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**CONTEMPORARY ANALYSIS OF THE MULTIFACETED IMPACTS OF
MOB LYNCHING ON INDIA'S SOCIAL FABRIC**- Harit Raj Patel¹**ABSTRACT**

While mob lynching is murder, still India doesn't have strict laws regarding mob lynching be it for political reasons or administrative reasons. The recent judgment on the controversial Rakbar Khan case by the Sessions Court, Alwar has further highlighted the pressing nature of addressing mob lynching in India, Rakbar Khan case epitomizes a disconcerting manifestation of mob lynching and its profound ramifications on the intricate social fabric of India. This incident underscores the urgency for comprehensive legislation and proactive measures to prevent such acts of violence and preserve the social fabric. Mob-Lynching is gradually becoming a threat to humanity, Despite its potential to destabilize social harmony, India's legal system lacks specific legislation to address mob lynching. This paper aims to explore the reasons behind the system's laxity in addressing this issue, the absence of appropriate laws, and the destructive impact of mob lynching on social cohesion. By shedding light on these aspects, this study highlights the urgent need for stringent legal measures to curb this horrific practice.

INTRODUCTION

Mob-lynching is one of those horrific crimes in which a person is targeted by a group of people, and the violence is equivalent to crimes against the human body or property, both public and private. It is a violent act in which a gang of people, acting together, target and illegally kill a person.

The origin of the word 'lynch' is said to have originated during the American Revolution phrased as 'Lynch Law' which is a punishment without trial. The word 'lynch' or 'lynch law' has been derived from two Americans known as Charles Lynch and William Lynch who were

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from Virginia.²

Number of innocent people in the recent years were brutally killed on the hands of those who were motivated by certain beliefs or words, A rise in cases of mob lynching in India can be seen as a grave issue posed in front of us in this 21st century. One of the reasons for mob-lynching in India is cow slaughter or beef consumption especially in Northern part of the country, As cow is holy to the Hindus and they worship it as mother, certain segment in the community has staunch belief that whoever goes on to kill a cow, consumes beef or trades cow for their meat products is against their idea and they end up committing. During the Durga Pooja time in West Bengal a lot of mob attacks were committed on Hindu worshipers, by this we can clearly see that it's not a thing related to a religion or blasphemy but a menace which certain proportion of populace possesses in the contemporary society.

Contextual Backdrop

Amidst high-profile incidents of hate violence against religious and caste minorities, the Indian Supreme Court laid down a series of guidelines to address mob violence and lynching in its July 2018 Tehseen Poonawalla order.³ The order mandated a police supervisory structure and stronger official accountability, more stringent penal provisions, victim and witness protection, and more expansive compensation and rehabilitation schemes. It also recommended the enactment of an anti-lynching legislation. The proposed legislation, which has garnered considerable attention and yet remains pending, has ignited a fervent debate surrounding its implementation. In recent times, the Indian landscape, particularly regions such as Rajasthan, Western Uttar Pradesh, Madhya Pradesh, Bihar, and others, has witnessed a surge in disconcerting incidents. The harrowing phenomenon of mob lynching, fueled by religious fervor, has gained momentum, transcending the boundaries of communal categorizations, including minority, majority, scheduled castes, and scheduled tribes. Regardless of religious affiliation, individuals find themselves vulnerable, subjected to baseless allegations branding them as beef consumers, child abductors, practitioners of sorcery, enemies of the state, or blasphemers.

Prevailing consensus that pervades societal discourse

²Michael Quinion. "Lynch". World Wide Words, 2008.

³ Tehseen S. Poonawalla Vs. Union of India, 2018 SCC online SC 696, Order dated 17.07.2018.

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In the recent wave of lynching exhibited across India, a combined effect of political, socio-economic, and psychological factors has led to a situation of hyper-reactivity among large populations even in rural areas and small towns. These factors which instigated the people include deep discontent and anger in rural youth populations due to the worsened agriculture crises and bleak employment opportunities. One important factor responsible for these lynching is “Rise of fake news and misinformation”, as we know Indian government is rapidly moving towards providing internet to its citizens. As of May, 2023 around 52% of India can have access to Internet, But the government is not recognizing the need to educate people regarding the information or news provided on internet. We don't know if the information is genuine or not, on the basis of some fake pictures people were attacked out of anger. Social prejudices and intolerance can also be seen as one of the reasons mobs have lynched individuals in the past and still can be seen in some parts of Odisha, Odisha witnessed 19 witchcraft-related murders in 2019, while there were 18 murders each in 2018 and 2017 as well as 25 in 2016 and murders due to witchcraft were also reported from Jharkhand (8), Uttar Pradesh (7), Andhra Pradesh (4) the NCRB data showed.⁴

In the Rakbar Khan case, Alwar court acquitted one VHP leader from the trial stating lack of evidence, even though there was a telephonic conversation between the VHP leaders and assailants. Organized crimes like these pose a huge threat to our societal structure.

Adding to these unruly activities, political interests have cultured an atmosphere of morose suspicion and hatred towards religious minorities who are perceived as outsiders which are being aggressively propagated through social media. In many states, the ruling allowance has projected a sense of political freedom to vigilante groups who attack minorities. So, Dictatorial power and truth are mutually exclusive, they can never travel together. When it comes to the legal system, we don't have rigid laws for justice, But it is possible under Section 223(a) of the (CRPC) to prosecute together two or more people accused of the same offenses committed in the course of “same transaction”.⁵ But the provision falls short of an adequate legal framework, in the sense it doesn't solely recognize mob-lynching as a crime for prosecuting lynch mobs. So, there is a need to make the bills introduced by the members of parliament as well as suggestions from the Supreme Court to curb such violence. The discerning observer cannot help but notice a disconcerting trend within a particular faction of political circles,

⁴Chapter-3 - Violent Crimes, NCRB
https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Chapter%203-15.11.16_2015.pdf. Accessed 30 May 2023.

⁵ Sec 223(a) IPC 1860

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wherein the pursuit of populism eclipses the imperative of upholding justice and preserving societal harmony. Regrettably, there are instances where certain politicians, driven by the pursuit of appeasement, lend their support to acts such as mob lynching, and in some cases, even indirectly engage in such reprehensible activities. This prevailing state of affairs necessitates a critical juncture wherein our political representatives must embrace a profound comprehension of the intrinsic values that underpin our diverse democracy.

Below stated are some steps through which Mob Lynchings can be prevented:

- I. State Governments should appoint a senior police officer, not below the rank of a S.P., who should act as the Nodal officer, Special team should be formed under this officer which will exclusively look into the matter of mob Lynchings, use preventive measures to stop spread of fake news which might have the potential of causing grievous harm to the society through false incitement.
- II. A special wing for mob lynchings should be made under the ambit of Human Rights Commission be it at State level or National Level for a thorough glance through the matter. Currently there exists no such branch in the Commission. Make sure that adequate monetary compensation, Government job to a family member or both should be given by the State. This will make even the law enforcement agencies more vigilant and transparent, because when we are dealing with such grave issues, chances of lax behavior or corruption might pop up in the future.
- III. Anti-lynching legislation is the need of hour, without having stringent laws to stop lynchings will make it worse and no better. We can see how the Rajasthan Assembly passed the Rajasthan Protection from Lynching Bill, 2019, providing for life imprisonment and a fine from ₹1 lakh to ₹5 lakh to those convicted in cases of mob lynching leading to the victim's death.⁶ These are some steps through which we can try to make this place free of arbitrary killings of innocents and provide them relief when required.

The resounding clarion call of our Constitution, emblazoned with the words "We the People of India," epitomizes the essence of our nationhood. It bespeaks a profound truth: that the collective will and endeavor of each and every individual residing within the boundaries of this

⁶"Bill No. 22 of 2019 (Authorised English Translation) THE RAJASTHAN PROTECTION FROM LYNCHING BILL, 2019 (To be introduced in the." PRS India, https://prsindia.org/files/bills_acts/bills_states/rajasthan/2019/Bill%2022%20of%202019%20RJ.pdf.

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sovereign state intertwine to form the very fabric of our cherished nation. Hence, it becomes a matter of deep concern and reflection when we observe acts of injustice that tarnish the harmony and tranquility we ought to collectively embrace. It is a lamentable reality that some among us are subjected to unfairness and inequity, engendering an environment that runs counter to the ideals of peace and coexistence. Rather than nurturing a climate of amity, we find ourselves traversing a treacherous path, one marred by the afflictions of discrimination and prejudice. Such actions not only contravene the principles enshrined within our constitutional framework but also impede the realization of our shared vision for a harmonious society.

Judicious path of progression

The recent Rakbar Khan case has also highlighted the fact that the very mindset behind the act of lynching is a weapon against our country. It goes against every aspect of our country, as stated in the Preamble of the Constitution of India. In contemplation of our current predicament, it becomes evident that the culpability for the prevailing state of affairs lies not solely with the flawed system or the transgressors themselves. Instead, we must recognize that a profound transformation in the collective consciousness is imperative. To effectuate lasting change, both institutional reforms and a fundamental shift in individuals' mindsets are indispensable. It is incumbent upon us to acknowledge our shared responsibility for the prevailing malaise. Mere reliance on the statutes and regulations in place will prove insufficient in addressing the deep-rooted issues we confront. Rather, a united front, a convergence of our energies, is the imperative need of the hour. As the sons and daughters of our beloved motherland, it falls upon us to forge an indomitable alliance, to stand resolute as a singular force, and to vanquish this abhorrent evil that plagues our nation. Our lawmakers should make an effort to create a legal framework for mob lynching that respects human rights and dignity and on the other hand, is in sync with each party involved. We should make this issue a social thing on which our future depends and make efforts to save the public harmony of our country, which is famous for its diversity, and make this country a better place to live for everyone.

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