

MOB LYNCHING: - A THREATS FOR INDIAN SOCIETY.

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ABSTRACT: -

The concept of mob lynching is new to Indian society, yet it has existed in some form or another since the dawn of time. The concept of mob lynching is not new to the world it's come from the past. Lynch law which has been believed that it's founded in American village Lynchburg (Virginia). It has been a hot topic of debate throughout Latin America and other parts of the world, particularly in Mexico, Guatemala, Europe, South Africa, Israel, and Afghanistan, among others. In ancient time also it is considered as enemy of society and tried to control from time to time. In these countries the factors behind this brutal mob violence can be considered as it focused on racial discrimination and issues related to nationality.

The word Mob- Lynching is made of two words in which Mob refers to an uncontrolled group of people and Lynching refers to a premeditated extrajudicial killing by a group. Mob lynching is used by public in informal way by taking law in their hands in order to punish an individual or transgressor. When we talk of mob lynching it's basically means attack by a group of people to a particular person to cause a serious harm or any harm which causes death or any injury to him or her. This type of incidents causes intense fear in the mind of the society or it's become threats to democracy at large. When we look around the world in the last couple of years, we see a number of episodes of mob violence. With the use of doctrinal research, I will focus on the current legal provision about mob lynching, the problems with this provision, and the need for special legislation dealing with this type of violence in this research paper. I'd also look at the situation in India and other countries where similar violence is endemic, as well as the measures used to combat it. I'd also like to call attention to the Supreme Court's recommendation as well as the bills introduced by Members of Parliament to curb or control such forms of social violence.

KEYWORDS – Mob Violence, Lynchburg Village, Social cause, Political cause.

INTRODUCTION: -

Mob lynching in English words means an uncontrolled mob which results into the killing of a person by applying force. Lynchings are defined by Merriam Webster as "putting to death by mob action without legal approval." In today's society, the number of mob lynchings is on the rise. When we talk about the first case of mob lynching in the United States, it was in [St. Louis in 1835, when a black man named McIntosh was apprehended, attached to a tree, and consumed to death in front of a crowd of over 1,000 people on a corner plot downtown. In 1919, a series of race riots erupted in a few British cities, involving whites and dark seafarers. In Liverpool, after a dark mariner had been murdered by two whites in a bar, his companions assaulted the bar so as to deliver the retribution. Accordingly, the police attacked dwelling houses with dark tenants, joined by a "chafed lynch crowd". Charles Wootton, a youthful dark sailor who had not been associated with the assaults, was pursued into the waterway Mersey and suffocated subsequent to being pelted with rockets tossed by the horde, who recited "Let him suffocate" The Charles Wootton College in Liverpool was named in his memory]¹. Mob lynching is not a new phenomenon to the Indian context, during the revolt of 1857 the Indian Mob attacked the British civilians, and in 1947 partition mobs attacked families, individuals in villages, cities and even burned properties of people of a different religion. There are many incidents of mob violence/lynching's that occurred in the past forty decades like during Sikhs Riots (1984), Christians Kandamahal riots (2009), Muslims,

Bombay riots (1992), Gujarat Riots (2002), Muzaffarnagar (2013), Baksa riots (2015), most recently the incidents of mob lynching on Hindu Sadhu in Palghar in Maharashtra. In recent years India has been witness a number of mob lynching incidents / cases around the area of Bihar, Uttar Pradesh, Madhya Pradesh and Rajasthan these areas are now a day becomes the hot spot of this type of crime. When we talk about the regions behind this type of increasing activity of Mob lynching, we find that there is not a one reason behind this type of brutally activity there are several regions behind the crime of Mob Lynching. There are several reasons behind this type of incidents in different parts of India such as communal riots, racial discrimination, caste discrimination, caste and religious motive, economic and political motive, mob justice, witch hunting, Blind faith and old customs like sati- partha and other old rituals and beliefs. The main reason to raise this

¹ Mukherjee, R. (2020). Mobile witnessing on WhatsApp: Vigilante virality and the anatomy of mob lynching. South Asian Popular Culture, 18(1), 79-101.

issue is because of increasing the incidents of mob lynching in Indian society and this type of incidents were carried out at large scale in the names or forms of so-called cattle killers by the crowds who are popularly called as 'go- Raksha'. But when we talk about the cases of mob lynching in different parts of state of Bihar and Jharkhand, we noticed that the crowd their believing in their blind faith emerged as declaring a woman as a witch resulting in her death by beating her brutally. Also, in these parts of states the incidents of mob lynching related to love jihad. Whatever is the reason for such type of lynching but a person cannot punish other person by taking law in his hand it is the duty of state to deals with this type of crime and award punishment after found guilty for the crime. In ancient time also the king is the head of kingdom and it his duty to punish the criminal for the offences not the people are responsible for giving such kind of punishment and in today's world the democracy elect the branches of body that is judiciary to held responsible for giving any kind of punishment to the culprit after being find guilty. In last couples of years Jharkhand has witness a number of mob lynching incidents. In these incidents many people lost their lives. The opposition parties in Jharkhand alleges that this type of incidents is sponsored by a large number of Hindu organisation because there are more victims of mob lynching in Jharkhand belongs to the Muslim community. Jharkhand has witnessed another brutal case of mob lynching as Tabrez Ansari, a 27-year-old Muslim youth was thrashed to death in the state's Seraikela district. He was alleging that he had stolen the car of a person therefore the crowd attack him and lynched him. They're also the crowd asked him about his religions which he tells he belongs to Muslim community thereafter the crowd forced him to say the slogan of Jay Shree Ram and brutally beaten him. In this case we notice the factor behind is not only the communal riots but also the insecurity of the crowd. But when we talk about the case of mob lynching in Districts of Bihar there are a large number of cases of mob lynching and the factor behind is not only the communal riots but there are other factors also that leads to the incidents of Mob lynching.

LEGAL ASPECTS: -

Current status of law relating to mob lynching in India. When we considered at the law of India related to this type of serious crimes of mob violence, we find that even today there is not such kinds of provisions that directly deals with the crime of mob lynching's but there are certain other provisions/ sections that deals with such kind of social sin or violence. The Code of Criminal procedure (CrPc) under section 223(a) provides that mob involved in same offence in the same act can be tried together. The Indian Penal Code, 1860 also have

some sections related to hate speech and hate crimes under sections 153A (promoting enmity between different groups on grounds of religion, race, place of birth, residence, language etc. and doing acts prejudicial to maintenance of harmony), 153B (imputation, assertions prejudicial to national integration), 505 (statements conducting to public mischief) but it has been observed that in majority of the cases, these sections are not imposed on the perpetrators and only the sections against the individuals like section 302 (punishment of murder), 307 (attempt to murder), 323 (punishment for causing hurt), 325 (punishment for causing serious hurt) etc., but the mentioned sections of Indian Penal Code and Code of Criminal Procedure can only be imposed on the individuals and can be considered as an offence against individuals and not the whole community who are liable or are parts of this type of serious offence of mob violence. This type of law is not justified related to the offence like Mob lynching which is primarily seen through the lens of communal difference and this type of incidents is generally targeted against a minority, caste, religion, gender etc. and this type of incidents is a matter of public and not only an offence against a person.

The courts have also talked about the incidents of Mob Lynching and considered it as a seriousness of the cognizance and heinousness of the offence. This is considered by the Supreme Court about the cognizance and heinousness of the offence in case of *Nandini Sundar v. State of Chhattisgarh*² the court said that it is the responsibility of the state to prevent the internal disturbance and take the necessary steps to ensure the security of the minority and public order. This type of protection is also written in our constitution of India under Article 355 which states that it is the duty of the union to protect the states against any kinds of internal disturbance in the states. Further it is noticed that in the case of *Mohammed Haroon and others v. Union*³ of India in this case the Apex court held that it is the duty of the states and the intelligence agencies of the state to protect the public order and to prevent recurrence of communal riots/violence. These decisions given by the apex court is upheld in the case of *Arumugam Servai v. State of Tamil Nadu* in this the court held that the steps should be taken against the police officers on duty if he/she is not able to protect the person who is lynched and also for not taking any actions against the accused of the offence. In case of Archbishop Raphael Cheenath

² Nanda, H., & Tripathi, A. (2020). MOB LYNCHING: ANTI-LYNCHING LAWS IN THE INDIAN LEGAL SYSTEM. *PalArch's Journal of Archaeology of Egypt/Egyptology*, 17(6), 5325-5330.

³ Gupta, I. (2019). MOB violence and vigilantism in India. *World Affairs: The Journal of International Issues*, 23(4), 152-172.

v. State of Orissa⁴ in this case while hearing the writ petition against the state of Orissa regarding not providing sufficient policeman and force to maintain the law and order in the kandhamal district and its failure to provide any protection to the victims during the assassination of Swami Laxmananda Saraswati and others by Maoists. The Supreme Court laid down the guidelines for maintaining the law and order of the state and many steps regarding the protection of the individuals who is the victims of offence related to the Mob violence. The state and union are made liable for such kinds of offences and also the S.C stated that it is the responsibility of both to look that no one's fundamental rights are infringed in this process. Any outsider cannot allow making changes to replace law and law enforcement agency. The Agency is free to takes actions against not only the individuals but also the people who are parts of this offence or any act that disturbed the public peace, harmony and any acts that cause infringement of one's fundamental rights.

REASON AND INCIDENTS OF MOB LYNCHING IN INDIA: -

Biases in Indian Society are age old and profound established. These partialities are upheld different personalities like race, sex, position, class, religion, and so forth they're solid ideological powers once they show and play call at the general public which block combination of India. These partialities are fuelled further and have gotten national consideration through mechanical advances like web-based life. Via web-based networking media most are a creator in himself/herself. In such an unregulated domain, bias fight is played out. A sexist or a biased person or a bigot can now effectively team up with another people of similar contemplations dwelling anyplace in any piece of nation or any piece of world. Thoughts which were prior viewed as unsuitable and no-no get support from various people on the advanced stage and turns into an acknowledged thought. Internet based life or mechanical advances help during the time spent affirmation predisposition – it is the affirmation of a partiality or an inclination. For this situation, it is happening by gatherings people with comparative considerations. The vital quietness of the state and the incapable and request apparatus has additionally offered authenticity to horde lynching.

SOCIAL CAUSES⁵

1. Prejudices based on various identities like caste, class, religion, etc.
2. Differences in the beliefs among the people/ intolerance towards each other.

⁴ (2016)9 SCC 682

⁵ <https://iasbaba.com/2019/08/daily-current-affairs-ias-upsc-prelims-and-mains-exam-5th-august-2019/>

3. Rise of Cow Vigilante.
4. Illiteracy that makes people not to think but act on the base of rumours.
5. Unemployment can also be considered as the social cause behind the increasing incidents of Mob Lynching.
6. Failure of state not to provide security and dignified life, Examples – Street beggars/ Migrants.
7. Lack of digital literacy among common people.

When we talk about the incidents of mob lynching in India we come across lots of factors behind this type of criminal incidents but the most common factors in today's Indian society is the caste and religious discrimination and motivated. The case of Dadri is the best example of the caste and religious case of mob lynching. The case of Dadri 2015 refers to a case where a group of people attacked the home of a 52-year-old Muslim man who has been alleged to have killed a cow and had beef in his house. The fringe mob lynched him and caused death to him and in these incidents his son also sustained serious injury.

POLITICAL CAUSE⁶

1. Political mobilization of fringe groups.
2. Politicization of lynching and strategic silence.

It has been also recorded that there is an increase in the number of cases of mob lynching due to factors of unemployment and political factors behind this type of cruel incidents of mob lynching. The case of Palghar in Maharashtra is the best example of this type of reasons. In this case a group of mobs of villagers' attack on two sadhus and a driver. The mob alleges that they attack these people because of doubts that they are the thieves who enter villages in order to steal things and run away. It is rightly said in this context "the silence of the lawmen is more harmful than the violence of laymen". Social issues among individuals exist in India since autonomy, yet online networking assumes a fundamental job in interfacing similarly invested individuals easily, and political help to such encroaching bunches spreads brutality considerably quicker and which prompts dread and disharmony among ordinary citizens that causes occurrences like the Mob Lynching in India or around the various pieces of the world.

CONCLUSION: -

⁶ <https://www.manifestias.com/2018/12/18/mob-lynching/>

In my experience the differences of caste, creed, community has come down a lot compared to how it was twenty-five year ago, a lot that is the fact still there are terrible things happening in rural India. Mob lynching's in India have several reasons to happen it can base on the rumour of bitch hunting, because of which total of around 3000 of women are lynched on the basis of rumours that alleged them of stealing and killing the children. The difference of community is also a reason behind the mob violence. If we considered the case of Anti Sikh riots or the Gujarat riots, we find that the reason behind this is the communal conflagrations. Presently the lynching becomes the means of violence against the minority and there is not such law which can protects the minorities against this offence. I've seen lynchings in villages and towns, and they've always happened; it's just that they're not recorded. What causes this to happen? We need to understand, we are not a state or country which is ruled by law. Its only society manages its own law because there is not enough policemen, there's not enough infrastructure in United States the average time in which a police car arrives is three-minutes and twenty seconds on an average a policeman arrives fully armed. But when we talk about India here a policeman comes with nothing in his hands no even lathi he doesn't carry he comes on a bicycle, you don't expect him to handle a frenzied mob. Why is the mob frenzy? If you live in the villages of this country for twenty to thirty years, minimum one or two lynching's, you will definitely witness. This is the way mob enforces the law unfortunately. We need to change this means, it needs education, its needs evolution of the respected society and it needs enforcement of law and orders on the ground but not only in the legislature.