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Mob Lynching

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ABSTRACT

The research paper's main focus is on one of the burning issues which are lately faced by India. It is 'Mob lynching'. An angry group of people called mobs (generally major community people), killing or harassing a person or group of people (generally minor community people) physically in a broad daylight to send a message to the society is called Lynching. In general, if a major community feels like a mistake is committed by a minor community though it is not counted as an illegal act or crime in the eyes of law then, these people take the laws into their hands and punish them. This process is called 'Vigilantism'. It is considered to be wrong as it shows disrespect towards the constitution and dilation of law. Basic concepts of Indian Constitution like secularity, equality and fraternity are infringed. Secularism in the country is questioned due to this kind of acts, because it is clearly visible that a person is discriminated on the basis of their religion and treated unfairly. The dominance of major communities clearly shows discrimination and inequality towards minorities. According to Indian Constitution Fraternity means brotherhood, national integration and leaves no room for regionalism, communalism, casteism or racism but mob lynching disobeys all the terms discussed. Terror is created in the heads of victims which makes them remain silent for all the injustice they face. This leads to violation of fundamental rights 'Right to Equality and Right to Freedom' are the major rights which are violated. Even after many protests, revolutions and riots it is still prevailing. Many campaigns took place to spread awareness among people and show how it is bad thing to do and the negative outcomes of Mob Lynching it is still prevailing in the society. Measures are taken by the government and new laws related to this are implemented to control and maintain sustainability

Keywords: *Infringement of rights, Vigilantism.*

I. INTRODUCTION

Lynching means killing of someone by a mob for an alleged offence without following any principles of jurisprudence or due process of law. Lynching is much more than a normal murder as murder occurs privately and lynching is a spectacle which demands audience. It is an extrajudicial punishment for an informal group. When majority of the society thinks it is a

¹ Author is a student in India.

crime done by a minor and if it is not illegal in the eyes of law then an angry group of people, without following any principles or following any legal trail, physically harass and tend to kill, then it is called as mob lynching. Lynching is done to send a message for a specific community in a society.

II. HISTORY

Lynching is a practice which widely spread in the United States since 18th century. Lynching is a word coined by British Empire lynching in the 19th century in the book 'Lynch Law'. In the United States lynching of African Americans became frequent in the southern part during "Reconstruction Era", lynching is very common in many contemporary societies like, Brazil and South Africa.

In the United States, during the decades before the Civil War (sometimes called the Antebellum era), free Blacks, Mexicans in the South West, and runaways were the objects of racial lynching. [i]After abolishment of slavery and got the right to vote for black (freed men) lynching of blacks got more frequent. 1892 saw the worst stage of lynching.

III. LYNCHING WORLDWIDE

In America, lynching took place before and after civil war most frequently in 19th century. First recorded lynching was in 1835 in St. Louis. Dyer Anti-lynching Bill is 1st introduced to US in 1918. In 2018, 'The National Memorial for Peace and Justice' was opened in Montgomery, Alabama a memorial that commemorates the victims of lynching in US. On January 6, 2021, during the 2021 storming of the United States Capitol, a lynch mob roamed the United States Capitol². The mob built a gallows in front of the Capitol building, and chanted "Hang Mike Pence!" In Britain, in 1919, several 'race riots' broke out between Blacks and Whites after a black sailor was stabbed by 2 mobs in a pub. In 1944, Wolfgang Rosterg, a German 'prisoner of war' known to be unsympathetic to the Nazi regime, was lynched by Nazis. Lynching of members of the 'Turkish Armed Forces' occurred in the aftermath of the '2016 Turkish coup d'état attempt'. Mexico, Brazil, Bolivia, Guatemala, Dominican Republic, Haiti in Latin America witnessed many crimes relating to mob lynching. Necklacing is a form of lynching followed in South Africa and 'jungle justice' in Nigeria. Worldwide there are extrajudicial acts that are taken by people.

IV. LYNCHING IN INDIA

India is a country with various cultures, customs, traditions, religions and viewpoints too. These

² Michael Quinion, "Lynch" *World Wide Words*. (December 20, 2008). Retrieved Feb10, 2021.

differences lead to uncertainty and clash of thinking too. The majorities in the community tend to oppress minor communities with this kind of difference in crime rate increases. Mob Lynching is part of the crimes. There are many reasons for lynching, main reasons for it this are, Religious Biases (Cow Vigilantism), Political Parties Silence and many more. The 1st ever case recorded in India was in the year 2006 Khairlanji Massacre.³

It was always there in India but rapid growth of the cases started taking place after 2015. This topic came into the spotlight after the UP case of 'Muhammad Akhlaq'⁴. He was lynched by villagers who assumed that he was eating beef but the actual fact was he consumed mutton. Whatever he had, he had the right to eat it, there is no rule written in the legislation that he should not eat it. By his death 'Right to Life' (Article 21) is violated. This is the most horrendous case of cow- vigilantism. Mazloom Ansari and Imtiaz Khan were brutally beaten up by villagers and hanged⁵. A dalit family was beaten by Bajrang dal because they were suspected to eat beef⁶. This way there are many cases of cow vigilantism. Here it is clearly observed that constitutional rights of people (minorities) are violated. In most of the cases Muslims were the targeted community of this cow vigilantism with 51% of violence. 28 Indians were killed in 63 incidents, in which half of them are cow related violence. Out of the 28 Indians who died 24 were muslims.

Nowhatta lynching 2017, Muhammad Ayub Pandith, police officer in Jammu kashmir who stood in front of mosque on a sacred occasion was assassinated by the crowd after seeing his name on the badtch 'Pandith' which defined him non-muslim⁷. Though standing in front of a mosque on a sacred occasion was questionable and suspicious, it is not enough to cause a horrific incident. Panic and anxiety can never act as defence for this kind of case nor for any

³ Vivek Deshpande; Khairlanji massacre: From Khairlanji to Kopardi, full circle in 10 years, Indian Express (September 28, 2016 7:24:26 am), <https://indianexpress.com/article/india/india-news-india/khairlanji-kopardi-rape-case-maratha-protests-3053443/>, visited on 10/02/2021

⁴ Manmohan Rai, Dadri lynching: Court orders to file FIR against Mohammad Akhlaq's family, ET Bureau (Jul 15, 2016, 03:04 AM IST), https://economictimes.indiatimes.com/news/politics-and-nation/dadri-lynching-court-orders-to-file-fir-against-mohammad-akhlaqs-family/articleshow/53211786.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst. Visited on 10/02/2021

⁵ Tarique Anwar, Latehar Lynching: A saga of cover up, political connections and police negligence, News click (25 Jul 2018), <https://www.newsclick.in/latehar-lynching-saga-cover-political-connections-and-police-negligence>, visited on 10/02/2021

⁶ HT Correspondent, Dalit family attacked by Bajrang Dal over beef, alleges Karnataka rights group, Hindustan Times, (JUL 23, 2016 12:31 PM IST), <https://www.hindustantimes.com/india-news/dalit-family-attacked-by-bajrang-dal-over-beef-alleges-karnataka-rights-group/story-c8J4oRV0803zxWNyJMjKyL.html>, visited on 10/02/2021

⁷ Express Web Desk, Nowhatta mob lynching: DySP Mohammed Ayub Pandith beaten to death near Jamia Masjid, Indian Express, (June 23, 2017 4:51:58 pm), <https://indianexpress.com/article/india/nowhatta-mob-lynching-jammu-kashmir-dy-sp-mohammed-ayub-pandith-killed-jamia-masjid-srinagar-4717934/>, visited on 10/02/2021

case. It is a highly unjustified act by locals. Taking legislation into hands is not at all acceptable. Jharkhand lynching 2019, Tabrez Ansari is a 24-year-old, was assaulted by a lynch horde who thought he stole a vehicle. The brutal attack was captured by an unknown person from the crowd and quoted few religion biased slogans like 'jai shri ram' and 'jai hanuman'. These kinds of incidents encourage violence in people, creating a lot of negative impact in the society. It also sets a wrong example for future generations. Here the violence is more encouraged by spreading the video and making it viral among people. The right thing to do in this kind of situation is to file a complaint in a police station. As a citizen it is responsibility to do that but the crowd absolutely has no right to punish a person. It dilates the legal system and has a negative impact in the long run.

Lynching is understandable and easy when people are moving around freely but, the question arises when people restricted to their houses, fighting with the Pandemic. Palghar lynching 2020, 2 sadhus were killed by christian and muslim communities. It was a well prepared lynch with the help of driver⁸. This shows ineffective governance and the weak police force of the country. This kind of incident generally takes place when there is excessive hatred towards a group of people that is deeply associated with disunity among people in the country.

Dimapur lynching 2015, the man thought to be illegal immigrant from Bangladesh, around 7000-8000 individuals who hauled this man out of the jail and was beaten to death just because he was under suspicion of having committed a rape⁹. He was charged under the sections 476, 344 and 363 of the Indian penal code. The Indian constitution very well mentions two fundamental rights, the right to life in article 21 and right against exploitation article 23 and 24. Fundamental rights of the accused have been abused which is a serious concern for every nation and should have had some strict actions by now, but nothing seemed to have done as we had more of these horrific cases, and each was more terrifying than the other.

V. CONCLUSION

From the research paper it can be concluded that the high rate of vigilantism is taking place all over the world. The key focus of the research paper is mob lynching in India. By taking justice into hands law is dilated and also the public will lose the faith in government, constitution and law. Unity among the citizens weakens day by day which indirectly affects the country. It

⁸ Zeeshan Shaikh, Palghar lynching: A recap of what happened, Indian Express, (April 24, 2020 7:01:10 am), <https://indianexpress.com/article/explained/palghar-mob-lynching-mahant-kalpavruksha-giri-6370528/>, visited on 10/02/2021

⁹ Suvojit Bagchi, Dimapur lynch victim's family awaits his Naga wife, The Hindu, (APRIL 02, 2016 10:50 IST), <https://www.thehindu.com/news/national/dimapur-lynch-victims-family-awaits-his-naga-wife/article6979437.ece>, visited on 10/02/2021

divides people according to their religion, region and caste. Differences grow among them which leads to civil war and restlessness in the country. It is not good for the economy of the country either. Value of the country among other nations also decreases and enemy countries get a chance to attack the nation.

If the government maintains peace among citizens, police forces are alert and do their duty properly the law and order of the country can be maintained. These issues would be less frequent when correct, strict and instant actions are taken by the government. Mistake comes from both the ends, as a citizen every Indian has a responsibility to maintain law and order. If something illegal happens it is a social responsibility to stop it from occurring but it doesn't mean to choose the violence. Rumors play a major role in creating tensions and anxiety among people. Spreading fake news through social media platforms have considerably increased in a few years which is misleading a larger part of society. Putting faith in false statements is the biggest problem to be solved. It is misusing the 'freedom of expression' as the thoughts which are expressed are negatively impacting the innocent people leading to a larger chaos.

All this problems can be solved by good governance, healthy relation among people, awareness of negative impacts of mob lynching, educating people and discussing the issues openly, broadly.

Mob Lynching can never be an ideal solution for any problem or a issue. Any day, it is infringement of human rights, fundamental rights, dilation of laws and wrong. The Legislature is here to take action against the people who disobey the law and government is here to maintain and take care that no one would disobey law. Everyone should follow the rules and regulations of a country to maintain peace and harmony.

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