
Mob Lynching: A New Hate Crime emerging in Indian Society

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Abstract

This paper is a critical and descriptive appraisal of Mob lynching which has been emerging as a new form of hate crime in India mostly against Dalits and the minority groups. Nowadays mob violence has become a serious threat for the social and secular fabric of our nation. At the same time the growing incidents of mob lynching has completely denied the idea of “the law, the mightiest sovereign in a civilised society” and is also violation of the rule of law & the values which are upheld by the Indian Constitution. This paper seeks to define the term lynching and focuses on the international perspective with regard to the mob lynching. It tries to represent current scenario of the cases related to lynching in India and discusses various factors which could possibly lead to the incidents of lynching in the country. It provides for various provisions in our criminal justice system under which the cases of mob violence are being handled. And what are the constitutional provisions which are often violated during the course of lynching incident. The paper also highlights the guidelines issued by the supreme court in the case of Tehseen Poonawalla case to curb the rising incidents of mob lynching and to provide expeditious justice to the victims. Lastly the paper suggests various measures which would be helpful in preventing the unabated rise of mob lynching cases in India. We hope that this paper we would be quite helpful in deciphering the entire concept of mob lynching.

Keywords: Mob lynching, Secularism, Hate crime, Rule of law, Justice

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”

- United Nations Charter, 1945

Are we sharing the spirit of brotherhood among ourselves? Probably not. The cases of a person being killed by a violent Mob is frequent, this is what is called mob-lynching. The word “lynching” has been originated in the United States around the mid of the Eighteenth century. Many historians believed that the word “lynching” has been first used by Charles Lynch, a planter, who uses it to describe the Extra-Judicial Authority by private persons. That means, he is referring to certain private individuals, who is involving in the process of giving justice without the due process of Law. The picture of lynching by mob is very simple, crowd

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gathers to beat the person till death without any sufficient cause or fact, and for instance, if they have sufficient cause then also who they are to punish that person in a Democracy. On December 18th 1963 at Western Michigan University, Martin Luther king quoted: **“it may be true that the law cannot make a man love me, but it can keep him away from lynching me, and I think that’s pretty much important”**.

As defined by Abraham Lincoln, democracy is the form of Government, by the people, for the people and to the people and it shall not perish from the Earth. The central pillar of the edifice of democracy is to protect the life and liberty of its people, but, today, in the largest democracy of the world, the life and liberty of the people are being at stake or infringed upon.

What is Lynching?

Mob lynching is an offence to the dignity of human being, the constitutional protection under Article 21 and a serious breach of Universal Declaration of Human Rights. It is an extra-judicial punishment to punish a person alleged to have committed a crime or an unlawful murder by an angry mob of people. It is the act of violence in which the mob under the pretext of dispensing justice without trial execute a presumed offender often after inflicting torture and corporal mutilations. It is very difficult for an individual to carry it out without the support of others.

They fall under the category of Organised Hate Crimes. But now-a-days its meaning has become much wider, and also includes acts or series of act particularly of violence done by mob against the person whom they have believed or suspect done an act which those group of people do not sanction. In this process, these group of people take law in their own hand and do not wait for the proper or fair trial to be conducted and give an instant punishment to the person which could even cause death to him.

International perspective on Mob lynching

The origin of the Lynching’s started from the Southern part of the United States where there was a racial conflict between the slaves and whites in the 19th Century. It happened when the slaves were freed and whites blamed them for the financial crisis in the country. Almost 3446 of the 4743 lynching have occurred in America. The whites believed that giving too much freedom to the blacks is not fair, thus the instances of mob violence took place in America.

Pertinently, the United Kingdom which ruled countries like India and America faced the crime of vigilant mob lynching when Stephen Lawrence was lynched by a mob, back in the year 1993 when racial disturbances were prevalent in the country. Furthermore, in the absence of stringent laws for mob lynching, the police officials were unable to catch the offenders. This was considered as a failure of justice and law of the land along with the failure of relevant administrative authorities. Yet again there was another incident when 4 white men set fire to a person named Michael due to racial conflicts. However, it is worth

mentioning that the United Kingdom since 1998 has no official reported crime of mob lynching³.

The failure of various law enforcement agencies, as well as the police, have contributed towards vigilantes to punish who are accused of crimes like theft, robbery, kidnapping, housebreakings, etc. Such instances have been seen in some of the African countries where crime is prevalent at a high rate due to poverty, lack of education, and job opportunities.

Another country which is affected by mob violence is Brundai. According to the reports released by Human Rights Watch and Association for Protection of Human Rights and Detained Persons (APRODHI) pertaining to issues of mob justice in the country which stated that Mob justice in the country has at times found direct involvement of the public authorities and people involved in the administration in public killings or beating up of suspected criminals. The report made a contention that due to lack of faith in the police force and Judicial system of the country, inadequate resources, incompetence, and corruption practices by the authorities have led many Brudians to believe that the Judicial system of the country is not appropriate to secure their rights.

Factors instigating the Mob lynching in India

Pertinently, there has been an increase in the number of cases related to lynching. After the election of 2014 there has been an increase in the frequency of such attacks. This act of people taking the law into their hands because of the shallow knowledge of the Justice System poses a serious threat to the Rule of Law and principles of Natural Justice. Such acts have also posed serious threats to minority groups in the country and appropriate steps must be taken in order to check and deter such crimes.

Furthermore, there have been instances where violence has been caused by vigilantes who have some political connection with the political parties and such people believe themselves to be politically correct while committing such offences. Such instances of mob violence across the country have often resulted in promoting majoritarianism by propagating the beliefs of the majority by suppressing the basic rights of the minorities.

In a country like India, people taking law into their own hands is unacceptable since citizens of the country have been granted various fundamental rights and such lynching cases are abusing their right to life, right to a fair trial, etc. India is a secular state and it's important to ensure that interests of the minority are being protected and they are not suppressed by the majority.

- **Misuse of social media by rumour mongers**

The reason behind the commission of the act of mob lynching in India cannot be attributed to one factor as many factors are responsible for such incidents. Perhaps the most common factor behind such violence is the social media. Last year 28 people across the nine States have been lynched in separate incidents which have been triggered by the rumours spread on

³ Sehgal D., Need of the Hour: Reforms in Mob Lynching Laws, Ipleaders, (6th August, 2021, 8:13PM) <https://blog.ipleaders.in/need-hour-reforms-mob-lynching-laws/>

social media of these 20 people were victims of mob lynching in last two months alone. In recent years social media has been a negative platform for promoting fake news. In July 2018 a software engineer was lynched to death because of the fake news on WhatsApp that he was a child kidnapper. This case reflects how disasters one fake news can be. At present the social media such as Facebook and WhatsApp are full of hateful content which would ultimately lead to the mob violence. Different social media platforms are used to spread rumours and create communal unrest by spreading misinformation. Since these platforms use end-to-end encryption, it becomes more difficult for the investigating agency to find out from where the misinformation had originated. There is abundance of misinformation or incorrect information on these social media platforms which are just ready to give any incident a communal colour.

The recent case of Palghar Mob lynching in Maharashtra has shown how these WhatsApp and Facebook rumours can easily take away the life of persons. The video of the incident was horrifying, one of the three persons who had died, has been able to reach the police, but owing to such a huge mob fuelled by anger of WhatsApp rumours and incorrect information, he could not do anything. Mob has no face, no religion; this impunity leads them to take law in their hand and even take extreme steps. According to India, 52% of attacks in the last 8 years are based only upon the rumours spread on the social media platforms.

- **Unabated Rise of the Cow vigilantism**

Another prominent cause of mob lynching is the unabated rise of cow vigilantes. Today cow vigilantism is commonly used in India to describe the current lawlessness happening under the rubric of cow protection. The word vigilant means keeping look out for possible difficulties or danger. The term vigilante refers to a self-appointed person or a group of persons that undertakes to enforce the law without any legal authority. It also includes persons who take the law in their hands to avenge what they may perceive to be a crime. The definition of vigilante includes what is happening in India; Murder and violence of men by another man in an illegal and extra-judicially enforcing religious beliefs. As a euphemism cow vigilantism conceals more than it reveals. It bestows a measure of social, moral and legal legitimacy to the so-called cow protectors. More tragically and to a large degree it hides their criminality. It conceals the truth of human killing other human in the name of cows. Cow vigilantism is an expression that has sadly become a convenient cloak for violence, brutality, murder and mayhem in the name of cows. The convenient robe of the word cow vigilantism and cow vigilantes deceptively and quite ironically elevates murderers of humans to the pedestal of protectors of cows. The truth is that in this immense profaning of the sacred underway in the violence in India, India is rendered a human abattoir, a slaughter house of men and women to save the cows from slaughter. Cows are sacred to many and one respects that but violence by human upon humans regardless of the reason being sacred or profane is inhumane in any civilised society that much is common ground at the very least it should be among the killers and the killed in the name of cows. If this much can't be presumed in a civil society the society is uncivil and the continuing slaughter in the name of cows then is a much larger tragedy than previously feared.

The lynching of Muslims especially on the pretext of protecting cows has apparently been on the rise in recent years. Over 8 years since 2012, 29 people have been killed in cow related hate crimes and 25 of whom were Muslims. No cases of cow related violence were found in 2010 and 11. But from 2012 until today 78 cases of cow related hate crimes have been reported. One such Khao related incident took place in Dadri in 2015 where a 50 years old Mohammad Akhlaq was lynched to death for allegedly eating beef during Eid and storing it for later consumption. It is quite unfortunate that all the accused in the case are out for bail⁴.

Another⁵ cow related incident occurred in 2018. In that incident inspector Subodh Kumar Singh was killed alongside a 20 years old man when a violent mob clashed with police in UP's Bulandshahar district. The attackers many of the members of particular groups were protesting against the alleged inability of Police in stopping cow slaughter claiming that the animal carcasses including those of cows were found in the area. When rumours about the slaughter of the sacred symbol of Hindu nationalism arises it appears even the officer of the law is not safe. Incidentally the inspector was the part of the team which investigated the killing of Mohammad Akhlaq. The sister of the slain officer believes that her brother fell victim to the conspiracy by the state police because he was investigating the Akhlaq case. She also raised a serious question that why her brother was left alone in the vehicle in the middle of the violent mob and said the police who she accuses of collaborating with the cow protection gang were complicit in the incident. Her allegation daringly suggests that law enforcement in UP is taking on a political role when it comes to cow protection and helping the expansion of majoritarian politics⁶.

- **Silence of political class**

Silence of political class: the political outfits and organisations behind the acts of mob lynching harness the result of such crime by moulding them into a political and social propaganda to brainwash one particular community against another and subsequently capitalising the gains out of it in a manner of their choice namely elections. As per the Human rights watch report the ban on beef has legitimized the vigilante activities by the government which provides backing to the cow protection groups. While it is true that there have been the episodes of mob lynching even before the BJP (Bhartiya Janta Party) government came to power. But the significant rise in these incidents coupled with the silence of those in power cannot be ignored. In last 6 years, there has been increase of 96% of these incidents. Half of the cow related violence occurred in those governed state where the cow vigilant groups is particularly more active. The law has already been taken in their hands by the vigilante mobs and the simple utterances are not enough to stop them particularly.

⁴ IndiaSpend Team, Every Third Indian Cop Thinks Mob Violence Over Cow Slaughter Is 'Natural': New Survey, IndiaSpend (August 28th 2019), <https://www.indiaspend.com/amp/every-third-indian-cop-thinks-mob-violence-over-cow-slaughter-is-natural-new-survey/>

⁵Shoaib Daniyal, The Modi Years: What has fuelled rising mob violence in India?, Scroll.in (24th July, 10:30 pm) <https://scroll.in/article/912533/the-modi-years-what-has-fuelled-rising-mob-violence-in-india>

⁶Ujjal Dosanjh, Cow vigilantism threatens the body and soul of India, The Indian Express (April 16, 2017 9:55:28 pm) <https://indianexpress.com/article/blogs/cow-vigilantism-rss-mahatma-gandhi-gau-rakshaks-4612503/>

- **Emerging idea of so-called Instant Justice in the society:**

Another important aspect explaining why mob lynching incidents continue to take place is the immense popularity of the idea of forms of so called instant justice in our society This means that society feels duty-bound to intervene in matters – without even understanding the issue – as rightly pointed by psychologist and Supreme Court Advocate Anuja Trehan Kapur.

According to Kapur, “Lynching happens when a mob gets together and they feel that they have a responsibility towards society and that the police or any administrative body can’t do justice to that responsibility.⁷”

Moreover, given the state of the police and judiciary in the country, there is a wide-ranging perception that ‘culprits’ go unpunished, and that there is a chance that the accused in heinous crimes like rape, child lifting and cow-slaughter will go scot-free. Furthermore, an analysis of several cases clearly shows that there is a higher level of acceptance of such so-called forms of justice if the perceived crime is allegedly committed by a Muslim, Dalit, Christian or tribal.

As per Hate Crime Watch, a FactChecker.in database⁸, Muslims, who constitute “14% of India’s population, were victims in 60% of hate crimes; Christians, 2% of the population, in 14% cases; and Hindus, 79.8% of the population, in 14% cases.” Moreover, the Common Cause and CSDS study also revealed that “50% cops feel Muslims (are) naturally prone to crime. Hence, until and unless there is a realisation, coupled with accountability, that punishing the culprit, no matter how grave and heinous the alleged crime, is not the duty of the citizens, let alone the mob, there won’t be any pause in cases of lynchings fact, people have to understand that their act of providing ‘instant justice’ is nothing but in itself a serious crime. And a crime cannot be countered by another.

Table shows cases related to Mob Lynching in India since 2012:

YEAR	INCIDENTS	VICTIMS	DEATHS	MAJOR ASSAULTS	MINOR INJURIES	STATE
2012	1	2	0	0	2	Punjab
2013	2	1	0	0	1	Haryana, Madhya Pradesh
2014	3	11	0	11	0	Haryana, Maharashtra, Karnataka

⁷Mahtab Alam, Why Do Mob Lynchings Still Continue Unabated?, The Wire (26th July, 8:30 pm) <https://thewire.in/communalism/mob-cow-lynching-vigilante>

⁸ IndiaSpend Team, Every Third Indian Cop Thinks Mob Violence Over Cow Slaughter Is ‘Natural’: New Survey, IndiaSpend (August 28th 2019), <https://www.indiaspend.com/amp/every-third-indian-cop-thinks-mob-violence-over-cow-slaughter-is-natural-new-survey/>

2015	13	49	11	34	4	Karnataka, Madhya Pradesh, Rajasthan, Haryana, Uttar Pradesh, Himachal Pradesh.
2016	30	67	9	40	18	Karnataka, Madhya Pradesh, Rajasthan, Haryana, Uttar Pradesh, Himachal Pradesh, Jharkhand, West Bengal, Gujarat, Telangana.
2017	43	108	13	64	31	Karnataka, Madhya Pradesh, Rajasthan, Haryana, Uttar Pradesh, Himachal Pradesh, Jharkhand, West Bengal, Gujarat, Telangana, Assam, Sikkim, Odisha
2018	31	57	13	17	27	Karnataka, Madhya Pradesh, Bihar, Haryana, Uttar Pradesh, Himachal Pradesh, Jharkhand, West Bengal, Gujarat, Telangana.
2019	10	45	4	14	27	Karnataka,

						Madhya Pradesh, Rajasthan, Haryana, Uttar Pradesh, Himachal Pradesh, Jharkhand, West Bengal, Gujarat, Telangana, Assam, Sikkim, Odisha
2020 (till July)	3	5	5	-	-	Maharashtra, Delhi

So since 2012, we have observed there are 137 total cases of Mob Lynching in which 333 have been the victims and caused 56 deaths till now. It is to be noted that there were zero hate crimes in 2010 and 2011, which increased to high time ever of 43 in 2017⁹. In 2020 (till July), only three lynching cases were reported, one in Maharashtra (Pahalgargh lynching case) and two in Delhi during Delhi riots.

Legislative mechanism to regulate Mob Lynching

At present there is no specific or codified law with respect to mob lynching in India. However, there are certain existing legal provisions under IPC such as Section 302 for Murder, Section 304 for Culpable Homicide not amounting to Murder, Section 307 Attempt to Murder, Section 323 for causing voluntary Hurt, Section 325 for causing Grievous hurt, Section 34 for common intention, Section 147 for Rioting, Section 148 deals with Rioting armed with deadly Weapons and section 149 for common object etc are being invoked in the cases of mob lynching. But due to the lack of proper implementation these existing legal provisions have proved to be ineffective in preventing the spade of lynching in India. This is one of the most important reason due to which the parliament is required to enact a more stringent law in order to tackle with the rising incidents of mob violence which has stigmatised our society.

State laws on Mob lynching

1. Rajasthan

The Rajasthan Protection from Lynching Bill, 2019 has been passed by the Rajasthan Legislative Assembly on 6th August, 2019. This bill deals with the punishment and the compensation for Mob lynching and honour killing in the state.

This anti-mob lynching bill implies imprisonment up to Seven years and a fine up to 1 Lakh rupees if the victim sustains simple injuries. In case of an Assault by mob or victim suffers from grievous injuries, there will be conviction up to 10 years imprisonment and fine ranging

⁹ Researched by Indian Civil Liberty Union

from Rs.25,000 to Rs.3,00,000. And in case of victim's death, it provides conviction for life-imprisonment and fine ranging from Rs.1,00,000 to Rs.5,00,000¹⁰.

2. West Bengal

The West Bengal (Prevention of Lynching Bill), 2019 has been passed by the west Bengal state legislature on 30th August, 2019. In case of Assault leading to injuries of victim will carries punishment of imprisonment for three years and a fine ranging from one lakh rupees to three lakh rupees. And in case of mob causing death of victim, the offender or perpetrators will be punished with death sentence or rigorous life imprisonment and a fine up to five lakhs rupees.

The bill also mentions that if someone found responsible or guilty of publishing, communicating and disseminating any offensive material, causing such mob violence or lynching, will be punished with imprisonment up to one year and fine up to fifty thousand rupees. The bill also mentions that the state police chief will appoint a coordinator, who will work as a nodal officer and will undertake the investigation and take adequate steps to prevent mob violence and lynching. If someone obstruct the legal process by threatening the victims or witnesses, and found guilty of such acts then the bill provides imprisonment from three years to five years to such persons.¹¹

3. Manipur

The Manipur Protection from Mob Violence Bill, 2018 has been passed by the Manipur state legislature on 21st December 2018. Manipur was the first state to pass such law on mob violence and lynching. It provides a rigorous life imprisonment for those involved in mob violence and lynching if the offence leads to the death of the victim. And a fine up to five lakhs for those involved in mob lynching¹².

Constitutional Provisions

The rising spade of mob lynching in India goes against the values which are upheld by our constitution. The values which have been incorporated by the framers Of the Constitution must be paid utmost respect. The preamble of the Constitution aims to provide for justice social economic and political. At the same time, it also provides for equality liberty and fraternity. The increasing incidents of mob lynching in India are clear violation of these principles.

Right to non-discrimination is imbibed in Article 14, which guarantees each person in the territory of India equality before the law and equal protection of laws. Article 15 of the Indian Constitution prevents discrimination of communities based on caste, sex, race, or religion.

¹⁰Gorky Bakshi, Rajasthan Assembly passes anti-mob lynching bill, Jagran Josh, (August 7th 2019, 04:27 PM), <https://www.jagranjosh.com/current-affairs/rajasthan-assembly-passes-antimob-lynching-bill-convicts-to-get-life-imprisonment-1565175378-1>

¹¹ The Wire Staff, West Bengal Passes Bill Against Mob Assault and Lynching, The Wire (August 31st, 2019), <https://thewire.in/law/wb-passes-bill-against-mob-assault-and-lynching>

¹² Manipur Assembly Passes Anti-Mob Violence Bill, Accused To Pay Fine Up to Rs 5 Lakh, The Logical Indian (January 2nd 2019, 03:20 PM), <https://thelogicalindian.com/news/anti-mob-law-manipur/>

Incidents of lynching violate the right to equality and prohibition of discrimination enshrined in the Indian Constitution under Article 14 and Article 15, respectively.

Article 21 of the Indian Constitution states, “No person shall be deprived of his life or personal liberty except under procedure established by law.” The objective of Article 21 is to prevent the state from depriving a person of his/her personal liberty and life.

However, the Indian states have failed to implement the laws. The widespread corruption in law enforcement agencies, unconscionable delays in the disposal of cases by the judiciary and the unfair advantages to the rich and the dominance in the judicial system contribute to improper implementation of laws. In almost all of the cases, the police initially stalled investigations, ignored procedures, or even played a complicit role in the killings and cover-up of crimes. Instead of promptly investigating and arresting suspects, the police filed complaints against victims, their families, and witnesses under laws that ban cow slaughter.

Judicial response to Mob lynching in India: Tehseen Poonawala case

In **Tehseen Poonawala v. Union of India**¹³. A petition was filed by the congress activist Tehseen Poonawala in the apex court, through which the bench of three judges of the Supreme Court namely, CJ. Dipak Misra, J. A.M. Khanwilkar and DY Chandrachud urged the Parliament to make a special legislation to the Mob lynching and held that till then the guideline would stand as the force of law in Tehseen Poonawala V. Union of India. Though some of the states like Rajasthan, Manipur and West Bengal, but the centre has not made any law. On 04/12/19 answering a question in the Rajya Sabha, Union Home Minister Amit Shah told that the government has set up a committee to suggest necessary amendments in the Indian Penal Code (IPC) and the Criminal Procedure Code (CrPC) to deal with it¹⁴.

Till then, the court gave a detailed order emphasizing the State to take three type of measures¹⁵:

- **Preventive Measures:**

The state shall appoint a nodal officer in each district not below the rank of Police Superintendent who will set up a Special Task Force which will be assisted by one DSP rank officer for taking measures to prevent mob lynching and violence. It directs the state government to identify districts, subdivisions and villages where lynching cases has been done in the past. These officers are advised to have a meeting atleast once in a month to check mob violence and vigilantism. The central and the state government were directed to broadcast on radio, television and other social media platforms that lynching and mob violence will invite serious consequences.

- **Remedial Measures:**

¹³ (2018) 9 SCC 501

¹⁴The Telegraph Online, <https://www.telegraphindia.com/india/committee-to-suggest-necessary-amendments-in-ipc-crpc-to-curb-mob-lynching/cid/1724235> (last visited at 22nd July, 2021)

¹⁵ The Telegraph Online, <https://www.telegraphindia.com/india/sc-lays-down-guidelines-to-curb-lynching/cid/1351483> (last visited at 23rd July, 2021)

Despite the preventive measure, if any case of Mob violence and lynching is noticed, then the jurisdictional police station shall immediately register an FIR and must immediately inform the Nodal officer of that area. All the investigations will be personally monitored by the Nodal officer. The state is also directed to provide compensation to the victims or to his family of mob violence and lynching including the free legal aid if he or she chooses. The above mention investigation will be tried by designated courts in each district on a day-to-day basis. The trial should be preferably concluded within the ambit of six months. To set an example, the competent court will award maximum punishment under the provision of the Indian Penal Code.

- **Punitive Measures:**

The court directed that in cases of Mob violence and lynching where the nodal officer or the police officer fails to act against the perpetrators will considered to be an act of deliberate negligence and misconduct and the appropriate actions will be taken against them by reaching to a logical conclusion preferably within six months.

In **Tehseen S. Poonawala V. Union of India**¹⁶, the Supreme Court held that *the horrendous acts of mobocracy cannot be permitted to inundate the law of the land. Earnest action and concrete steps have to be taken to protect the citizens from the recurrent pattern of violence which cannot be allowed to become 'the new normal'*.

Possible Solutions to Prevent the Mob Lynching in India

There are several reforms that need to be taken into consideration in order to prevent the rising incidents of mob lynching in India. The administration in India must take necessary steps to ensure speedier justice.

- For instance- Registering FIR without any delay, quashing the cases which may add further victimization upon the weak and poor, quashing the bail applications as it may pose a serious threat to the victims and their family because of the attached hate crime. Moreover, a mechanism should be set up to determine the quantum of compensation to be paid to the victims or their family for the loss suffered by them and also for better access to justice, schemes such as free legal aid should be made part of the system.
Further, the law must define the term 'mob lynching' which had not been defined so far in any of the present statutes
- Further, to ensure that justice has been delivered to the victims of mob violence, the government should take appropriate steps to pass law demanded by Civil Society, Manav Suraksha Kanoon (MaSuka) which provides that stringent laws should be made for mob violence, and also laws related to mob lynching must be non-bailable, cognizable and non-compoundable and also invite life imprisonment along with a time-bound trial of the culprit. The national Campaign Against Mob lynching has drafted this bill to begin a legal conversation against the mob of lynchings.

¹⁶ (2018) 9 SCC 501

- Moreover, compensation to the families of victims and the police action must be considered to ensure the protection of the witnesses. Just like SC/ST (Prevention from atrocities) Act, 1989, and the Protection of Women and Domestic Violence Act, 2005 are meant for protection of the group and securing ends of Justice, similarly, MaSuka must do the same for the victims of mob lynching.
- The parliament can also play an important role in enhancing the laws related to mob lynching. The parliament should act in accordance to the guidelines specified by the Supreme Courts, and accordingly draft and pass a new law to deal cases related to mob violence which would aim to provide maximum punishment to the lynchers along with the officials who are directly or indirectly part of the mob lynching instances. The parliament should also incorporate sections in the new laws related to mob lynching for the penal action against the doctors who stand accused of dereliction of their duty for delay in attending to victims of the lynching or submitting false reports without carrying out a proper and thorough medical examination of the victims either under the coercion of police or due to their own prejudice against the community or religion of the victims¹⁷.
- There can be an introduction of penalties upon the public servants for failing to investigate in these matters because of their own malafide intentions or wilful neglect or gross negligence of their duties. Furthermore, there can be establishment of Special courts for the trial of Mob violence so that the victim or victim's family can get speedy justice.
- There is a need to create a mechanism to prevent or isolate investigations of communal violence from political interference. The investigations of such crimes must be done with safe hands. Also, there can be a information campaign to check incorrect information or fake news on the social media platform. Different social media platforms are used to spread rumours and create communal unrest by spreading misinformation. Thus, there is a need to curb these rumours or fake news as well by establishing either a new department or cell solely working upon this prospect.

Conclusion

Mob lynching is not an ordinary crime, it is viewed as a hate crime where mob takes law in their hand and completely denied the idea of “the law, the mightiest sovereign in a civilised society.” But these horrendous acts of mobocracy cannot become the new norm in the society. The law has to remain the mightiest and no one could take law into their hand to punish someone on any issue. By making these hate crimes as a symbol of the instant justice served, communal and blame games by political parties making the situation much worse, this will not result in any possible solution but it will haunt victim's family for years.

The absolute necessity of the society is to bring a robust law to reduce menace from the society. Also, there is a need to work upon the shortcoming of the system, from filing an FIR

¹⁷ M.P. Nathanael, Preventing Mob lynching, *The Hindu*, Jan. 17th 2020 at <https://www.thehindu.com/opinion/op-ed/preventing-mob-lynching/article30577621.ece/amp/>(last visited at 29th July, 2021)

to the investigation of the crime without causing any delay and must provide the speedy justice to the victim of such crime. There must also be a check upon the social media content, where various group tries to spread hate and influence the mass opinion. This could only be checked only by spreading digital literacy in the society. To counter the problem of Fake news, the government must make the use of mass media like television, radio, magazines, newspaper etc. and it must draft the anti-lynching law following the Supreme Court guidelines as soon as possible. And on a Personal level, we should criticise such acts and should report the fake news that we came across by circulating awareness among our contacts.