

# “MOB LYNCHING”

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## INTRODUCTION

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Mob Lynching is giving punishment to a person without any legal authority for any offence; the punishment for which can be hanging or beating a person by a mob of peoples or community. In the recent years many incidents of mob-violence come into the picture. Reasons behind the mob-lynching may be religion or rumor. Mob Lynching includes hanging, beating a person, rape, murder, etc.<sup>1</sup> In the year of 2007, most of the mob attack due to cow tender was registered. According to the report of mob lynching the mostly cases are happened in Kashmir. In India there is no particular prescribed procedure to deal with the offence of mob attack or violence. The Supreme court recently recommended the Central Government for the framing of new laws for mob lynching and also add new definition of the same in IPC and other needed laws.

## BACKGROUND

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Mob-Lynching was practiced in the ancient periods also. Mob-attack related to the people of colour was prevalent in the 19<sup>th</sup> century in United States. Mob violence in US was described as an Incident where white supremacist groups attacked the people of colour committing various crimes and acts of racial discrimination. Between the 18<sup>th</sup> and 19<sup>th</sup> century around 2,400 people of colour, men, women and children were killed by mob. During these times no proper trials were conducted by the court in the mob-attack cases where the victims were people of colour and even in other cases where the offences such as Rape, Murder etc. were committed against the people of colour. In the 18<sup>th</sup> Century this practice was used against the slave who tries to escape from their owners. The white people who opposed this violence were also beaten by the mobs. Through the 14th amendment, the constitution granted the rights to the people of colour and provided them with the constitutional status.

## “WHY THE PROPOSED LYNCHING LAW IS NOT ENOUGH TO STOP MOB-VIOLENCE”

There are many instances which proof the fact that mere proposal of law is not enough to stop the mob-lynching or violence without establishing the proper policing and legal structure

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<sup>1</sup>Encyclopedia.com, *Lynching*, Available at :- <https://www.encyclopedia.com/social-sciences-and-law/law/crime-and-law-enforcement/lynching>

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addressing such criminal offence and various other acts that are equal thaw to the humanity. Although the Supreme Court has suggested that a comprehensive legislation shall be enacted to provide the appropriate and desired legal remedy and that should also establish a well knitted policing structure that shall address the “no-fear” nature of the offenders that severely threaten the law and order.<sup>2</sup> To address the elephant in room it is pretty obvious to state that mob-violence is raised due to the political support extended by the influential parties which creates such anarchical environment that the killing of the “suspected kidnappers of the children” “Suspected Beef-eaters” or “Anti-Majoritarian religion elements” prevail and the offenders rather take pride in being the defenders of cultures or religion or social custom. This ideology thrives in the absence of a stern enforcement of law and order and is even sometimes supported by members of these enforcement bodies. Generally a new law will not make any difference to the crime driven psychology of the person who commits such wrongful act as he is motivated by the seducing and false doctrine of certain political affiliations that is strategically propagated to the people especially in the lower income and poverty stricken people who are even paid for such acts the. Legislators and executive wings of the government are we aware and familiar with the fact that no incident of violence including mob-lynching, communal riots, can continue for such a long time unless there is political support or instigation. However to state that such incidences are mere political sanctioned would be an incomplete analysis. The problem is not only the political backing, alleged nexus of the political strongman and certain members of the law enforcement departments provides the necessary protection for such violence’s to thrive and after being controlled by the political masters the media coverage of the riots provides the desired political mileage to the Buenos. Political parties support the riots for opposing the opposite leaders. To quote an example of the above nexus and propaganda method the violence during the panchayat polls in West Bengal the offenders carried illegal Guns and weapons without caring for the presence of police or media cameras.<sup>3</sup> Same happened in the case of cow vigilantes or the group of people opposing the feature film “padmavat” who are openly threatening the producers and actors without caring about the police or the national media coverage but rather use such violence and publicity to gain the nation’s attention.<sup>4</sup> All these incidents are clear examples of the aforementioned nexus and Although influential ruling party’s politicians have formally criticizes the self-appointed protected cows, such admonition has had little effect on the

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<sup>2</sup>*Tushar Gandhi Vs Union of India*; Writ Petition(CIVIL) Diary No. 35514/2018 Also See *Tehseen S. Poonanwalla vs Union Of India* ; Writ Petition (CIVIL) NO. 754 OF 2016

<sup>3</sup> Monideep Banarjee, *13 Deaths, Bombs, Ballot Box-Burning In Bengal Panchayat Polls*, NDTV, May 15, 2018, <https://www.ndtv.com/india-news/after-court-battles-west-bengal-votes-today-in-panchayat-polls-10-points-1851615>

<sup>4</sup>BBC, *Padmavat: Violence After India Top Court Lifts Ban On Film*, 22 January 2018, <https://www.bbc.com/news/world-asia-india-42771328>

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ground. The large contingent of saffron trolls continue to pour their venom on the minority community, emphasizing and harvesting the large measures of support to do such vicious activities. The present laws against them remains unaffected under the current circumstances as the instigation of political parties continue for their own benefits and therefore support the violence. From the ruling government to opposing parties both support the violence at large and reap the benefits of such violence. Such circumstances will continue to burden the court with senseless and evergreen litigation that does not results in either curbing the violence or punishing the actual masterminds behind such activities and even an amended or new legislation in this regard would be any good but will only add to the list of the statues passed by the legislative assemblies or parliament. Recently Supreme Court in *Vinubhai Haribhai Malaviya Vs. The State of Gujarat*.<sup>5</sup> called upon the center and the state to protect the society from such violence by bringing a legislation that breaks such nexus by granting police and the investigating officers to function independently from the political influence and to discharge the duties with one's own discretion. Today is the age where politicians have more influence on police then law's. Until the police remained in the politician cage it is worthless to expect any change in case of mob lynching or such violence. The free working of our administrative authority without any pressure is required. Some highlights instances of mob lynching can bring our attention to the brutal killing of Mohhomad Akalaqin Dadrion on September 28, 2015 which happened based on the rumor of his family possessing "beef" and based on such rumor the mob attacked and burned his house and beating him to death. Later no evidences where found regarding him or any of his family members possessing beef. Later after three years of such incident the prime suspect in case who instigated the violence was free on bail and contested for the Lok Sabha Election<sup>6</sup>

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### **PUNISHMENT FOR MOB LYNCHING**

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The crime related to mob-lynching increases day by day and various cases came into picture. The innocent people also die during such mob attacks and without any legal oversight or justification people take law in their hands motivated by religious ideologies or rumors. In India there is no particular law which governs the offences related to mob-lynching. The cases related to mob lynching are dealt under murder under section 302 of Indian Penal Code. Being inconsiderate to the fact that whether in the mob, single person committed murder or the whole group did it, it will fall under 302 of IPC However there is catch, Say like section 302 talks about the Punishment for Murder, or for committing murder which is capital punishment or life

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<sup>5</sup> Criminal Appeal NOS.478-479 OF 2017

<sup>6</sup> Betwa Sharma, *Three Years After Dadri, The Man Accused Of Lynching Mohammad Akhlaq Is Free And Running For Lok Sabha*, Huffpost.com, [https://www.huffingtonpost.in/2018/09/26/three-years-on-accused-in-mohammad-akhlaqs-lynching-is-free-and-ready-to-fight-the-lok-sabha-election\\_a\\_23542377/](https://www.huffingtonpost.in/2018/09/26/three-years-on-accused-in-mohammad-akhlaqs-lynching-is-free-and-ready-to-fight-the-lok-sabha-election_a_23542377/)

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imprisonment for life and also be liable for fine or both. Similarly under section 304 of IPC punishment for Culpable Homicide not amounting to Murder imprisonment for life or description for a term which may extend to 10 years and shall be given or fine or both. Under section 307 of IPC Punishment for Attempt to Murder is given as per which imprisonment which may extend to 10 years and fine. Under section 323 of IPC Punishment for Voluntarily causing hurt, under section 34 Common Intention is defined say if any mob commit any crime with common intention under any section, and section 141, 147, 148, 120B for Unlawful Assembly, Rioting, Criminal Conspiracy and soon.

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## CONCLUSION

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The mob violence should stop. It is not appropriate to take law in hands in the name of religion or based on rumour without verifying the Genuineness of the information. Hanging, beating a person till death does it makes any sense? People must understand this that life of every person is important, if any person commits any offence then there are laws to punish that person. Similarly if a mob commits any crime there must proper law to govern it. Police should work for the wellbeing of the societies and though a mere law on mob attack or violence not adversely affect criminals so not only the law should punish the offenders but also give special rights to the victims in these cases as it adversely affects the innocent people too. Recently a statement given by U.P. Chief Minister Yogi Adityanath states that “*we do not discriminate between the communities in dividing a policy or implementing it an example of appeasement is the opposite on to criminalization of triple talaq.*”<sup>7</sup> When the peace of society disturbed by the violation and crippling of law and order, there should be some strict and stick rules to get the peace of society back. A new law is required to be enacted where the compensation is given to the victim and proper punishment is given to Offenders. People should respect the sentiments of others. By the way of hanging, beating till the death, will not going to give any result, mob attack should be stop, lynching should be stopped.

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<sup>7</sup>The Economic Times, *Yogi government announces Rs 6,000 annual aid for triple talaq victims*, Sep 25, 2019, <https://economictimes.indiatimes.com/news/politics-and-nation/yogi-government-announces-rs-6000-annual-aid-for-triple-talaq-victims/articleshow/71294437.cms?from=mdr>

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