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Mob Lynching in India: Legal Protection is Need of Hour

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ABSTRACT

This research paper states a complete analysis of mob lynching and laws against mob lynching in India. In developing India, mob lynching is familiar. It's unusual behaviour to gather a crowd and make it into a mob lynching. Antisocial behaviour is another facet of mob lynching.

The term "mob lynching" refers to the murdering of someone by a crowd for an alleged crime without concern for jurisprudence or due process of law.

A Lynching is more than just a murder. While a murder may take place in secret, lynching is a public spectacle that requires a spectator. Caste, religion, and political parties are all major elements in mob lynching. Although mob lynching is not specified in criminal law, it is permissible to punish two or more people for the same offences committed during the same transaction under the Criminal procedure code. Though this provision is insufficient for punishing offenders. So, there is an exigency of laws for prevention of the felony. This paper will throw light on some contemporary cases of mob lynching in India are Palghar issue, Golden temple mob lynching, kherlanji case etc.

This paper contains of both doctrinal and empirical data. The objective of this research paper is to implement a law to curb mob lynching in India. This paper will also lay sight on the laws which are implemented by states to curb mob lynching and the recent amendments made in the context of mob lynching.

Keywords- *Mob Lynching, law, committees, antisocial behaviour, Implementations, Murder.*

I. INTRODUCTION

India is a pluralist society that is inter religious, interethnic, and intercultural. The Indian society's peculiarity is its unity in the midst of such diversity. The Indian constitution is a precious document of lasting value that preserves the composite culture and promotes the essence of Indian polity. Through its preamble, Fundamental Rights, and Directive Principles, the constitution established a secular state based on the principles of equality and without discrimination. The Supreme Court has included secularism in its doctrine of basic structure

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which cannot be amended even by the parliament.

The Indian model of secularism means equal treatment and equal respect for all religions by the state to endorse communal harmony and religious tolerance. It is derived from the doctrine of *Sarva Dharma Sambhav* and *Sarva Dharma Sadbhav*. Unlike the western model of secularism, which envisions complete separation of religion and state, the Indian model is entrenched on non-discrimination, good conscience and equal participation by the state in all religion.

Lynching is a type of violence where a group of people kills a presumed guilty person without a trial, often after tormenting and seriously damaging his or her body. A lynch refers to a self-contained court that sentences someone without due process of the law.²

Purposive extrajudicial manslaughter, often known as mob lynching, is described as the killing of a person by authoritative professionals or individuals without the use of any legal continuing or legitimate methods. Extrajudicial killings are typically directed at indisputable political, labour, opposer, strict, and social figures. This crime encompasses a lot more than simply one person being lynched for allegedly committing a crime. It is not a single member who is lynched, but his whole family; such a traumatic death cannot be a source of joy for any family. ³Lynching isn't just a crime that steals a person's life and ends it; it's also a form of torture; it also steals the lives of the deceased's family, leaving some of them in poverty if in case the sole earner of the family is killed, children are left as orphans and untaught.

From Last few year four state assemblies passed an anti- mob lynching bills which are Manipur Rajasthan, west Bengal and Jharkhand.

(A) Historical Context

United States of America was the first country to accentuate the lynching in the 19th C.E. where white people lynched black people. By 1493, Ireland had seen a particularly terrible usage of the legal system, when the mayor of Galway, enraged by the "law's faults," hung his son by the neck from the window of his residence, screaming that "justice must be done." When he saw protestors waiting for justice outside, he realised that there was no way that a mob in such a rage wouldn't damage the culprit, so Galway James hung his beloved son as the better served equity. This act made sense to the Americans, despite the fact that it still exists in civilizations

² DRISHTI IAS, <https://www.drishtiiias.com/to-the-points/paper1/secularism-1> (last visited on April 15, 2022).

³ Bhaswat Prakash, Mob lynching: A criminal injustice towards humanity, SSRN (April 15, 2022, 11:15PM) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3833464.

and disregards the law.⁴

(B) Literature Review

In India, lynchings by mobs are common and often contentious. Mob lynchings have happened for motives of pure hatred and have been labelled as such. There've been few, if any, instances in which the claim has been proven. Despite several lynchings, India has yet to declare this malady a crime. Researcher became engaged in the topic since it is divisive, providing an opportunity to dig deeper and discover a sensible answer to India's deplorability. Researcher's main focus was on the laws which are applicable on mob lynching and they are enshrined in Indian Constitution, IPC and Crpc. And bills which are drafted by the state assemblies of Manipur, West Bengal, Rajasthan and Jharkhand.

Arnold (2017), the paper examine the cases of mob lynching in India, from the first case of lynching perceived in the Kherlanji to June 2017 where noticed five cases of lynching where it demonstrates that there is a public disorder in the community today. It raises numerous questions concerning the current state of mob lynching in India, and people must be made aware of and educated about the horrible crime of lynching. **Halai** (2017) explain the causes of mob lynching, incidents of violence and the exigency for the stringent laws that could bring the situation under control. Mob lynching cannot be justified at all. The subject is still being discussed in the media. Leaders who are brazenly outspoken blame the media for being willfully disgraceful.

(C) Research Methodology

In this research paper researcher is going to do doctrinal and empirical research. The aim of this research paper is in the qualitative field of research. The data is acquired from both primary and secondary sources. The primary information is gathered using a google form to conduct an online survey. The secondary data is collected by the many websites, articles, journals and research papers which are available in the internet. Researcher has also used bare act of many laws like IPC, CrPc. Researcher's motive is to get a better understanding of the incidents of mob lynching which happened in India from the last few years.

(D) Objectives Of Research

The aims of research paper are:

- 1) To understand the meaning of mob lynching

⁴Asim Ali, What lynchings in the 19th Century US can teach us about New India, THE WIRE(April 15, 2022, 11:15PM) <https://thewire.in/communalism/lynching-19th-century-america-new-india>.

- 2) To examine the role of media in mob lynching
- 3) To elaborate the bills of mob lynching which is drafted by the states
- 4) To learn why a codified law is needed to prevent mob lynching.

(E) Research Question

- What are causes of mob lynching?
- Who is liable for mob lynching in India?
- What are the punishments given under Indian Penal Code?
- What is the situation of mob lynching in the contemporary India?
- Why do we need a new law that prevents mob lynching?
- What are the measures taken by the government?

II. MEANING AND CAUSES OF MOB LYNCHING

(A) Meaning Of Mob Lynching

Lynching is described as a violent act or series of acts, or assisting, helping, or constantly trying an act of violence on the basis of religion, caste, race, gender, birth place, language, political alliance, or ethnicity, whether unprompted or planned by a mob. Lynching is a heinous display of prejudice, bigotry, and disrespect for the rule of law.⁵ There have been several cases of mob lynchings for various reasons, including cows, kidnappers, and so on, in which not only regular people but also police officers have been victims.

For the very first time in Indian legal system, the national campaign against mob lynching drafted protection against lynching Act 2017 which defines the terms lynchings, mob, and victim of mob lynching.⁶

It considers lynching a non-bailable offence, criminalises police officer negligence, criminalises instigation on social media, and mandates that victims receive appropriate compensation within a **certain time frame. It also ensures a quick trial and the safety of witnesses.**⁷

(B) Reasons Of Mob Lynching

1. Religious Biasness

India is a democratic and secular country. Since Article 25 of the Constitution provides that

⁵Shivam Vij, A law against lynching is an idea whose time has come, THE PRINT (April 15, 2022, 11:15PM)<https://theprint.in/opinion/a-law-against-lynching-is-an-idea-whose-time-has-come/285339/>

⁶ Saurabh kumar, Draft Law of Manav Suraksha Kanon (MASUKA), IPLEADERS(April 15, 2022, 11:15PM) <https://blog.ipleaders.in/draft-law-manav-suraksha-kanon-masuka-national-campaign-mob-lynching/>.

⁷ The Protection From Lynching Bill, 2017, Bill Of XLIV Of 2017(India).

everyone has the right to freedom of conscience and the ability to freely profess, practise, and promote religion as long as it does not interfere with public order, morals, or health,⁸ All citizen has the right to practise, believe in, and spread any religion they choose. However, there have been numerous mob situations based solely on caste, class, religion, and other factors. The communal violence of the KhelANJI Massacre in 2006 rocked the society. Women from the victim's family were humiliated and murdered after being paraded naked in front of the public.⁹

2. Hunting Witches

The procedure of branding a woman as a witch, especially after Ojha affirmed the woman was a witch, the process of torturing and murdering the woman, frequently involving mass frenzy and lynching, is a historical problem in India based largely on the "Witch Hunting" movement (The Prevention of Witch Hunting Bill, 2016). Witch hunting entails torturing and executing a lady suspected of possessing evil magical abilities. Mob participation in torture and murder victims in hunting is depicted as taking over the globe, ending schooling, family strife, property, dictatorship, superstition, oppression, submission, sexual advances, and human characteristics for many reasons. According to 2014 criminal data, over 2,100 accused witches were slain between 2000 and 2012. In India, around 2200 witch-hunting instances were documented between 2000 and 2015. (National Crime Record Bureau 2016). Most victims of witch hunts are Shede Cashte and Women of the Tribe Program.¹⁰ According to investigators, women are targeted and involved in the witch hunts of other people in order to seize the world and establish their own goals behind the cloak of superstition. It is sometimes used to penalise women who challenge social standards. (Laxmi, 2005).

3. Rise Of Cow Vigilante:

One of the most common causes of mob lynching is the murder of cows. Some significant occurrences related to cow slaughter include the mob lynching in Dadri in 2015, the Jharkhand mob lynching in 2016, the Alwer mob lynching in 2017, and others. Society has devolved into self-proclaimed vigilantes who take the law into their own hands and relentlessly target minorities. Following the beef prohibition in some parts of the country, cow vigilantes have become more daring and vigilant in their attacks on innocent individuals based on mere suspicion or rumours.

4. Illiteracy:

⁸ INDIA CONST. art. 25.

⁹ Meenu Yadav, Dr. Rituja Sharma, Challenges and issues before the legislature relating to Mob Lynching, PALARCH (April 15, 2022, 11:15PM) <https://archives.palarch.nl>.

¹⁰ Lynching and the Law, JSTOR (April 15, 2022, 11:15PM) <https://www.jstor.org/stable/25710303?seq=1>.

Illiteracy causes people to act on rumours rather than think about what is good or wrong (attacking on beggars thinking that they had come for kidnapping their children).

5. Unemployment:

Unemployment is the main problem before the legislature. As a result, people grow frustrated and lose their ability to regulate themselves, resulting in such situations.

6. Spread Of Rumors By Social Media:

The use of social media has had a significant part in the rise in crime rates. Due to rumours disseminated on social media, more than a dozen people have been lynched. According to media data, 35 of the 60 attacks between 2010 and 2018 were based on hearsay. In 2019, the subject was debated in parliament, with the BJP administration blaming social media as the primary reason of the spike in mob lynchings. Because there is no proper law on false news, how to restrict social media from spreading fake news and rumours is a problem before the legislative.¹¹

7. There Is No Particular Law Or Strong Law:

A mob lynching is seen as a heinous act against society. The accused were punished under IPC sections 302 (murder), 307 (attempt to murder), 323 (simple hurt), and 325 (causing grievous hurt) in the majority of cases, which does not appear to be fair in the case of mob lynching because it is an offence against the community rather than an individual. Because the crowd has no face and it is impossible to punish the genuine perpetrators of these crimes, the provisions of the IPC and the Crpc are insufficient to deal with mob lynchings.

8. Lengthy Procedure:

To cope with episodes of mob violence, our judicial system has a lengthy and convoluted procedure. The most pressing problem facing the lawmakers is how to make the procedure more straightforward.¹²

9. Delayed Justice:

"Delayed Justice is Denied Justice" that is the legal maxim under law. The main concern is delayed justice, and the Delhi Rape Case is the best illustration. As a result, people become judges, take the law into their own hands, and demand immediate justice.

¹¹ Alison Saldanha, Pranav Rajput, Jay Hazare, Child lifting rumours 33 killed in 69 mob attacks since jan 2017 before that only 1 attack in 2012, INDIA SPEND (April 15, 2022, 11:15PM)<https://www.indiaspend.com/child-lifting-rumours-33-killed-in-69-mob-attacks-since-jan-2017-before-that-only-1-attack-in-2012-2012/>.

¹² Meenu Yadav, Dr. Rituja Sharma, Challenges and issues before the legislature relating to Mob Lynching, PALARCH (April 15, 2022, 11:15PM) <https://archives.palarch.nl>.

10. Police Reforms:

The police had a critical role in preventing mob lynchings and other forms of crime in the society. However, there are situations when police officers fail to do their duties.

11. Hostile Of Witnesses:

Witnesses are people who watch something happen and play a crucial role in punishing the criminal, but some witnesses become hostile as a result of their anxiety and do not appear in court. As a result, the legislature's main concern is witness safety.

(B) Role Of Social Media

Rumors serve as a trigger for those who participate in lynchings. This rumour is disseminated through social media platforms such as Whatsapp, Facebook, Instagram, and Twitter. In this case, the central government has instructed Whatsapp to employ technology to prevent false rumours from spreading. Whats App has also added a new feature to mark forwarded messages that were not created by the person who sent and forwarded them inside the Whats App time limit. Nobody is in charge of monitoring or controlling false and inflammatory news or information that might lead to mistrust, hostility, and violence among the general public. Many times in the media, it has been stated that Facebook and WhatsApp are the most dangerous social media platforms in this regard. Considering mob lynchings in India, Whatsapp is limiting the forwarding of texts.¹³

Fake news is an intentional lie or a half- truth disseminated with the intention to mislead or cause harm the people with the arrival of the new and highly sophisticated fake videos, the situation can quickly go out of control and lead to large scale mob violence including mob lynching.

(C) Government Steps

Following the spread of fake news on WhatsApp, the government has pressed the company to provide a technology solution to track the origin of messages, which could aid in crimes like as mob lynchings caused by fake news.

WhatsApp has responded to the government's response by bringing in few new features to control the damage done by fake news.¹⁴

¹³ Sushma UN, India wants the Whatsapp to get a grip on fake news, QUARTZ INDIA (April 15, 2022, 11:15PM) <https://qz.com/india/1320859/after-a-spate-of-lynchings-india-blames-whatsapp-for-the-spread-of-fake-news>.

¹⁴ Govt. asks WhatsApp for more action on fake news, LIVEMINT (April 15, 2022, 11:15PM) <https://www.livemint.com/Politics/GAoltQ7EoaOXXDhkaDepJ/Govt-asks-WhatsApp-for-more-action-on-fake-news.html>.

(D) Measures To Combat Fake News

1. Robust surveillance and compliance mechanisms to ensure that people have access to healthy content. News sources should be double-checked.
2. Reporting: People should be able to report illegal content by flagging it, and concrete steps should be taken to verify its legitimacy. People participating in this should also be investigated.
3. Social media can also be used to raise public awareness about the importance of equality, the elimination of all forms of prejudice, and the promotion of peace.
4. Working closely with the relevant authority and sharing data in times of crisis should be considered an ethical responsibility for grounds of national security and public order.

(E) Impacts Of Mob Lynching On The Society

India is becoming a strong country on the international stage, but it appears that they are afflicted by the desire to take the law into their own hands, and there appears to be no stopping them. Lynching has come to an end in many parts of the world, but in India, a vast and diverse country, the crime persists and appears to have no end in sight. The right to life, as defined by article 2 of the Human Rights Act, describes how to protect human life, which is recklessly demolished for no cost in India, and falls within the jurisdiction of the equality and human rights commission. There has been no response from the central government; yet, certain regulations may have been drafted to put an end to this massacre. Some state governments even reimbursed people in cases they deemed were plausible, but that does not fair to the states and families who couldn't afford it. Because of a lack of proof and data, the national criminal record bureau has been unable to classify mob lynching as a specific crime; more than half of the instances have not been recorded but are known to the public. The act is horrible and a catastrophic disaster for human life preservation, which is the goal of voting a government of our own choosing in order to avoid being confronted with such a felony and instead be saved and protected. The victim is the one who suffers the most; people ruin their homes, and their families are torn apart. What will the mother and children do with their lives if the family's breadwinner dies? They will be left ignorant and illiterate for the rest of their lives. There is no law to protect the family of the lynched person; at the very least, the part that cannot be undone should not be the source of the family's misery. There are numerous crimes in India, but few of them require government compensation. This is one of them, and it can only be done if the government declares mob lynching a crime. People are dying every day as a result of hate crimes, and they often have no idea they are in such a dreadful life-or-death position. People protest such hate crimes on social media in order to draw attention to them and be the voice of

the country as a whole without resorting to physical violence, as news spreads faster on social media. The #lynchistan to the NOT IN MY NAME protest on Twitter had started, but the issue was that there were no laws protecting the protestors, which surprised people because lynching is definitely murder.¹⁵

(F) Recent Instances

On December 18, a man was lynched in Shri Harmandir Sahib Gurudwara (Golden Temple) in Amritsar by the Sikh Sangat (Sikh followers) for allegedly attempting to disrespect the Sikh religion's sacred book, Shri Guru Granth Sahib Ji. The young man jumped inside the Sanctorum, where the sacred book was kept, as evidenced by CCTV footage. He took up the kirpan (sword) which had been put beside the holy book. By that time, the Sikh Sangat on the scene had moved in and grabbed him. According to reports, the Sangat accused him of attempting to defile Shri Guru Granth Sahib Ji.

The Sangat lynched the man, and his body was dumped outside the Gurudwara's grounds. Notably, neither the police nor any political official mentioned anything about people taking the law into their own hands and lynching the person accused of disrespecting the sacred text. It's worth noting that this isn't the first time someone has been slain for allegedly sacrileging a Sikhism-related holy book. Several such lynchings have taken place in the recent past.¹⁶

(G) Cow Vigilantism

Since the government has banned the sale and purchase of cattle for slaughter at animal markets across India on May 26, 2017, under the Prevention of Cruelty to Animals Act, a new wave of cow vigilante violence has swept the nation. Despite the Supreme Court's decision in July 2017 to suspend the ban on the sale of cattle, several innocent Muslims have been brutally murdered in these kind of mob attacks. These incidents appear to be inconsistent in nature and often a spontaneous response from Hindutva forces who are outraged by reports of cow trafficking and slaughter. Vigilante groups who disguise themselves as cow protectors/gau-rakshaks have been arrested for various instances of mob lynching.¹⁷

(H) Dhatkidih, Jharkhand Mob Lynching Case, 2019

Tabrez Ansari, a 24-year-old boy, was lynched by a Hindu mob on presumption of bike theft in this case. This case of extrajudicial killings was widely circulated on social media, in which

¹⁵ BHASWAT PRAKASH *supra* note 2, at 7.

¹⁶ Five cases of mob lynching in Punjab over alleges sacrilege in six years, OPINDIA (April 15, 2022, 11:15PM) <https://www.opindia.com/2021/12/five-cases-of-mob-lynching-in-punjab-over-alleged-sacrilege-in-six-years/>.

¹⁷ T.K. Rajalakshmi, Bovine Terror, THE HINDU (April 15, 2022, 11:15PM) <https://frontline.thehindu.com/cover-story/bovine-terror/article24201100.ece>.

a Muslim boy was brutally beaten and forced to chant praises to Hindu gods while being tied to a tree by the mob. He was beaten for 12 hours straight while crying and pleading for mercy. After the mob handed him over to the cops, he died from his injuries.¹⁸

(I) Palghar Lynching 2020

The Indians are the ones who have to deal with secularism. They don't appear to be considerate or understanding of others, such as another faith, but would battle to the death for the sake of uncertainty. This case was more shocking because lynching is easier when people are freely moving around the country and there are no police officers to stop them, but this case occurred in April 2020, when the world was struck by a pandemic and the country was placed on lockdown, which meant that people were not allowed to leave their homes, which was not followed because lynching cannot be done peacefully at home. After the two men, Kalpavruksha Giri and Sushilgiri Maharaj, were accused of kidnapping children and extracting organs, they were lynched. The two saints were returning from a funeral, and in order to avoid being delayed, they and their driver took a different route into Gujarat, passing through the Palghar area rather than the Mumbai-Gujarat highway. Despite taking these precautions for a smooth voyage, they were halted by a patrol. A vigilante gang of Christian commissionaires and Muslims tormented them and assaulted them while they were speaking with the guard. Even after the police had been notified and had brought the two men into their vehicles, they were dragged out of the police vehicle and lynched. So far, 101 people have been arrested, including 9 juveniles. The politicians were only claiming that this was "not communal," which does not appear to be the case. This is an extremely sad and unacceptable situation, and the sad fact is that propagandists can't seem to stop themselves from turning this into a communal issue as well. Strict policing should be extremely beneficial for a society 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 monitored carefully. At least until a legislation is made or a prohibition is enacted, effective police is the only option to curb such misbehaviour.

III. LEGAL ASPECTS

(A) Laws Applicable On Mob Lynching

As a result of the numerous instances of mob lynching that have occurred in India, it is now

¹⁸ Tabrez Lynching case: Murder charge dropped against accused, BUSINESS STANDARD (April 15, 2022, 11:15PM) https://www.business-standard.com/article/pti-stories/tabrez-lynching-case-murder-charge-dropped-against-accused-119091000588_1.html.

considered "the new normal." Despite the fact that lynching is a murder, it is not given in the law of the country. Despite the fact that it is a punishable crime, it is not yet included in the IPC. It has, nevertheless, been subject to the following provisions of the Code:

1. The penalty for murder is dealt with under Section 302.¹⁹
2. Section 304, on the other hand, punishes culpable homicide that does not amount to murder.²⁰
3. The penalty for attempting to murder is dealt with in Section 307 of the Penal Code.²¹
4. Section 323 lays out the rules for inflicting voluntary harm.²²
5. Section 325 includes a penalty for causing grievous bodily harm on intention. It is important to note that, in order to be qualified for use on mobs, the foregoing laws must be interpreted in conjunction with the following provisions of the IPC:
6. Section 34 describes common intention.
7. The unlawful assembly, defined as a gathering of five or more people, is dealt with under Section 141.²³
8. Every member of an unlawful assembly is culpable of an offence committed in furtherance of a common aim, according to Section 149.²⁴
9. Sections 147 and 148 of the IPC define and punish rioting, as well as being armed with a lethal weapon, respectively.

Section 302 read with Section 34 can be applied to the entire crowd in the case of murder. It includes not only those who physically carry out actions, but also those who were part of a crowd with common objectives.

Individuals who assist in the preparation and encouragement of the mob through the use of Whatsapp shall be subject to section 120B. "A person suspected of committing the same crime during the same transaction might be prosecuted together," reads Section 223 (a) of the CrPc. However, it is still unclear how such individuals will be convicted and punished.

(B) Landmark Judgments

On July 17, 2018, a three-judge bench of **Chief Justice Deepak Mishra, Justices A.M. Khanwilkar and D.Y. Chandrachud** of the High Court issued a judgement in Landmark *Tehseen S Poonawala and others V. Union of India*, which suggested that Parliament could

¹⁹ Pen. Code, § 302.

²⁰ Pen. Code, § 304.

²¹ Pen. Code, § 307.

²² Pen. Code, § 323.

²³ Pen. Code, § 141.

²⁴ Pen. Code, § 149.

enact a special expulsion law because "fear of the law and respect for the rule of law constituted the basis of civilised society." The latest case is filed under Section 32 of the Constitution, which mandates that aggressive animal protection groups be prosecuted as soon as possible. He cited the case of Krishnamurthy in demonstrating the necessity of constitutional and legal security in all courts.

The 2015 *Krishnamurthy case*²⁵ According to the Supreme Court, "In a civilised society, the law is the greatest rule. They believe they are deserving." The Supreme Court stated that "In regards to his shallow judging mentality, no one is authorised to take the law into his own hands. The right to be presumed innocent unless proven guilty after a fair trial is similar to the right to fight for one's legal rights.

*Nandini Sundar and others v. The State of Chhattisgarh*²⁶ According to the court "It is the country's responsibility to strive, continuously and consistently, to promote the well-being of all citizens in order to protect, nourish, and encourage their dignity. In the case of *Mohd Haroon and others v. Union of India and others*,²⁷ it was ruled that "The Co-operative Governance Office, state intelligence services, and the institution are responsible for preventing public violence in any section of the country from reoccurring. Status. If a law enforcement officer is proved to be careless, he or she should be prosecuted."

*St. Stephen's College v. University of Delhi*²⁸, the Court stated, "The goal of our Constitution is to unite diversity and to inhibit any tendency to build unity among Indians in recognising diversity," while underlining the value of diversity in unity. It is imperative to underline that India is a microcosm of social, religious, and cultural diversity.

The recent trial court has stated that the government's assistance in preserving people' rights is urgently required. While bigotry persisted, the Supreme Court stated that "a strong contemporary democracy provides the essential elements of the support of a place of thinking and path in order to sustain unity and unity in order to maintain unity and unity." The Supreme Court ruled that "judgmental" activities like "cow-watching or other cattle-raising awareness" and barking should be excluded from the budget, and issued rules to the federal government and the provinces. The court also encouraged Parliament to create special laws to address concerns produced by mainstream parties, saying that the recommendations would serve as a temporary solution until then.

²⁵ (2015) 3 SCC 467.

²⁶(2011) 7 SCC 547.

²⁷ (2014) 2 SCC CRI 680.

²⁸(1992) 1 SCC 558.

(C) Supreme Court Guidelines

In the Poona Walla case "In relation to a number of incidences of abuse and mob violence that need not be particularly detailed because we will issue specific orders involving forums, corrective, and punitive actions," the Court recommended.

(D) Ways To Protect Yourself

According to the court, each district shall have a Nodal Officer, a senior police officer who is not under the level of Superintendent of Police, who is responsible for preventing mob violence and killing. A specific team should be set up to receive intelligence reports on occurrences, victims, and perpetrators who propagate hate speech and misleading information. Areas where mass violence has recently happened should be given special attention.²⁹

Regular meetings involving Nodal authorities, intelligence units, and police personnel should be held to determine whether the region has a predisposition for resilience and mob violence, as well as preventative actions. In any town or bakery targeted by these incidents, the Nodal Officer will also make steps to eradicate the hazardous environment. The strategies of the campaign to meet and meet with an officer driven by officers should be communicated to the Director-General of Police / Secretary, Ministry of Home Affairs concerned.

The court determined that "it will be the responsibility of each and every police officer to cause a mob to dissipate, by virtue of its power and authority under Section 129 of the Criminal code of procedure, in its view, inciting violence or to incite violence in secrecy or otherwise."³⁰ the rule of law and the constitutional objective of social justice There must be a haste in the run to dissuade the anti-social individuals participating in such activities from contemplating and taking the law out of their own hands.

The negative consequences of the occurrence should be broadcast on radio and television, as well as on the official Department of Home Affairs websites. The police will assist in the filing of a FIR under Section 153A of the IPC, as well as other anti-infringement and video conferencing processes.³¹

(E) Corrective Steps

Even if steps are being made to prevent incidents of violence or mob violence, the court has

²⁹ How Indian States Can Stop Rampaging Lynch Mobs, PRS INDIA (April 15, 2022, 11:15PM): <https://www.prsindia.org/media/articles-by-prs-team/how-indian-states-can-stop-rampaging-lynch-mobs>

³⁰ Rakshitt Bajpai, Mob Violence: The Way Forward, LEGAL SERVICE INDIA (April 15, 2022, 11:15PM) <http://www.legalserviceindia.com/legal/article-1811-mob-violence-the-way-forward.html>.

³¹ Apporvanand, What is behind India's epidemic of 'mob lynching'? ALJAZEERA (April 15, 2022, 11:15PM) <https://www.aljazeera.com/indepth/opinion/2017/07/india-epidemic-mob-lynching-170706113733914.html>.

ordered that the MOT be implemented immediately and that the protection of the victim's family members be secured.³² A Nodal official should lead the inquiry into the allegations of crowding. The state government should establish a tort victim compensation plan that includes a provision under Section 357A of the Criminal Procedure Code of 1973. For incidents of violence and mob violence, a court track court should be established, and the plaintiffs should be handed capital penalty as an example of how to create fear of the law.

The court and the police should make it a priority to protect criminal witnesses. The victims and their families should be provided daily updates on the case. Victims must be appointed a legal assistance counsel under the Legal Services Authorities Act of 1987.³³

(F) Disciplinary Measures

The court held that "when suitable action is taken and not restricted to the use of the department under operating regulations," "a police officer or district officer has failed to comply with the given standards, it will be regarded deliberate carelessness."

IV. STATUS OF MOB LYNCHING IN INDIA

Mob lynching cases are on the rise in India, although there is no codified law to prevent them. However, the following states have introduced draughts of anti-mob lynching bills in their state legislatures.

(A) The Manipur Protection From Mob Violence Ordinance, 2018

Manipur was the first state to present the laws against mob lynching. Manipur Protection from Mob Violence Ordinance, 2018, has followed the guidelines of Supreme Court. It has provided for formation of a nodal officer in every district, special courts and enhanced punishments. Further important aspect it has covered is of providing new grounds in some crucial matters concerning hate crimes in India.

(B) The West Bengal (Prevention Of Lynching) Bill, 2019

West Bengal has been prepared a short Legislation with 21 Sections over all in order to carry out the guidelines of the Supreme Court.

(C) The Rajasthan Protection From Lynching Bill, 2019

On 5th August, 2019; Rajasthan Legislative Assembly passed a Bill on Lynching and Mob

³² Supreme Court order on mob lynching strong, but new law will be useless unless existing rules are enforced, FIRST POST (April 15, 2022, 11:15PM) *t* <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>

³³ Sparsh Agrawal, Need of the hour: Reforms in lynching laws, IPLEADERS April 15, 2022, 11:15PM) <https://blog.ipleaders.in/need-hour-reforms-mob-lynching-laws/>.

Violence. It has also suggested to prevent the offence of Lynching and has followed the guidelines of Supreme Court. Rajasthan has been recorded 86% cases of mob violence of 27th country in the year 2014. The special legislation has been enacted to avert the same.

(D) Jharkhand Prevention Of Mob Violence And Mob Lynching Bill,2021

The Prevention of Mob Violence and Mob Lynching Bill, 2021, was approved by the Jharkhand Assembly with the goal of providing "adequate protection" of constitutional rights and preventing mob lynching in the state.

After West Bengal, Rajasthan, and Manipur, Jharkhand will become the fourth state to enact similar legislation.

(E) About The Bill

This bill provides an imprisonment of 3 years to life imprisonment and fines of up to 25 lakh against those who involved in mob violence which leads to "injury or death".

This Bill defines the meaning of lynching as "any act or set of acts of violence or death by a mob, whether sudden or plotted, on the basis of religion, race, caste, sex, place of birth, language, dietary practises, sexual preference, political affiliation, ethnicity, or any other ground; or aiding, abetting, or attempting an act of violence or death by a mob on the basis of faith, race, creed, gender, birthplace, language, dietary practises, gender preference, party affiliation".³⁴

In case of a mob lynching incident leading to the victim hurt, the convicts will be punished with imprisonment up to three years and a fine between 1 lakh to 3 lakh.

(F) Aims And Objectives Of These Legislations

The objective of the legislations is to classify 'Mob Lynching' into a separate offence. It further aims to grant appropriate punishment for mob lynching so as a separate law in the field which would raise a sense of fear in the people who involve themselves in such type of heinous crimes. Another objectives of these legislations are to provide facilities of rehabilitation and adequate damages to the victims and their families.

According to the Rajasthan Protection from Lynching Bill, 2019 and the West Bengal (Prevention of Lynching) Bill, 2019, the bills were introduced to provide adequate protection of vulnerable persons' constitutional rights, as well as to amend Section 2(b) of the Manipur Protection from Mob Violence Ordinance, 2018, Section 2(d) of the Manipur Protection from

³⁴ Jharkhand assembly anti lynching bill, INDIAN EXPRESS (April 15, 2022, 11:15PM) <https://indianexpress.com/article/india/jharkhand-assembly-anti-lynching-bill-7684237/>.

Mob Violence Ordinance, 2018, and Section 2(e) of the Manipur Protection from Mob Violence Ordinance, 2018 to make lynching illegal.³⁵

V. INITIATIVES TAKEN BY GOVERNMENT

(A) Initiatives Taken By Government To Curb Mob Lynching Law

1. To avert mob violence, the state should appoint an officer of the level of SP and a nodal officer in each district.
2. The Centre/States must broadcast video TV and internet messages warning of the dire repercussions of lynching and mob violence.
3. An FIR must be filed against anyone who is disseminating false or irresponsible messages.
4. Failure by the police or the district administration to follow SC orders shall be considered willful carelessness.
5. The state must develop a lynching compensation plan within 30 days, with provisions for temporary assistance for the victim's family.
6. Lynching cases will be heard by Fast Track courts in each district, with an objective of accomplishing them in six months.

The following measures need to be implemented to curb the menace of mob Lynching:

1. Taking pride in our heritage -The feeling of nationalism should be inculcated in the mind of people by reminding them about the glorious moments of freedom struggle where in Hindus Muslim and Sikhs were united in the fight against the British to safeguard the interest of the country.
2. Unprejudiced administration and police-most rampage persist for longer periods because people feel that the administration/police is not impartial. Changing this perception is most crucial for stopping mob lynching. Perceived political interference in administration during mob violence must be eliminated. The directive of police reforms given by the Supreme Court should be adopted by State Government in letter and spirit a fixed tenure of district magistrate/ deputy commissioner and superintendent of police SHO and field officer will make a big difference
3. Policy of zero tolerance towards violence-B firm and strict in this regard it should not be affected by vote bank politics police must take immediate strong and effective action against those who indulge in violence irrespective of their religion. There is an urgent

³⁵ Anti- mob lynching bills, JOURNALS OF INDIA (April 15, 2022, 11:15PM) <https://journalsofindia.com/anti-mob-lynching-bills/>.

need of not just and effective civil administration but also a speed judiciary. Strict bail provisions must be made in cases of mob violence on the lines of the NDPS Act.

4. Tranquillity committees- Tranquillity committees should be mandatory in every area. It should include secular and visionary people from all religion. People with high social standing like doctor philanthropist and social workers must be engaged with such peace committees. Meetings of peace committee should be organised regularly. The district administration should engage actively with such committee to promote harmony between the religion/caste.
5. Win people's hearts through media and civil society-the fate of common people in the local police should be restored with the help of civil society, NGOs and media. Community-oriented policing and beat constable system is also advantageous in gathering intelligence and grass roots information.
6. Sensibilize police towards feelings of minorities- the minority community at large views the police as communal and biased against them. Police must be sensibilized to feelings of minorities and build faith.
7. Comprehensive development of minority communities- there should be a profound effort to ensure that employment and skill development opportunities are available in the economic, educational and social affairs for the minority communities. Efforts should be made for conducting them in the mainstream of Indian society, mainstreaming of minorities via increased representation- minority communities are woefully under-represented in government services.

According to the **Sacchar commission** number of Muslims civil servants at Central level is below 2%. Thus increasing the representation of minorities in state institutions, through education programmes of affirmative action will help increase faith and build trust of minorities in the impartiality of the state.

(B) Manav Suraksha Kanoon

The National Campaign against Mob Lynching presented a law in 2017. Manav Suraksha Kanoon (MASUKA) is the bill's name, and it seeks to start a legal conversion against a group of persons participating in lynching. By altering Article 21 of the Indian Constitution, Prakash Ambedkar, grandson of Dr. B.R. Ambedkar, and social activist Tehseen Poonawlla have developed a legislation to accommodate new rules on mob violence. According to the law, the area's SHO (State House Officer) will be suspended until a time-limited court investigation

clears him of all accusations. Furthermore, this measure would assist in offering assistance to those who have been impacted as well as the rehabilitation of the victim's families.³⁶

VI. EXIGENCY OF IMPLEMENTATION OF NEW LAW

"The intolerance towards the horrible actions of mob rule and that it cannot become a new norm," the Supreme Court said in a recent ruling, "together with directing the state and central govt. to restrain it with an iron fist by undertaking preventive and corrective measures." The following steps should be taken to incorporate the provisions for mob lynching.:

Addition of new subsection in IPC - This is one of the most important measures and measures to controlling and, more importantly, preventing this deep-rooted social scourge. A definition clause of the IPC must properly define the offence. It should also provide retribution for the similar.

The addition of new provisions or clauses to existing statutes is frequently criticised. However, in its most recent ruling, *Tehseen Poonawalla v. Union of India*, the Supreme Court has called for a new statute to deal with lynching. Section 302, for example, deals with the punishment of murder and was introduced into the IPC many years ago. Section 304B, on the other side, is concerned with dowry death. It is important to note that dowry death might entail murder for dowry or, to a degree, aiding suicide, as defined by Section 306, for the same reason. No specific addition of Section 304B would have been necessary if Sections 302 and 306 had been sufficient to restrict this horrible conduct. Similarly, including a distinct clause defining deaths caused by an angry mob, which is also a state-sanctioned crime, would aid in a better comprehension of the crime and raise awareness among people who aren't frightened to make their own laws.

Enactment of a Special Act – Community harmony is a hallmark of democracy. Public unrest has resulted from an increase in mob lynchings. There can be an Act to outlaw this offence if the ipc does not have a provision for it. As a result, enacting specific legislation is beneficial in:

- Safeguarding public order,
- preventing the spread of this heinous act
- Providing prompt justice to victims and providing case tracking and monitoring in a timely manner

³⁶ Saurabh kumar, Draft Law of Manav Suraksha Kanoon (MASUKA), IPLEADERS(April 15, 2022, 11:15PM) <https://blog.ipleaders.in/draft-law-manav-suraksha-kanoon-masuka-national-campaign-mob-lynching/>

- Filling the gaps created by insufficient hate crime laws,
- Addressing the right process and duty of the police,
- Procedure must be followed during the trial of such instances
- severe punishments for perpetrators
- Victims' treatment and rehabilitation
- Victims and their families are entitled to compensation.

The Sati Prohibition Act, for example, was enacted as an unique law to outlaw the practise. The term sati, on the other hand, is not provided in the Penal Code.

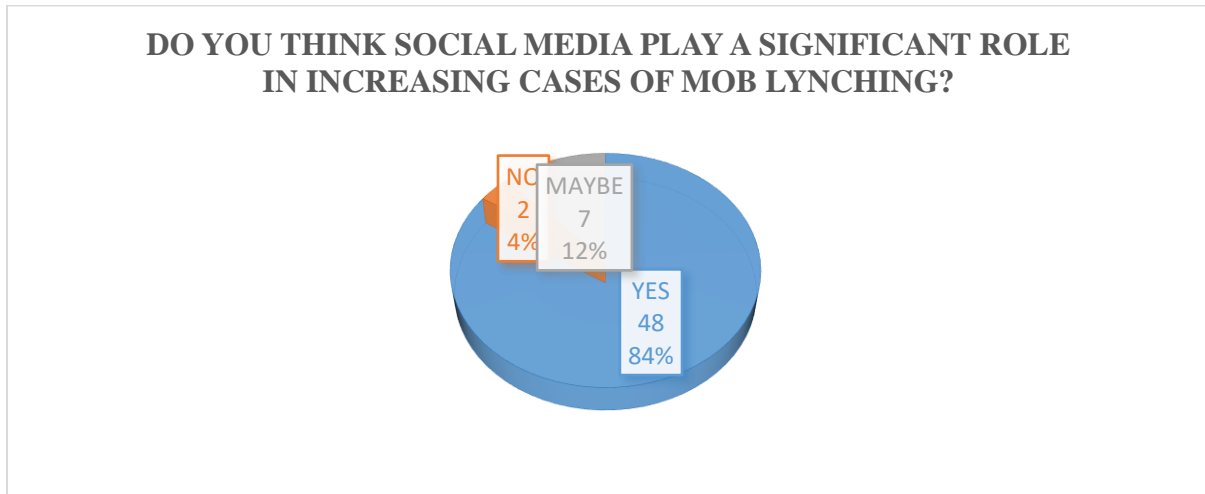
Addition of clause and enactment of an Act- Another step that can be taken is to add a distinct clause to the Indian Penal Code and pass a new act to completely contribute to the abolition of this crime. By including mob lynching in the IPC, the offence will be declared a crime against the state, with penalties imposed. Other areas of the act, such as the laying of duty of police officers and magistrates, treatment and rehabilitation, fine, trial procedure, and so on, will be aided.

For example, IPC section 354 deals with the penalty of sexual harassment, as well as conduct linked to sexual harassment. There was still a need for the Dowry Prohibition Act because section 498A, which deals with cruelty, expressly outlaws dowry. On similar lines, a special clause and Act for curbing mob lynching can be laid down.³⁷

VII. ANALYSIS OF RESEARCH DATA

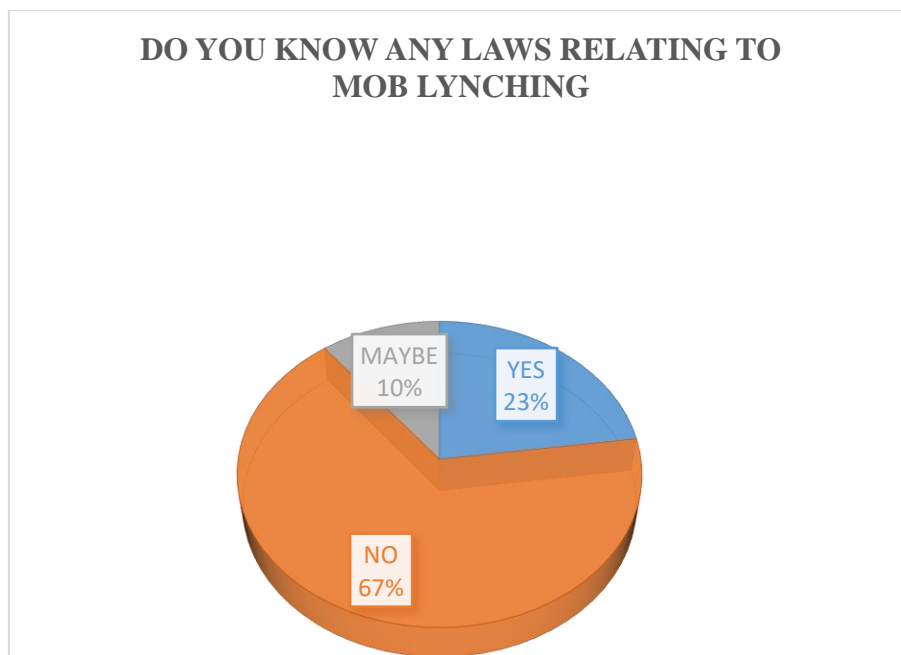
This chapter deals with the analysis of research data which is done in the form of questionnaire through Google forms. In this questionnaire researcher asked questions related to meaning of mob lynching, role of social media in mob lynching, some questions were related to the initiatives and steps taken by the government to curb the mob lynching in India and there are some questions related to the current position of laws which are related to mob lynching.

³⁷ Saurabh kumar, Draft Law of Manav Suraksha Kanoon (MASUKA), IPLEADERS(April 15, 2022, 11:15PM) <https://blog.ipleaders.in/draft-law-manav-suraksha-kanoon-masuka-national-campaign-mob-lynching/>



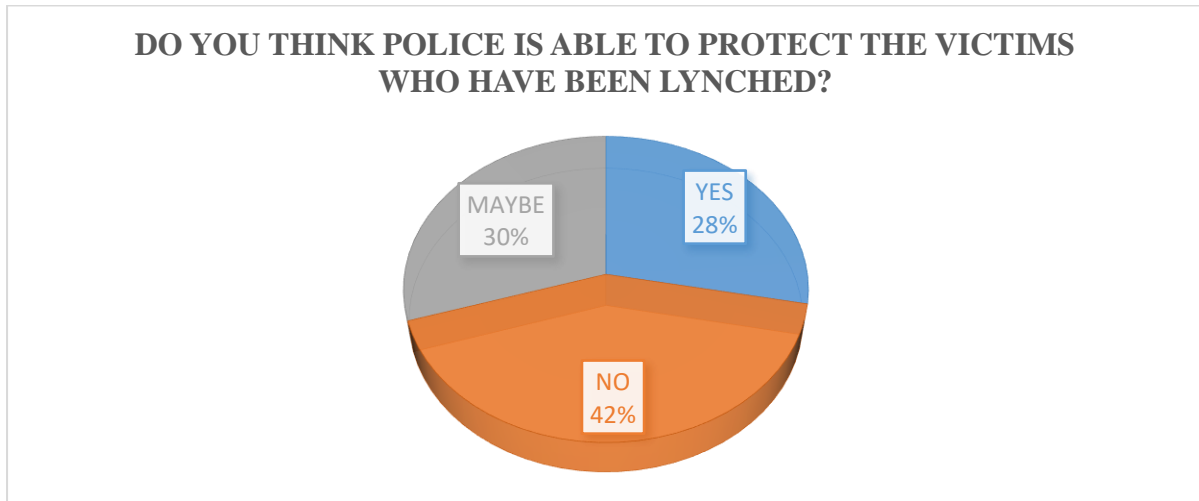
(Figure 1)

The first question was on how social media plays a part in mob lynchings. According to the survey's findings, 84 percent of those who filled out the form believe that social media plays a significant part in the rise of mob lynchings. While 4% of respondents do not believe social media plays a vital role.



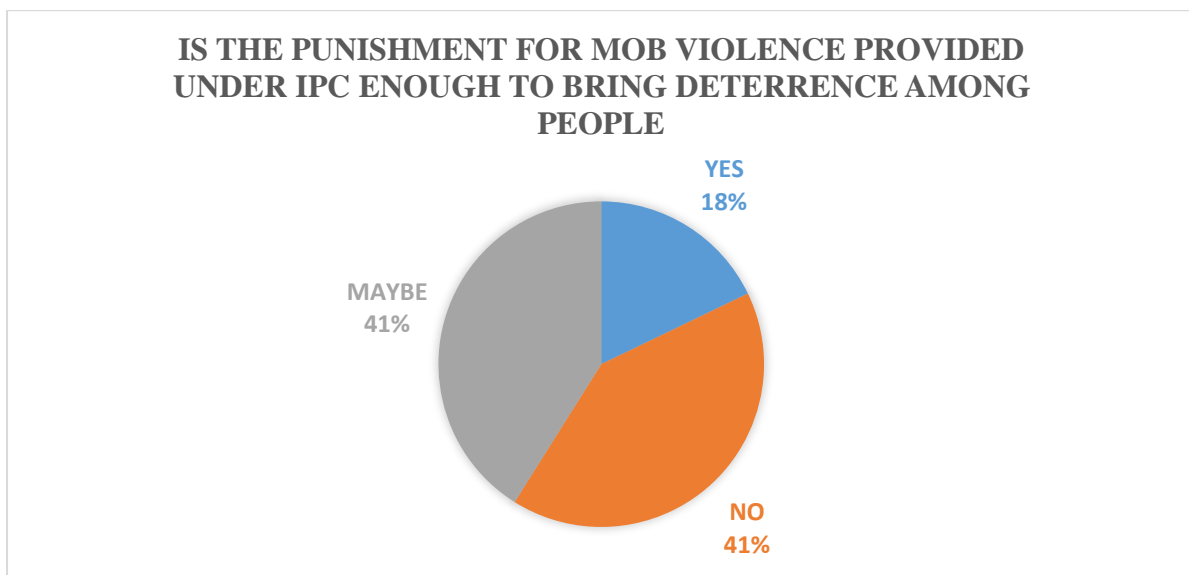
(Figure 2)

The second question was if anyone was aware of any laws concerning mob lynching. According to the survey's findings, 23% of those who filled out the questionnaire said they were aware of any legislation connected to mob lynching. 67 percent of those polled said they were unaware of any laws connected to mob lynching.



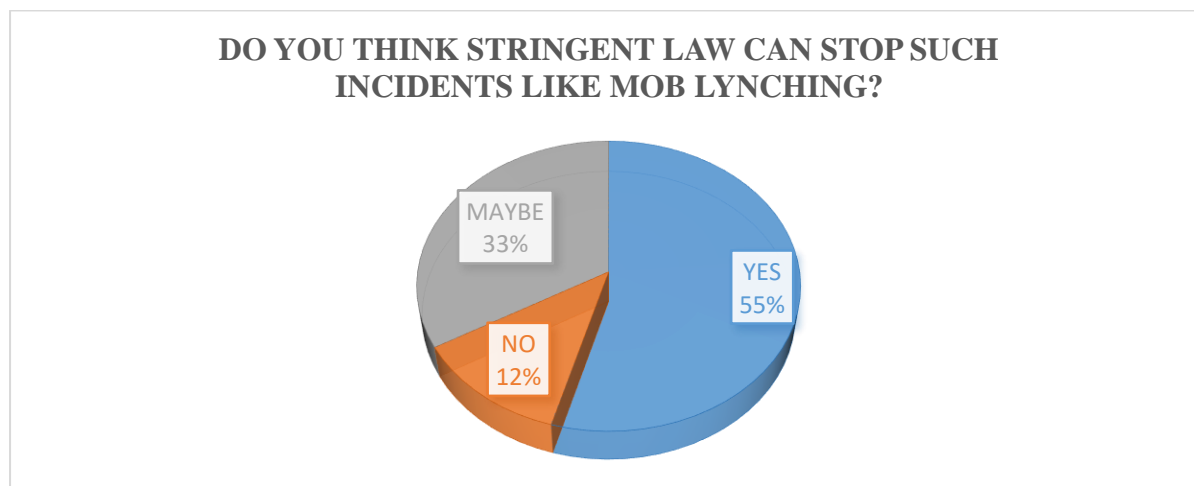
(Figure 3)

The next question asked do you believe the police would be able to protect lynched victims. According to the survey's data, 28% of those who filled out the form believe the police can safeguard victims. While 42% of respondents believe the police are incapable of protecting victims,.



(Figure 4)

The fourth question Is the punishment for mob violence imposed under the IPC sufficient to dissuade people? According to the results of the study, 18% of those who filled out the questionnaire believe that the punishment for mob violence given under the IPC is sufficient to dissuade individuals. While 41% of respondents believe the penalties imposed under the IPC are insufficient to discourage criminal behaviour,



(Figure 5)

The fifth question focused on the Do you think stringent law can stop such incidents like mob lynching. According to the research outcomes, 55% of those who answered the questionnaire believe that tougher laws can prevent incidents like mob lynching. Since 12 % of the people they don't think stringent law can stop such incidents like mob lynching.

VIII. CONCLUSION & SUGGESTIONS

(A) Conclusion

In every contemporary society, lynching by a mob is unacceptably brutal. Mob lynching is on the rise, which is extremely hazardous for a quickly developing democracy like India. It is up to us to put a stop to the recurrence and savagery of lynching by persuading the government to act against mob lynching in accordance with the law. India is a secular nation, according to the Indian constitution, that helps to promote equality and justice regardless of faith. However, the current rise in vigilante violence and hate offenses, most of which take the form of lynchings in the name of religion, shows India in a new light. We must focus on improving the digital literacy of those who use social media sites. They should be able to distinguish between true and false news. In order to reach the people in rural regions, the district administration can easily enlist the help of local panchayat and village level officials. A media awareness campaign aimed at both journalists and users is required. They must understand the significance of just consuming and sharing safe content.

(B) Suggestions

- 01). There must be a separate law to prevent Mob lynching in India.
- 02). There should be a fair and speedy trial of the cases related to mob lynching
- 03). Laws which have been passed by the states should be implemented on the urgent basis.

- 04). Government should provide compensation to the victims or his family.
- 05). Government should provide rehabilitation to the victims.
- 06). If anyone spread fake news through the social media their account have been banned on that social media platform and they should be punished.
