

Mob Lynching: A Stigma On Civil Society

Meenu Yadav

Research Scholar

Department of Law, Banasthali Vidyapeeth (Rajasthan)

Email: yadav.meenu015@gmail.com

ABSTRACT

We are living in the 21st century; an era of civilization, progress, development, prosperity, intellect and with all possible comfort but even than we are lagging behind with some immortal evils like, poverty, illiteracy, unemployment and violence. The word Mob Lynching has made its place successfully in the modern time as a mode of quick justice by using violence. It is the word we are listening every day in news papers and through various sources of communications. Lynching is a crime of extremism. It evolved from the attitudes of slavery, brought about by malcontent, and a macabre on the parts of the white citizens, especially white men. This practice unequivocally altered the mindset, character, and spirit of the African American male which was based mainly on racism. This research paper addresses the historical content of lynching as well as the continuation of trends used for legitimizing the practice.

Communal violence against religious minorities and Dalits is one of the oldest hate crimes. The root of the minority problem lies in oppression, suppression, discrimination, exclusion and denial of identity by other majority group. Although it is a world spread issue of gap between rich and poor and it's become a challenge before every country and community. Since post independence era it is a matter of fact that in India dominant communities tend to enjoy social, political and economic position in comparison to that of minorities and dalits and one has tried to keep control over other, even some times they are treated as animals. Our Constitution is safeguarding right of minorities and marginalized section of our society, but the same is much far on the part of its execution. But now a days increased number of mob violence and lynching incidents are alarming us, it is showing failure of administrative, legislative and institutional machinery, which is essential to realization of rights of vulnerable section and minorities. Lynching is extrajudicial punishment to the accused or suspected person by the crowd or informal group without any legal

authority and shows failure of judicial system in the country. In India, lynching and mob violence generally reflect internal tensions between numerous ethnic communities.

INTRODUCTION

“Lynching is an affront to the rule of law and to the exalted values of the constitution itself.....lynching by unruly mob and barbaric violence arising out of incitement and instigation cannot be allowed to become the order of the day.”¹

Lynching is an act of organized manslaughter which has no place in any civilized society. The act of lynching not only underestimates the socio economic and political structure of any country but also puts a big question mark on the functioning of government and other agencies. There is a high rise in Mob Lynching in India. People are lynched under the pretext of being ‘beef eaters’, ‘child lifters’, ‘practitioners of witch craft’, ‘Romeos’, ‘anti-nationalists’, ‘blasphemous’ and so on. Lynching is a form of instant justice being administered against a presumed offender without any trial or procedure established by law which promotes mobocracy and is in direct conflict with the well-established principle of ‘rule of law’.

The Hon’ble Supreme Court of India in famous case of Tehseen Poonawalla vs. Union of India, held that “when any core group with some kind of idea take the law into their own hands, it ushers in anarchy, chaos, disorder and eventually, there is an emergence of a violent society. Vigilantism cannot, by any stretch of imagination, be given room to take shape, for it is absolutely a perverse notion.”² \

Junaid Khan’s murder by a mob on a commuter train (June 2017, in Haryana province); Alimuddin Ansari’s, by Gau Rakshaks (self styled cow protectors), on a busy street (July 2017, in Jharkhand) Pehlu Khan’s, also by Gau Raksha Dal on a busy highway (May 2017, in Rajasthan) and that of the many other cases of vigilante violence in India recently, all fit the pattern-perpetrators are private gangs, that invite onlookers to join in, in dispensing ready

¹ WRIT PETITION (CIVIL) NO. 754 OF 2016.

² Ibid.

justice, on victims accused by the mob of a crime with the act of the punishment itself committed in full public view. Indeed, in most cases, the attackers take pictures and videos of the attack, with them in it, and share it widely on social media platforms. The common accusation made against the victims is of possessing and eating beef and slaughtering cows.³

In Hindu majority India, where cow is a revered animal, slaughter and consumption of beef are crimes, although until now, only lightly enforced. Muslims and Dalits, partly because they have no taboo against consuming beef, and also because it is cheaper than other meats and thus an affordable source of protein, commonly consume beef. It is enough that Muslims or Dalits were involved somehow. Neither of relevance is the fact that if the cow laws are broken, it is for law enforcement agencies to take action, and not for private groups to dispense summary justice.⁴

In the last few years, cow vigilantism has been the catalyst of much hate violence against Muslims particularly, across India. But there are other excuses too for vigilantism such as the lynching to death of the elderly Ghulam Mohammad by Hindu Yuva Vahini (HYV) members in Buland shahr district, Uttar Pradesh province (July 2017) for no other reason than being a neighbor to a Muslim boy who was in a relationship with a Hindu girl from the vicinity. In effect, much vigilante violence is about punishing Muslims in particular, the ostensible reason provided depending on the specifics of the cases.

CAUSES AND IMPACTS MOB LYNCHING:

- Diminishing Constitutional Value of fraternity. Social cohesion in the society is decreasing.
- No fear among the people due to slow investigative and judiciary process and low conviction rate.
- Support from powerful people and politicians for vote bank.

³ <http://timesofindia.indiatimes.com/city/delhi/accused-in-junaid-case-has-confessed-police/articleshow/59518467.cms>

⁴ [www.missal.ngo>uploads.2017/09](http://www.missal.ngo/uploads.2017/09)

- Lack of courage among civil servants leading to dereliction of duty. Prakash Singh Committee report indicated civil servants for dereliction of duty during recent Haryana violence.
- Indifferent attitude towards other cultures and religions.
- Ineffective and delayed justice.
- The Silence of political class. They are ineffective to create deterrence through strong law.⁵

The reasons why episodes of mass public violence happen so frequently in India are three:-

First, because of the structure of our society and religion, we have group identity. We recognize the stereotype characteristics of communities the wise Brahmin, the violent butcher, the stupid barber and so on. We do not recognize the individual and the fact that no two of us are alike. This makes it easier for the mob because little information is needed about the accused other than his community identity before anger is built up and violence breaks out against him.

Second, this violence is difficult to contain because in India the government is small and it is weak. It has all the weaknesses of our society and it is further burdened by not having adequate resource. Almost no act of mob violence is ultimately punished in court.

Third, often the state and the individuals who control it are participants in the violence. The knowledge that the rule of law is weak and that this will lead to murder does not stop leaders from pushing laws that promote it, like the beef ban. As for the USA they went from a place termed by Mark Twain as the United States of Lyncherdom, to no longer having this problem, without any special law to deal with it so a special law is not a necessity.⁶

Reasons for its emergence

⁵ <https://blog.forumias.com/moblynching>

⁶ <https://www.civilserviceindia.com/current-affairs-articles/rising-mob-violence-in-India.html>

- **Rise of cow vigilante**

Even since, Government imposed a ban on the sale and purchase of cattle for slaughter at animal markets across India, under Prevention of Cruelty to Animals statutes (26th May 2017), it sparked a new wave of cow vigilante in the country. Though the Supreme Court, suspended the ban on the sale of cattle in its judgment in July 2017, giving relief to the multi-billion dollar beef and leather industries and several states where beef is one among the primary foods there was a rise in attacks on Muslims accusing them as beef eaters.

Silence of political class

Despite the rising mob violence, the political class and bureaucracy continued remains a silent spectator. The human rights observers, feel political class in behind the rise mob lynching since most of the people who are ruling the country retained or captured the power through political system which aggressive and violent. Besides, they have built their political career propagating violence against minorities, where the mobs feel empowered and strong. The political class, apart from their customary condemnation, they avoid visiting the victims or their surviving families.

- **Rumors of child lifters**

Rumours of child kidnappers proved to an ignition point for mob violence, where WhatsApp posts were circulated Odisha, Tamilnadu, Gujarat, Karnataka, Telangana, Tripura and West Bengal. This claimed several lives on domestic visitors, mentally deranged peoples and incited numerous mob attacks. According to home ministry figures, 54,723 child kidnapping cases (2016), 41,893 cases (2015), 37,854 cases (2014).It was found that the police filed charges against the kidnappers in only 40 per cent cases in 2016 and around 23 per cent of the cases decided in 2016. Besides, state governments should be vigilante and try to prevent mob violence triggered by rumors. One way could be to keep detect rumors circulating on social media in their respective areas well before the public vents its anger and frustration at the innocent individuals.⁷

⁷ <https://www.civilserviceindia.com/current-affairs/articles/rising-mob-violence-in-india.html> (last seen on
Page | 5185

- Senior ministers and elected representatives frequently come out in open defense of the attackers, charging the victims with provoking the attacks.
- The current phenomenon of lynching is to be what intellectuals describe as command hate crime. By this underline, first, that these are hate crimes, not ordinary mob violence, as these mostly target identified minority communities and disadvantaged caste and second that these crimes are tacitly or openly encouraged by senior leaders of the political establishment.⁸
- With modernity, there is growth of individualism and an erosion of associational life.
- Weakening of civil society organizations and other organic institutional links.
- A culture of political mobilization that uses violence as a tool of politics.
- Ineffective and delayed justice (Assam Lynching of rape accused).
- High Unemployment rates leave millions of youth unengaged. (Manesar Maruti Plant Incident).⁹

IMPACTS:-

States Perspective

- It is against the values upheld in constitution of India.
- This may lead to growth of feeling of sub-nationalism.
- Radical and extremists organizations such as ISIS etc could take leverage of atmosphere created by such incidents

Society

- This impact solidarity of society and idea of Unity in diversity
- This create an atmosphere of majority v/s minority
- It could aggravate caste, class and communal hatred.
- This may increase the extent of domestic conflict and subsequent militarization.

Economy

⁸ <https://www.insightsonindia.com/2018/07/21/insights-into-editorial-the-mob-that-hates/>

⁹ <https://blog.forumias.com/mob-lynching/>

- This impacts both foreign and domestic investment thereby adversely affecting sovereign ratings. Many International agencies warned India against mob lynching incidents.
- It directly hampers internal migration which in turn affects economy.
- Large resources deployed to tackle such menaces induces extra burden on state-exchequer.

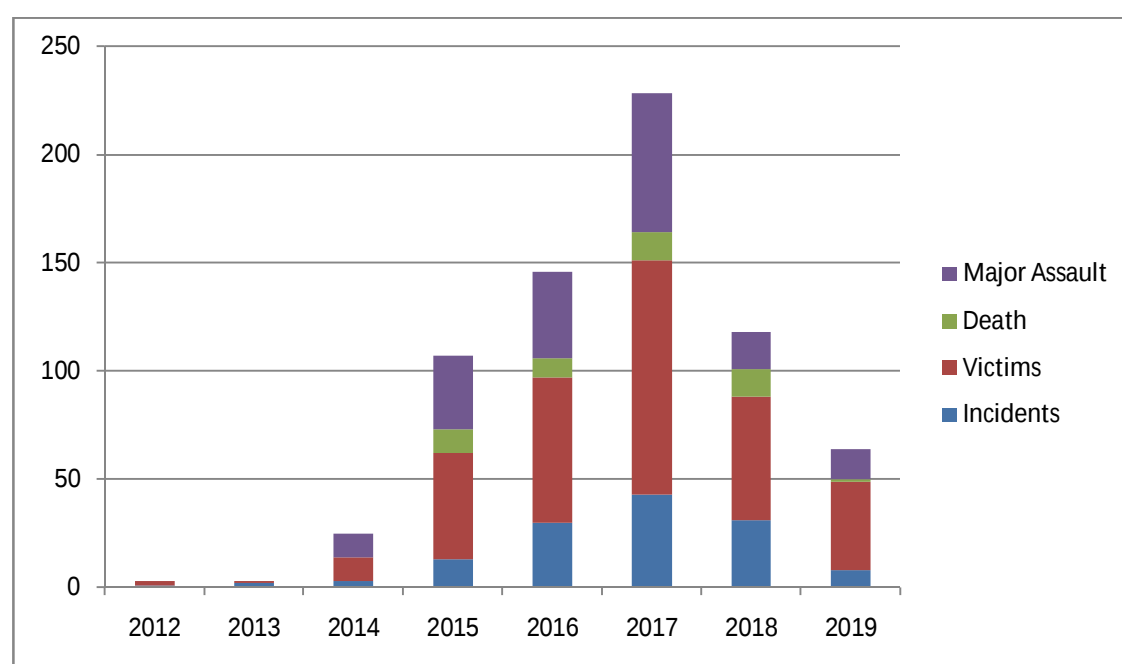
Steps taken so far Civil society Launched 'NOT IN MY NAME' campaign: to protest against the cow vigilantism. Civil society also launched National Campaign against Mob Lynching (NCAML). It is also known as MASUKA short for Manav Suraksha Kanoon (law to protect humans).

Between 2014 and 3 March, 2018, 45 persons were killed in 40 cases of mob lynching across nine states, and at least 217 persons had been arrested, data compiled by the home ministry show, Details on the motive – whether cow vigilantism, communal or caste hatred, or rumours of child-lifting, etc, the location of the attack, identity of the attacker, and victim, were not available.

Cow related violence in India statistics

Year	Incidents	Victims	Death	Major Assault	Minor Assault
2012	01	02	0	0	02
2013	02	01	0	0	01
2014	03	11	0	11	0
2015	13	49	11	34	04
2016	30	67	09	40	18

2017	43	108	13	64	31
2018	31	57	13	17	27
2019	08	41	01	14	26



CONCLUSION

Every country has its own social, economical and political issues. Besides of some beautiful aspects there could be some fearful evils and challenges and overcome from that needs centuries of time. Besides of regular challenges i.e. poverty, corruption, illiteracy, unemployment and gap between rich and poor, a new problem ‘Mob Lynching’ has arisen and increasing day by day in India. ‘Mob has no face’ but we make a very big mistake when we associate it with a particular community. In recent times we have seen a lot of incidents of mob lynching for various reasons

but some people intentionally related it with a specific religion and tried to make it religious issue. Violence cannot be accepted against anyone. It is heinous crime against the human being which cannot be justified in any way and violates the fundamental rights and freedoms given by our constitution. From Khap Panchayats to cow vigilantes or any other form of lynching these crimes are committed on vulnerable groups on the basis of race, religion, caste and community and are continuously rising due to rising fanaticism and polarization.

Mob Lynching is a stigma on our society. In India, to overcome from the evil many efforts has been taken at different levels. The Central Government has issued orders to all the State Governments to take effective and strict action against the criminals. The Government has introduced 'MASUKA' Bill in the Parliament which is under consideration. The bill has detailed provisions regarding prevention, punishment, compensation, rehabilitation and various authorities for its execution. The Government is keen to eradicate this evil from the society and it's also becomes the duty of every citizen not to participate in any illegal activities and show faith and regard towards our Constitution.

REFERENCES

1. WRIT PETITION (CIVIL) NO. 754 OF 2016.
2. <http://timesofindia.indiatimes.com/city/delhi/accused-in-junaaid-case-has-confessed-police/articleshow/59518467.cms>
3. [www.missal.ngo>uploads.2017/09](http://www.missal.ngo/uploads/2017/09)
4. <https://blog.forumias.com/moblynching>
5. <https://www.civilserviceindia.com/current-affairs-articles/rising-mob-violence-in-India.html>
6. <https://www.civilserviceindia.com/current-affairs/articles/rising-mob-violence-in-india.html>
7. <https://www.insightsonindia.com/2018/07/21/insights-into-editorial-the-mob-that-hates/>
8. <https://blog.forumias.com/mob-lynching/>

9. What is behind India's epidemic of 'mob lynching'? | Politics | Al Jazeera
<https://www.aljazeera.com/.../india-epidemic-mob-lynching-170706113733914>, Jul 6, 2017, visited on 04/09/2018
10. First Post staffs. Khairlanji Massacre: On 10yr anniversary of brutal attack on Dalits, Maratha agitation gains momentum.
11. <http://www.firstpost.com/politics/khairlanji-massacre-on-10-yr-anniversary-of-brutal-attack-on-dalits-maratha-agitation-gains-momentum-3023870.html>
12. Sandip Roy. Don't touch 'our' women; Dimapur lynching was never about justice. First Post, 2015. <http://www.firstpost.com/india/dont-touch-our-women-the-dimapur-lynching-was-never-about-justice-2143305.html>
13. Lynching mob violence, <https://www.britannica.com/topic/lynching>, visited on August 18th, 2018
14. India's Supreme Court Recommends Parliament Act on Mob available at <http://www.bloomberg.com/.../articles/.../india-s-supreme-court-recommends-parliament>,
15. To end mob lynching, Supreme Court gives an 11-point prescription <https://www.hindustantimes.com ›india news Jul 17, 2018 - The Supreme Court on Tuesday condemned mob lynching incidents across the country and urged Parliament to enact a law>,
16. MOB FRENZY AND LYNCHING...#NOT IN MY NAME, written by Neesha Halal available at www.worldresearchlibrary.org/up_proc/pdf/1059-150848285714-19.pdf
17. <https://www.newslaundry.com/2017/07/04/mob-lynchings-in-india-a-look-at-data-and-the-story-behind-the-numbers>