in the country. To prevent and curb such violence, the rights enshrined in the constitution should be further appreciated and disseminated. When there are people with the political backing who think he is right and safe because when he commits a crime he thinks he is being punished.

DATA OF MOB LYNCHING IN INDIA:



Conclusion:

Mob lynching is gaining ground in a burgeoning democracy like India, which is home to diverse culture and traditions. This primarily shows that people have lost faith over the legislature, judiciary and the administration that they are willing to take law in their hands. The law is the mightiest, and no one has the right to punish anyone irrespective of any issues. By making this hate crime communal and playing the blame game will not result in any solutions but will result in emotional pain to the victims of



mob hate. The need of the hour is bringing a robust law on mob lynching, which will curb menace from society. Also, we need to work on the loopholes present in the system, right from filing an FIR to the investigation of the crime without delay and forgery and providing justice to the victims, by keeping a check on the social media platforms where certain groups spread hate and manipulate the views of the people. Placing the onus on social media posts and messages which are forwarded in the messaging site will only help unless we spread digital literacy among the citizens. At present, states are promulgating their own legislations to deal with the menace of mob lynching. However, each state is doing so at its own pace, leading to haphazard mechanisms of tackling such horrendous acts. Thus, having a uniform law govern "lynching which not clearly defines what constitutes the acts but also prescribe uniform procedure and punishment for the same is the need of the hour. While the supreme court has issued directives for states to follow, it remains ineffective as current laws cannot keep up with the rise in cases or lynching. And the legislatures should come up with the new law to restrict the mob lynching.

REFERENCES:

1. <https://www.drishtiias.com>
2. <https://timesofindia.com>
3. www.iasgyan.com
4. www.outlookindia.com



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