

THE MENACING GROWTH OF MOB LYNCHING IN INDIA AND ITS IMPACT

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ABSTRACT

The spate of lynching during the past few years is unexpectedly becoming a big challenge for democratic norms. People are lynched under the pretext of being beef eaters, child lifters, practitioners of witch craft, romeos, anti-nationalists, blasphemous and so on.

Such type of attacks have a drastic impact on the victims and their family. They are usually tortured by vigilante groups, economically deprived and unaware about their rights. A separate law would provide preventive, punitive and remedial measures for the benefit of victims and their family. It became a national phenomenon and there is huge outcry from all corners of the country.

The study sought to understand the circumstances of the violence in all cases of attacks that resulted in death and sexual violence and to identify the perpetrators as well as the networks behind them. More importantly, the investigation sought to shed light on the post violence actions of law enforcement and prosecution agencies and to document the working of the criminal justice system for victims of hate violence. The findings are depressing, representing the failures of the state, both of omissions and commissions with regard to the victims. We will have to concentrate on better digital literacy of the citizens who are using social media platforms. There has been increasing attention on mob lynching because of high profile cases of anti-minority violence over the last few years. The present study focuses on such issues and tries to find working solutions.

Key words:- Social media, rumour, mob lynching and law, violence, digital media, fake news and semi-literate society, etc.

INTRODUCTION

During the past few years, India is facing an unprecedented crisis of mob lynching. Lynching phenomenon is not new in Indian context but recent spurt in the lynching incidents is not only surprising but utterly shocking indeed for any person who believes in democratic principles. The fervour of the lynch mobs was largely facilitated by social media, which efficiently delivered rumour to solidify a "common cause". So, the big difference between the lynching phenomenon of the past and the present acts is the role of social media.

Mob violence and lynching are not new to India but rather have a long history in the country, often linked to historical injustices such as those related to the caste system. Mob justice can be explained as a situation where a crowd of people, sometimes several hundred, take the law into their own hands, act as accusers, jury and judge and punish an alleged criminal on the spot. This procedure often ends up with the victim being beaten to death or seriously injured. Merriam Webster dictionary describes lynching as, Putting to death by mob action without legal approval. Vocabulary.com describes lynching as putting to death of a person through mob action without recourse to the law –an unlawful murder by an angry mob of people. Lynching's originated in the 19th century America, where white mobs lynched black Americans if they crossed any historically embedded hierarchical boundary and to instil a sense of fear amongst them.

Our country is witnessing mainly two forms of mob lynching. First, In the name of cow protection vigilantism in which "strident gau raksha sloganeering has contributed to the environment where people believe they can get away with violence in the name of the cow. The other type, which is prevalent during the past few months, is associated with rumours of kidnapping of children to harvest their organs. In both types of lynching acts, dozens of people have lost their lives who were innocent and poor. As mentioned earlier, in the latter case rumour mongering was done largely through the use of social media platforms like Whats App and Facebook.

MOB VIOLENCE HAS TRADITIONALLY TAKEN THREE FORMS:-

- 1) What is called 'witch-hunting' of mobs lynching mentally challenged women in parts of rural India, accused of stealing and sometimes murdering children, the Hindi term for witch being 'Dayan'. An estimated 2097 such murders were committed between 2000 and 2012 in at least 12 states of the country. (Bakshi and Nagarajan, 2017)
- 2) Historical caste violence against Dalit's, including rape, murder and other forms of physical attacks all by mobs.
- 3) Lastly mob violence during communal conflagrations, such as against Sikhs (1984), Christians (Kandamahal, 2009, and other times) and against Muslims in Gujarat (2002), Muzaffarnagar (2013) and Baksa (2015), etc.

PRESENT SCENARIO OF MOB VOILENCE: -

In India, one of the first such incidence took place on 10th June 2012 where activists of Vishwa Hindu Parishad (VHP) and gowshala sang damaged the factory and burnt the houses of its owners when 25 carcass (similar to that of cows) were found near their factory and were suspected to have killed them.

A. Cow protection/ Cow terrorism:-A review of media reports shows 32 cases of attacks by mobs or vigilante groups on Muslims since May 2014.Ex-

- 1) Alwar district in Rajasthan where one Rakbar Khan lost his life.
- 2) The lynching of Mohd. Akhlaq in Dadri (UP) on 28th September 2015.
- 3) In the Mewat rape case, a 14-year old girl was raped along with her 20 year old cousin by four antisocial elements who barged into their house at night. She told the media later that the rapists told her that they were going to punish her for eating beef.
- 4) In 2016, some Dalit youths in Una, Gujarat were stripped and beaten in the name of cow vigilantism.
- 5) In March 2016, 12 year old boy Inayatullah Khan was hanged along with Mohd. Majloom by a mob of villagers on the mere suspicion of cattle trading.
- 6) In Bihar, In 2007, 10 Nat youths were lynched in Raja Pakar village in Vaishali district, following rumors that they had come to steal. During the communal flare-up last year.
- 7) Zainul Ansari, 82, was lynched and then burnt by a mob at Sitamarhi district.
- 8) Three men were beaten to death by a mob in Bihar on suspicion of stealing cattle in Baniyapur village in Saran district on 19 July, 2019.

The spread of cow terrorism cases spans 12 states of India. Between June 2014 and December 2015, 11 such attacks took place but after that, the pace has increased with 2016 recording 12 cases and 2017, 9 cases in six months. Most such attacks have occurred in North India. In some cases, the mob frenzy was turned into barbaric acts also.

B. Child-lifting rumours:-

In the last one year, 27 people were killed in 15 cases of lynchings by frenzied mobs provoked by the wild rumours of child-kidnapping across nine states- from Assam to Tamil Nadu. According to an investigation carried out by the Indian Express team, there were 9 people in Maharashtra, 1 people each in Karnataka, Tamil Nadu, Telangana and Chhattisgarh, 2 people in West Bengal, 2 people in Assam, 3 People in Tripura and 7 People in Jharkhand who become the victim of mob lynching. 9 Incidentally, the process has not stopped fully. Stray incidents are

occurring here and there. In these incidents, the spread of fake news of child kidnappers on WhatsApp and other social media platform.

REASON BEHIND MOB VIOLENCE-

The reason behind commission of an act of mob violence cannot be attributed to one factor as many factors can contribute towards such violence. The most common reason is technology. In the last one year, 28 people across nine Indian states have been lynched in separate incidents, which have been triggered by rumours spread on social media. One such incident occurred on 15 July 2018 in Karnataka when a software engineer was beaten to death on the suspicion of being a kidnapper. The spate of lynching started in eastern Jharkhand state after rumours on WhatsApp about child kidnappers led to the killing of seven men. The rumours have since resurfaced, with 21 deaths reported in dozens of attacks across the country mostly targeting non-locals.

While in all the incidents, rumours of child lifting went viral in a matter of minutes or even seconds, the police were ill - equipped to deal with the situation. It is well known that the ratio of policemen to population in India is one of the lowest in the world. The unequipped police and misinformed public are responsible for such lynching. Undoubtedly, the political outfits and organization behind aforesaid acts of violence harness the results of such crimes by moulding them into a political and social propaganda to brainwash one particular community against another and subsequently capitalizing the gains out of it in a manner of their choice namely, elections. According to a Human Rights Watch (HRW) report, ban on beef legitimises vigilante activities by the government which supports such vigilante groups (cow protection groups).

MOB LYNCHING AND THE LAW-

The Supreme Court of India in Tehseen S. Punawalla's,4 petition has observed that mob violence is a crime whatever the motive. Saying it would "not confine these incidents to any particular motive, "the Court said "this is mob violence, which is a crime. The Court said that "it was the obligation of the states to ensure that such incidents do not occur. The Apex Court also urged the Central Government to frame Anti-lynching laws as there are none at present to deal with this menace. In the light of directions given by the Apex Court, the Central Government has formed a Group of Ministers (GOM) to deliberate upon the matter and give suggestions regarding formulation of new law for curbing the menace of lynching. Further, the Ministry of Home Affairs and the Law Ministry at the Centre are on the job to put up a draft law. It is hoped that the new law will soon come up as Supreme Court is monitoring the issue.

Under our legal regime, there is no specific provision for mob lynching. Even the word 'Lynching' is nowhere defined. The common definition of lynching by the NAACP (National Association for the Advancement of Colored People) in the U.S. is that:-

- (i) There must be evidence that a person was killed.
- (ii) The person must have met death illegally.
- (iii) A group of three or more persons must have participated in the killings.
- (iv) The killing is carried out in public.

The public nature of the crime is intended to make it an impact crime, to teach not only the person lynched a lesson but to make an entire community afraid of exercising its civil rights.

However, presently, there is no special provision or law to punish mob lynching or hate violence in India but there are some other provisions related to such violence.

The Code of Criminal Procedure (CrPC) under Section 223 (a) provides that the mob involved in same offence in the same act can be tried together. The Indian Penal Code (IPC), 1860 also has some proximate sections related to hate speech and hate crimes under Sections 153A (promoting enmity between different groups on grounds of religion, race, place of birth, residence, language etc. and doing acts prejudicial to maintenance of harmony), 153B (imputation, assertions prejudicial to national integration), 505 (statements conducing to public mischief) but as seen in majority of the cases, these sections weren't imposed upon the perpetrators and only sections against individuals such as Section 302 (punishment for murder), 307 (attempt to murder), 323 (punishment for causing hurt), 325 (punishment for causing grievous hurt) etc. are applied because of which the crime is seen as an offence against individual and not the community. Such an approach is not justified as incidents like mob lynching are seen from communal lenses and are usually targeted against a certain minority, caste, religion, gender etc. and is a matter of public order and not merely an offence against a person. The offence of lynching usually takes place as an organized hate crime against a community so it must be considered as a heinous offence.

Preventive Measures-

- (i) The State Governments shall designate, a senior police officer, not below the rank of Superintendent of Police, as Nodal Officer in each district. Such Nodal Officer shall be assisted by one of the DSP rank officers in the district for taking measures to prevent incidents of mob violence and lynching. They shall constitute a special task force so as to procure intelligence reports about the people who are likely to commit such crimes or who are involved in spreading hate speeches, provocative statements and fake news.

(ii) The State Governments shall forthwith identify Districts, Sub-Divisions and/or Villages where instances of lynching and mob violence have been reported in the recent past, say, in the last five years. The process of identification should be done within a period of three weeks from the date of this judgment, as such time period is sufficient to get the task done in today's fast world of data collection.

(iii) The Secretary, Home Department of the concerned States shall issue directives/ advisories to the Nodal Officers of the concerned districts for ensuring that the officer In-charge of the Police Stations of the identified areas are extra cautious if any instance of mob violence within their jurisdiction comes to their notice.

(iv) The Nodal Officer, so designated, shall hold regular meetings (at least once a month) with the local intelligence units in the district along with all Station House Officers of the district so as to identify the existence of the tendencies of vigilantism, mob violence or lynching in the district and take steps to prohibit instances of dissemination of offensive material through different social media platforms or any other means for inciting such tendencies.

(v) It shall be the duty of every police officer to cause a mob to disperse, by exercising his power under Section 129 of CrPC, which, in his opinion, has a tendency to cause violence or wreak the havoc of lynching in the disguise of vigilantism or otherwise.

(vi) The Home Department of the Government of India must take initiative and work in co-ordination with the State Governments for sensitive the law enforcement agencies and by involving all the stake holders to identify the measures for prevention of mob violence and lynching against any caste or community and to implement the constitutional goal of social justice and the Rule of Law.

(vii) The Central and the State Governments should broadcast on radio and television and other media platforms including the official websites of the Home Department and Police of the States that lynching and mob violence of any kind shall invite serious consequence under the law.

(viii) The police shall cause to register FIR under Section 153A of IPC and/ or other relevant provisions of law against persons who disseminate irresponsible and explosive messages and videos having content which is likely to incite mob violence and lynching of any kind.

Remedial Measures-

(i) Despite the preventive measures taken by the State Police, if it comes to the notice of the local police that an incident of lynching or mob violence has taken place, the jurisdictional police station shall immediately cause to lodge an FIR, without any undue delay, under the relevant provisions of IPC and/ or other provisions of law.

(ii) It shall be the duty of the Station House Officer, in whose police station such FIR is registered, to forthwith intimate the Nodal Officer in the district who shall, in turn, ensure that there is not further harassment of the family members of the victim.

(iii) In the said scheme for computation of compensation, the State Governments shall give due regard to the nature of bodily injury, psychological injury and loss of earnings including loss of opportunities of employment and education and expenses incurred on account of legal and medical expenses. The said compensation scheme must also have a provision for interim relief to be paid to the victim (s) or to the next of kin of the deceased within a period of thirty days of the incident of mob violence/ lynching.

(iv) The cases of lynching and mob violence shall be specifically tried by designated court/ Fast Track Courts earmarked for that purpose in each district. Such courts shall hold trial of the case on a day to day basis. The trial shall preferably be concluded within six months from the date of taking cognizance.

We may hasten to add that this direction shall apply to even pending cases. The District Judge shall assign those cases as far as possible to one jurisdictional court so as to ensure expeditious disposal thereof. It shall be the duty of the State Governments and the Nodal Officers in particular to see that the prosecuting agency strictly carries out its role in appropriate furtherance of the trial.

(v) To set a stern example in cases of mob violence and lynching, upon conviction of the accused person, the trial court must ordinarily award maximum sentence as provided for various offence under the provisions of the IPC.

(vi) The victim or the next of kin of the deceased in cases of mob violence and lynching shall be given timely notice of any court proceedings and he/she shall be entitled to be heard at the trial in respect of applications such as bail, discharge, release and parole filed by the accused persons. They shall also have the right to file written submissions on conviction, acquittal or sentencing.

(vii) The victim (s) or the next of kin of the deceased in cases of mob violence and lynching shall receive free legal aid if he or she so chooses and engage any advocate of his/her choice from amongst those enrolled in the legal aid panel under the Legal Services Authorities Act, 1987.

Punitive Measures-

(i) Wherever, it is found that a police officer or an officer of the district administration has failed to comply with the aforesaid directions in order to prevent and or investigate and facilitate expeditious trial of any crime of mob violence and lynching, the same shall be considered as an act of deliberate negligence and or misconduct for which appropriate action must be taken against him/ her and not limited to departmental action under the service rules. The departmental

action shall be taken to its logical conclusion preferably within six months by the authority of the first instance.

(ii) In terms of the ruling of this Court in *Arumugam Servai V. State of Tamil Nadu*¹⁴, the States are directed to take disciplinary action against the concerned officials if it is found that- (1) such official (s) did not prevent the incident, despite having prior knowledge of it, (2) where the incident has already occurred, such official (s) did not promptly apprehend and institute criminal proceedings against the culprits.”

Undoubtedly, the above mentioned guidelines are more than sufficient to put a check on lynching practices anywhere in India. What is needed is honest and sincere implementation on the part of concerned authorities.

National Crimes Records Bureau (NCRB), the principal source of official statistics on crime in India, does not record lynching and there is no law against lynching in India. This is strange, given India has a long history of lynching. Section 223(a) of the Code of Criminal Procedure, 1973 says that persons or a mob involved in the same offence in the same act can be tried together. But, this has not proved to have given enough legal teeth to (the) justice delivery system.”(Abraham and Rao, 2017, quoting India Today).

As mob lynching is not a separate offence in India, the National Crime Records Bureau (NCRB) does not in its annual report collect data related to such violence. In order to understand the current condition and coverage of the offence such data is relied upon. It is also important to understand the motive and context of these incidents through bias indicators which specifies the reason behind the act and provides a better understanding of the situation.

ROLE OF SOCIAL MEDIA-

As discussed earlier, rumors act as a catalyst for the people who indulge in lynching activities. This rumour is spread by word of mouth and also by using social media platform like WhatsApp, Facebook or Twitter. In this regard, the central government has told WhatsApp to use technology to curb such rumors. WhatsApp has also launched new feature to label forwarded messages and not created by the sender and forwarded messages at a time limited by WhatsApp. There is no one to monitor or control the unverified and objectionable news or information which can create mistrust, hatred and violence among the masses. It has been underlined many a times in the media that Facebook and WhatsApp are the most lethal social media tools in this regard. WhatsApp to limit forwarding messages in India after mob lynchings. Its announcement comes after a spate of mob lynchings were linked to messages that circulated on WhatsApp groups.

RECOMMENDATIONS-

At the individual level steps can be taken by the administration to ensure speedy justice, registering the FIR without any delay, quashing of the cross-cases which add to further victimization upon the already weak and poor, quashing of bail applications by the accused as they pose a serious threat to the victims and their family because of the hate linked with the crime. Apart from this relief and fair compensation should be paid to the victims or their family for the loss suffered by them and they should be provided free legal aid for them to secure justice.

The government should take steps to pass the law demanded by the civil society, **Manav Suraksha Kanon** (MaSuKa) which provides that the law to be made for mob lynchings shall be cognizable, non-bailable and non-compoundable and invite a life imprisonment along with a time-bound trial, compensation to the families of victims and the police action to ensure the protection of witnesses. MaSuKa would do the same for the victims of mob lynchings. The parliament should follow the guidelines issued by the Supreme Court to draft and pass a new law to deal with the cases of mob lynching which would provide a maximum of life imprisonment to the lynchers along with to the officials who directly or indirectly take part in such violence.

MOB LYNCHINGS AND COMMUNAL RIOTS-

Mob lynching and communal riots both rely on rumours to mobilize crowds on streets to carry out violence. Rumors are calculated to make people anxious and convert ordinary human beings into a member of lynch mobs. The common rumour during communal riots are – people of the other community have assembled with weapons. Mob lynching targets particular individuals who are proclaimed by the mob to be guilty of specific ‘crime’ or ‘wrong doing’. Communal riots mete out collective punishment. All members of ‘enemy’ community are targeted even those innocent and believed to be innocent of any wrong doing other than membership of their community.

Impact of lynching case-

Lynching crimes have severe psychological consequences, principally:

- Impact on the individual victim.
- Impact on the targeted community.
- Effect on other vulnerable groups.
- Effect on the community as a whole.

Because these acts are thought to inflict greater individual and societal harm, they are also expected to provoke retaliatory crimes, inflict distinct emotional harms on their victims and

incite community unrest – these are fit case for penalty-enhancement hate crime laws to fight them. They have impact over wider society, beyond that on individual victims.

OBJECTIVE-

The aim and objective of this study is to primarily investigate the concept of online trolling, bullying, abuse and rampant social media trial to punish an alleged offender. Can it be equated with a real physical incident of mob lynching. Our purpose is to increase our knowledge and understanding of the mob justice phenomenon and also examine how it can be prevented.

What changes in the society and what work related methods are adequate in order to prevent mob justice?

- 1) To find out connection between rumour by social media and mob lynching cases in India.
- 2) To see that how Whats App and social media is spreading rumor, hatred and violence.
- 3) What steps are being taken by the government and social media Platform Company to control the spread of vicious content?

HYPOTHESES-

- 1) What is current scenario of laws relating to mob lynching in India?
- 2) Who is responsible for such hate crimes?
- 3) Why is there a need to create a separate offence relating to mob lynching in India?
- 4) Which are the other state which face the similar problems of mob violence?

RESEARCH METHODOLOGY-

This research paper is mainly based on the qualitative methodology. Methods of case study and content analysis are used to examine the role of social media in spreading rumors, hatred and violence. A number of cases of mob lynching where Social media had played a major role in mob lynching have been taken for the study.

The main source of this research is digital media. We have selected news websites which are reliable and known for their responsible journalism and ethical commitment. These websites are national and international both.

DATA COLLECTION-

The stages of data collection were divided into two parts, Primary and Secondary. I started out with my first section while approaching to people who had experienced online trolling or online crime of any degree. Secondary data will be collected from different sources such as Journal, Magazine, Books, News-Paper, Website, Published and unpublished report, expert Article etc.

TOOL:- 1.PERSONAL DATA SHEET**RESULT AND DISCUSSION:-****Mob lynching in year 2017 and earlier year-**

5 March 2015-A mob of about 7000–8000 people broke into a prison, dragged a man detained under suspicion of rape out of the Dimapur Central Jail, paraded him naked and beat him to death in a case of vigilante justice

May 2015: 7 beaten to death in Jharkhand.

5 April 2017: Alwar mob lynching was the attack and murder of Pehlu Khan,a dairy farmer from Nuh district of Haryana, allegedly by a group of 200 cow vigilantes affiliated with right-wing Hindutva groups in Alwar,Rajasthan,India.

Mob lynching in year 2018 -

May: 2 killed in Tamil Nadu and 6 killed in Andhra and Telangana in separate incidents.

June 2018: -

- 1) 2 lynched to death in Assam.
- 2) 2 lynched in Aurangabad, Maharashtra.
- 3) Man lynched to death in Malda, West Bengal.
- 4) Man lynched to death in East Midnapore, West Bengal.
- 5) 45-year-old beggar woman killed in Ahmedabad, Gujarat.
- 6) 3 lynched to death in Tripura in a single day, including a man hired by the government to go around dispelling rumours.
- 7) 5 lynched in Maharashtra's Dhule district.

July 2018-

- 1) Five men have been lynched by a mob in India's western state of Maharashtra allegedly over rumours of child abduction spreading over WhatsApp.
- 2) 24 persons killed in mob attacks in 2018; analysis shows incidents rose 4.5-fold since 2017.

Year 2019-20 Lynching Case -**YEAR 2019-**

- 1) Members of a Muslim family in Gurgaon's Dhamaspur village and guests who had come to visit them were beaten with sticks and rods, allegedly by 20–25 men,who barged into their home and attacked them on Holi evening and demanded that they "Go to Pakistan and play cricket".
- 2) Actress Chahatt Khanna's car attacked by 14 drunk men on Holi in Malad,Mumbai.
- 3) Biswanath Chariali on 7th April 2019, a local resident,Shaukat Ali was attacked by a mob for allegedly carrying beef and forced to eat Pork.

4) Jharkhand Old ox dies, mob kills a man and three injured are booked for bovine slaughter.

YEAR 2020

1) **February 6, 2020-** A farmer was killed and five others critically injured in Khirkiya village of Madhya Pradesh on suspicion of being child-lifters. Ganesh, the farmer was beaten to death, while five his associates were left critically injured by the accused.

2) **23 February 2020-** North East Delhi riots, causing the deaths of 53 people.

CONCLUSION

Mob lynching is unacceptable in any civilized society. Mob lynching is fast gaining ground which is quite dangerous for a burgeoning democracy like India. It is rule of might, not right and not rule of law. It is for us to arrest the frequency and brutality of lynching by compelling the state to act against the lynch mobs in accordance with law. The constitution of India states that India is a secular nation that stands for equality and justice, irrespective of religion. But the recent rise in mob violence and hate crimes - primarily in the form of lynching in the name of religion, paints a very different picture of India.

We will have to concentrate on better digital literacy of the citizens who are using social media platforms. They are to be made aware about the difference between truth and fake news. In order to reach the masses in the rural area the help of local panchayat and village level functionaries can be easily procured by the district administration. Media awareness campaign among the journalists as well as users is a must. They should be made aware of consuming and sharing of harmless content.

Final thing is socio-political environment has to be improved. If political parties continue to instigate people on the name of religion or culture and government machinery do not perform its duty then mob lynching are bound to take place. Hence it is very clear that Indian society is very venerable for rumour. This is also responsibility of the mainstream media that it should always watchful of such contents. Another important aspect we have to focus is media literacy. In a semi-literate society, it is must that we educate people about how they should use media. Most of the people are unaware of the consequences of the content they are consuming from social and mainstream media.

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