

Social Media: A New Medium for Horrendous Acts of Mobocracy

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Abstract:

As the human race is developing advanced levels of information and communication technologies and have considerably reduced the time and amount of data required to exchange the information from one point to another irrespective of time and space constraints, there is a negative aspect to this development that involves circulation of false information that is giving a force of jolt to a group of people who are ready to react without looking into the authenticity of such information leading to Mob lynching. And then there are elements in the society who, for their personal or political gains, give a boost to such behavior of the masses, compromising on the very fabric of the society of democracy shadowed by Mobocracy. Just as if a piece of information starting with the words, "The Scientists believe that" does not mean that it is a reliable information, same way the masses have to question every information on social media whether is authenticate or not. But some people due to a busy and a "slaves of technology" life style, read the social media headlines and believe with full faith that if it's on social media, it has to be true. The situation has worsened in recent times due to circulation of false information on social media such as WhatsApp, which has led to incidents of Mob lynching. Triggering Mob Lynching is becoming a recent trend through WhatsApp messages. Nevertheless, such incidents can never hide from the gaze of judiciary, as recently the apex court has given directions to the government to curb the menace of Mob-Lynching through legislations on the same. As per the slew of directions given by the Hon'ble Supreme Court, says that it is the duty of the government, whether at Centre or the state, to ensure law and order and to provide "preventive, remedial and punitive measures" to deal with mob violence and cow vigilantism to name a few.

I. INTRODUCTION

Have the technology of largest network of information and mode of connecting people has reached the hands of those who are aware of using it to manipulate information and spread hatred for their own selfish gains through the receivers on the other end who are blindly following the unauthenticated and unreliable information? The answer to this can be construed in affirmative. It can be corroborated by the happening of certain incidents of Mob-Lynching in India triggered by fake messages on WhatsApp.

The objective of this article is to analyze the effects of absence of a statute on the social evil of Mob-Lynching and the recent incidents that have taken place due to circulation of fake messages and news on social media.

II. BACKGROUND

The origin of Mobocracy as a use of word to describe an activity or an activity by an individual carrying it in their name or as an anti-thesis of Democracy can be traced as back as 1700s. There are various sources to the origin and the usage of the word lynching. The origin of the word 'lynch' is said to have originated

during the American Revolution phrased as ‘Lynch Law’ which is a punishment without trial. The word ‘lynch’ or ‘lynch law’ has been derived from two Americans known as Charles Lynch and William Lynch who were from Virginia.¹

In the year 1835, under the lynch law, lynch referred to as an activity to "inflict severe (but not deliberately fatal) bodily punishment (on someone) without legal sanction"², in reference to such activity, which was likely named after William Lynch³ (1742-1820) of Pittsylvania, Virginia.

Other sources trace the name of one Charles Lynch⁴ (1736-1796), but the connection to him is less likely. The surname is perhaps from Irish Loingseach "sailor."

It implies lawless concert or action among a number of members of the community, to supply the want of criminal justice or to anticipate its delays, or to inflict a penalty demanded by public opinion, though in defiance of the laws.⁵

Originally any sort of summary justice, done without authority of law, for a crime or public offense; it especially referred to flogging or tarring-and-feathering. At first the act was associated with frontier regions,⁶ though from c. 1835 to the U.S. Civil War it also often was directed against abolitionists⁷.

The thinning the between the meaning to "extra-legal execution by hanging" is evident by the 1880s, and after c. 1893 lynching mostly meant killings of blacks by white mobs (especially in retaliation for alleged sexual assaults of white women)⁸. Compare earlier Lydford law, from a place in Dartmoor, England, "where was held a Stannaries' Court of summary jurisdiction, hence: Lydford law: is to hang men first, and indite them afterwards".⁹

Also in a similar sense was the city of Lynchburg, Virginia, dates to the 1750s when John Lynch, brother to Charles but a peaceable Quaker, had a ferry landing on the James River there.¹⁰

III. MOBOCRACY AND MOB LYNCHING

Mobocracy is defined as “Rule by the Mob”.¹¹ As a world’s largest democracy, India today is facing a challenge to keep its democratic values upheld in the face of regular mob-lynching in various parts of its territorial boundary.

¹ Michael Quinion. "Lynch". World Wide Words, 2008.

² Lynch law, 1811.

³ Vigilance Committee, 1780.

⁴ Magistrate of Virginia, Case of Tories, 1782.

⁵ Century Dictionary, 1895.

⁶ Ibid.

⁷ A person who supports the abolition of something, Cambridge Dictionary, 1995.

⁸ This shift in use seems due in part to the work of African-American journalist and activist Ida B. Wells. Lynch mob is attested from 1838.

⁹ Thomas Blount, "Glossographia," 1656.

¹⁰ Jedburgh justice, 1706.

¹¹ Merriam-Webster, 1828.

Even though it is legible to understand the **SOVEREIGN SOCIALIST SECULAR DEMOCRATIC and REPUBLIC**¹² values in Indian constitution, we somewhat can see that there is a line of compromise when it comes to upholding the same. People take the law in their own hands rather than keeping the legal spirit of law and order alive.

A lynch mob is defined as “an angry crowd of people who want to kill someone without a trial, because they believe that person has committed a crime”.¹³

IV. MOB-LYNCHING INCIDENTS IN INDIA

Rumours on social media and social messaging applications such as WhatsApp about child-lifters, child-kidnapping and child-abduction have caused several incidents of mob-lynching in the state of Maharashtra, leading to loss of lives and public property.

In a recent incident of Mob-lynching, a village named Rainpada in the district of Dhule, in north part of Maharashtra, have become a ghost town after 5 tribal people were lynched by a large mob and thrashed to death on suspicions of them being the members of a gang of child lifters triggered by rumours spread on WhatsApp.

V. HON'BLE SUPREME COURT ON MOB-LYNCHING

“Horrendous acts of Mobocracy”, the term given by the Hon'ble Supreme Court to the incidents of mob-lynching across the country. On 17th July, 2018, the apex court has directed the parliament towards framing of a new punitive law to punish those who are initiating, influencing, engaging or participating in such incidents of mob-violence. The court has also brought to the notice of the government that maintaining law and order is the responsibility of the government itself. A Supreme Court bench of 3 Judges, headed by the Chief Justice of India, Dipak Misra and comprising Justice A.M. Khanwilkar and Justice D.Y. Chandrachud have given a slew of directions to the government. Adding that “the Citizens cannot take law into their hands and cannot become law unto themselves,” the bench said, “Horrendous acts of mobocracy cannot be allowed to become a new norm and has to be curbed with iron hands”.¹⁴

The bench, while directing Parliament to draft a new legislation to effectively deal with incidents of mob lynching, told the Centre and state governments to take preventive measures to control the spread of messages on social media platforms which can incite a mob to lynch. Explicitly, the Supreme Court directed the police to register an FIR under Section 153A of IPC and other such provisions of law against those who indulge in these kinds of activities. In an attempt to make the trial process quicker, the Supreme Court has

¹² INDIA CONST. Preamble.

¹³ Collins Dictionary, 1819.

¹⁴ Rebecca Mammen John, Supreme Court order on mob lynching strong, but new law will be useless unless existing rules are enforced, First Post (Jul 17, 2018 16:27:44 IST), <https://www.firstpost.com/india/supreme-courts-order-on-mob-lynching-is-strong-but-new-law-will-be-useless-as-long-as-existing-rules-arent-implemented-4759151.html>

proposed day-to-day trial in fast track courts and additionally, maximum punishment to the accused in mob lynching cases.

CJI Dipak Misra opined to give directions that provide for “preventive, remedial and punitive measures” to deal with offences like mob-lynching, mob violence and vigilantism in the name of cow protection. Justice A.M. Khanwilkar and Justice D.Y. Chandrachud, gave a supporting opinion that it is the duty of the state governments to ensure law and order in the society and the government should ensure that the lex rex prevails. It is the rule of law and not the rule of men that will uphold the supremacy of law intact, everybody will be equal before the law, and otherwise the legal spirit of the nation will diminish.

As well there are incidents of mob-lynching after circulation of fake messages on WhatsApp relating to child kidnapping and abductions leading to unwarranted fear in the minds of innocent people. Such fear is converting into violence acts on the name of protecting the society by taking the law into their own hands, resulting to deaths of innocent people who are found at wrong place at the wrong time.

The bench did not spare any form of mob-violence, as it also termed vigilantism by self-proclaimed and self-declared “gau rakshaks” or “cow protectors” as “unacceptable”. At least 25 people have been killed since May in incidents of mob violence triggered by rumors circulated on WhatsApp. The authorities do not know who is behind the hoax messages.¹⁵

The top court warned that “lynching and mob violence are creeping threats that may gradually take the shape of a Typhon-like monster as evidenced in the wake of the rising wave of incidents of recurring patterns by frenzied mobs across the country, instigated by intolerance and misinformed by circulation of fake news and false stories”.¹⁶

VI. CONCLUSION

The order of the SC reads as, “Our country must sustain, exalt and celebrate the feeling of solidarity and harmony so that the spirit of oneness is entrenched in the collective character, sans such harmony and understanding; we may unwittingly pave the path of disaster”.¹⁷

The Apex court delivered the directions based on a batch of petitions that are similar in nature that comprised of petitions including that of Mr. Tushar Gandhi, great-grandson of Mahatma Gandhi as well as a petition from Mr. Tehseen Poonawala, a Congress leader. These petitions seek formulation of guidelines so as to curb the social evil of mob-violence and mob lynching in India.

¹⁵ Asia, India: Engineer latest victim of mob lynchings fueled by WhatsApp rumors, DW <https://www.dw.com/en/india-engineer-latest-victim-of-mob-lynchings-fueled-by-whatsapp-rumors/a-44679902>

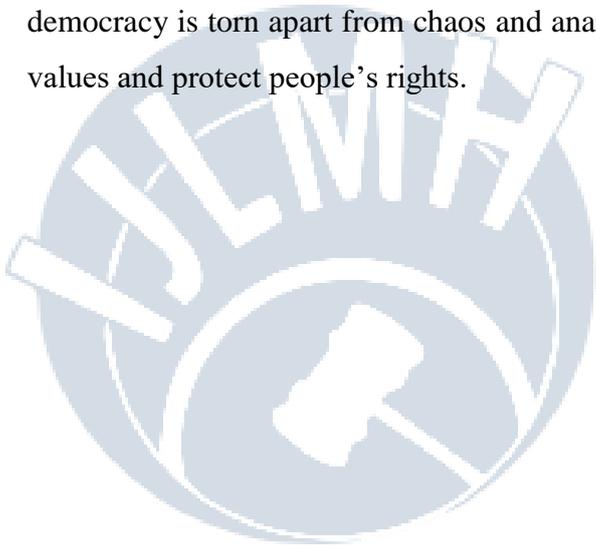
¹⁶ Ananthakrishnan G., Mobocracy can't be the new normal, The Indian Express (July 18th, 2018, 7:00:28 am), <https://indianexpress.com/article/india/cji-condemns-lynchings-across-country-asks-parliament-to-make-new-law/>

¹⁷ Horrendous acts of mobocracy can't be allowed, create law against it, SC asks government, The Indian Express (Jul 17, 2018, 07.14 PM IST), <https://economictimes.indiatimes.com/news/politics-and-nation/supreme-court-asks-government-to-create-law-against-mob-lynching/articleshow/65019193.cms>

The Hon'ble Supreme Court has posted the matter on 28th August, 2018 for further hearing. And under its capacity as the guardian of the constitution and protector of fundamental rights, has directed both the Central and State governments to take necessary steps to curb the menace of mob – lynching and deal with offences of such nature to maintain law and order in the country. Most importantly, the Hon'ble Supreme Court has asked the Government to submit a compliance report within four weeks in pursuance of the directions given to them as a priority.

The state cannot turn a deaf ear or the law cannot be blind on these incidents of Mob-lynching. The bench has directed the legislature to be deliberate enact a new penal provision to deal with crimes of mob violence and provide for such punishments to such offenders that are deterrent in nature.

It is to be condemned that the sweeping incidents of lynching as an affront to the rule of law and to the exalted values of the Constitution, now the onus lies on the legislature to formulate laws that instills deterrence in the mind of offenders and possible wrongdoers. It is in these times where the very fabric of democracy is torn apart from chaos and anarchy that the state has to safeguard and secure the constitutional values and protect people's rights.



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