

LYNCHING BY MOB IN INDIA: WHY?

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Abstract

Mob lynching is a term used to describe the acts of targeted violence by a large group of people. The violence is tantamount to offences against human bodies or property both public as well as private. The mob believes that they are punishing the victim for doing some etching wrong not necessarily illegal and they take the law in their own hand to punish the purported accused without following any rule of law. Mostly the victims of mob lynching in India are minorities of that particular area such as Dalits, Kashmiri pundits, and Muslims. India is a high rise in cases of relating to mob lynching. When the people take the law take the law into their own hands. It can be dangerous for the victim who is in threat of their lives.

Keywords

Mob lynching, violence, killing, cow, slaughter.

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Introduction

Incidents of mob lynching are a new challenge emerging in front of the Indian society, Man is social and living in a group has always been a major feature of human beings which makes him feel safe but today the way the group turns into a frenzied mob. Due to this, there is less security within us, but the feeling of fear is increasing, a separate system for itself, which in easy language we can also call the mob system, the continuous killing at the hands of the mob is of concern in the country. It is becoming a topic and every day some person is falling victim to the violent mob.

Incidents of mob Lynching are prominently seen in many parts of the country. Mob homicide/lynching refers to an incident in which a person is beaten to death by a mob of people. Many innocent people lose their lives every year due to these incidents of mob lynching for the maximum intimidation.¹ Instances of lynching and similar mob violence can be found in every society. The increasing incidents of mob lynching violence in a few years have created an atmosphere of fear in the society. The NCRB has not compiled lynching cases after 2015 as the NCRB had reported cases by states as unreliable, in the year 2018, the Supreme Court, while addressing lynching as a horrific act of mob lynching. And the Supreme Court directed to the central government and states government to make the laws. Even after this, many states have not taken any step in this direction and the incidents of lynching are increasing continuously in the country.

In his 1896 book, 'The Crowd – A Study of Popular Mind', Gustave Le Bon (1896) "Thousands of isolated individuals may acquire at certain moments and under the influence of certain violent emotions such, for example as a great national event the characteristics of a psychological crowd. It will be sufficient in that case that a mere chance should bring them together for their acts to at once assume the characteristics peculiar to the acts of crowd. At certain moments half a dozen men might constitute a psychological crowd, which may not happen in the case of hundreds of men gathered together by accident. On the other hand an entire nation though there may be no visible agglomeration may become a crowd under the action of certain influences".

Incidents of mob lynching across the country have been on the rise for the last 5-6 years. According to a Reuters report a total of 63 cow vigilante attacks had occurred in India between 2010 and 2017²

History of Mob Lynching

In 1898 the Department of Justice was bombarded with letters concerning a recent lynching in South Carolina. The postmaster of lake city, Frazier Baker, and his nearly two-year-old daughter Julia had been killed by a mob in the early hours of February 22. Two of the letters were from Ida B. Wells-Barnett- journalist, author,

public speaker, and civil rights activist who received national and international attention for her efforts to expose, educate, and inform the public about the evils and truths of lynching.

Lynching remains one of the most disturbing and least understood atrocities in American history. Between 1880 and 1941 roughly 4179 people were victims of lynch mobs in the United States. African American men, women, and children accounted for 3446 victims or 82.5 percent of the total lynching.

What constitutes a lynching? Although most people think only of hanging, lynching means much more. Lynching is the killing of African Americans who were tortured, Mutilated, burned, shot, dragged, or hung; accused of an alleged crime by a white mob; and deprived of their life without due process and equal protection of the law.

This type of mob violence in America earned its nickname in the 1770s from Virginia Quaker Charles Lynch, who authorized extralegal whippings against Tories who harassed patriots and committed crimes during the American Revolution. The practice quickly expanded across the western frontier in the decades before the civil war, where many of the victims were mostly whites, along with a number of Native Americans, Mexicans, Asians, and African Americans, in the antebellum south, whites constituted the majority of victims of mob violence, by the late 19th century, however, lynching had become an almost exclusively southern phenomenon. During the postbellum and Reconstruction periods, mob violence in the South become a tool for maintaining the racial order. African American men, women, and children now composed the majority of victims of lynch violence, and the lynchings assumed an increasingly sadistic nature. African American men, however, were the most targeted.

Mob Lynching in India

In India, lynching generally arises due to tensions between two cultural groups. Mostly the victims of mob lynching in India are minorities and SC, ST of that particular area such as Dalits, Kashmiri pundits, and Muslims. India is a one of the high-rise cases of mob lynching in the world high rise On 22 January 1999, the first incident of mob lynching took place in the mayor Bhanj district of Odisha state, in which India was defamed all over the world. Ghram Stains who lived in Keonjhor in Odisha with his wife and two children; his main work was to serve leprosy patients. One mostly the victims of mob lynching in India are minorities of that particular area such as Dalits, Kashmiri pundits, and Muslims. India is a high rise in cases of relating to mob lynching.

What is New about Recent Mob Lynching

Mob violence and lynching have a very long history in India. This is not a new thing for India, incidents of mob lynching have been happening since ancient times in India. And now Mob lynching has traditionally taken many forms:

- (1) 'Witch hunting' is one of the main types of mob lynching. The vast majority of witch-hunting victims are mentally challenged women especially older, single women of lower caste in parts of rural India, according to ncrb of India, since 2000 more than 2500 women have been killed after being branded as a witch.^{3,4} witch-hunting in India is an ancient practice spanning back many centuries with references to "Daayan" being found in several early Sanskrit works. In modern India, witch-hunting continues to be prevalent and customary in isolated and deprived rural areas, particularly in the northern and central parts of the country.⁵
- (2) The inhuman and degrading treatment of over 165 million people in India has been justified based on caste. Caste is descent-based and hereditary in nature. A nine-year-old Dalit boy named Indra Meghwal, was assaulted by a teacher after touching a pot of drinking water meant only for upper castes, which led to his death after 24 days.⁶
- (3) Mob violence and lynching during communal conflagrations, such as against Sikhs (1984), Christians (Kanda Mahal 2009), and , 2002 in Gujarat, and Jaat-Muslim Muzaffarnagar Uttar Pradesh 2013

But the recent Cow vigilantes and Bovine a new types of mob lynching and violence. In the last 3-4 years bovine related mob lynching is increase to a very high

Main Cause for Mob Violence

- (1) Intolerance
- (2) Biases
- (3) Rise of bovine and cow vigilante groups
- (4) Lack of speedy justice and law

Lynching has been a frequent occurrence. There is silence too from the courts. Law has taken a backseat. Mobs are taking the law into their hands functioning both as judges and executions⁷.

- (5) Police Administration

Administrative machinery is a complicit spectacle through design or default.

- (6) Technology

Incidents of lynching can be linked to technology. Cell phone is used to spread rumors. In today's world, everyone is part is part of an audience, and most audiences are endlessly primed to become mobs⁸.

- (7) Media

Social Media plays a very important role spare of rumors about the mob lynching. These anchors present different conspiracy theories related to mob violence.

Kinds of Mob Violence

Mob violence based on the causes can be classified into many kinds they are:

- Mob lynching by Communal violence
 - Case of communal violence in India
 - (1) Akhlaq lynching case in 2015
 - (2) Pehlu Khan lynching case in 2017
 - (3) Syana Bulandshahr lynching case in 2018
 - (4) Tabraz Ansari lynching case in 2019
 - (5) Palghar lynching case in 2020
- Mob violence by witchcraft
 - (1) Assam lynching case in 2018
 - (2) Jharkhand lynching case in 2019
 - (3) Odisha lynching case in 2021
- Honor killing by family or community
 - (1) Tamilnadu lynching case in 2016
 - (2) Haryana lynching case in 2018
 - (3) Bihar lynching case in 2020
- Mob lynching based on Bovine
 - (1) Dadari lynching case in 2015
 - (2) Una flogging case in 2016
 - (3) Alwar lynching case in 2018
 - (4) Jharkhand lynching case in 2019
- Suspicion accused of child theft
 - (1) Maharashtra lynching case in 2018
 - (2) Assam lynching case 2018
- Mob Lynching in Theft cases
 - (1) Jharkhand chatra district lynching case in 2017
 - (2) Nagaland Lynching case in 2018
 - (3) Telangana lynching case in 2019
 - (4) Rajasthan lynching case in 2019
- Enmity
 - Main Issues

Mob lynching is a violation of human rights and dignity, article 21 of the constitution and a gross infringement of the universal declaration of human rights. Such 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 and is hence simply put as murder since it has not been yet incorporated under the Indian penal code.

Action on Mob Lynching by the Government

Lynching and Hate Crime Murder in Penal Code: Punishment 7 Yrs to Death Penalty

The Bharatiya Nyaya Sanhita, 2023 addresses cases when a mob of five or more individuals commits murder based on factors such as race, caste, community, or personal belief.

This is nested in section 101 of the Bill that deals with the punishment of murder. This section has been introduced which deals with punishment for crimes linked to mob lynching and hate crime.

It states: “When a group of five or more persons acting in concert murders on the ground of race, caste or community, sex, place of birth, language, personal belief or any other ground each member of such group shall be punished with death or with imprisonment for life or imprisonment for a term which shall not be less than seven years, and shall also be liable to fine.”⁹

- Preventive measures: in July 2017 the Supreme Court had invoked a number of remedial provisions in the case of Tahseen S. Poonawala v/s Union of India, which deals with the incidents of mob lynching. In this case Supreme Court had called mob lynching a horrible act of mobocracy
- Speedy trial in the court : speedy trial related issue of mob lynching in court the central government should be directed to set up fast-track courts for state governments so that the case related to mob violence can be tried in the fast-track court and the victims can get speedy justice.
- STF: the state governments should also from setting up a special task force to prevent crimes related to violence and those who spread fake news in falsehood should be punished legally.
- Compensation scheme: directions were also issued to set up victim and provision should be made to the family members of the victim of mob violence to compensate for the loss.

To Control These Mobs Lynching

There is required to bring a new law to deal with the threat of mob violence and control this problem. Like as well as the particular law dealing with the atrocities against scheduled and scheduled tribes – the 1989 SC/ST (atrocities prevention) act may not have ended caste discrimination, but it has acted as a significant deterrent.

- Supreme court Guideline

States government will authorize a senior police officer for measures to stop mob lynching and violence in each district. The state government will quickly identify of the district and village where recently the incubations of mob lynching.

Conclusion

Incidents like mob lynching are very condemnable, they are immoral incidents happening in a civilized society, which never allow a civilized society to progress towards unity and capability and always promote the feeling of hatred and hatred in the society and. One religion to another religion provokes. In incidents of mob lynching, it becomes difficult to find out the real accused, under the guise of which many times people take out their personal enmity or resort to these incidents to extract their personal enmity and by committing crime they easily escape from the eyes of the law. Sometimes the effect of these incidents on the society is so dangerous that situations like riots arise in the society. The main reason for the incidents of mob violence is also the spread of false and fake news through social media, under the guise of which the main perpetrator of the violence is not recognized.

References

1. Wood, Amy Louise. (2009). *Rough Justice: Lynching and American Society, 1874-1947*. North Carolina University Press. ISBN: 9780807878118.
2. Kazmin, Amy. (2017). "Indian PM Distance himself from cow vigilante attacks". *Financial Times London*. India's Prime Minister Narendra Modi has distanced himself from a spate of mob attacks in the name of "cow protection" that have mostly targeted Muslims. Biswas Soutik. 10, 17 July. "Why stopping India's vigilante killing will not be easy". BBC, Retrieved 10 July 2019.
3. Phutela, Apoorva. (2022). "Witch hunting Trials: A Gendered Practice of punishment That Continues Even Today". 6 April.
4. "Crime in India – All Previous Publications national crime record bureau".
5. Sexena, Swati. (2007). "Recourse Rare for witch hunt victims in India". 16 July.
6. (2022). 'Dalits boy dies after being assaulted by teacher in Rajasthan School' *the Hindu*. 14 August.
7. (2017). *Hindustan times*. 27 June.
8. (2017). *The Indian expres.com*. dated 2 July.
9. (2023). *The indianexpress.com*. 23 august.
9. (2023). *The indianexpress.com*. 23 august.