

Mob Lynching: A Social Evil

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Abstract

The word lynch is believed to have originated during the American Revolution. Mob lynching refers to harm threat and kill someone without any trial or legal procedure. From 2006 the number lynching cases are continuously increasing in India. India have million of user of social networking sites therefore fake news and rumors easily spread to all corner of the nation. The religious matters and failure of police have also fuelled violence. This paper is prepared through the review of relevant literature about mob lynching in India this study aims to study about rise of mob lynching, causes and pattern of mob lynching in India.

Keywords: Mob-Lynching, Religion, Threat, Politics, Law

Introduction

During the past few years, India is facing an unprecedented crisis of mob lynching which has aptly been described by the Hon'ble Supreme Court Judges in a recent case¹ as "horrendous acts of mobocracy". Lynching phenomenon is not new in Indian context but recent spurt in the lynching incidents is not only surprising but utterly shocking indeed for any person who believes in democratic principles. "Lynching is a social act," says Prof. Bhaskar Chakravorty, Dean of Global Business at the Fletcher School of Tufts University. He further elaborates that "It is not new, but it happens more readily when more people believe in some common cause and fewer people have the counter-facts to pose an objection. The fervour of the lynch mobs was largely facilitated by social media, which efficiently delivered rumours to solidify a "common cause." So, the big difference between the lynching phenomenon of the past and the present acts is the role of social media of which WhatsApp is most notable.

Our country is witnessing mainly two forms of mob lynching. First, in the name of cow protection vigilantism in which "strident gau raksha sloganeering has contributed to the environment where people believe they can get away with violence in the name of the cow, so have the stiff cow slaughter prohibitions framed by different state governments - which seem to equate the taking of animal and human lives". The other type, which is prevalent during the past few months, is associated with rumours of kidnapping of children to harvest their organs. In both types of lynching acts, dozens of people have lost their lives who were innocent and poor. As mentioned earlier, in the latter case rumour mongering was done The Supreme Court of India in Tehseen S. Punawalla's petition has observed that mob violence is a crime whatever the motive. Saying it would "not confine these incidents to any particular motive," the Court said "this is mob violence, which is a crime." The Court further observed that "We do not want lynching. We do not want mob violence. We want to protect victims." The Court said that "it was the obligation of the states to ensure that such incidents do not occur." The Apex Court also urged

the Central Government to frame Anti-lynching laws as there are none at present to deal with this menace.

In the light of directions given by the Apex Court, the Central Government has formed a Group of Ministers (GOM) to deliberate upon the matter and give suggestions regarding formulation of new law for curbing the menace of lynching. Further, the Ministry of Home Affairs and the Law Ministry at the Centre are on the job to put up a draft law. It is hoped that the new law will soon come up as Supreme Court is monitoring the issue. The spate of lynchings during the past few years is unexpectedly becoming a new normal and is posing a big challenge for democratic norms. It is also underplaying the role of civil society and the process of dialogue which is at the root of any democratic society. So, the big question is how to stop the rot? Whether a new and robust law in this regard will suffice or a lot more needs to be done through the combined efforts of civil society and the government. Also, the role of social media has to be redefined in this context. The present study focuses on such issues and tries to find working solutions also.

Lynching: an ancient sport

It is to be remembered that mob frenzy is not of recent origin. History is replete with examples of mob violence. Few infamous incidents of mob violence have been discussed below:

The 1857 revolt: The immediate cause of the revolt was the use of Enfield rifles. The cartridges were wrapped in paper, which had been coated in grease which made the cartridges easier to load in rifle barrels. Rumours began to spread that the grease used to make the cartridges was derived from pigs and cows, which would be highly offensive as cow was sacred to the Hindus and pig was a taboo for Muslims. Sepoys refused to use the new rifle cartridges. On May 10, 1857 things became chaotic as mobs attacked British civilians, including women and children. Mutineers travelled the 40 miles to Delhi and soon the large city erupted in a violent revolt against the British. The British too retaliated. The dead bodies of Indian rebels were hung from trees for public spectacle, “It was a holocaust, one where millions disappeared. It was a necessary holocaust in the British view because they thought the only way to win was to destroy entire populations in towns and it was simple and brutal. Indians who stood in their way were killed. But its scale has been kept a secret.”

The bloody legacy of Partition: In 1947, at the time of partition, human bodies became sites of lynching and collective violence, women and children being the worst victims. Nisid Hajari in “Midnight Furies” (Houghton Mifflin Harcourt) his fast paced new narrative of Partition and its aftermath, writes, “Gangs of killers set whole villages aflame, hacking to death men and children and the aged while carrying off young women to be raped. Some British soldiers and journalists who had witnessed the Nazi death camps claimed Partition’s brutalities were worse, pregnant women had their breasts cut off and babies hacked out of their bellies, infants were found literally roasted on spits.”

The aftermath of Indira Gandhi’s death: The survival of the 1984 anti-sikh riots that took place in the wake of then Prime Minister Indira Gandhi’s assassination tell horrific tales of violence, robbery, rape and murder. One such incident that still records a high nine on the emotional Richter scale is narrated here: The day the mob arrived at Badshahpur in Gurgaon, Gurpreet’s neighbours hid him in their house, and from a window he watched the events unfold below. The mob of “at least one thousand” burnt down the gurdwara opposite his family’s house, before turning its attention to the family. “They began calling out to them to come down, reassuring them that no harm would be done,” Singh said, “My eldest brother went down, and the minute he got there, they gave a call to surround him, and burnt him alive.” His other

brother too was called down, and when he tried to flee, the mob allegedly caught him, beat him up and burnt him alive, some of the attackers even chopping off his fingers. “After that, they set fire to our house, which brought everyone outside, and they burnt them alive,” Gurpreet said. The angry mobs carrying voters’ lists celebrated public lynching and burning on the streets. The leitmotif of these events was “When a big tree falls, the earth shakes.”

Lynching stories that tear our sensibilities

Kherlanji Massacre

Held in 2006, September at village Kherlanji in Bhandara district of Maharashtra. Due to land disputes, where around 50 villagers entered forcefully into the house and lynched the family comprising 4 daughters. The act was so gruesome that females of the family i.e. wife and daughter were paraded naked in the whole village. Later on murdered them. It is considered as one of the first cases of Lynching filed in India.

Mangalore pub attack: On 24 January 2009, a radical outfit attacked group of young women and men in a pub in Mangalore, claiming that the women were violating traditional Indian values. On 3 February 2009, the founding member of the outfit told The Indian Express, “Why should girls go to pubs? Are they going to serve their future husbands alcohol? Should they not be learning to make chapatis? Bars and pubs should be for men only.”

Dimapur Lynching

Held in 2015 at Dimapur, Nagaland, a person was accused of raping a girl from different religion, a group of angry mob entered into the jail where he was kept and lynched him. This could also be included in Religious and communal reasoning of lynching.

Alwar: Pehlu Khan, a 55-year-old Khan was waylaid by a mob on April 1 when he was transporting cows for his small dairy farm, beaten up mercilessly, and he died of his wounds two days later. The death triggered national outrage. Police was not able to arrest any of the six men named by Khan in his dying declaration. However, those identified from a video of the assault that went viral were arrested.

Dadri Lynching

Held in 2015 at Bisara Village, Uttar Pradesh, the issue was that one Mohammed Akhlaq and his son Danish was accused of slaughtering and theft of cow calf and storing its meat for consumption. When knowledge of this fact came into the observance of Local resident, then a mob Lynched the father and the son for this fact. It is considered one of the first Mob lynching cases which was based on religious ground.

Chatra District Lynching

Held in 2016 at Chatra district, Jharkhand, a mob named as ‘Gau Rakshak’ brutally lynched 2 people naming Ansari and Imteyaz Khan who were accused of Smuggling as well as selling cows and oxen in the market.

Una, Gujarat: Seven members of a Dalit family were allegedly beaten up by a group of cow vigilantes for skinning a dead cow in Unna town of Gir Somnath district of Gujarat. After beating them up, the attackers reportedly took four of them to Unna town and paraded them, flogged them publicly all the way to the police station. As the police arrived, the attackers fled in their vehicle.

Haryana Lynching

Held in 2017, June in Tughlaqabad, Haryana where 3 Muslim brothers who were travelling on the train from Tughlaqabad to Ballabgarh. The brothers were lynched by the members in the train because of suspicion of carrying beef along with them. One person named Junaid died and the other brothers survived with multiple stabs.

Delhi Lynching

Held in 2017, in National Capital Delhi, a rickshaw driver stopped some college students who were intoxicated at that point of time from urinating on a public wall, as it was restricted there. The intoxicated students got furious and burst in anger which led to Lynch. The rickshaw driver was killed.

Palghar Mob Lynching, 2020

The most recent and serious one which really shocked the country and laid humanity to fall in its feet. On 16 April 2020, a vigilante group lynched two Hindu Sadhus and their driver in Gadchinchale Village, Palghar District, Maharashtra, India. The incident was fuelled by WhatsApp rumours of thieves operating in the area during the countrywide coronavirus lockdown. The vigilante group of villagers had mistaken the three passengers as thieves and killed them. Policemen who intervened were also attacked; four policemen and a senior police officer were injured. As of 4 May, 115 villagers have been arrested by the Maharashtra police on charges of murder and an investigation is ongoing. After the incident, rumours were spread to stoke religious tension. On 22 April, Maharashtra Home Minister, Anil Deshmukh posted a complete list of people arrested, stating that none of the arrested were Muslims. The government said that both the attackers and the victims were of same religion. In the past, attacks and lynchings fueled by rumours on WhatsApp have occurred in India, where the fast propagation of fake news has led to violent outcomes. Often the fake news involves rumours of child kidnapping or roaming bandits.

Reasons of Mob Lynching

- 1. Religious Biasness:** India is a democratic and secular country. Since Article 25 of the Constitution provides that 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, 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 Khelanj Massacre in 2006 rocked the society. Women from the victim's family were humiliated and murdered.
- 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:** 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.
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.
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.
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.

Impacts of Mob Lynching on 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.

Supreme Court gives the following 11 point prescription to end mob lynching:

The Supreme Court condemned mob lynching incidents across the country and urged Parliament to enact a law to deal with the crime that threatens rule of law and the country's social fabric. Here are a slew of directions, including preventive, remedial and punitive steps, the top court gave to deal with the crime:

1. The state governments shall designate a senior police officer in each district for taking measures to prevent incidents of mob violence and lynching.
2. The state governments shall immediately identify districts, sub-divisions and villages where instances of lynching and mob violence have been reported in the recent past.
3. The nodal officers shall bring to the notice of the DGP any inter-district co-ordination issues for devising a strategy to tackle lynching and mob violence related issues.
4. It shall be the duty of every police officer to cause a mob to disperse, which, in his opinion, has a tendency to cause violence in the disguise of vigilantism or otherwise.
5. Central and the state governments should broadcast on radio and television and other media platforms including the official websites that lynching and mob violence shall invite serious consequence.
6. Curb and stop dissemination of irresponsible and explosive messages, videos and other material on various social media platforms. Register FIR under relevant provisions of law against persons who disseminate such messages.
7. Ensure that there is no further harassment of the family members of the victims.

8. State governments shall prepare a lynching/mob violence victim compensation scheme.
9. Cases of lynching and mob violence shall be specifically tried by designated court/fast track courts earmarked for that purpose in each district. The trial shall preferably be concluded within six months.
10. To set a stern example in cases of mob violence and lynching, the trial court must ordinarily award maximum sentence upon conviction of the accused person.
11. If it is found that a police officer or an officer of the district administration has failed to fulfil his duty, it will be considered as an act of deliberate negligence.

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 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.

Conclusion

Mob lynching is a crime which would be a threat to our society in future. Therefore government should take initiative seriously at least in states where the incident rate is very high. Since there is no any separate law to address the crime therefore if necessary government should incorporate separate CRPC and IPC section to deal with the mob lynching. The court and police should solve the case in short span of time which change their believe on police and court. Fake news and rumors through Face book, what's app is also a serious problem in today's society. Maximum mob lynching cases are related to fake news, rumors and religious. Strict rule and regulation are necessary regarding forwarded message. In case of religious matters, school and colleges should teach their student that tolerance and secularism is a characteristic of our society.

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