

Mob Lynching - A Social Evil

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1. Introduction

During the past few years, India is facing an unprecedented crisis of mob lynching which has aptly been described by the Hon'ble Supreme Court Judges in a recent case¹ as "horrendous acts of mobocracy". Lynching phenomenon is not new in Indian context but recent spurt in the lynching incidents is not only surprising but utterly shocking indeed for any person who believes in democratic principles. "Lynching is a social act," says Prof. Bhaskar Chakravorty, Dean of Global Business at the Fletcher School of Tufts University. He further elaborates that "It is not new, but it happens more readily when more people believe in some common cause and fewer people have the counter-facts to pose an objection. The fervour of the lynch mobs was largely facilitated by social media, which efficiently delivered rumours to solidify a "common cause." So, the big difference between the lynching phenomenon of the past and the present acts is the role of social media of which WhatsApp is most notable.

Our country is witnessing mainly two forms of mob lynching. First, in the name of cow protection vigilantism in which "strident gau raksha sloganeering has contributed to the environment where people believe they can get away with violence in the name of the cow, so have the stiff cow slaughter prohibitions framed by different state governments - which seem to equate the taking of animal and human lives". The other type, which is prevalent during the past few months, is associated with rumours of kidnapping of children to harvest their organs. In both types of lynching acts, dozens of people have lost their lives who were innocent and poor. As mentioned earlier, in the latter case rumour mongering was done. The Supreme Court of India in Tehseen S. Punawalla's petition has observed that mob violence is a crime whatever the motive. Saying it would "not confine these incidents to any particular motive," the Court said "this is mob violence, which is a crime." The Court further observed that "We do not want lynching. We do not want mob violence. We want to protect victims." The Court said that "it was the obligation of the states to ensure that such incidents do not occur." The Apex Court also urged the Central Government to frame Anti-lynching laws as there are none at present to deal with this menace.

In the light of directions given by the Apex Court, the Central Government has formed a Group of Ministers (GOM) to deliberate upon the matter and give suggestions regarding formulation of new law for curbing the menace of lynching. Further, the Ministry of Home Affairs and the Law Ministry at the Centre are on the job to put up a draft law. It is hoped that the new law will soon come up as Supreme Court is monitoring the issue. The spate of lynchings during the past few years is unexpectedly becoming a new normal and is posing a big challenge for democratic norms. It is also underplaying the role

of civil society and the process of dialogue which is at the root of any democratic society. So, the big question is how to stop the rot? Whether a new and robust law in this regard will suffice or a lot more needs to be done through the combined efforts of civil society and the government. Also, the role of social media has to be redefined in this context. The present study focuses on such issues and tries to find working solutions also.

2. Lynching: an ancient sport

It is to be remembered that mob frenzy is not of recent origin. History is replete with examples of mob violence. Few infamous incidents of mob violence have been discussed below:

The 1857 revolt: The immediate cause of the revolt was the use of Enfield rifles. The cartridges were wrapped in paper, which had been coated in grease which made the cartridges easier to load in rifle barrels. Rumours began to spread that the grease used to make the cartridges was derived from pigs and cows, which would be highly offensive as cow was sacred to the Hindus and pig was a taboo for Muslims. Sepoys refused to use the new rifle

cartridges. On May 10, 1857 things became chaotic as mobs attacked British civilians, including women and children. Mutineers travelled the 40 miles to Delhi and soon the large city erupted in a violent revolt against the British. The British too retaliated. The dead bodies of Indian rebels were hung from trees for public spectacle, "It was a holocaust, one where millions disappeared. It was a necessary holocaust in the British view because they thought the only way to win was to destroy entire populations in towns and it was simple and brutal. Indians who stood in their way were killed. But its scale has been kept a secret."

The bloody legacy of Partition: In 1947, at the time of partition, human bodies became sites of lynching and collective violence, women and children being the worst victims. Nisid Hajari in "Midnight Furies" (Houghton Mifflin Harcourt) his fast paced new narrative of Partition and its aftermath, writes, "Gangs of killers set whole villages aflame, hacking to death men and children and the aged while carrying off young women to be raped. Some British soldiers and journalists who had witnessed the Nazi death camps claimed Partition's brutalities were worse, pregnant women had their breasts cut off and babies hacked out of their bellies, infants were found literally roasted on spits."

The aftermath of Indira Gandhi's death: The survival of the 1984 anti-sikh riots that took place in the wake of then Prime Minister Indira Gandhi's assassination tell horrific tales of violence, robbery, rape and murder. One such incident that

still records a high nine on the emotional Richter scale is narrated here: The day the mob arrived at Badshahpur in Gurgaon, Gurpreet's neighbours hid him in their house, and from a window he watched the events unfold below. The mob of "at least one thousand" burnt down the gurdwara opposite his family's house, before turning its attention to the family. "They began calling out to them to come down, reassuring them that no harm would be done," Singh said, "My eldest brother went down, and the minute he got there, they gave a call to surround him, and burnt him alive." His other brother too was called down, and when he tried to flee, the mob allegedly caught him, beat him up and burnt him alive, some of the attackers even chopping off his fingers. "After that, they set fire to our house, which brought everyone outside, and they

burnt them alive," Gurpreet said. The angry mobs carrying voters' lists celebrated public lynching and burning on the streets. The leitmotif of these events was "When a big tree falls, the earth shakes."

3. Lynching stories that tear our sensibilities

1. **Mangalore pub attack:** On 24 January 2009, a radical outfit attacked group of young women and men in a pub in Mangalore, claiming that the women were violating traditional Indian values. On 3 February 2009, the founding member of the outfit told The Indian Express, "Why should girls go to pubs? Are they going to serve their future husbands alcohol? Should they not be learning to make chapatis? Bars and pubs should be for men only."
2. **Alwar:** Pehlu Khan, a 55-year-old Khan was waylaid by a mob on April 1 when he was transporting cows for his small dairy farm, beaten up mercilessly, and he died of his wounds two days later. The death triggered national outrage. Police was not able to arrest any of the six men named by Khan in his dying declaration. However, those identified from a video of the assault that went viral were arrested.
3. **Dadri Mohammad Akhlaq:** In Dadri's Bishara village on September 28, a 50-year-old Mohammad Akhlaq was lynched and his son Danish (22) was brutally beaten up as punishment for allegedly eating beef on Eid and 'storing it' for later consumption. A riot-like situation gripped the sleepy village, a little over 40 km from the bustling sub-city of Noida, near Delhi, on September 29, when their relatives were barred from participating in the funeral procession.
4. **Una, Gujarat:** Seven members of a Dalit family were allegedly beaten up by a group of cow vigilantes for skinning a dead cow in Unna town of Gir Somnath district of Gujarat. After beating them up, the attackers reportedly took four of them to Unna town and paraded them, flogged them publicly all the way to the police station. As the police arrived, the attackers fled in their vehicle.

4. Reasons of Lynching

- These hate crimes flourish most of all because of the enabling climate for hate speech and violence which is fostered and legitimised from above, which frees people to act out their prejudices; and the impunity assured by state administrations to the perpetrators.
- Senior politicians and elected representatives frequently come out in open defence of the attackers, charging the victims with provoking the attacks.
- The messaging is unambiguous: Not the lynch mob, but the victim, and the community to which he belongs, are guilty.
- The current phenomenon of lynching to be what intellectuals describe as "command hate crime".
- By this underline, first, that these are hate crimes, not ordinary mob violence, as these mostly target identified minority communities and disadvantaged castes. And second, that these crimes are tacitly or openly encouraged by senior leaders of the political establishment.
- The members of the lynch mob in most incidents of lynching video-tape the act, and upload the video-tapes. To record one's crimes and display these on the social media reflects a brazen confidence that you will not be punished for your crime, and even if you are nabbed, you will be a hero for the ruling establishment.

5. Who is to be blamed

1. **Technology:** Incidents of lynching can be linked to technology. Cell phones are used to spread rumours about cow slaughter. A new form of primitive propaganda is manufactured to forge a collective majoritarian identity. The gruesome scenes of violence are captured through cameras and made viral. Such scientific techniques provoke and inflame the passions of the mass audience. The public exhibition of retribution and punishment is the primary message of such violence.
2. **Local vigilante groups or lynchers:** Religiously charged mobs have become active in dispensing vigilante justice. They are running amok throughout the country. They see themselves as moral vigilantes protecting the sacred order and the state should take steps to remove their idiosyncracies. They assert their muscle power through intimidation and throw caution to the wind. They perpetrate mob violence on vulnerable individuals with implied exemption from punishment. They can barge into the homes and check the meat in the refrigerator, attack places of worship of the minorities, protest outside educational campuses and brand people as 'antinational'.
3. **Administrative machinery:** Human beings are dehumanized in the process of lynching. The administrative machinery is a dumb spectator to the new pattern of violence so lynching takes place with an easy absence of guilt. There have been instances where nine men were mercilessly beaten to death by rampaging mobs in Jharkhand even in the presence

of police forces. Administrative machinery is a complicit spectator of the spectacle through design or default.

4. **Media:** Lynching is an unfortunate malady. There are news channels that have become kangaroo courts with half a dozen panelist and the brash news anchor becomes judge and executioner. These anchors present different conspiracy theories related to mob violence. Consequently, some channels blame the victim while some blame the vigilantes leaving the viewers perplexed. There are some channels that feel such incidents are not newsworthy enough to be aired during prime time slots. On the other hand, the loquacious leaders blame the media for being selectively outrageous- You reported X why you chose to be silent when Y happened. A murder is a murder and cannot be justified. Attempts are made to give communal colour to such incidents. Almost all the six panellists in six boxes have differing opinions but no unanimous solution to remedy the hopeless situation. Perhaps, we are getting accustomed to the new language and pattern of violence.
5. **Law:** Lynching has been a frequent occurrence. There is silence too from the courts. Law has taken a backseat. Mobs are taking law in their hands functioning both as judges and executioners, deciding who, when, where and how to kill. Religious sentiments have replaced the rule of law. The nation's sheep is sacrificed in the name of protecting the cow at the altar of Lady Justice.

6. Supreme Court gives the following 11-point prescription to end mob lynching:

The Supreme Court condemned mob lynching incidents across the country and urged Parliament to enact a law to deal with the crime that threatens rule of law and the country's social fabric. Here are a slew of directions, including preventive, remedial and punitive steps, the top court gave to deal with the crime:

1. The state governments shall designate a senior police officer in each district for taking measures to prevent incidents of mob violence and lynching.
2. The state governments shall immediately identify districts, sub-divisions and villages where instances of lynching and mob violence have been reported in the recent past.
3. The nodal officers shall bring to the notice of the DGP any inter-district co-ordination issues for devising a strategy to tackle lynching and mob violence related issues.
4. It shall be the duty of every police officer to cause a mob to disperse, which, in his opinion, has a tendency to cause violence in the disguise of vigilantism or otherwise

5. Central and the state governments should broadcast on radio and television and other media platforms including the official websites that lynching and mob violence shall invite serious consequence.
6. Curb and stop dissemination of irresponsible and explosive messages, videos and other material on various social media platforms. Register FIR under relevant provisions of law against persons who disseminate such messages.
7. Ensure that there is no further harassment of the family members of the victims.
8. State governments shall prepare a lynching/mob violence victim compensation scheme.
9. Cases of lynching and mob violence shall be specifically tried by designated court/fast track courts earmarked for that purpose in each district. The trial shall preferably be concluded within six months.
10. To set a stern example in cases of mob violence and lynching, the trial court must ordinarily award maximum sentence upon conviction of the accused person.
11. If it is found that a police officer or an officer of the district administration has failed to fulfil his duty, it will be considered as an act of deliberate negligence.

7. Conclusion

There have been several atrocities on vulnerable groups. Public lynching has become a trend. The government says it has no role in it. Of course, it has a responsibility. So far no vigilante group or radical outfit has been declared guilty of the crime. If law enforcers are reluctant to save people from mobs, there is failure of administrative machinery. Lynching has eroded the right to life. People are beaten up and paraded, women are stripped and assaulted. These horrendous murders are only a symptom of a deeper malaise. Is our conscience dead or are our commiserations chilled due to the political ambience? Mob violence cannot be justified at all. Media continues to have debates on the issue. Loquacious leaders blame the media for being selectively outrageous -You reported X why you chose to be silent when Y happened. Can lynching be a topic for debate? It is an occasion for justice and reassurance. It's time for us to ponder and reflect - Are we vigilant in protecting the basic principles of our Constitution and preserving the secular fabric of our country? Merely maintaining statistical records cannot be the response to these ghastly events. When an act of lynching takes place the government machinery must swing into action. Investigation must be carried out at lightning speed. Unfortunately, all such cases are lost in government files that are biting dust. Deliberate inaction on the part of law enforcers will turn our society into a Fascist one. Society turning Fascist is precarious we are not a nation that celebrates genocide, we are a people who mourn an innocent's murder. We should never hesitate to condemn such savagery.

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