



MOB LYNCHING AND ISSUE OF HUMAN RIGHTS

“Judges without authority”

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ABSTRACT

“Blur faces, blurred vision, clear insanity, and clearer wounds”

Mob lynching is an act in which people punish the victim in the manner they deem fit. Increment in lynching activities is a matter of concern to the Indian legitimate framework to safeguard the Fundamental Rights as it affects the right to a fair trial which is the right of every individual in both civil and criminal cases. Further, this paper will explore the reason behind the barbarous behaviour of the people. To curb such activities fear of the law is important as people involve themselves in such obnoxious activities instead of approaching the authorities. Global condemnation has taken place due to the horrendous activities. There is a need for a fully-fledged law to tackle the heinous crime.

KEYWORDS: Mob lynching, Human Rights, Harmony, Justice, violence, unabashed

INTRODUCTION

“Law cannot bring humanity, but it can provide justice from lynching”

Charles Lynch and William Lynch are the two Americans from whom the word lynch has been derived. It is originated from the American Revolution. It can be said that mob lynching is a self-constituted court where the

mob judge a person without authority. They punish the person according to their presumption and stereotypes without due process of law. This paper discusses the undesirable activities that are performed by a group of people based on a suspect and dubious

Laws are made for the enhancement of society and to prevent further obnoxious activities that can harm society but in 21st century crimes like mob-lynching are an extensive legal issue. The brass-necked individuals committing nasty incidents without due process of law. What if an innocent person is killed in a ghastly way? Can an act be justified if done without due process of law? In furtherance What if a person is presumed to be accused based on mere suspicion. Is it instant justice or instant crime that infringes the dispensation of justice?

Our constitution establishes the democratic government which is fully cherished with liberty, equality, fraternity, and justice. Democracy, secularism, and socialism are the basic principles but the purpose which the constitution seeks to achieve is infringed due to practices of mob lynching.

The crime and the criminals do not know the religion, race, caste, class similarly the victim shouldn't be regarded through the lens of race, religion, caste, or class. The state is responsible to shield the fundamental rights and the liberty of the people to protect the dignity of their responsibilities and position regardless of religion, class, caste, and race.

The democratic government responsibilities to drive and boost towards resilient beachheads for liberties to safeguard the



higher principles and values to pave the path for the extemporaneous constitution.

The uncontrolled and uncontrollable voices and actions create absolute insanity. Nothing justifies the callousness and unspeakable brutality of the mob. No root, none of the amplified voices proves the wrong into right. Mere suspect in someone can lead the way to a tremendous scandal. Miscommunication and blurred ideas create even more discrepancies. It is an act of barbarism and due to which global condemnation has taken place. The act of mob infringes the effective dispensation of justice as it violates the fundamental principles and the act is also against humanity.

Aim: This paper aims to identify the reasons behind illegal acts because of which offenders go exonerated. The consequences of such heinous crimes can be grave on the development of civilized society as it is against humanity and fundamental principles. Thus, the paper will discuss the legal rights that are affected along with the need for enactment of statutory law. Furthermore, to identify the reasons due to which justice and human rights are infringed.

Study problem:

- What are the effects of mob lynching in society?
- Is there any shortcoming or deficiency in the legal system due to mob lynching?
- What is the role of society to curb such unacceptable behaviour of mob.

Mob lynching is a non-justifiable act in which punishment is imposed without a proper trial and by the mob who have no authority to decide a case. This punishment is imposed against the individual or a group of individuals who are not declared as accused

under law. Mob lynching is an act that violates the principle of “*Ei incumbit probatio qui dicit, non qui negat*” as people take the law into their own hands without legal proceedings. This type of activity is a snub to the rule of law. Mob lynching is a serious threat that harms human rights. The barbarous behaviour of people towards the victim is very threatening. Despite various legislative measures taken to protect human rights, repulsive activities take place in various forms and hamper human rights.

A threat to the harmony of the nation due to lack of provisions

It is a form of violence in which a person is punished by a mob who have no authority to decide a case due to which the purpose of the law to provide justice is infringed. It is a horrifying crime like murder. It is against Article 14, 15, 51A, and Article 21 of the Indian constitution as the right to live with dignity and equality, etc. are hampered and the illegal act of lynching also hamper the due process of law. To live with dignity Human rights are intrinsic as it improves the quality of life. Such despicable activities are creating a menace for society. If something or someone is under suspicion then it can also incite the ire of radical outfits. Furthermore, to serve justice one cannot do illegal acts and infringe the legal system one should approach the authorities to provide justice.

Reasons behind mob lynching and issue of Human rights

In this research, many reasons were identified due to which the barbarous behaviour of people takes place and illegal act is done. This type of activity can affect human rights. An ill-fated enumeration to strengthen the mob violence and tormented trepidation presenting a dingy and ghastly view which



coerces to replicate even if the republic loses the value of tolerance to endure miscellaneous culture and practice moreover the apathy of spectators silence of the viewers, the indolence of law implementing machinery to intercept such criminal acts and squeeze them in the bud and egomaniacal of instance by preps of criminalities including the exposure of social media which further exacerbates the entire problem. Mob lynching is an act and skulking threat that may steadily take bodies of typhoons like monsters.

The occurrence of such incidents could happen on the train, universities, village, street, and so on. There are many reasons due to which such obnoxious activities take place.

There are cases through which can be examined the occurrence of such illegal activities.

- **Religious**

In India, there has been a rise in incidents of mob lynching. The first issue which was reported for such an obnoxious act was the Dadri Mob lynching case in the year 2015. The issue, in this case, was of slaughtering and theft of cow-calf.

- **Caste**

The caste system is one of the issues back from ancient times. The development of the social caste system plays a predominant role. It is the issue that directly or indirectly affects human rights and it leads to an increase in untouchability, Discrimination, and slavery. There was a spate of mob lynching cases and one of them is the Delhi lynching case that was held in the year 2017 in this case a rickshaw driver was killed.

- **Rumours**

To spread rumours social media platform is the most influential medium. Through this communication process has become faster. Fake messages are spread instantly and people believe them without any doubt as the messages are received from trusted sources and it becomes difficult to differentiate between fake news and original one. It can be used as a weapon to spread suspicious activity due to which the extensive legal issue like mob lynching takes place. One of the cases is the Jharkhand lynching case of the year 2019.

- **Lack of clarity**

The morale of mobs increases as the act of lynching is done by the crowd that gives rise to a lack of clarity about the criminals.

Society Each individual is equal in the eye of law still Pococurante frame of mind of society with regards to culture, religious leads to nauseating such activities.

- **Other**

There are many more reasons for the uncontrolled growth of such incidents like child kidnapping fear, the rise of cow vigilante, intolerance, and inefficient laws and order. And due to these activities grave situation of anarchy among the citizens of the country is created and it infringes human rights and democratic processes.

- **Hate speech**

As spreading rumours empowers the act of mob lynching similarly hate speech attacks sentiments and aid in provoking the incidents of mob lynching.

- **Cow vigilante**

After the beef ban, there has been a massive spate in cases of cow vigilante in India.



Violence is increasing enormously as people are unabashed by their actions.

- **Intolerance**

Individuals continuously must remind themselves about the attitude of morbid intolerance which is absolutely unacceptable and unbearable which is again horrendously painful. Intolerance strengthens mob violence to endure miscellaneous activities.

It is the duty of the Constitution to protect the lives of the people and human rights. The actions should be taken in a rightful way and through lawful means. No individual has the right to shake this foundation of law. There is no other right higher than the lives of people or the right to live with dignity and liberty. No individual can exploit another human dignity For such actions or activities which would exhaust the magnificence of law. In a civilized society, such acts should absolutely be avoided and eliminated therefore simultaneously the law should keep an eye to punish the perps to prevent crimes.

Human rights are also infringed on due to mob lynching

- Lack of provisions hampers the legal rights of the people and the development of the civilized society.
- Due to a lack of provisions, there are chances that the offenders may go exonerated.
- To live with dignity human right is intrinsic as it improves the quality of life but mob lynching hamper this right.
- Lynching is a snub to the rule of law

Role of society to put an end to or to encourage the unacceptable behaviour of the mob

The development, progress, or deterioration of the nation is based on society. The perception of society holds great importance. When the people at large act arbitrarily and become judges without authority it hampers society and the development of the nation. The obnoxious activities lead to infringement of the duties of citizens. It is the responsibility of citizens to perform their duties if they are not performed it will lead to anarchy. The association of people having harmful thoughts and behaviour influences and brainwashes a community of people which then end up committing barbarous crimes. Rumours are catalysts spreading fire and encouraging brass-necked individuals through social sites such as WhatsApp, Twitter, Facebook, telegram, and many more. When the rumours influence the individuals it results in heinous crimes like mob lynching. Due to such obnoxious activities, the present and future generations are also affected by psychologically and physiologically.

There are many things that a civilized society can do to curb such nasty incidents:

- Not believing in rumours is one of the simplest, smallest yet important things society can do to maintain the sanity of society and proper conduct.
- Taking law in one's own hand to satisfy their expectations serve no good to the society. This itself counts as a crime and will not justify their actions.
- Collectively avoiding such disturbing actions can maintain the decorum of



the country to gain the large interest of the society.

- Society is duty-bound to abjure violence, to promote harmony, to protect the sovereignty and integrity of the country.

Anti-lynching laws

There have been a massive spate in cases of mob lynching and issues of human rights. With the increment in lynching activities, there is a need for strict obligations on the Mob. Spiralling of menace incidents is a greater threat to the harmony of the nation.

There are countries in which to curb such despicable activities laws have been passed like in USA legislation was passed in 2018 and in Nigeria also a Bill was introduced in the year 2017.

There are many provisions for such heinous crimes in the Indian penal code which covers different aspects like section 106, the section in which private defence is exercised, 300 murder, section 299 culpable homicide, section 146 Rioting, section 141 Unlawful assembly, etc. but still after seeing a spate of cases and the supreme court guidelines there is no enactment of law yet. Therefore the enactment of Anti lynching law is important to curb the heinous crime. In India to tackle nasty incidents of mob lynching National Campaign put forward new law in 2017 i.e. MASUKA (Manav Suraksha Kanoon) but it was not formed as a fully-fledged law.

With the soaring of such nasty incidents in India initiative has been taken by few states to curb such activities

- **Manipur**
- **Rajasthan**

- **Madhya Pradesh**
- **Uttar Pradesh**

The duty of the legal system to enlarge and foster human rights to protect lives so that they do not hamper society. What law dispenses may confiscate away through lawful means if it infringes on the legal system; that is the fundamental conception of law. When preventive measures fail then it becomes tremendously important to have remedial and punitive measures to protect the lives and human rights. To meet this situation the Supreme Court has laid down the guidelines to take preventive measures, punitive measures, and to provide remedies in the landmark case of *Tehseen s.poonawalla v. Union of India*¹. Judgment was delivered by the bench comprising of former chief justice Dipak Mishra, Justice A.M. Khanwilkar, and D.Y. Chandrachud. As the fear of law is important for the atrocious crime and to pre-empt occurrence of mob lynching. To curb the unlawful act court has laid down the guidelines that are as follows:

- **Designate** – senior police officer
- **Regular meeting** – nodal officer (once a month)
- **The meeting shall be reviewed once a quarter Compensation scheme** – for victims, victims family

CONCLUSION

“Stifling free voices can never prefigure well for true democracy”

Human beings have a dynamic nature, they are not confined around food and shelter. Under the worldwide to live with dignity Human right is intrinsic. Without rights, it is

¹ (2018) 9 SCC 501



impossible to live with dignity in a civilized society. Human rights are essential for development. Despite having human rights due to the practice of certain heinous crimes it has become more alarming. With the soaring of such nasty incidents and lack of provisions, the offenders may go exonerated. The root cause of despicable activities is due to rumours spread through social media. It plays an important role to ignite disturbances in unstable conditions. Rumours are a lethal weapon that can lead to a huge scandal that can affect the people and act like mob lynching take place. Mere suspect in someone can lead to a huge scandal. Mobs become Judges and executioners who have no authority to decide a case but decides when, where, who, and how to kill a victim. The state has chief accountability to raise non-religious, diverse, and cross-culturalistic social order to consent free play of notions and principles and co-existence of mutually incongruous perspectives. It is crucial to building societies that encirclement diversity in all provinces and reconstitute the trust of inhabitants in the State machinery. Lack of provisions gives an upper hand to such obnoxious activities. The barbarous behaviour by a group of individuals leads to an action against the law and is not justified. It is time to enact the law as practices of mob lynching has given birth to parochialism and polarization in the country. Law cannot bring humanity but it can provide justice from such an illegal act. To deal with the menace of obnoxious activities it is important to penalize the offenses of mob lynching. No person shall be convicted unless declared by a court of law. To serve justice one cannot do an illegal act and infringe the legal system if it is done then it is not justice. If there is any issue then instead of taking it upon

themselves one should approach the authorities to serve justice.

Suggestion

There is no higher right other than the right to live with dignity and should be treated with humanness by the law. Each individual is equal in the eye of law therefore no religion, caste, class, race, gender should be taken into consideration during passing and implementing the law. No person has the right to exploit the right of another individual, for such activity, it would be exhaust the magnificence of law. The occurrence of such nasty incidents shows that we are not vigilant enough to preserve the constitutional values of the country. In a civilized society, such acts should be avoided and eliminated simultaneously the law should keep an eye to punish the perp to prevent crimes. With the increment of violence, there is a need for strict obligations to be imposed on the mob..

- For the amelioration of the country and to safeguard the Fundamental rights enactment of the law is very important.
- After enactment to provide awareness about such laws is important for the betterment of the country.
- Not believing in rumours is one of the simplest, smallest yet important things society can do to maintain the sanity of society and proper conduct.
- Deterrent punishment should be imposed so that offenders do not get exonerated for such obnoxious crimes as it gives birth to parochialism and polarization in the country.



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