

MOB LYNCHING IN INDIA: A THREAT TO MANKIND

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ABSTRACT

In recent years, the surge in mob lynching incidents has been the talk of the town which is a matter of grave concern. India being a democratic country has been facing this unfavorable form of crime against humanity, due to fake news, rumors, hate speeches, lack of awareness, etc. This form of crime is generally committed against vulnerable and marginalized groups. Mob lynching is a threat to mankind and its way of life. The objectives of this essay are to understand the nature, effects, and solutions of this heinous crime. Lynching has not been yet characterized under the Indian legal system and there are no codified laws in respect of lynching. However, the Apex Court in the Poonawalla case issued certain guidelines and also recommended that there has to be an enactment of a special law on mob lynching as it is high time. This essay gives a content analysis of the sudden rise in mob lynching incidents in India, its various causes, and solutions with examples and judgments.

Keyword: Grave Concern, Indian Legal Framework, Mob Lynching, and Threat to Mankind

1. INTRODUCTION

Mob lynching is the act of killing a person without due process of law, by a group of people for an alleged offense. In recent years, mob lynching has emerged as one of those hate crimes which target people of specific identity or forms a minority community or strangers under mere suspicion. The mob takes law into their own hands to punish the purported accused in the interest of justice without following any rules of law.

2. MOB LYNCHING IN INDIA

India has seen a considerable and sudden rise in mob lynching incidents over the last few years. The basic feature of a democracy is to protect the life and liberty of the people, but in India, the largest democracy in the world, the right to life and liberty of the people is being violated.

The word lynching is of foreign origin but it is not alien to India. "Lynching" first originated in the United States in the eighteenth century. Many historians believe that the term was first used by two Americans named Charles Lynch and William Lynch to describe extra-judicial authority expected by private people.

The causative factors of mob lynching are:

- Intolerance: People are intolerant in accepting the acts of law and go on to punish the alleged person assuming the act to be immoral.

- Biases based on various identities like caste, class, religion, etc: mob lynching is a hate crime that is rising due to the biases or prejudices among various castes, classes of people, and religions.
- Rise of cow vigilante: it is one of the crucial reasons that agitate the growing rise in mob lynching activities.
- Lack of speedy justice: inefficient working of justice rendering authorities is the primary reason why people take law into their own hands and have no fear of the consequences.
- The inefficiency of police administration: police officers play an important role in protecting the life of the people and maintaining harmony among the people but due to their ineffective investigation procedure, this hate crime is rising day by day.

Hence, these are some of the causes which have led mob lynching to become a threat to the integrity and growth of society as a whole. The killing of Mohammad Akhlaq in Badri by a mob on suspicion of cow slaughter, Abhijit and Nilotpal in Karbi Anglong district of Assam on suspicion of being child-lifters, the Palghar mob lynching case, Shankar Saikia murder case in Assam, and the killing of Sanatan Deka and Rituparna Pegu are a few cases that led to chaos and agitation among the people.

In Poonawalla case, comprising a three-judge bench of Chief Justice Dipak Misra and Justices A.M. Khanwilkar and D.Y. Chandrachud of Hon'ble Supreme Court proposed that "the enactment of a special law on mob lynching by the parliament may take place as fear of law

and veneration for the command of law constitute the foundation of a civilized society.”

3. LAWS ON MOB LYNCHING

Mob lynching is a violation of human dignity, Article 21 of the Indian Constitution, and a gross infringement of the Universal Declaration of Human Rights. Mob lynching incidents violate the Right to Equality and Prohibition of discrimination, which are enshrined in Articles 14 and 15 of the Constitution of India. However, it is nowhere mentioned in the law of the land. It is hence simply put as murder since it has not been yet incorporated under the Indian Penal Code. The Hon’ble Supreme Court in the Poonawalla case aptly referred to mob lynching as a ‘horrendous act of mobocracy.’

Presently there is no codified law against this horrendous act but it has been subject to certain provisions of the Indian Penal Code which are as follows: Section 302 provides for the punishment for murder, Section 304 provides for the punishment for culpable homicide not amounting to murder, Section 307 provides for the punishment for attempt to murder, Section 323 states provisions for causing voluntary hurt, Section 325 provides for punishment for voluntarily causing grievous hurt.

These above sections have to be read with other provisions of the IPC as stated below: Section 34 defines common intention, Section 120B provides for criminal conspiracy, Section 141 provides for the unlawful assembly which is an assembly of five or more persons, Section 149 states that every member of unlawful assembly guilty of an offense committed in prosecution of common object, Section 147 states rioting and section 148 provides for the definition and punishment for rioting, being armed with a deadly weapon, Section 302 read with section 34 can be imposed on the entire mob for the offense of murder.

Moreover, Section 223(a) of the Criminal Procedure Code says “a person accused of the same offense committed in the course of the same transaction can be tried together.”

The above laws are not enough for dealing with cases of mob lynching. Due to the lack of codified laws, there is a lack of speedy justice. No citizen has the right to take law into his own hands. The Hon’ble Supreme Court of India in the *Re Kangaroo Courts* case held that “extra-judicial murders” and specifically mob lynching, is antithetical to the rule of law.

4. GUIDELINES AND SOLUTIONS TO CURB LYNCHING

The Hon’ble Apex Court in the Poonawala case has condemned this act of barbarism and asked the Parliament to enact a special law to deal with mob lynching that threatens rule of law and the integrity of the country. Guidelines have been issued by the Hon’ble Supreme Court to curb mob lynching until there is a proper law for mob lynching. These are as follows:

- Supreme Court has directed the state to appoint a senior police officer and other nodal officers for taking measures to prevent incidents of mob lynching.
- The nodal officers shall inform the DGP of any inter-district co-ordination issues for devising a strategy to tackle mob lynching.
- The state governments shall identify the places where mob lynching and mob violence have been reported the most in recent years.
- Supreme Court has directed central and state governments to broadcast on television, radio, and online platforms a warning that mob violence and mob lynching shall invite serious consequences.
- Registration of FIR against people who spread fake news and messages, videos, and other materials on various social media platforms.
- The state governments shall devise a compensation scheme to provide interim relief to the victims of lynching within 30 days.
- Cases of mob lynching shall be tried in fast-track courts and shall be concluded within 6 months.
- To set an example, strict punishment to perpetrators must be administered.
- If police administration and district administration failed to comply with the Supreme Court guidelines, it will be deemed deliberate negligence and proper actions will be taken against them.

In *Nandini Sundar and others v. State of Chhattisgarh*, the Court opined that “it is the duty of the States, as to strive, incessantly and consistently, to promote fraternity amongst all citizens so that the dignity of every citizen is protected, nourished and promoted. Court held that to prevent such incidents is the responsibility of the States.”

Moreover, the Manipur government first introduced its bill against mob lynching in 2018 and it concurs with the Hon’ble Supreme Court guidelines. According to the Manipur law, mob lynching is defined as “any act or series of acts of violence or aiding, abetting such act/acts thereof, whether spontaneous or planned, by a mob on the grounds of religion, race, caste, sex, place of birth,

language, dietary practices, sexual orientation, political affiliation, ethnicity or any other related grounds". The law states that there shall be nodal officers in each district to control mob violence and lynching incidents. Police officers who fail to prevent such crimes shall be liable to be imprisoned for a term that may extend from one year to three years with a fine limit of Rs. 50000. All hate crimes can be penalized under Section 153A of the Indian Penal Code, relating to foster enmity between people based on religion, race, language, and so on. The Bill specifically lays down the duties and responsibilities of the state governments to make proper arrangements for the protection of victims and witnesses against intimidation, coercion, inducement, violence, or threats of violence. It directs the state to devise a scheme for relief camps and rehabilitation for victims, and death compensation.

The Rajasthan government also passed a bill against lynching in 2019, however, the government has accepted only a few guidelines issued by the Hon'ble Supreme Court and is silent on the matter regarding police officers accused of dereliction of duty. However, the police officers must be empowered to take disciplinary action against the perpetrators in case of an emergency. They can also use the latest technologies like the internet of things (IoT) for monitoring the sensitive areas where such crimes are likely to happen. This technology works on devices without an internet connection and helps in communication. It can save the time of the police. The center should take punitive action against the police officers who are accused of dereliction of duty, for the delay in attending to the victims, investigating, submitting false reports without proper and thorough medical examination of the victims. The center must also take strict action against people who are found guilty of inciting mobs.

Furthermore, the National Campaign against mob lynching launched a draft law named Masuka. It lays down the constitutional rights of vulnerable persons and provides for punitive actions and preventive measures. It defines mob and lynching. It proposed that lynching shall be made a non-bailable offense and convicts may be sentenced to life imprisonment. Victims will receive compensation.

5. CONCLUSION

There is no codified law for mob violence and lynching, which gives an upper hand to the perpetrators to take law into their own hands and kill an alleged person on mere suspicion. Killing someone on suspicion is not justified at

all. Strict laws to curb mob lynching are the need of the hour, for a democratic country like India, which is a home to different religions, castes, and classes of people. A new law will bring change in the legal system and political minds which shall lead to the prevention of this heinous crime.

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