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# MOB LYNCHING: AN EMERGING CRIME

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*Abstract: Mob Lynching, while a modern terminology in the Indian case, has been coming across world community for decades from moment to time. These events go unremarked due to the absence of a central law relevant to mob lynching within India, and the prejudice factor underlying those goes unacknowledged. In India, caste, faith, country, politics, witch hunting and hatefulness are the main reasons behind execution of mob lynching. From the rebellion of 1857 and the separation of 1947, significant instances of mob lynching have been seen by society disturbances to religious disturbances. There is no regulation in domestic level on mob lynching; however, survivors hold the right to obtain justice to uphold human dignity and civil rights. This piece of research deals with aspects of mob lynching in India and the function of legal mechanisms in curtailing the threat.*

*Keywords: Lynching, Violence, Law and Order, Crime and Criminal.*

## INTRODUCTION

Owing to the moral legitimacy of lynching and vigilante justice by society that has been enabled by the inaction of the government, there is a growing danger to the rights of a person. An increase in such incidents suggests populism in culture violates civil liberties and is harmful to India's secular-democratic framework. The Oxford English dictionary<sup>1</sup> describes "lynching" as the practice of killing by a crowd without the intervention of any legal power or procedure. Unlike riots, lynching is not an act of mass killing, but rather, to a large degree, decentralized crime. A mob is mainly motivated by two factors to execute lynching. One is the majority's intention to reconcile the actions of minorities with their desires, and the other is the constantly increasing lack of faith in the straightforwardness and efficacy of the justice structure.

Therefore, it can be either a community of individuals who are distressed by poor governance and absence of availability to justice, who take justice in their possession, or a community of discontented people who affiliated oneself with a initiate and undertake a process for the administration of parallel justice centered on what they consider to be right or wrong morally. The first nation to set regulations about lynching was none other than America. By 1493, when the mayor of Galway, enraged at the "law's delay," hanged his own child, a slayer, from the roof of his home, proclaiming that "justice must be accomplished," Ireland considered this a severe violation of the judicial system of their country. When he saw demonstrators gathered outside demanding justice, he arrived to a very conclusion, because there is no way a mob in such rage

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<sup>1</sup> Refer to Oxford Dictionary of India (2 ed. John Simpson ed. 1989)

will not hurt the perpetrator, so Galway James Lynch executed his son as the greatest served justice. This act came to the United States in some way, but still operates in cultures but does not respect the statute.

A purposeful extrajudicial assassination by a mob is lynching. In order to penalize a suspected wrongdoer, or threaten a party, it is most frequently used to describe informal mass beheadings by a mob. It is an extreme type of informal crowd community command such as skinning ton, charivari, rail riding, demonizing and feathering, and often practiced for optimum provocation with the show of a public showcase. It should be treated as a terrorist act and punishable by statute. Any culture may find incidents of lynching and identical mob violence.

## DISCUSSION

### *Meaning of Mob Lynching*

A range of non-homicidal hanging is lynching. For a single attacker, it is impossible to implement it out. Lynching is an extra-judicial punishment conducted out in an absence of fair hearing by a mob by causing death. They come underneath the structured hate offenses category. It has a broader sense presently and often involves violent acts by a crowd against such a person or a community of individuals who are accused of performing an act that is not accepted by the community of individuals. They hold the law into their own control in this instance and do not ask for a fair trial to be held.

### *Laws on Mob Lynching*

#### 1. Section 129 of Code of Criminal Procedure:

Any Executive Magistrate or officer accountable for a police headquarters or, without such official in control, any cop, not underneath the position of a sub-controller, may order any unlawful get together, or any gathering of at least five people liable to prompt an aggravation of the public harmony, to scatter; and it will immediately be the obligation of the individuals from such gathering to scatter likewise.<sup>2</sup>

#### 2. Section 302 of Indian Penal Code

This section elaborates the punishment in the offence of murder. It states that if any individual commits the offence of murder the he shall be subjected to capital punishment or imprisonment for his whole life accompanied with fine.

#### 3. Section 304 of Indian Penal Code

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<sup>2</sup> Refer section 129 of Code of Criminal Procedure

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Imprisonment for life, or up to 10 years, and fine as well. 'Where the death of a girl or a woman is caused, the accused who has committed such a murder shall be punishable with prison for a lifetime and shall even be punishable with a fine that might stretch to two lakh rupees.<sup>3</sup>

#### *Mob Lynching in India<sup>4</sup>*

India is seeing a high spike in cases involving lynching. This can be hazardous for the person who is in threat of their life if citizens take the legislation into their own realm. The motive for a mob lynching cannot be clearly mentioned, but it might be evident that the perpetrator has performed some crime against that group that hurts their feelings. Further, there might be a failure of legal intervention adopted by the authorities that causes normal citizens to take the law into their own consideration.

In India, communities of that particular region, such as Dalits and Muslims, are often the targets of Lynch. There are several incidents recorded in India where it was witness a Muslim getting lynched. Any of the explanations for the mob lynching rebellion are the easiest reasons that might have been handled without aggression in a way.

India is a nation considered to be blend of various cultures, religions, perspectives and much more. Further it is also recognized for its crime rates, one of which is known to be the alleged lynching by the mob. There's been no instance of forestry law breakers so far, but they were only meant to be individual on the part of the government, this seems very reckless, as they have failed to come up with any legislation that hits this very offense. It seems to have been formulated by people because their anger over every rule is over. This seems to be usual for people to argue that this misconduct is usually communal, and because India is a common country, its opinions cannot be conceivable to side with any one faith. Yet, there is no real way to give the guiltless equity or irrespective as to whether they committed a misdeed they may not have the right outside terms such a horrible sequence. They were not fighters perform in battle, ordinary people killed by deadly gatherings of dread, or extremists waived by the force of the state.

Lynching is not the murder of one person or his family, but it is believed that the people of the nation are indulged with fear of staying in their own place. It's not a secured to stay in country where people so packed with indignation that they have no thoughts about it. It is evident that not a single case in India has been referred to justice or drawn some conclusion in order to put an end to this hideous operation. All this is called for, in unreasonable fear and agony, for the corpses that have been inflicted, they carry on, alleging guiltlessness and demanding beneficence.

#### *Reasons for Execution of Mob Lynching<sup>5</sup>*

##### 1. Caste and Religious Motivated

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<sup>3</sup> See section 304 of INDIAN Penal Code, 1870

<sup>4</sup> Arnold HT Sangma , *Mob lynching: An uprising offence needed to be strenuous under the Indian legal system*

<sup>5</sup> Tanvi Yadav & Nagendra Ambedkar Sole, *MOB LYNCHING IN INDIA: SINE QUA NON OF LEGAL INTERVENTION*

In India, brutality in the context of caste and faith is profound. Rise in incidences of mob lynching currently arise mainly from intolerance and hate of other religions and placed on the name of preaching, practice, customs, and howl. Five Haryana Dalits were lynched in 2002 on the allegation of cow slaughter, and recent protests in Muzzafarnagar and Kokrajhar show religion and caste as a variable in mob lynching.

## 2. Economic and Political motivated

Economics and politics still play an important part in the lynching via mobs. Mob lynching in remote areas is the fastest way to seize property and land. The first recorded case of lynching was the Kherlanji Massacre of 2006 in Maharashtra. Approximately 50 citizens attacked four family members, and the wife and their daughter paraded nude until they were killed because of a property dispute.

## 3. Mob Justice

Because of the lack of knowledge of statutory provisions and the implications of violations of the law, the low strictness of the police, and the sluggish mechanism of the legal system, by establishing their own laws and regulations, the citizens of India aspire to be judges and do justice on their own. In February 2016, when he was undergoing presentation at Patiala House Court, JNUSU President Kanhaiya Kumar, detained over sedition charges, was attacked by lawyers.

## 4. Witch Hunting

In literal sense, witch hunting implies raping and assassination of women. Witch hunting is the historic issue in India that is entirely focused on "Witch-hunting" mob lynching, including identifying a woman in category of witch, often after an Ojha declares that a woman is a witch, the cycle of investigation and killing of that woman, often triggering mass hysteria and lynching (The Witch Hunting Bill Prevention, 2016).

## CONCLUSION

A range of individuals decide to murder somebody without having a second thought illustrates the Indian's intolerance behaviour that has been established because of lack of knowledge and comprehension. In the instances of mob lynching, almost all of the survivors have been identified to be man, female and even children, poor, of a low caste and minority group.<sup>6</sup>

The raising claims for specialized laws to comply with these crimes has increased with the increasing cases of honour killing, hate crimes, witch hunts or mob lynching. The truth is, however, these crimes are nothing more than murders, and the current IPC and CrPC regulations are adequate to comply with such offences. Our society is well prepared to tackle the mob lynching issue, together with the principles set down in the case of Poonawala.<sup>7</sup>

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<sup>6</sup> *Ibid*

<sup>7</sup> Mob lynching- A desecration of the 'Rule of Law'

The Apex Court has legal compliance in coping with this circumstance and has asked Parliament to create a new legislation to handle with it that will inculcate a sense of fear in those involved in such activities (see here). Mere legislation without effective enforcement nevertheless, will not be appropriate for the reason. The introduction should be followed by the right way of reporting by the media. Instead of biased political governance, there is a requirement for rationalized social management. It is important for lawmakers to rise above their political intentions.<sup>8</sup>

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<sup>8</sup> Diganth Raj Sehgal, *Mob Lynching: A Vigilante's attack on Rule of Law*