

MOB LYNCHING - A THREAT TO HUMANITY AND MANKIND AND SOLUTION.

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INTRODUCTION

Mob lynching is where a large number of people in the name of doing justice punishes another in which they often resort to violence and even kills in the name of justice without any legal approval or legal justification. It is a kind of extrajudicial action by a mob of people to punish the alleged criminal or culprit without even trial. Such mass of people do this even without thinking whether he is innocent or guilty. They all have a common object of achieving their purpose. It is a kind of vigilantism where self-proclaimed group of people resort to violence without any former legal authority or approval and in the name of doing justice and punishing others do violence which extend even to the extent of killing others. The purpose of resorting to such a violence is to preserve the social, cultural and traditional norms. In India such violence happens in the name of cow vigilantism, love jihad, child abductors (dayan), Dalits are often targeted, intercaste marriage, inter-faith marriages these are some common prevalent examples of mob lynching. Mob lynching is a threat to a country where the law and order situation is often compromised it destabilizes the country threat to democracy. The constitution of India recognizes the right to life of every individual. Article 21 provides that no citizen to be deprived of right to life and personal liberty except according to the procedure established by law. The Supreme Court of India has also from time to time broadened the article 21 and extended its scope such as right to medical attention, right to arbitrary arrest, right to shelter, right to privacy etc. So if a gathering of people in the name of vigilantism or preserving the culture, social norms start resorting to violence the right to privacy will become redundant.

RESEARCH QUESTION

1. What are the legal provisions in India and where they are lacking
2. What are the main factors responsible for mob lynching
3. What is needed to be done to prevent such crimes
4. What amendments are required to be done in legal provisions.

MATERIAL AND METHOD

This research paper uses the non doctrinal method under which primary and secondary sources of information are used the primary sources of information used are statutes and legislation and the secondary sources of information used are journal articles , thesis and working papers.

There is no specific provision in the ipc which deals with the mob lynching specifically in other words there is no specific provision in the indian penal code which deals with the mob lynching in particular . so the problem of fixing the liability upon the criminal is to be dealt with the help of the other provision of the IPC . there are several provision in the IPC which fixes the liability upon the criminal such as some of the relevant provision of the IPC which fixes the responsibility upon the criminal are

Section 302 IPC which provides for the punishment for the murder .

Section 304 this section deals with culpable homicide not amounting to murder

Section 307IPC which provides for the punishment for attempt to murder

Section 323 ipc which provides punishment for the voluntary causing hurt

325 IPC punishment for voluntary causing grievous hurt'

Section 34 IPC common intention it is the section which fixes the liability individually it will be presumed under this section as if the offence has been committed individually so if a mob commits an offence it will fix the liability upon every individual who was the part of the mob as if the offence was committed by that individual personally.

Section 141 IPC which defines as to what is meant by unlawful assembly it defines the unlawful assembly .

Section 149 IPC which defines common object

Section 120 B which defines criminal conspiracy so mere agreement between the parties to commit an unlawful act or a lawful act by unlawful means is punishable by this section so mere agreement is the actus reus for this offence and is made punishable under this section.

Section 223 (a) which provides that every member of the unlawful assembly can be tried together .

So after a persual of the relevant provision of the ipc and crpc it is found that there is no specific provision in the ipc which is dealing with the mob lynching so to fix the responsibility on the accused the help of the above mentioned provision are taken in other words with the help of above mentioned provision liability is fixed upon the all the accused who are part of the mob.

The reason of the mob lynching is not limited and there are several factors responsible for the mob lynching one such is technology, fake news , vigilantism , social norms prevailing in a society . often people are misguided through fake news which flows through the social media and technology plays a pivotal role in this

.often rumors are spread on the social media platform which plays a key role in misguiding the people these fake news plays or in other words plays a key role in the mob lynching. people without checking the authenticity and reality of such news are often misguided they just blindly follow such rumours which pose a threat to the law and order situation in the society.

The other responsible factor which lead to the mob lynching are the vigilante groups these groups also in the name of religion or preserving the social norms often lead to mass killings in the society . these vigilante groups have no fear of the law and order situation and they are guided by their own goals .

Political groups are also responsible for the mob lynching they often divide the society by promoting one religion and spreading disgrace against the other. these political groups also often brainwash one community against the other and create the gap in the society and subsequently gain the political mileage in the elections .

Thus political parties also responsible for such acts to gain political advantage in the society . they also create anti minority laws to restrict the rights of the minority and often create the gap in the society .

The main cause or one of the responsible factors which contribute to the mob lynching is technology of fake message and news are spread through these social media groups such as whatsapp , facebook and people often believe these things without checking their authenticity and often misguided by it so first of all these spread of fake messages and news are required to be curbed their origin is to be traced and stop the spread of such messages which lead to misguiding of people .

The state government in cooperation with local police officials need to identify the areas where such incidents happen and try to appoint a officer to appoint officers in such areas to prevent such lynching .

In most of the cases people are often misguided and they blindly follow without checking authenticity so what is needed to be done in such cases is to create the awareness in the society the state government must spread the awareness in the society and try to educate the people that such lynching is no in the interest of anyone and often creates the bridge in the society create gaps in the society and only leads to the destruction of property and loss of the life of humans. awareness includes within itself to stop creating of the hostile environment against any community and create the environment of fraternity in the society .

The state government must fix the responsibility on the state police officials and held them guilty if such incidents happen in their area . state government must authorise the state police officials such powers as they may required to disperse such mob and take the required legal action against the guilty .the police officials must be trained from time to time to prevent such incidents from happening again and must provide the required training and force and arms and ammunition to them to prevent such crimes from happening. The

police officials must be responsible and professionally trained to deal with such situations . the police officials must be given a free hand in dealing with such situations and the minimum political interference should be done in such situations . often the factors responsible for such crimes are political factors which also to gain a political advantage often lead to the loss of social harmony in the society. So the function of the police officers should not be interfered by the political parties .

The following checks are required to be done to prevent the spread of mob lynching some of them are mentioned below which can act as a deterrent to the spread of mob lynching .

- 1) The legislature is required to amend the Indian penal code and create a separate offence for the mob lynching and try to provide a maximum and strict punishment which can act as a deterrent to the others in other words the legislature must provide for a maximum punishment to those who are guilty of such .
- 2) the legislature must also provide for a time bound completion of the trial in such cases and provide for the maximum punishment in such cases which will act as a deterrent for the others from committing such crimes.
- 3) the state government should designate senior police officers who need to take measures to prevent such crimes and fix responsibility on them and such officers will be responsible if such incidents happen.
- 4) the state government try to locate the areas where such incidents happens frequently or need to locate or identify the district , villages where such instances of mob lynching have been occurred .
- 5) the police officers must try to observe and disperse the mob which have been gathered for the purpose of lynching in other words disperse the mob that have the tendency to cause lynching in the disguise of religion or other vigilantism.
- 6) the government which includes both the central and the state government shall broadcast on every mode of possible communication such as radio , television, or other modes available the causes of or the serious consequences of mob lynching . the government must play an active role and try to educate the people and spread the awareness in the society against the threat of mob lynching.
- 7) the police officer despite even after taking such measures if the lynching still happens shall upon the receipt of such an incident immediately lodge an FIR and immediately proceed against those who are guilty.
- 8) the state government must launch a compensation scheme in light of the provision of section 357A of Crpc and shall try to give the compensation to those victim who had suffered mob violence or lynching. The amount to be paid to the victims should be recovered from those who are guilty of those crime .

9) a police officer who is found guilty of fulfilling his duty then his act will be considered as an act of deliberate negligence and should be made punishable . it will deter or put a restraint on the police officers who are acting in favour of those who are guilty of lynching .

10) parliament while framing laws can also take into account for fixing the punishment against those guilty politicians who are responsible for inciting violence.

The supreme court of india in the case of TEHSEEN S POONAWALLA VS UNION OF INDIA is considered as a landmark case which deals with mob lynching and the supreme court in this had issued guidelines while dealing with the cases of mob lynching some of which among them are mentioned above . one of the guidelines are that the state government to designate senior police officer in each district for taking such necessary steps as may be necessary to prevent the mob lynching.

Keeping in view the above mentioned guidelines and in order to prevent and to curb on such incidents of mob lynching various state government has come up with the laws in order to curb or stop such incidents of violence for example manipur government came up first with a bill against lynching .then it was the rajasthan and west bengal government also who had come up with the bill to put a restrain or stop the incidents of mob lynching. So with a collective effort by the government , people and executive we can put an end to the incidents of lynchings . which poses a threat to society and disturb the social harmony and fraternity in the society .

CONCLUSION

The problem of mob lynching is increasing day by day in our society which often creates a law and order situation in the society disturb the social peace and harmony in the society . mob resorts to the violence and often killing the innocent peoples without any trial or enquiry .it disturbs the law and order situation in the society . so stringent measures are required to address this problem in the society such as creating a separate offence for the mob lynching , time bound trial of the guilty one , and providing compensation to the victims . only after taking such strict action this problem can be uprooted in the society so what is required a collective effort from all . the awareness among the people needed to be spread among the masses so that they are not easily misguided . also the police officers and the government should make stringent laws and provide the maximum punishment to those who are guilty . so a collective effort from all the spheres of the society is required to curb this menace and end it.