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Mob Lynching: A Rising Threat to the society

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ABSTRACT

In today's Indian society, mob lynching targeting vulnerable groups is a major source of worry, since it is the worst type of crime against humanity. People who belong to vulnerable groups, such as minorities and Dalits, are frequently attacked and killed by a mob of members of a certain community. These occurrences of mob lynching have a significant impact on the way of life and sense of well-being of minorities and Dalits, resulting in a breach in their social and personal position as human beings. The Indian Constitution holds the rule of law in high regard, and the judicial system has reinforced its importance through several judgements. We need to make certain that the position is reinstated. Furthermore, another unique regulation in this respect is necessary to transmit equality to all and to express a distinct message that no one is free from the standards that everyone else follows.

Keywords: *Lynching, history, Unlawful, preventive measures, Legal ,Judgement , punishment*

I. INTRODUCTION

Mob lynching refers to acts of targeted violence committed by a large group of people. The violence is equivalent to crimes against the human body or property, both public and private. Mob violence has arisen globally against an individual suspected of violating the normative codes, which also constitutes the law of the land. The codes are framed generally by the state or by an individual or group that is considered to be above the law itself. It is not possible to be absolved of criminal responsibility unless proven beyond reasonable doubt before a neutral forum, i.e., a judge or jury, who are independent of state control.

Mobs conduct themselves as if they were above the law which they created themselves through their actions. Their attacks on individuals and collectives are generally brutal, sudden and unprovoked. The motives of the people committing the crimes are varied. Lynching is widely condemned, with utmost gravity in accordance with the international human rights instruments, for it is considered to be an extremely grave violation of human rights and civilization itself.

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The following documentary film explores the sad consequences in the historic Indian region where lynching has become a despicable act; in fact in most cases, it turns out to be a crime against humanity.

Mob Violence has been present from time immemorial in India as shown by the findings of several studies carried out in different parts of the country. In fact it is a common practice that many communities have adapted as part of their customary law that is sanctioned and upheld by the headmen and elders. 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 provision for persons being charged jointly for the same offence committed in the course of the same transaction that is applicable to two or more people.

II. MOB LYNCHING IN INDIA

In particular, there has been an upsurge in the frequency of lynching cases. Since 2000s, there has been a rise in the frequency of such attacks. This act of people taking the law into their own hands due to a lack of understanding of the justice system poses a severe danger to the Rule of Law and Natural Justice concepts. Such activities have also posed a major threat to the country's minority populations, and adequate measures must be made to prevent and deter such crimes. There have been no examples of fore certain wrongdoers but they were merely intended to be one; this appears to be highly irresponsible on the part of the government, as they have not been able to come up with any modification striking this specific offence. Individuals appear to have devised this, as their rage is greater than any law. This appears to be the norm for people to say that this violation is a collective one, and because India is such a diverse country, taking sides on any one faith is impossible.

Furthermore, vigilantes with some political affiliations to right-wing groups have perpetrated acts of violence, believing themselves to be politically proper while doing so. Across the country, mob violence has frequently resulted in the promotion of majoritarianism by disseminating the majority's values while limiting minority's basic rights. People taking justice into their own hands in a country like India is unacceptable, because inhabitants of the country have been awarded many basic rights, and such lynching incidents are an affront to their right to life, right to a fair trial, and so on. India is a secular country, thus it's critical to guarantee that minorities' rights are maintained and that the majority does not oppress them.

III. INTERNATIONAL PERSPECTIVE

The Lynching began in the 19th century in the southern United States, when there was a race strife between slaves and whites. It happened after slaves were emancipated and whites blamed

them for the country's financial catastrophe. Nearly 3446 of the 4743 lynchings took place in the United States. Because whites thought that allowing blacks too much freedom was unjust, mob violence occurred in the United States. In 1993, when racial tensions were high in the country, the United Kingdom, which dominated countries such as India and America, was accused of vigilant mob lynching when Stephen Lawrence was lynched by a crowd². Furthermore, due to the lack of strict rules against mob lynching, police officers were unable to apprehend the perpetrators. This was seen as a failure of justice and the rule of law, as well as a failure of administrative authority. Another instance occurred when four white men set fire to a man called Michael because of racial tensions. It is worth noting, however, that the United Kingdom has had no official reported crime since 1998.

The failure of different law enforcement organizations, including the police, has aided vigilantes in punishing those accused of crimes such as theft, robbery, abduction, and housebreaking, among others. Such incidents have occurred in certain African nations where crime is rampant owing to poverty, a lack of education, and a lack of work prospects.

Even though mob lynching is a novel term in the Indian context, it has been occurring periodically throughout world culture for ages. The Lynch Law, which is said to have been initiated by Charles Lynch in the American community of Lynchburg (Virginia)³, has been the subject of debate in most nations throughout the world, particularly in Mexico, Guatemala, Europe, South Africa, Israel, and Afghanistan. However, it was always regarded as a major foe of society and hence attempted to be manipulated by it from time to time. In these nations, mob lynching is often associated with concerns of race, ethnicity, and nationality. However, mob lynching in India has occurred on several problems that have been noticed by the country's political parties from their own point of view, and whether the location is on the road or in the parliament, they utilize it to gain their own personal political purposes.

The fundamental reason for this unique discussion was that mob lynching were carried out on a huge scale in the form of mass killings of livestock murderers by a throng of so-called cow-guards. However, in Bihar and Jharkhand, it has also been reported that a lady was declared a witch, culminating in her death by savage beating, and in several states, the accused of love jihad was beaten by the mob. Whatever the motive, no individual or group of individuals has the authority to take the law into their own hands. The work of punishing a criminal has been

² Lartey, J. and Morris, S., 2022. *How white Americans used lynchings to terrorize and control black people*. [online] The Guardian. Available at: <<https://www.theguardian.com/us-news/2018/apr/26/lynchings-memorial-us-south-montgomery-alabama>> [Accessed 16 January 2022].

³ Yale-New Haven Teachers Institute, Yale University. 2022. *Curricular Resources*. [online] Available at: <<http://www.yale.edu/ynhti/curriculum/units/1979/2/79.02.04.x.html>> [Accessed 16 January 2022].

done by the king in the monarchy system and by the courts in the democratic system, and only after the offender has been convicted. If a person or group of people is allowed to punish a person who is or appears to be an accused without giving him the opportunity to be heard, it is a social anarchy, which, if allowed, will not only give birth to social disorder but will also impede law and order, which is neither in the interest of a person, nor in the interest of society, and not even in the interest of the nation. That is why, in the instance of Tahsin, the Supreme Court issued an instant stern directive against the individuals or groups of individuals implicated in the mob lynching, and mandated that an investigation be conducted after filing a FIR under Section 153B of the Indian Penal Code.

IV. LAWS AND LEGISLATION ON MOB LYNCHING

In the recent past, the English phrase "Mob Lynching" remained a subject of discussion from the road to the Parliament, from the Panchayat to the courts, including the Supreme Court, and the subject was so serious that on the one hand, on July 17, 2018, the Supreme Court issued general guidelines for the police administration of the entire country as an interim order/direction in the case of Tehseen S. Poonawalla Vs. Union of India and others (2018). The supreme court had established a number of preventative, corrective, and punitive methods to cope with lynching and mob violence. States were ordered to establish special fast track courts in each district to deal solely with instances involving mob lynching. The court had also proposed forming a special task force to gather intelligence on those involved in distributing hate speeches, inflammatory comments, and fake news that might lead to mob lynching. Victim compensation systems were also established in order to provide assistance and rehabilitation to victims. A year later, in July 2019, the Supreme Court sent letters to the Centre and various states, requesting that they submit their progress toward implementing the measures as well as compliance reports. The states' sluggish response was exceedingly disappointing. Only three states, Manipur, West Bengal, and Rajasthan, have laws against mob lynching.

Incidents of lynching are normally recorded under Indian Penal Code sections 302 for murder, 307 for attempted murder, 324 for inflicting harm, 147 for rioting, and so on. Sections of the Indian Penal Code such as section 153A (promoting enmity between groups and acts prejudicial to the maintenance of harmony); 153B (acts prejudicial to the maintenance of national integration), 295A (acts intended to outrage religious feelings); and 295B (words intended to hurt religious feelings) are considered hate crime laws in India.

Laws against hate crimes are not powerless; rather, they exist to protect the victims. The lack of hate crime legislation in India was recognized when the Law Commission suggested

inclusion of a new section, 153C in the IPC, banning 'incitement to hatred', extending beyond that to instigate enmity and undermine national unity, in its Criminal Law Amendment Bill 2017. The Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act, 2015, which criminalises violence and atrocities against Dalits and indigenous communities, the most oppressed segments of Indian society, is the closest approach to a hate crime statute in the Indian legal system. Hate-motivated crimes against them are subsequently classified as SC/ST offences. However, the SC/ST Act does not include other socially disadvantaged groups like as religious, ethnic, and sexual minorities, as well as the disabled, and it does not include communities of Muslims and Christians who identify as Dalits. As a result, hate crimes against these minorities are not recorded. In the absence of official records, the main sources of hate crime data against religious minorities in India are media reports and the odd scholarly effort, although they are insufficient. Some international and national instruments exist to assist victims of mob lynching. Article 7 of the Universal Declaration of Human Rights, for example, offers equality before the law, equal treatment under the law, and protection against discrimination. According to Article 20 of the International Covenant on Civil and Political Rights, "any advocacy of national, racial, or religious hatred that constitutes an incitement to discrimination, hostility, or violence shall be prohibited by law."

V. INCIDENTS OF MOB LYNCHING

(A) The Singhu Border Lynching case

On the night of October 14 and 15, a man named Lakhbir Singh from a tiny Punjab hamlet was slain near the Singhu Border, where farmer demonstrations were taking place. Nihang Sikhs hacked off his right hand and hanged his body on a wall at the Kundli border. Lakhbir was accused of attempting to flee with the Sikh holy book Sarbloh Granth, which was tied to Nihang Sikhs.⁴ Why Lakhbir, a Dalit Sikh, travelled to the Singhu border without alerting his family is still unknown. Nobody knows why he did what the Nihang Sikhs accuse him of doing. Several people have been arrested in connection with the assassination of Lakhbir Singh.

(B) Kheerlanji Massacre 2006

The first officially reported case of lynching was during the Kheerlanji massacre in 2006. On September 29, 2016, a horde of 50 residents stormed Bhaiyyalal Bhotmange's home and lynched four members of his family over a family feud. Surekha, Bhotmange's better half, and

⁴ The New Indian Express. 2022. *Prevention of Mob Violence and Mob Lynching Bill, 2021 passed in Jharkhand assembly*. [online] Available at: <<https://www.newindianexpress.com/nation/2021/dec/21/prevention-of-mob-violence-and-mob-lynching-bill-2021-passed-in-jharkhand-assembly-2398178.html>> [Accessed 16 January 2022].

their little girl Priyanka were paraded through town before being brutally murdered. The assault occurred when these ladies recorded a police protest against 15 towns who whipped a family member. In January, eight of the eleven people who were denounced were indicted. There were later attempts to generalise the lynching, claiming it was a casteist assault against Dalits by the politically dominant Kumbi rank. The high courts of Bombay and Nagpur found that this was a case involving four Dalits from the same family. This is in stark contrast to their open fulfillment of the death penalty, which was granted by the unusually appointed Fast Track preliminary Court in 2008 to six of the eight accused, who were accused of viciously clearing away everything but one Dalit household. On offer, the High Court pushed for capital punishment since it was "not the rarest of the odd circumstances," justifying lethal punishment. The intrigue court commuted the sentences of these six people and two others, who had been sentenced to life in prison by the lower court, to 25 years in prison.

(C) Palghar lynching 2020

The Indians have a problem with secularism. They don't appear to be kind or understanding of the opposing or another faith, but will battle to the death over a doubt. This instance came as more of a surprise because lynching is easier when individuals are free to go about the country and there are no police officers to stop them, but this case occurred in a city.⁵ When the world was attacked by a pandemic in April 2020, the country was put on strict lockdown, which means people weren't allowed to leave their houses, which was not followed in this case because lynching cannot be done calmly at home. This lynching took place after two men, Kalpavruksha Giri and Sushilgiri Maharaj, were accused of kidnapping children and harvesting organs. The two saints were returning from a funeral, and in order to avoid being obstructed on their journey, they and their driver took an alternate route through Palghar, Gujarat, rather than taking the Mumbai-Gujarat highway.⁶ Even after taking these precautions to ensure a safe voyage, they were halted by a patrol. A vigilante gang of Christian commissionaires and Muslims chased them and assaulted them while they were speaking with the guard.

The police were notified later and took the two guys in their vehicles, but this did not prevent them from being lynched after being hauled out of the police vehicle. The politicians were only claiming that this was "not communal," which does not appear to be the case. The

⁵ News18. 2022. *Latest News: Today's Latest News Online | Latest News from India & World - News18 News18*. [online] Available at: <<https://www.news18.com/news/india/murder-charge-dropped-in-tabrez-ansari-lynching-case-in-jharkhand-2303797.html>> [Accessed 16 January 2022].

⁶ Shaikh, Z., 2022. *Palghar lynching: A recap of what happened*. [online] The Indian Express. Available at: <<https://indianexpress.com/article/explained/palghar-mob-lynching-mahant-kalpavruksha-giri-6370528/>> [Accessed 16 January 2022].

situation was tragic and inexcusable, and the sad reality is that propagandists can't seem to stop themselves from turning it into a communal issue as well. Strict policing should be unusually productive for a country in such social isolation and lockdown on such a large scale to operate; likewise, rumour mongering should be avoided from the start, and those liable for spreading canards should be properly regulated. At least until a legislation is made or a prohibition is enacted, effective policing is the only option to manage such misdemeanours.

(D) Dadri mob lynching 2015

Mohammad Akhlaq, an unarmed Muslim man, was the victim of one of the first and most horrifying episodes of cow vigilantism. The unfortunate thing is that 18 of the men accused of the crime have been released on bond. In the village of Bishara, Dadri, this man was pulled out of his house. After a nearby Hindu temple announced that a cow had been slain, which was supposed to be consecrated by many Hindus. The man was beaten to death, and his child was gravely hurt.⁷ There were life-size posters depicting Ved Nagar and his Gau Raksha Hindu Dal organisation, with the warning "we will murder anyone who slaughters a cow." According to the FIR, Mohammad's neighbour, Prem Singh, saw him and his brother slaughtering a calf with other family members, despite his brother Jan's claim that Singh was not in town that day. The man was beaten to death, and his child was gravely hurt. There were life-size posters depicting Ved Nagar and his Gau Raksha Hindu Dal organisation, with the warning "we will murder anyone who slaughters a cow."⁸ According to the FIR, Mohammad's neighbour, Prem Singh, saw him and his brother slaughtering a calf with other family members, despite his brother Jan's claim that Singh was not in town that day. Physical investigation afterwards revealed that the flesh was that of mutton. It was also said to be "of cow or its progeny" in another examination.

Even though no evidence was discovered a year later, the flesh from the butchered cow was consumed by Mohammad's family. Mohammad's mother, wife, children, and brothers were given compensation of 4,500,000 rupees, as well as three affordable apartments, but no one wants to live there because it is on a desolate roadway on the outskirts of the city. This is the case for both reasons, cow vigilantism and political parties' silence; being a pro-Hindu state government does not grant immunity to devastate citizens of other religions; if cow eating is prohibited, there should be some relief or warning for those who do not follow the law;

⁷ JAIN, K., 2022. *Cow Vigilantes and the Rise of Hindu Nationalism - KENNEDY SCHOOL REVIEW*. [online] KENNEDY SCHOOL REVIEW. Available at: <<https://ksr.hkspublications.org/2019/05/03/cow-vigilantes-and-the-rise-of-hindu-nationalism/>> [Accessed 16 January 2022].

⁸ Kumar, A., 2022. *The lynching that changed India*. [online] Aljazeera. Available at: <<https://www.aljazeera.com/indepth/features/2017/09/lynching-changed-india-170927084018325.html>> [Accessed 16 January 2022].

however, no one has the right to annihilate any man's life for any reason; and there is no right for anyone to annihilate any man's life for any reason.

(E) Nowhatta lynching 2017

An on-duty officer Muhammad Ayub Pandit, a secret officer of the Indian police security in Jammu and Kashmir, was defaced in yet another shameful and disgusting lynch crowd murder. On the night of the slaughter, he was protecting his normal spot, which was a religious occasion for Muslims. He was slain in front of the mosque on June 22, 2017, and he was not given the opportunity to be heard. He was mistaken for a criminal since his name was "Pandit," a Hindu name that meant he was a "non-Muslim" standing outside a mosque. Yes, it is debatable, but not to the point of being sentenced to such a gruesome death. Many others didn't know who he was, which added to the uncertainty and oneness of doing wrong. He couldn't display his ID card because he was a secret agent, and because he was mistaken for a RAW agent and an Indian IB in our country, even regular mosque attendees who were familiar with the officer remained silent. The mob chanted slogans supporting Al-Qaida in Pakistan and extremist Zakir Musa. It was established that Pandit was the one who recorded the slogan yelling. He also used his gun, hurting three of the hecklers, but there was nothing he could do to stop the men from attacking him. He was beaten, stripped naked, and pummeling with stones, batons, iron rods, and sharp objects; his body was found in a mangled state.⁹ An onlooker stated that several of the aggressors could be seen "gnawing the arms and legs of Ayub's fallen nude body like wolves." Some of the guilty guys were apprehended and charged with murder under Section 302 of the Criminal Code. Any officer, Muslim or non-Muslim, would have been terrified to leave his local region or even his home after such a heinous crime; this is expected behaviour, because if the constitution does not protect its citizens from such heinous crimes, then the people will be concerned for themselves.

As a result of the massacre, anti-terrorist operations were launched. There is some ambiguity here in that the search or hunt down began only after this horrible murder in which one official was killed, not before. Does this mean that the state was glad to have terrorists as residents, even when the same terrorist was involved in a grenade attack, and why wasn't he shot down or arrested then, when such blunders cost a human life like the police officer's?

⁹ ul-Haq, S., 2022. *Srinagar: DSP Ayyub Pandith beaten to death by mob outside Jamia Masjid*. [online] India Today. Available at: <http://indiatoday.intoday.in/story/srinagar-top-cop-lynched-to-death-crowd/1/985418.html> [Accessed 16 January 2022].

(F) Dimapur lynching 2015

A detainee was legitimately charged with a crime he had not done, but the worst part is that this man was taken out of jail and beaten to death only because he was suspected of committing rape. The label "vigilante justice" was given to it by this horde. The individual was suspected of being an illegal Bangladeshi immigrant in Nagaland.¹⁰ He was accused of sexually assaulting a 20-year-old woman. The accused and his accomplice were soon apprehended and taken to the central jail in Dimapur. They were charged under Indian penal code sections 476, 344, and 363. If all of the claims were true, the lynching would have been justice for not just the girl who was raped, but also for those who contemplated committing a crime like rape. However, it is well known that the man was a convicted felon. 7000 people lynched him, yet he has yet to be found guilty. As a result, it demonstrates the lack of a more efficient justice system rather than how the individual might be dragged from his prison cell and beaten to death. Only 58 criminals were executed, and 32 were served with legal papers, out of thousands.

Two fundamental rights are mentioned in the Indian constitution: the right to life in article 21 and the right against exploitation in articles 23 and 24. Fundamental rights of the accused have been violated, which is a severe concern for every nation and should have resulted in strict punishment by now, but nothing seems to have happened as more of these heinous cases emerged, each more terrible than the last.

VI. OTHER IMPORTANT JUDGEMENTS

In the case of **Mohd. Haroon and others v. Union of India** and others, a writ petition was filed in the Supreme Court in response to the riots in the District Muzaffarnagar area of Uttar Pradesh. There was communal tension in the city, which forced some to flee their houses out of anxiety and fear. In this instance, the petitioners argued that instead of enforcing the law, the local administration carelessly permitted the congregation to take place and neglected to monitor its operations. Furthermore, it was decided that victims of mob lynching cannot be discriminated against because of their group or faith. Communities must get assistance in the form of rehabilitation and compensation. The Supreme Court further remarked and indicated that it is the responsibility of the State Administration, in collaboration with relevant intelligence agencies from both the Center and the State, to prevent communal violence from occurring in all parts of the State. If any officer responsible for maintaining law and order in

¹⁰ Nandy, C., 2022. *Political Silence Over Lynchings is Sanction by Another Means* / NewsClick. [online] NewsClick. Available at: <<https://www.newsclick.in/political-silence-over-lynchings-sanction-another-means>> [Accessed 16 January 2022].

the state is proved to be careless, he will be penalized in line with the law.

In the case of **Nandini Sundar and others v. State of Chattisgarh**, the residents of Dantewada District and its neighbouring territories in the State of Chattisgarh claimed a variety of human rights breaches as a result of the ongoing armed Maoist insurgency. To combat this, the Chhattisgarh government hired and armed a local tribal youth organisation as Special Protection Officers (SPOs) to battle the Maoists. According to the authorities, the government is correct in arming tribal people in conformity with the Indian Constitution in order to combat 'extreme Maoists.' In this decision, the Supreme Court stated that it is the role of the state to strive continuously and persistently to create brotherhood among all people so that the dignity of every person can be maintained, promoted, and nourished. As a result, it is the state's responsibility to prevent crime in the state in order to ensure absolute harmony among the people.

Furthermore, in the case of **Archbishop Raphael Cheenath S.V.D v. the State of Orissa and another**, a Writ Petition was filed before the court to highlight the failure of the State of Orissa in deploying police force to maintain law and order in Kandhamal District of Orissa and in protecting its people when the Maoists assassinated Swami Laxmananda Saraswati. In this instance, the court stated that the state government must investigate and identify the root causes of such communal riots, as well as reinforce the police infrastructure, in order to quell communal unrest. The court underscored the importance of the state's peace-building efforts.

VII. GUIDELINES TO CURB LYNCHING VIOLENCE

(A) Punitive Measures

When it is discovered that a cop or an official of a local organization has failed to agree to the preceding bearings in order to prevent, investigate, and/or encourage speedy preliminary of any wrongdoing of crowd viciousness and lynching, the equivalent will be considered a demonstration of conscious carelessness or potentially offence for which appropriate action must be taken against him/her and not limited to departmental activity under the administration rules, or

The authority of the major example will make the departmental move to its evident end result, ideally within a half year. In light of this Court's decision in *Arumugam Servai V. Province of Tamil Nadu*, the States have agreed to take disciplinary action against the responsible authorities if it is discovered that such official (s) failed to prevent the occurrence despite having prior knowledge of it. Where the incident occurred recently, such officials failed to quickly apprehend and initiate criminal proceedings against the perpetrators. The country's

current want is a clear and accurate execution with regard to worried professionals.

In each area, the state governments shall appoint a senior cop who is not below the rank of Superintendent of Police as the Nodal Officer. ¹¹One of the DSP rank officers in the area will assist the Nodal Officer in taking efforts to prevent crowd abuse and lynching. They'll form a special team to gather information on the situation.

(B) Preventive Measures

Regular meetings between Nodal officers, intelligence units, and police personnel are required to determine the likelihood and trends of vigilantism and mob violence in the district and to take actions to prevent such incidents. The Nodal Officer must also work to eliminate a hostile climate toward any community or caste that has been targeted in such occurrences. Through regular meetings with the nodal person, the Director General of Police/Secretary of the Home Department of the affected States must be informed about the initiatives to control lynching.

"It shall be the duty of every police officer, by exercising his power under Section 129 of the CrPC, to induce a mob to disperse, which, in his opinion, has a potential to commit violence or wreak the havoc of lynching in the disguise of vigilantism or otherwise," the Court stated. ¹²The Indian government's Home Department must take the lead in implementing the constitutional goal of social justice and the rule of law. Patrolling should be taken seriously so that anti-social individuals participating in such crimes are deterred and stay within the bounds of the law, fearing to take the law into their own hands.

The significant consequences of such an act should be announced on radio and television, as well as on the Home Department's official websites. The police would file a FIR under Section 153A of the Indian Penal Code and/or other relevant provisions of law against anyone who distributes reckless and combustible words and films that can lead to mob lynching.

(C) Remedial Measures

The Court stated that if a lynching or mob violence occurs despite preventive measures, a FIR must be filed immediately and the protection of the victim's family members must be safeguarded. The investigation of mob lynching cases must be handled by the Nodal Officer in particular. State governments shall create a victim compensation programme, including

¹¹ Chandra, R., 2022. *THE MENACING GROWTH OF MOB LYNCHING: A STUDY IN INDIAN LEGAL PERSPECTIVE*. [online] JOURNAL OF LEGAL STUDIES AND RESEARCH. Available at: <<http://thelawbrigade.com/wp-content/uploads/2019/05/Rakesh.pdf>> [Accessed 16 January 2022].

¹² Civildserviceindia. 2022. *Lynching in India, mob violence, mob violence in India, causes and consequences of mob violence in India, mob violence in India UPSC*. [online] Available at: <<https://www.civilserviceindia.com/current-affairs/articles/rising-mob-violence-in-india.html>> [Accessed 16 January 2022].

temporary remedies under section 357A of the Criminal Procedure Code of 1973.¹³ For situations of lynching and mob violence, a fast track court should be established, and the maximum punishment should be given to the offender as an example to instill fear of the law. The protection of the case's witnesses must be a top priority for both the court and the police. A daily report on the trial must be presented to the victims and their families. Victims must have access to the Legal Services Authorities Act, 1987, which allows them to select a legal assistance advocate.

VIII. CONCLUSION

The willingness of a group of people to kill someone without hesitation demonstrates Indian intolerance, which may have evolved as a result of a lack of education and awareness. The majority of victims of mob lynching are men, women, and even children who are impoverished, from a low caste, and from a minority culture. This is extremely obvious that these are crimes committed against the society's marginalized people. The current situation in India necessitates the passage of a particular law prohibiting mob lynching. All legal instruments have spoken about the upliftment of the underprivileged and excluded elements of society, from human rights to fundamental rights to moral rights. Despite this, the majority of the crimes are committed against them. It is ironic that Indians' intolerance has reached such a level that they believe they are above the law and hence create unfavourable conditions for law and order. Such circumstances generate a panic and terrorized climate in society, which stifles the society's growth and development. The Indian people's intellectual level is demonstrated by their belief in the caste system, naive faith in religion, and reliance on superstitions.

Despite the fact that the Central Government has issued an advise as soon as possible to guarantee that the court's orders be followed. States have been instructed to ensure that the Supreme Court's orders, as well as other directives, are followed. In addition, the government is enacting relevant legislation. However, neither the federal government nor the state governments are solely responsible for this. It is also a constitutional obligation for every individual in society to foster a spirit of unity and brotherhood among all Indians, who should not discriminate on the basis of religion, language, class, or state. Also, have compassion for everyone.

Along with strict legislation, great education and awareness among the public are required to address such issues. The majority of mob attack instances in rural India indicated a nearly

¹³ The Hindu. 2022. *Preventing mob lynching*. [online] Available at: <<https://www.thehindu.com/opinion/op-ed/preventing-mob-lynching/article30577621.ece>> [Accessed 16 January 2022].

identical general operandi, which had to be improvised. The right to life is an individual's most important right, and the state must safeguard it. The Supreme Court's preventive, corrective, and punitive measures must be strictly followed. The role of the media, civil society, and non-governmental organizations (NGOs) must improve in a good way.

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