

---

**INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH**

---

**MOB LYNCHING- A PERIL TO OUR LEGAL SYSTEM**- Adarsh Kumar Lohia<sup>1</sup>**Abstract**

This article is an analysis and an overview of the cause and threats of mob lynching to our rights and the legislative authorities which ensures the protection of these rights. As India is a land of various cultures and religions and all of them have their own beliefs and thoughts on various things, out of these differences arises the conflicts which are the main cause of these incidents. Our government is somehow unable to get rid of this problem. This issue cannot be solved without implementing strict laws and punishments. Every person has Right to Life which should be respected and no one should die in such a brutal way whether he is guilty or not.

**Introduction**

There is a saying in Hindi that “Bheed ka koi Chehran hi hota” which means that the mob has no face, the people in the mob could not be found easily this mob is sometimes used by some evil elements of the society to do the mass destruction and blunder in the society. Mob Lynching is the best example to describe the misuse of the power of a crowd. The origin of the word lynch is a bit obscure but it is likely to be originated during the times of American Revolution. this verb came from the phrase ‘Lynch Law’ which is a term for punishment without trial. William Lynch and Charles Lynch are the two Americans which are credited for coining the phrase. Lynching is generally a premeditated informal execution of an individual or a group of people carried out by mob. The execution is carried out independent of local police and Law making authorities which is illegal and unlawful. In India it is mainly due to internal tensions between ethnic communities or sometimes lynch accused or suspicious persons but the main reason behind this heinous act is the want of instant justice and intolerance among the people. Not only in India but Mob lynching is a problem in foreign countries also, in US black people were ruthlessly killed by the white mobs.

The issue of lynching is not new in our society to examine on, it has been happening for quite sometime. in the times when the American Civil Rights were not there the whites thought that lynching was a legitimate support for them against dark people. Black who were also referred

---

<sup>1</sup> Student at Vivekananda Institute of Professional Studies

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

as negroes by the white people, were brutally lynched by the mass mob or the general society of the white people. In India in most of the cases of mob lynching the victims are mostly the people belonging to minorities like in Jammu and Kashmir after Indian independence the Kashmiri pandits which were one of the minority group there were settled in southern region of Kashmir. the Kashmiri pandits were removed from the state by the Muslim majority due to some religious conflicts, there were various cases of violence and mob lynching which were done on Kashmiri pandits.

### **Incidents of Mob Lynching in India**

As mentioned earlier that most of the incidents of mob lynching are due to religious beliefs between the communities and to the people related to minority communities or backward classes. So here are some cases of mob lynching which are based on religious conflicts and differences or to the backward classes of our country:-

- Dadri Lynching case<sup>2</sup>:- This case is one of the first cases of mob lynching in India that was based on religious beliefs, it happened in 2015 in Bishara village of Uttar Pradesh where a 50 year old man named MohhamedAkhlq was lynched and his 22 year old son Danish was beaten brutally as a punishment for allegedly stealing a cow and then killing it and eating the beef and storing it for consuming later. A total six person were arrested by the police for the crime.
- Latehar Lynching<sup>3</sup>case:-Another similar case happened in the Latehar district of Jharkhand in which eight people were found guilty of beating and hanging two cattle herders Mazlum Ansari(32) and Imteyaz Khan(13) to a tree who were going to a nearby market to sell their cattles. It triggered nationwide protests. The Latehar Lynching case was one of a series of crimes that happened in Jharkhand. In May 2017, four cattle traders were lynched by a mob at a village in SaraikelaKharswan district. Similarly a dairy owner named Usman Ansari was attacked and his house was set on fire after a headless cow was found near his house. Also in June 2017, a trader who was accused of transporting beef in Ramgarh district.

---

<sup>2</sup> Internet Desk, The Hindu, uploaded on 03/30/2015, <https://www.thehindu.com/specials/in-depth/the-dadri-lynching-how-events-unfolded/article7719414.ece>, (Last Visited:- 13/02/2021).

<sup>3</sup>Hindustan Times, Updated on 20/12/2018, <https://www.hindustantimes.com/india-news/8-men-who-killed-2-cattle-herders-hung-them-by-a-tree-convicted-in-jharkhand-s-latehar/story-82eSMoC7k28jzRrzbF3VeM.html>,(Last Visited:- 13/02/2021).

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

- Alwar Lynching Case<sup>4</sup>:- This case happened on 1<sup>st</sup> April, 2017 in Alwar, Rajasthan where a 55 year old native of Nuh, Haryana named Pehlu Khan who was a dairy farmer had was going to purchase cattle in order to increase milk production for Ramzan. At Delhi-Alwar Highway, on his way home he was surrounded by a mob of cow vigilantes, he tried to save himself by showing his purchase receipts, but he was lynched with rods and sticks and succumbed to his injuries on April 3. On may 2019, a chargesheet was filed by the Police against Pehlu Khan and his two sons Ishrad and Aarif and also the driver of the vehicle carrying cattle but later the Rajasthan High Court quashed the case registered on Pehlu, his sons and driver.
- Haryana Lynching Case<sup>5</sup>:- This case happened in 2017 on an EMU train on Delhi-Ballabgarh stretch where one person named Junaid was lynched and three named Hashim, Shakir and Moin were brutally beaten on the rumors that they were eating beef. They went to Delhi for shopping and on their way back home when the incident took place in the full public view as the train was crowded.
- Palghar Mob Lynching case<sup>6</sup>:- This is a recent case which happened on April 16, 2020, when two sadhus ChikneMaharajKalpavrukshagiri (70) and SushilgiriMaharaj (35) and their driver NileshTelgade (30) were brutally lynched by a mob at Gadchinchale in Palghar district, 140 km north of Mumbai. This cruel act took place amid rumors that there were child lifters roaming in the area during the lockdown. The total number of people that were arrested in this case was 201.

Landmark case on Mob Lynching:- The name of the case is '*Tehseen S. Poonawala v. Union Of India and Others*<sup>7</sup>(2018) 9 SCC 501'. The case was before then CJI Justice Deepak Mishra, A.M. Khanwilkar and dr. D.Y. Chandrachud. In this case Writ Petitions were filed under Article 32 of the Constitution of India for commanding respondent states to take immediate and necessary action against the cow protection groups indulging in violence; and further to issue writ or to remove the violent content from social media. The

---

<sup>4</sup> Financial Express Online, uploaded on 30/10/2019, <https://www.financialexpress.com/india-news/pehlu-khan-cow-smuggling-case-quashed-by-rajasthan-high-court-alwar-lynching-case-latest-news/1749930/>, (Last Visited:- 13/02/2021).

<sup>5</sup>TansemHalder, India Today, uploaded on 23/06/2017, <https://www.indiatoday.in/india/story/eid-shopping-1-lynched-3-beaten-delhi-ballabgarh-train-984303-2017-06-23>, (Last Visited:- 13/02/2021).

<sup>6</sup>PTI, The Hindu, uploaded on 16/01/2021 <https://www.thehindu.com/news/national/other-states/court-grants-bail-to-89-accused-in-palghar-mob-lynching-case/article33587631.ece>, (Last Visited:- 14/02/2021).

<sup>7</sup>Tehseen S. Poonawala v. Union Of India and others 2018 9 SCC 501, <https://www.sconline.com/Members/NoteView.aspx?enc=KDIwMTgplDkgU0NDIDUwMSYmJiYmNDAmJiYmJlNlYXJjaFBhZ2U=>, (Last Visited:- 14/02/2021).

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

notices were issued with regard to obligation and role of the central government and chief secretaries of four states i.e. Maharashtra, Gujarat, Rajasthan and Haryana to take steps regarding highway patrolling in consultation with D.G.P. and others states directed to nominate a senior officer for each district, who shall see to it that these vigilantes do not take law in their hands and those who do so are booked quite promptly.

#### Laws In India Regarding mob Lynching

In year 2107 an act came into effect to provide relief to the minorities and the vulnerable people and to punish acts of lynching, also for rehabilitation of the victims of lynching and their families. The act was also known as ManavSurakshaKanoon (MASUKA)<sup>8</sup>. As we know that at that time the laws sufficient regarding mob lynching they even do not recognize mob lynching as any kind of offence. there was a great need of a particular definition for mob lynching crimes under the Indian Penal Code (IPC). This bill helped in faster proceedings of the cases related to mob lynching in the courts which were earlier lack those speedy proceedings and prompt long postponements in judgements. the bill characterized lynching as an offence which means any act or series of acts of violence whether it is planned or spontaneous, committed as an act of protest or to inflict extra judicial punishment caused by the desire of a mob to enforce upon an individual or a group any legal societal and cultural norms. It also contained chapters which contained duties of police officers and District Magistrate, prevention of acts leading to lynching and offence of lynching and punishment thereof which defined that for the offences in which victim suffer hurt it may lead to seven years of imprisonment and fine which may extend to one lakh rupees, for grievous injuries the punishment may extend to ten years of imprisonment and with fine which may extend to three lakh rupees and for the offences leading to death of the victim shall be punished with rigorous life imprisonment and with fine which may extend to five lakh rupees. also whoever abets an act of lynching, conspires or even take part in the conspiracy to lynch someone shall be punished in the same manner as if he had taken part in the actual incident of lynching Then in chapter six which is investigation and procedural trial it states the application of Code of Criminal Procedure, 1973, offences to be cognizable and non-bailable, also the investigation to be done by a senior officer not less than the rank of an inspector, sanctions not required for the offences under the act and some other provisions like the compensations to the victim's families, etc. The sections of the Indian Penal Code (IPC) which comes in force in the cases related to mob lynching are

---

<sup>8</sup> The Protection From Lynching Act, 2017 (<https://www.legal-tools.org/doc/f0b548/pdf/>).

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

Section 302, 304, 307, 323, 325, 335, 34, 141,149, 147, 148 and 120B.

### **Conclusion**

As we all know that we have our rights which also includes right to live an ideal life with dignity under article 21 which cannot be taken by anybody even a mob in our case. India is a nation with diverse cultures and communities so there will be differences in the thinking of people which will rise these kind of conflicts in the name of religion. After the independence there has been a contention between Hindus and Muslims and a grater part of cases of mob lynching are gotten from dairy animal butcher or the doubts prompts mob lynching. some issues includes where innocent person is caught and is even denied of his rights. therefore our goal must be defending Article 21 and keeping the integrity and essential standards of Indian constitution. The strict actions must be taken which will rebuff the mobs who lynch, and at last nobody will even think of taking law into their hands. It can be done either just by law or by military request or character demise can take life of any person. laws like the protection from lynching act, 2017 will surely help in saving man's right to life.

For general queries or to submit your research for publication, kindly email us at [editorial@ijalr.in](mailto:editorial@ijalr.in)

<https://www.ijalr.in/>