

**MOB LYNCHING IN INDIA**

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ABSTRACT:

We live in a country where cows are more secure than women. In the recent times, the increasing instances of mob lynching in the name of cow vigilance have grown massively and have become everyday news. However, an interesting question is that how are these vigilantes united in the “national cause” of protecting cows? How are these mobs formed? Also, how do people shed off their humanity and behave in a way that is unjustified! Mob lynching in India is divided mainly in two parts : cow vigilance and suspicion of child abduction, witchcraft and so on. This paper focuses on the Psychology behind such mob formations and the pattern of lynchings throughout India. An important reason behind such lynchings is the misleading social media, the most powerful as it has the power to influence millions of mind with just one click. The author tries to unfold whether Politics has a role to play in such crimes. The author also tries to shed light on some suggestions and steps that can be taken to prevent such heinous crimes.

INTRODUCTION:

India is a diverse country and we take pride in our diversity. However, incidents of Mob Lynchings all over the country have created a divide in the nation. In India, cows are more looked after by so called protectors of religion, whereas we neglect the security of women. Such self proclaimed protectors are actually doing more harm than good, as it has

led to a state of lawlessness. This lawlessness is giving society a message that you can be the judge and decide what is just and fair for you or your community! The increasing incidents of Mob Lynching are an indication and extension of this thought. Various regional leaders and protectors of religion have made such claims that they need to take immediate action because the process of law will take years and that doesn't serve their purpose.

It is a shame that not only the seeds of this thought are sown but also reaped. People have started to become Judges in their own cause and started lynching people on mere suspicion. As criminal law states no one is guilty until proven, mob lynching is the exact opposite of the ideology. Not only is this against humanity, but this is also fueling the Hindu- Muslim divide in our country. It is therefore of utmost importance to regulate this crime and bring justice to the people who were innocent victims of egoistic and religious ideologies. The advent of such a crime in India is posing the question whether India is a Democracy or a Mobocracy? The Government and the Judiciary have not taken a staunch stand against this crime, this has made the protectors of religion feel more empowered and supported.

Decoding the Mob Mentality:

A branch of psychology called Social Psychology studies about how people behave in a society. The realm of social psychology revolves around two aspects: the personality of the individual and the social situation around him. Depending on both these factors,



we can fairly predict how one might behave.¹ When many individuals come together and form a mob, it becomes a mob mentality, and this is a very powerful influence on the individual's character² and also how he/she will behave in the situation. This might be the answer to why seemingly harmless common men, when coming together can commit a heinous crime of mob lynching. The outbreak of such an act is questionable at many levels, is it because the law and order is not in place? Is it because a certain sect of the society wants to establish its supremacy by use of fear? There are no definite questions and no definite answers.

There are three theories that talk about mob and violence and its interrelation, they are **Contagion Theory**: It proposes that crowds exert a hypnotic influence on their members that results in irrational and emotionally charged behavior often referred to as crowd frenzy.

Convergence Theory : It that argues the behavior of a crowd is not an emergent property of the crowd but is a result of like-minded individuals coming together. If it becomes violent is not because the crowd encouraged violence yet rather people wanted it to be violent and came together in a crowd.

¹Aronson, E., & Aronson, J. (2018). *The social animal*. New York: Worth , Macmillan Learning.

² Rob Henderson, The Science Behind Why People Follow the Crowd Psychology Today (2017), <https://www.psychologytoday.com/> (last visited Aug 20, 2019).

³ Nyla R. Branscombe & Robert A. Baron, Social psychology (2017).

⁴ Conformity :Conformity can also be simply defined as “yielding to group pressures” (Crutchfield, 1955). There are various factors that for their lead to conformity like unanimity, similar cultural backgrounds and so on.

Emergent-Norm Theory: It combines the two above arguing that a combination of like-minded individuals, anonymity and shared emotions leads to crowd behavior³

The above stated theories give us three different social settings and tell us about individual differences as well. In the first case, people might come together and Lynch someone just because of the social pressure and an influential presence within the group.

In the second case, people who had already planned on committing the offense, with same mentality will come together and form a mob which has a common goal.

In the third case, few people of the mob may or may not have the same agendas but they will still commit the offense because the mob offers an anonymity of the individual. When an individual is a part of a social group his thought is not expressed overtly, rather it is the groupthink that comes into the picture.

Psychology states that there are various elements that determine the mob mentality like conformity⁴, deindividuation,⁵ groupthink⁶ and so on. However once the mob is reduced back to individuals the process of re-humanization takes place. Rehumanization is when people regain their individuality. If these people are generally

⁵ Deindividuation: Deindividuation occurs when a person's identity with a group overrides his or her own identity and self-awareness. It can lead to a mob mentality because deindividuation tends to prevent critical thinking and dissent.(<http://changingminds.org/explanations/theories/deindividuation.htm>)

⁶ Groupthink: Groupthink occurs when a group of well-intentioned people make irrational or non-optimal decisions that are spurred by the urge to conform or the discouragement of dissent(source: www.psychologytoday.in)



good individuals, then they will likely try to justify their actions in order to more closely align their actions with their beliefs about their own individual personality.⁷

A group of people will often engage in actions that are contrary to the private moral standards of each individual member of that group. Otherwise decent individuals can be swept up into “mobs” that commit looting, vandalism, even physical brutality⁸. The paper by Cikara also talks about how individuals will show more violent tendencies in a group rather than when alone. When there are cases of explicit contestations the mob mentality tends to be more aggressive as compared to individuals of the opposite group.

An important aspect of such crime is the “us” versus “them” thought. In India, most of the incidents of mob lynching have taken place between Hindu and Muslims. It is this us versus them conflict that is leading to immoral behavior. Inter group contestations bring out the worst and the best of an individual. It is an attempt of a group to make itself superior and not only that but also to make the opposite group look inferior.

UNDERSTANDING LYNCHING:

Politics has played a major role in the events of mob lynching worldwide. Politicians have the power to influence people, they are also known to be charismatic

⁷ According to Leon Festinger(1957), Cognitive dissonance refers to a situation involving conflicting attitudes, beliefs or behaviors. This produces a feeling of mental discomfort leading to an alteration in one of the attitudes, beliefs or behaviors to reduce the discomfort and restore balance.(Saul McLeod,2018)

⁸ Cikara, M, et al. “Reduced Self-Referential Neural Response during Intergroup Competition Predicts

personalities, but when such a power is misused it can cause blunders in the society.

The greatest example of such a political influence is Hitler, when he led a whole nation to believe, the Jews were an inferior race and will be the reason for the downfall of the superior Germany. A political leader like Hitler, though with the wrong ideology but with his charisma and leadership skills swayed the masses and hence these people allowed the Holocaust, or rather initiated it. And this is a classic example of how politicians can influence the mob mentality and lead them to commit crimes that put humanity to shame. Holocaust was an incident that changed the history of mankind.

Similarly, politicians in India have publicly issued statements in favor of protection of cows and encouraged the inhumane act. There are two types of lynching, namely classical lynching and communal lynching.⁹ Classical lynchings are the type of lynchings that take place due to the status of a person, they occur due to the exclusive mindset of any sect or society. According to Black(1998), this type of lynching was done by villagers on the outsiders who had no relation to them. He cites an example of Ifugao on the Northern Philippines, where the villagers would even Lynch a foreigner to their village if he committed a petty offense of theft. The idea behind classical lynching is unfamiliarity or no ties that bind a person to another. If a person is a complete stranger to

Competitor Harm.” Neuroimage, vol. 96, 2014, pp. 36–43., doi:10.1016/j.neuroimage.2014.03.080.

⁹ De La Roche & Roberta Senechal , Why Is Collective Violence Collective?, 19 Sociological Theory 126–144 (2001), www.jstor.org/stable/3108628 (last visited Aug 20, 2019).



the ideology, place, he/she can be lynched even for a petty offense or for saying something against the ideology.

For example: Even in India, there are Hindu organizations that claim to be the well wishers of the Hindu society, they have influenced the crowd to a major extent. The first reported incident of lynching in India was the Dadri Lynching¹⁰, which was done on the basis of a suspicion that the victim had slaughtered a cow. The Hindus consider cow as a holy animal, whereas the Muslims don't. India was the second largest exporter of beef in the world in 2018¹¹. But the Hindus were charged with the emotion of holiness and lynched the victim, in the name of protection of their religion and cow vigilance. This was just the starting point, many incidents have taken place over the phrase "Jai Shree Ram" too, where people were lynched and assaulted for not chanting the same.

Not only the Hindu- Muslim divide , but the caste system is also seen in play in such crimes. Dalits and Adivasis have also been lynched because of their inferior status in the society. These acts are not just out of the love for one's religion , rather they are committed to establish one's superiority over the other. It's the need for power and affiliation¹² and to establish supremacy. The historical constructed "clash" between Muslims and Hindus has been used by members of the far right—such as the Rashtriya Swayamsevak

¹⁰ Abhimanyu Kumar, The lynching that changed India AlJazeera (2017), <https://www.aljazeera.com/> (last visited Aug 20, 2019).

¹¹ Rob Cook, World Beef Exports: Ranking Of Countries Beef2Live (2019), <http://beef2live.com/> (last visited Aug 20, 2019).

¹²See McClellanand's Need Theory. The need for peer is the need to have dominance over the other whereas the need for affiliation is the need to be liked by the group and fit in.

Sangh (RSS) and the Bajrang Dal (BD)—to present the Muslim community as outsiders and evil others with sinister plans to subjugate the Hindu masses.¹³

The second type is Communal lynching where the lynching of an insider takes place. Unlike Classical lynching, there is a bond , a familiarity with the victim, but if the victim distances himself either by act or conduct he is creating an atmosphere for his own lynching. For example, Recidivists¹⁴, in a community, distance themselves by their conduct and even a small act yhereof, can lead to lynching as no one in the community now accepts him or believes him, there is a distant or non- existent bond, while there is still familiarity with the victim. Lindblom (1972) talks about African Lynching, it's a form of lynching that takes place in East Africa among certain tribes. It is done for a person who keeps on committing the offense of theft and thus distances himself from the Tribe.

Such type of lynching is also common for witches,¹⁵ they are lynched in the suspicion of carrying out witchcraft . Usually such individuals are deemed as unlucky and are separated from society stating that they bring misfortune. Such people are ignored and outcasted by society at large on the basis of blind faith.

¹³Siyech & Narain, Beef-related Violence in India: An Expression of Islamophobia, 4 Islamophobia Studies Journal 181–194 (2018). doi:10.13169/islastudj.4.2.0181

¹⁴ According to the Cambridge Dictionary, a recidivists are criminals who continues to commit crimes even after they have been punished.

¹⁵ Witch in this sense means a woman who uses black magic and intends to cause harm to other people.



For example : The lynching is 65 year old woman named Mandevi, in Agra, Uttar Pradesh. The victim belonged to a lower caste and she was lynched by men of the Baghel caste, an upper caste in the village of Mutnai. She was lynched on the suspicion that she was cutting off women's braids and was performing witchcraft.¹⁶

The pattern of lynching in India can be divided into two blocks: Block one consisting of cow vigilance and Block two consisting of child abduction and other reasons such as religion, caste, etc.

The rise of cow vigilante:

Cow is considered as a holy animal in the Hindu religion, therefore the Hindus also worship the cow. Religion is a very sensitive issue and with the current scenario Politicians have used it to their benefit. They are interested in creating a vote bank for themselves and so they use their platforms to divide the masses on such basis, they approach to the ethos(emotions) of the public at large.

Organizations like Rashtriya Swayamsevak Sangh (RSS) and Bajrang Dal(BD) have gone one step ahead and declared themselves as the protectors of the Hindu Culture. The incident that was most highlighted was the lynching of Mohammad

Akhlaq on September 28,2015¹⁷also known as the Dadri lynching incident. He was lynched on the mere suspicion of cow slaughter, because an announcement was made in his name at the temple that he had killed a cow and eaten it. To add to the fuel, the villagers also filed an FIR against Akhlaq's family on the grounds of cow slaughter.

The Preamble to the Indian Constitution clearly states that India is a Secular country and the Constitution also guarantees each person several Fundamental rights. The rise of cow vigilance is not only immoral but also unconstitutional. India being a secular nation has no official religion and has given an equal status to every religion. Killing a person just because he/she has a different faith, or he does not consider an animal holy is not only immoral but also unconstitutional. Being a nation with diversity we must accept that people have different views, ideologies and practices. These incidents only make us question whether we are moving towards Mobocracy.

There are various victims of such anti democratic and anti secular individuals who become self proclaimed "gau rakshaks" like Zahid Ahmad Bhat,¹⁸ Mokati Elisa¹⁹, Mohammad Hussain.

Pehlu Khan's case is noteworthy. He was a dairy owner in Alwar, Rajasthan, while

¹⁶ Dalit woman lynched in Agra, becomes first victim of braid-chop fear and rumour, The Indian Express (2017), <http://indianexpress.com/> (last visited Aug 20, 2019).

¹⁷ Abhimanyu Kumar, The lynching that changed India AlJazeera (2017), <https://www.aljazeera.com/> (last visited Aug 20, 2019).

¹⁸ Zahid Ahmad Bhat(2015): Bhat, in his 20s, was ferrying cow carcasses when a group of self-proclaimed cow vigilantes allegedly hurled petrol

bombs at him. Bhat died of severe burns ten days later. A forensic report later revealed that the carcasses in the truck were of cows that had died of food poisoning, not slaughter.(The Quint)

¹⁹ Mokati Elisa(2016): Mokati was tied to a tree and lynched by self appointed cow vigilantes who found him skinning a dead cow. Later it was found that the cow died of electrocution and was given to Maolati by the owner to skin it. Mokati was murdered on mere suspicions.



returning from Jaipur after buying a cattle he was stopped by the self appointed Cow vigilantes. Even after showing the necessary documents he was lynched on suspicion of being a cattle smuggler. After which an FIR was filed, even CID took probe in the matter, but this case was taken over by the Rajasthan Police and the perpetrators were given a clean chit. Recently a case was filed against Pehlu Khan accusing him for cattle smuggling.²⁰

“Jab raja apna kaam nahin karega, toh praja ko karna padega” (When the ruler fails to do his duty, then the public will have to step in), Acharya Yogendra Arya, the head of Haryana’s Gau Raksha Dal.²¹ This mentality indicates that people have now become the judges and juries of the society and will do what they deem fit.

The current scenario in our country is only leading towards a Hindu- Muslim divide which is against the essence of our culture. Any religion when practiced in extremism becomes dangerous and one which goes against its own principles. Cow is considered holy in Hindu culture but that does not give any Hindu the right to lynch a human on consumption of beef. People taking advantage of such situations are fueling the divide by sowing the seeds of suspicion and mutual tension between the communities, if this is continued then India will no longer be a place we take pride in for its welcoming and inclusive culture, but be ashamed of how it fails to protect its own.

Suspicions of Child abduction, Witchcraft and the problem of Caste:

Technology is a boon and a bane. India witnessed the progressive side of technology as well as the regressive side of it. Apps like WhatsApp that help us connect to people worldwide, brought nothing but doom to certain village areas in India. Certain messages relating to Child Abduction and organ harvesting started doing the rounds on WhatsApp, the messages had specific details and videos attached to them. This led to the lynching of many people in Dhule as well as Jharkhand and even Karnataka. An article by BBC²² titled, “How WhatsApp helped turn an Indian village into a lynch mob” narrates the story of an assualted victim who talks about the traumatising incident and the lynching of his friend. This is the influence of social media on humans, as it led to deindividuation and a mob mentality.

Bharat Malwe, Bharat Bhosale, Dadarao Bhoasale, Raju Bhosale and Aappa Ingole were the victims of such WhatsApp forwards that led the villagers in Dhule district of Maharashtra to believe they were child abductors. The villagers took Law in their hands and lynched them mercilessly.

Witchcraft or rather suspicion of witchcraft is another reason for which people have been lynched in India. Many women continue to be killed in parts of India on suspicion of witchcraft. About 2000 women have been killed by mobs between 2000-2012 in 12 states on suspicion of having

²⁰ Rupinder Kaur, HUNTED: India’s Lynch files The Quint (2018), <https://www.thequint.com/> (last visited Aug 20, 2019).

²¹ Snigdha, Poonam. “The String of Lynchings Point to a National Dysfunction.” Hindustan Times, 1 July 2017, 07:12:25, www.hindustantimes.com.

²² Satish Balla , How WhatsApp helped turn an Indian village into a lynch mob BBC (2019), <https://www.bbc.com/> (last visited Aug 19, 2019).



indulged in witchcraft practices.²³ Wasim Ahmad Tantray, a mentally disabled person was lynched in Kashmir, on the suspicion of cutting off braids²⁴. India is religious as well as superstitious, people believe in the practices of witchcraft and some people have been known to perform them too. However, one can never be sure whether or not a person is indulging in these practices. But, village vigils take matters into their own hands under the name of protecting people and commit such heinous crimes.

Caste has always been an issue in Indian society. People believe in the caste system and also talk about the mention of such a system in old scriptures written by scholars. There have been mob-killings in the name of caste, the concept of honor killing wherein the family/families of either the bride or groom or both decide to end the lives of the couple who married against their wishes or in a different caste can be seen as a first step towards the mob mentality fueling the wrong ideology. There has been a lot written about the plight of Dalits and similar to them are various lower castes that reside in different parts of India. The tribals or the Adivasis are also a victim of lynching because of the same reasons. Piyush Parmar²⁵, Madhu Chindaki²⁶ are few of the many victims that have been lynched because they were of lower castes.

CURRENT STATUS & CONCLUSION:

²³Saurabh K., Draft law of 'Manav Suraksha Kanoon' (MASUKA) – National Campaign Against Mob Lynching iPleaders (2019), <https://blog.ipleaders.in/> (last visited Aug 19, 2019).

²⁴ Supra 23

²⁵ Piyush Parmar(2017): Belonging to a Dalit community, he was assaulted for sporting a moustache

At present India has no laws for Lynching however according to current laws, provisions of Indian Penal Code (IPC) are applied to deal with instance of mob killing like Section 302 (murder), 307 (attempt to murder), 323 (causing voluntary hurt) 147 (rioting), 148 (rioting armed with deadly weapons) and 149 (unlawful assembly). Similarly, under Section 223 (a) of the Criminal Procedure Code (CrPC), it is allowed to try two or more accused for conducting a crime as a "same transaction"²⁷

The ongoing debate in this matter is whether or not lynching has come up during the Modi regime or not. A website by the name India Spend has collected the data on lynching but only for one aspect i.e. Cow related crimes. According to the website, there has been a remarkable 57.8% of cow related crime during the Bharatiya Janta Party regime, followed by 13.7% during the Congress regime(in a state wise breakdown).

The silence of the political realm on this issue is a cause of concern. Politicians not speaking up on this issue or rather being diplomatic has led to an encouragement of such crimes. These people need to be called out for what they have done. Politicians are quite because there is an issue of unfavorableness involved, they might not get votes or might even be highly criticized for their views, but if people in power will not start using their power to help the needy and

²⁶ Madhu Chindaki(2018): A 30 year old tribal man was beaten to death on suspicion of theft. The attackers took selfies with the victim before killing him.

²⁷ Snigdha, Poonam. "The String of Lynchings Point to a National Dysfunction." Hindustan Times, 1 July 2017, 07:12:25, www.hindustantimes.com/.



be a voice for those who need it , India will surely become a Mobocracy.

The Judiciary has been taking an active stance against mob lynching, the Apex Court has stated that it condemns Cases of Mobocracy. Therefore in the landmark judgement of Tehseen Poonawalla and Others v. Union of India²⁸ the court ordered all states to take stern measures against violence in the name of cow protection. Despite such judgements people always find a loophole and get out scott free like in case of Pehlu Khan and also Mohammad Akhlaq were the perpetrators were released on bail in a short period of time.

Following the directives given by Supreme Court, Manipur, Madhya Pradesh and Rajasthan have drafted an anti-lynching Law.

A bill called Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011, or the Anti-Communal Violence Bill was presented in the Parliament and it suggested various measures to curb communal violence, especially after various outbreaks of such incidents in Gujarat²⁹. But the bill was not passed because it somehow undermined the authorities of the State. It was a Bill that talked about measures to curb such communal violence and fixed responsibility for the same.

The work done by the National Campaign Against Mob Lynching is noteworthy. They

have come up with a draft called MASUKA (Manav Suraksha Kanoon) which is a law against mob lynching. It is a law that demands speedy and fair trials for such victims and compensation for the families of the victims from the state government. Apart from this, it also demands a stronger witness protection program for the witnesses of such incidents.

The fight against the crime of mob lynching is still a long one, rather it has only begun. The rise of cow vigilante across the nation and the spread of rumors through social media has taken a lot of innocent lives. There is need of the leaders of the country to speak up and protect the masses, so that such acts are discouraged. However, the silence of politicians is rather sending off a cryptic message to the masses and indirectly supporting such acts. The theories of social psychology also help us understand when individual thought vanishes and an individual completely blends with the mob indulging in groupthink that results in loss of individual ethics and moral behavior. Indian Judiciary has stepped up to the rescue of the victims and urged the center and the State governments to draft laws relating to lynching.

India lacks a healthy political environment, the opposition will always find a way to blame the ruling party or vice versa. What India needs the most is an atmosphere where every person feels safe despite his religious affiliation or the food choices or

²⁸ Tehseen S. Poonawalla v. Union of India (2018) 6 SC 72

²⁹ Pankaj Mishra, The Gujarat massacre: New India's blood rite The Guardian (2012), <https://www.theguardian.com/> (last visited Aug 20, 2019). The riots began after 60 Hindu pilgrims died when a train carrying them was set on fire. Responding

to reports that Muslims had set fire to a train carriage, killing 58 Hindu pilgrims inside, mobs rampaged across the state. More than 2,000 Muslims were murdered, and tens of thousands rendered homeless in carefully planned and coordinated attacks of unprecedented savagery.



gender! We need leaders that give us solutions instead of blame. Mob lynching is one of the heinous hate crimes that is growing every day and many incidents being unreported, all in the name of religion. The Hindu religion was never based on such values, but the agendas of people made it so.

signing up policy that holds people accountable for spreading hate and rumors.

- Looking at this lacunae in our system we can either make new laws or implement the current Indian Penal Code provisions in a way that can provide justice to the victims of such hate crimes.

SUGGESTIONS:

- It is of utmost importance for education to reach to the grassroots level of the country, so that they can understand the true value of democracy and secularism. With education they will not be blinded by the views of any political or religious authority.
- We need to draft a special law that deals with Mob lynching.
- According to me, four new sections can be added to Indian Penal Code, 1860:
Attempt to commit Mob Lynching: Because such an attempt is as heinous as the crime itself.

Causing death by Mob Lynching : This section can define mob lynching, and also describe about the what act constitutes mob lynching.

Punishment for Attempt to commit Mob Lynching : This section can constitute of punishment can get sentence of upto 10 years in Jail along with heavy compensation.

Punishment for Mob Lynching: This section can constitute a sentence of life imprisonment and a fine upto 10 lacs.

- There can also be a comprehensive law that deals with not only mob lynching but all hate crimes such as honor killings specifically too. This lacunae in law should be filled.
- Social media websites like WhatsApp should become more vigilant in terms of what information should be circulated through their medium. They should have stringent

