



## Addressing Mob Violence and the Imperative for Legislation in India

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**ABSTRACT** - The rampant occurrence of Mob Violence poses a serious threat to the peace and cohesion of various socio-cultural groups in India. Mob Violence, commonly known as Mob Lynching, is a prevalent societal issue that involves the brutal and unlawful assault of an individual by a crowd or mob, often resulting in severe injury or death. This egregious crime, with one victim and multiple perpetrators, creates intricate challenges in navigating the legal and judicial processes, thereby complicating the delivery of justice. In India, mob violence frequently stems from deep-seated socio-cultural factors such as religious tensions, caste conflicts, class disparities, ethnic animosities, linguistic differences, and tribal feuds. Despite the existence of some legal provisions in the Indian Penal Code that can be applied to cases of Mob Violence, there is a lack of specific legislation that comprehensively addresses the issue of mob violence and mob lynching. This gap in the law raises serious concerns about the protection of fundamental human rights, particularly for the victims of such acts, irrespective of their socio-cultural background. It calls into question the equal and consistent application of human rights safeguards in the face of these alarming instances of mob violence and lynching. Mob violence and crowd justice have become serious issues in India. There is an urgent need for specific laws to address mob violence and hold those involved accountable. The prevalence of mob violence poses a threat to the rule of law and undermines the justice system. It is important to address this issue and enact appropriate legislation to prevent and punish mob violence in India.

The following discussion delves into the necessity of enacting a law to address mob violence in India and examines the challenges associated with its implementation.

Keywords : Mob Violence, Justice, Legislation, Supreme Court

## INTRODUCTION

India has sheltered various socio-cultural groups, encompassing them to sustain itself as one of the most populous nations of the world. Its pluralism has been a trademark of its ideology “Unity in Diversity”. Since pre-historic times, the Nation has encompassed various cultures and allowed a safe space for all communities to live, develop, and prosper. During the post-colonial period, when the country was divided on religious lines, India adopted a pluralistic approach to its homogenous society allowing all diversities within itself. Even the Constitution makers of India wanted a united yet full of diversity India. The citizens of India enjoy their freedom, liberty, and rights guaranteed by the Constitution of India and protected by the Supreme Court of India. In case of a law and order situation, a citizen of India can plead for justice to the Court of Law guided by the various Codes, Laws, Statutes, and Acts. The Constitution makers envisioned a future for India and its citizens that ensures equal treatment in front of the eyes of the law, and establish a society of equality and stability for its citizens. However certain negative social practices continue to exist that provide a challenge to the law and justice mechanism of India. One such example is the practice of mob violence. Mob violence mainly occurs due to socio-cultural or political differences. Religious bias, cultural differences, and political ideology clashes supported by the absence of strong laws, and lack of police reforms are some of the primary reasons that cause mob violence. It is also linked with spreading fake rumours and allegations as well where the victim is often targeted based on misinformation spread through oral means or social media. Mob Violence or Crowd Justice refers to a group of people or crowd overpowering the existing Law and Justice mechanism and

executing a verdict by word or action which is usually violent. Mob Violence is criminal and raises a question about the existing law and justice mechanism. The perpetrator of Mob Violence is a group of people and the victim is usually an individual hence it adds the challenge of finding the prime guilty among a larger group of people and preventing the ad-hoc justice method enforced by the crowd on the victim. This enforced law and order by the crowd itself violates the existing law and order as the new set of rules is not under any legal application or mandate. Under no rule of law, can an individual or a common group overpower or overwrite an existing law according to their need and will however the act of Mob Violence challenges this theory as the crowd becomes a justice-providing mechanism enforcing their self-made laws that might or might not incorporate existing law of the land such as the Constitution? The Objective(s) are To learn why a codified law is needed to prevent mob lynching. To understand the scope of the possibility of implementing laws against Mob Lynching. What is the scope of the possibility of an Anti Mob Lynching Law in India?

## LITERATURE REVIEW

The prevalence of mob violence in India, commonly known as mob lynching, poses a significant threat to societal peace. The lack of specific legislation addressing this issue raises serious concerns about the protection of human rights. Enacting specific laws to address mob violence and ensure accountability is imperative.

The last decade has seen a huge rise in Mob Lynching cases in India. Most of these cases have taken place based on communal and religious grounds and are based on motives of pure hatred and violence. Despite the rise in the number of mob violence cases India is yet to set rules and

regulations for this heinous crime. Trivedi (2022) has provided a comprehensive definition of mob lynching as “a violent act or series of acts, or assisting, helping, or constantly trying an act of violence based on religion, caste, race, gender, birthplace, language, political alliance, or ethnicity, whether unprompted or planned by a mob”. The paper also cites various reasons for mob lynching. It also provides the bedrock for the path ahead on how to develop, implement, and administer an anti-mob violence law and secure the loopholes that endorse such crimes. Certain structures such as media, government, and judiciary have also been reflected as important tools to curb out such crimes and how a reform among such key institutions is necessary.

The author further explores the legal aspects of laws against mob lynching and the protection of victims as well. Yadav and Sole (2019) elaborate on the scope of implementing a law against mob violence by highlighting the need for such a law. They also provide a detailed insight into the legality and judicial approach. The paper focuses on a law-based approach to counter such crowd violence crimes and provides a legal framework against it.

The paper concludes with guidelines on how to curb mob violence based on preventive, remedial, and punitive measures. Savaliya (2014) provides a study on the prevention of mob lynching within the purview of human rights primarily. The paper studies the aspects of how human rights violation occurs under mob violence and how such violations affect society.

The author also focuses in context to India regarding laws that provide, protect, and uphold human rights are largely challenged by such crimes and atrocities against whom, even the state has failed for a long period. This not only questions the entire framework of law and justice in the country but also

questions the basic human rights guaranteed to all citizens by the constitution of India.

## **METHODOLOGY**

The primary objective of this research paper is to delve into the qualitative aspects of mob lynching in the context of India. The data collection process involves sourcing information from a wide array of secondary sources, including but not limited to websites, articles, journals, and research papers available on the internet. Additionally, reference has been made to the original texts of laws like the Indian Penal Code (IPC) and the Code of Criminal Procedure (CrPC) to ensure the accuracy and comprehensiveness of the information gathered. The overarching goal of this endeavour is to gain a profound understanding of the underlying causes of mob lynching and to explore the potential of formulating a robust legal framework to effectively prevent such occurrences within the social fabric of India.

## **ANALYSIS**

The three authors have delved into the shared factors behind mob lynching and crowd violence in India, focusing on the causes, effects, and prevention of mob lynching and crowd violence in India. Some of the common aspects for the cause of Mob Violence are:

- ✓ Religious intolerance: this has been one of the primary causes of rising mob violence issues in India in the past decade. Also referred to as Cow Vigilantism, religious mob violence has affected the religious fabric of India largely. Many victims of religious intolerance have lost lives due to mob violence;
- ✓ Socio-cultural intolerance: another factor based on differences in social and cultural differences that have led to mob violence in India. Caste-

based violence, class-based violence, and violence against Dalits, tribal and women are the major fields where mob violence occurs;

- ✓ Political intolerance: the rise of active political awareness in India has also led to the creation of political violence in the form of mob lynching in India. The Post State Election violence in the state of West Bengal in 2022 has witnessed many cases of mob lynching due to political differences;
- ✓ The practice of blind faith and social evils: practices like witch-hunting and honor killing have led to a large number of mob violence cases especially on women. Such phenomena are primarily found in rural areas or under-developed areas of India where people are not yet aware of social reforms; Lack of strong laws and police reforms: adding as one of the biggest contributors to the occurrence of mob violence is the absence of laws that prevent such crimes. There are sections of IPC that overlook mob violence but no law that strictly looks into it. This allows the perpetrators to avoid or escape the ineffective laws but also avoid any fear or subjugation to the law in case of committing any such crimes Fake rumours and allegations: the most significant reason that is found in almost every mob violence case is the spread of fake rumours and allegations primarily against the victim which leads to a violent act.

The effects of Mob lynching in Indian society have threatened the integrity and united social fabric of India. Even after more than 75 years of independence, the nation has not coded a law against it because of the complexity involved with the issue. The absence of strong law has allowed the cases to occur over and over. The Supreme Court of India, upon its various judgments, has

appealed to the Parliament to enact special laws (*Tehseen S. Poonawala vs. Union of India, 2018*) to curb mob violence. In the case of *Mohd. Haroon and Others. Vs. Union of India, 2014* has appealed to the states that they shall take measures to prevent the recurrence of communal violence and mob lynching.

In India, mob violence is trialled under sections 302, 304, 323, 325, and 120 B of the Indian Penal Code. Further sections 141, 147, 148, and 149 of the IPC are also enforced to trial against mob violence. However, none of these sections primarily focus on mob violence but rather encompass similar crimes. Such factors can be used to escape conviction by culprits if trialled. Other than this, the states of Jharkhand, West Bengal, Manipur, and Rajasthan state assemblies have passed bills addressing the issue however the cases in these states still emerge which questions the credibility and implementation scope of the laws. The 2022 post-election Bengal violence was a clear example of it where despite the existence of a law, violence still occurred at large.

To effectively counter the issue Government, the Public, and the Media must work hand in hand. There must be a separate law to prevent Mob lynching in India that defines the meaning of Mob Violence and its scope as well. Laws that have been passed by the states should be implemented on an urgent basis which must be administered by local and district level bodies as well. This will ensure the prevention of the spread of such violence. The government also provides compensation to the victims or their families but they should provide rehabilitation to the victims as well. If anyone spreads fake news through social media their account should be banned on that social media platform and they should be punished.

## CONCLUSION

There is no particular law or rule that prevents or punishes mob violence. In 2018, The Supreme Court of India passed a verdict in the hearing of “*Tehseen S. Poonawalla vs. Union of India*” addressing “preventive, remedial and punitive” measures to counter offences of mob lynching. The Supreme Court also appealed to the parliament to draft a new law to deal with the situation of mob lynching. The major issue revolves around the implementation of any new law as identification of violators; effective justice mechanisms and fair justice delivery are the key areas where the Indian justice system has been questioned over time. This is not only regarding mob violence cases but almost every court trial in India. Over the years, various incidents of mob lynching have jolted the nation making the Indian judiciary and the law machinery rethink its approach to contemporary Indian society and hint at the inclusion of new anti-mob violence laws. The law and justice mechanism must be ready to evolve with the evolving nation of crime and violence as well.

The Home Minister of India, on 11th of August 2023, introduced the “*Nyay Sanhita*” Bill at the Upper House of the Parliament which provided measures to deal with an Anti Mob Lynching Law. The introduction of the new bill brought in a new hope to formulate an anti-mob violence law. The new bill aims to replace the Colonial Indian Penal Code and replace it with a new comprehensive set of laws that incorporate ideas and methods to tackle modern issues of society. Encompassed under it is the addressing of the long-awaited question of mob lynching. While the bill has already been introduced at *Rajya Sabha*, it is yet to be implemented with an uncertain future.

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 offences, most of which take the form of lynching 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. 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.

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