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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

WHEN MOB GOES ASTRAY – UNVEILING HISTROY & SOLUTION WITH BHARATIYA NYAYA SAHITA

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Abstract:

This paper examines the concerning rise of mob lynching in India, a nation with a rich social tapestry but a growing problem with vigilante violence. The research delves into the historical roots of mob lynching, tracing its prevalence in communal conflicts across the country. It then dissects the various forms that mob violence takes in contemporary India, including attacks fuelled by religious prejudice, suspicion of child abduction, and cow protection – a particularly sensitive issue due to the cow's sacred status in Hinduism.

The Palghar Sadhu lynching of 2020 serves as a chilling case study. This horrific incident, in which three Hindu holy men were mistaken for criminals and beaten to death by a mob, underscores the dangers of misinformation and mob mentality. It exposes the ease with which rumours can spread like wildfire in a climate of fear and social isolation, especially during times of crisis, as exemplified by the COVID-19 pandemic that served as the backdrop to the Palghar tragedy.

The research goes on to analyze the impact of mob lynching on Indian society, acknowledging both potential positive and negative consequences. While collective condemnation of such acts can foster unity and a sense of shared responsibility for justice, it more often creates societal divisions. The targets of mob violence are overwhelmingly members of vulnerable minority groups, such as Muslims and Dalits, which deepens existing fault lines and breeds mistrust between communities. This can further fuel discrimination and prejudice, hindering efforts towards building a harmonious and inclusive society. The paper emphasizes the importance of promoting inter-communal understanding and respect for diversity as a means to prevent such conflicts from escalating.

Finally, the paper explores the role of the Bhartiya Nyaya Sahita (BNS) in addressing mob violence. The BNS, India's legal code, incorporates provisions specifically designed to deter mob lynching.

These provisions aim to achieve this goal through a three-pronged approach: strengthening deterrence through stricter punishments for perpetrators, improving law enforcement's capacity to prevent and respond to mob violence, and ensuring swift justice for victims' families. By implementing these measures effectively, the BNS has the potential to curb these horrific acts and ensure a safer and more just society for all.

Key Words

- Mob Lynching
- Contemporary India
- Historical Roots
- Motivations
- Social Fabric
- Case Study
- Palghar Sadhu Lynching
- Misinformation
- Fear
- Legal Framework
- Bhartiya Nyaya Sahita (BNS)
- Deterrence
- Justice for Victims
- Social Harmony

Introduction

Mob lynching, the brutal public قتل عام (qatl-e-aam) [Hindi word for massacre] of individuals by a group, has emerged as a grave challenge to contemporary India. This research delves into this disturbing phenomenon, exploring its historical roots, the diverse motivations behind mob violence, and its profound impact on the nation's social fabric. By examining a specific case study – the 2020 Palghar Sadhu lynching – we gain a deeper understanding of how misinformation and fear can incite deadly mob action. The research then analyzes the legal framework established by the Bhartiya Nyaya Sahita (BNS) to combat mob lynching, evaluating its effectiveness in deterring such violence and ensuring justice for victims.

Ultimately, this study aims to shed light on a complex issue that threatens the social harmony of India and propose measures for a more just and peaceful society.

Objectives:

- **To analyze the causes and consequences of mob lynching in contemporary India.** This objective focuses on understanding the factors that contribute to mob violence and the impact it has on society.
- **To evaluate the effectiveness of the legal framework established by the Bhartiya Nyaya Sahita (BNS) in deterring mob lynching.** This objective narrows the focus to the legal system's role in addressing this issue.
- **To propose solutions for preventing mob lynching and promoting social harmony in India.** This objective takes the research a step further, aiming to identify actionable solutions based on your analysis.

History of Mob Lynching in India

Mob violence in India is a growing concern among conscientious citizens due to the alarming increase in incidents of mob lynching under various pretexts. Regrettably, mob violence remains a pervasive issue in contemporary society, with historical roots deeply entrenched in communal conflicts across urban and rural areas.

Bloodthirsty mobs instil fear in vulnerable communities such as Dalits and Muslims through acts of violence and intimidation, often carried out under the guise of cow protection. Data from indiaspend.com indicates that a significant majority of cow-related violence victims since 2010 are Muslim, with a staggering 97% of attacks occurring post-2014.

The historical backdrop of mob violence in India reveals a recurring pattern where mobs swiftly engage in violence without due consideration, resulting in vandalism, assaults, and fatalities. The first documented instance of mob violence dates back to the "Holi Riot" in Gujarat in 1714, rooted partly in cow-related disputes, leading to widespread destruction and loss of life among Hindu and Muslim communities.

The legacy of cow-related violence persisted through the 19th century, with riots erupting across British India, notably in regions like Punjab, United Provinces, and Bombay. The anti-cow killing riots in Punjab in 1893 claimed nearly a hundred lives, while in Bombay, hundreds fell victim to cow-related violence during the same period.

In Mau, Uttar Pradesh, tensions over cow sacrifices in 1806 resulted in the prohibition of cow sacrifices by the Sadar Nizamat Adawlat in 1808. Subsequent reinterpretations of the ban in the 1860s sparked discontent among Hindus and Muslims, culminating in clashes over religious practices regarding animal sacrifices. An illustrative incident involving a Muslim landowner's intent to sacrifice an animal at his daughter's wedding triggered communal discord, underscoring the deep-seated religious sensitivities that often fuel mob violence in India.

In 1893, approximately four thousand Hindu men from Ballia district and two thousand from Ghazipur district assembled in Mau with the intention of preventing sacrificial practices.

Those Hindus dedicated to safeguarding cows initiated assaults on Muslims, leading to the looting of their shops within a marketplace in Mau. British authorities reported around seven Muslim casualties during the unrest, contrasting starkly with local estimates, which claimed up to 200 fatalities.

Mob Violence at the Beginning of the 20th Century

The early 20th century witnessed a surge in cow protection movements and subsequent riots, notably exemplified by events such as the 1909 Calcutta riot triggered by the public sacrifice of a cow by Muslims. Similarly, the 1912 Faizabad riots erupted following a Maulvi's provocation of Hindus regarding a cow, and in 1911, the Muzaffarpur riot was incited as a response to cow slaughter by Muslims, leading to Hindu threats to desecrate a mosque.

In 1916 and 1917, during the Muslim festival of Eid-ul-Adha, Patna experienced consecutive riots marked by looting, violence, and fatalities, prompting the British authorities to forbid cow slaughter during the festival. Reports documented that on Eid day, Hindu groups numbering 25,000 targeted Muslims, resulting in widespread violence. Subsequently, from 1917 to 1928, a series of anti-cow slaughter and cow protection-related riots erupted across India.

Hundreds of Riots and 450 Fatalities in Bengal

In a surprising turn of events during the 1920s, Bengal was rocked by over 100 riots, leading to 450 fatalities and 5,000 injuries. Scholar Nitish Sengupta (2011) attributed these conflicts to Hindus playing music near mosques during Durga Puja processions and Muslims slaughtering cows openly during Eid-ul-Adha.

Post-Independence Era in India

Following the 1947 Partition of India, frequent riots broke out over cow slaughter. Between 1948 and 1951, incidents related to cow slaughter triggered unrest in various locations, including Azamgarh, Akola, Pilbhit, Katni, Nagpur, Aligarh, Dhubri, Delhi, and Calcutta, as documented by Govind Sadashiv Ghurye (1968). Ghurye further noted that cow slaughter continued in parts of India during the 1950s and 1960s, leading to further unrest.

Ian Copland et al. (2013) highlighted a decline in cow sacrifice rituals during Islamic festivals post-1947; however, tensions resurfaced in the 1960s as a new generation of Muslims, unfamiliar with the religious conflicts of the 1940s, began asserting their beliefs, reigniting communal violence.

From Hindu Monks to Parliament

Hindu sadhus (monks) congregated in Delhi to protest against cow slaughter, advocating for its prohibition. During a large procession toward Parliament, disturbances arose, sparking riots as detailed by Indrani Jagjivan Ram (2010).

The escalation of mob violence culminating in mob lynchings, predominantly affecting innocent individuals, has led to public disorder. Data from January 2011 to June 2017 indicate a significant surge in violence related to cows, escalating from a minimal level to over 20%.

Types of Mob-lynching

Mob-Lynching based on the causes can be classified into five types. They are:

- Communal based
- Witchcraft

- Honour killing
- Bovine-related mob lynching
- Suspicion of Child lifting
- Theft cases

Communal based

Historically caste violence against Dalits are being held with some pretext or the other which often include Mob-lynching, however, in general such cases are under-reported or dismissed in the investigation itself.

The barbaric caste system which is embedded in the very Vedic literatures gives a fillip to commit such atrocities. Unfortunately, these cases are frequently under-reported and sometimes not thoroughly investigated, leading to a lack of justice for the victims. It is essential for society to confront these injustices and work towards a more inclusive and equitable future where every individual is treated with dignity and respect, regardless of their caste or background. By raising awareness, promoting dialogue, and advocating for change, we can strive towards a society where such acts of violence and discrimination are no longer tolerated.

Witchcraft

Mob-lynching coming about passing based on witch-hunting is disturbing and stunning in themselves. One report show that 2,097 such murders were committed between 2000 and 2012 in at slightest 12 states.

This appalling slant of mob-lynching and witch-hunting driving to passing is profoundly alarming and unsatisfactory. The reality that 2,097 lives were misplaced in such occurrences between 2000 and 2012 over 12 states is a stark update of the grave results of deception and bias. It is basic for communities and specialists to come together to combat this threat and advance understanding, resistance, and regard for all people. By cultivating compassion and instruction, we can endeavour towards a society where such silly acts of viciousness have no put, and where each individual is treated with nobility and fairness.

Honour Slaughtering

The terms respect killings and respect violations are the occurrences of criminal savagery and committed against the youthful couple arranging to wed or hitched without the concern of the family individuals or community. Al Jazeera, Kavita Krishnan, the Secretary of the All India Dynamic Women's Affiliation (AIPWA) [18] characterized as the "viciousness to anticipate a qualified lady from working out her choice either in cherish or marriage.

The summit court administering on respect wrongdoings based savagery can be connected to the taking after circumstances: (i) virginity misplaced some time recently marriage; (ii) pregnancy of pre-marriage (iii) treachery; (iv) unapproved connections; (v) denying organized marriage; (vi) requesting separate; (vii) requesting guardianship of children after separate; (viii) forsaking family or conjugal domestic without consent; (ix) causing outrage or prattle in the community, and (x) falling casualty to rape[19]. The Pinnacle court has issued a point by point rules to anticipate, oversee the Mob-Lynching (Annexure-I).

Bovine-related swarm lynching

Though the root of this Bovine based mob-lynching is communal, be that as it may, Bovine issues based Mob-Lynching between 2010 and 2017 were detailed to be dazzling numbers of 63. Which is the creation of bovine security squads and limitations on meat exchange. The rise of bovine-related horde lynching occurrences is a alarming slant that has been connected to communal pressures. Between 2010 and 2017, there were a stunning 63 detailed cases of horde viciousness stemming from bovine-related issues. This surge in savagery has driven to the arrangement of bovine security squads and more tightly limitations on the exchange of meat in certain locales. It is vital for communities to come together to address the root causes of such viciousness and work towards cultivating understanding and concordance among all individuals. As it were through compassion and exchange can we construct a society where each person feels secure and respected?

Mob-Lynching on doubt of Child lifting

Death by Bits of gossip- 20 Swarm Assaults in 72 Hours Laws on swarm savagery in India. There is right now no uncommon arrangement or law to rebuff horde lynching or abhor savagery in India but there are a few other arrangements to avoid such viciousness.

Mob lynching on doubt of child lifting is a grave issue that has shockingly driven to various appalling episodes. These silly assaults, fuelled by bits of gossip and deception, have claimed blameless lives and caused monstrous torment to families and communities. In fair 72 hours, 20 swarm assaults happened, highlighting the critical require to address this disturbing drift.

While there may not be particular laws in put to specifically handle swarm lynching in India, there are existing arrangements that point to anticipate such acts of viciousness. It is significant for specialists to take solid activity against those who actuate or take an interest in swarm savagery, guaranteeing that equity is served and that such intolerable acts are discouraged in the future.

Education, mindfulness, and community engagement are too fundamental in combating the spread of untrue data and anticipating horde mind-set from taking hold. By advancing resistance, understanding, and sympathy, we can work towards building a society where savagery and despise have no put, and where all people are treated with nobility and regard.

Lynching on robbery cases

Mob resort to lynching of the denounced for numerous reasons, may be due to robbery of household creatures, jewelleries, house burglary etc. A 28-year-old individual was beaten to passing in a little town in Tinsukia locale of Assam by a horde which suspected him to be a bovine cheat. Police have captured 12 individuals in this association [20].

West Bengal Lynching Case (June 26, 2017, Durgapur)[21]: On Saturday, Scarcely two days some time recently Muslim celebration Eid, three young people having a place to Muslim were lynched in Durgapur town, West Bengal, by a swarm of dairy animals vigilantes on the doubt of dairy animals robbery. Lynching Case at Guwahati: A horde lynched two men in Nagaon area of Assam, on doubt of cattle burglary. This case shows up to be the to begin with case where Gau Rakshaks included. Lynching Case at Harpur: Two Muslims – Qasim (45) and Shamiuddin (65) were lynched by a horde on unimportant gossip tidbits of dairy animals butcher. A video appearing both were lying in a pool of blood and men from the swarm were yelling at them for endeavouring bovine butcher. Lynching Case at Alwar: Man lynched to passing on doubt of being bovine bootlegger from Ramgarh in Alwar locale of Rajasthan. In Jharkhand, a 27-year-old man named Mubarak Khan was purportedly beaten to passing on doubt of bicycle robbery beneath Angara police station limits. Police detailed that

Mubarak Khan was beaten to passing by the swarm when he was attempting to take the battery and wheels of a Pulsar bicycle in Sirka Town [22].

Case Study

The Palghar Sadhu Lynching: A Case Consider of Horde Viciousness

The Palghar Sadhu lynching, which happened on April 16, 2020, was a terrible occurrence that uncovered the perils of horde viciousness fuelled by deception. In this case ponder, we'll dig profound into the occasions, the part of the horde, and the aftermath.

Background:

As the nation grappled with the challenges of the COVID-19 pandemic, the atmosphere in Gadchinchale village was particularly tense. The narrow lanes that once buzzed with activity now lay eerily silent, echoing the anxiety that gripped the residents. With the lockdown in full force, the villagers found themselves isolated, cut off from the outside world and left to their own devices.

As the days passed, whispers of fear and uncertainty began to circulate, weaving their way through the tight-knit community. Rumours took on a life of their own, morphing and growing with each retelling. Some spoke of unseen dangers lurking in the shadows, while others whispered of mysterious figures wandering the deserted streets at night.

In the midst of this atmosphere of unease, the incident in Gadchinchale village unfolded, sending shockwaves through the community. What started as a simple misunderstanding soon spiralled into a tale of mistrust and suspicion, fuelled by the collective fear that had taken hold?

In the days that followed, the true impact of the incident would become clear, forcing the villagers to confront not only the external threats that loomed large but also the internal divisions that threatened to tear their community apart. It was a stark reminder that in times of crisis, unity and solidarity were more important than ever.

Incident:

The air hung heavy in the Kandivali night as Mahant Kalpavrukshagiri, his fellow Sadhu Sushilgiri Maharaj, and their driver Nilesh Telgade piled into their car. Their destination:

Surat, where they would pay their respects at a funeral. Little did they know, a deadly misunderstanding awaited them on the road ahead?

WhatsApp messages, like wildfire, had been spreading a terrifying rumour through the villages – child thieves and organ harvesters were on the loose. Fear gripped the communities, especially in the dead of night. It was in this atmosphere of suspicion that the Sadhus' car emerged, its unfamiliar presence a cause for alarm.

As they neared a village, a large group of men materialized from the shadows. Their eyes, fuelled by misinformation, saw not holy men but monsters in saffron robes. The calm of the night shattered with shouts and accusations. The Sadhus, confused and afraid, tried to reason, to explain their journey. But their words were drowned out by the roar of the mob.

Nilesh, ever the protector, desperately contacted the police. Help was on the way, but it wouldn't be fast enough. The mob, a surging wave of fear and anger, descended upon the car. The flimsy metal offered no protection against the blows that rained down. Even with the police arriving, overwhelmed by the sheer number of attackers, they could only watch in horror as the mob's fury reached its tragic climax.

By the time the dust settled, the three innocent men – the Sadhus and their driver – lay lifeless. The silence that followed was heavier than the night itself, a stark contrast to the screams that had preceded it. A cruel twist of fate had snatched lives and left a community reeling from the consequences of blind belief. The journey to a funeral had become a horrifying event that would forever scar the memories of all involved.

The tragic incident serves as a stark reminder of the dangers of misinformation and the devastating consequences of mob mentality. It highlights the importance of verifying information before taking any action, especially when it involves the safety and lives of others. The loss of these innocent lives is a somber reminder of the need for greater awareness, education, and empathy in our society. May their souls rest in peace, and may we all strive towards a more compassionate and understanding world.

Role of the Mob:

- **Misinformation:** The mob acted based on false information spread through WhatsApp.
- **Vigilante Justice:** They took the law into their own hands, bypassing the legal system.
- **Group Mentality:** The mob mentality likely amplified aggression and reduced individual accountability.
- **Lack of Critical Thinking:** The mob failed to verify the rumours or consider alternative explanations.
- **Consequences of Actions:** As a result of their actions, lives were lost, properties were damaged, and trust within the community was shattered.
- **Community healing and Rebuilding:** It is crucial for the community to come together, acknowledge the harm caused, and work towards reconciliation and rebuilding.
- **Education and Awareness:** Initiatives should be taken to educate individuals on the dangers of misinformation, the importance of upholding the legal system, and the impact of succumbing to group mentality.
- **Promoting Critical Thinking:** Encouraging critical thinking skills and fostering a culture of questioning and fact-checking can help prevent such tragic events from occurring in the future.

Aftermath:

- The incident incited widespread public outrage, drawing censure from both political and religious figures.
- Subsequently, the Maharashtra police detained more than 100 individuals implicated in the lynching incident.
- Legal actions were taken against the accused, with charges of murder and rioting formally filed. The case was later transferred to the Central Bureau of Investigation (CBI) in March 2023 for additional scrutiny.
- The handling of the situation by the police came under scrutiny, with concerns raised regarding their responsiveness and failure to avert the incident.

Wider Issues:

The Palghar case highlights the dangers of fake news and the ease with which it can spread through social media. It raises concerns about mob mentality and the erosion of trust in law enforcement. The

incident also touches upon the vulnerability of religious minorities and the need for interfaith understanding.

The Palghar case serves as a stark reminder of the repercussions of misinformation in the digital age. As fake news swiftly circulates on social media platforms, it has the power to fuel fear, incite violence, and sow discord within communities. The tragic events in Palghar underscore the importance of verifying information before sharing it and the crucial role of media literacy in combating the spread of falsehoods.

Moreover, the incident sheds light on the dangerous consequences of mob mentality, where individuals may act impulsively as part of a group without considering the consequences of their actions. Such behaviour not only poses a threat to public safety but also undermines the principles of justice and due process. It is a sobering reminder of the fragility of societal norms and the imperative of upholding the rule of law.

In addition, the Palghar case draws attention to the challenges faced by religious minorities in diverse societies. It underscores the significance of fostering mutual respect, dialogue, and empathy among different faith communities. By promoting interfaith understanding and cooperation, we can work towards building a more inclusive and harmonious society where all individuals can coexist peacefully, free from discrimination and violence.

Conclusion:

The Palghar Sadhu lynching serves as a stark reminder of the devastating consequences of mob violence. It underscores the importance of media literacy, responsible social media use, and upholding the rule of law. The case continues to be a subject of investigation and debate, with the hope that lessons will be learned to prevent similar tragedies in the future.

The tragic incident of the Palghar Sadhu lynching stands as a somber symbol of the dangers of mob mentality and the need for a more informed and compassionate society. In the aftermath of this appalling event, it is crucial for us to reflect on the role of media literacy in shaping public perceptions and behaviours. By promoting critical thinking and fact-checking, we can combat the spread of misinformation and prevent the escalation of violence.

Additionally, responsible social media usage plays a significant role in shaping public discourse and opinions. It is essential for individuals to verify information before sharing it online and to refrain from participating in online hate campaigns or incitement of violence. By fostering a culture of empathy and understanding on social media platforms, we can contribute to a more peaceful and harmonious online environment.

Moreover, the Palghar Sadhu lynching highlights the importance of upholding the rule of law and ensuring that justice is served. It is imperative for authorities to thoroughly investigate such cases, hold perpetrators accountable, and work towards building a society where such heinous acts are not tolerated.

As the investigation and discussions surrounding the Palghar Sadhu lynching continue, it is our collective responsibility to learn from this tragedy and strive towards creating a more just, compassionate, and united society. By standing against mob violence, promoting media literacy, and upholding the principles of law and justice, we can honour the memory of the victims and work towards preventing similar atrocities in the future.

Need for Control over Mob Violence

Mob lynching in India has become a concerning issue, particularly targeting minority communities like Muslims and Dalits. The rise in mob violence is attributed to various factors:

Erosion of Democratic Values: Mob lynching undermines democratic principles and the rule of law and poses a significant threat to the fabric of society. In a democratic system, the rule of law is essential for maintaining order and justice. Mob lynching not only disregards the principles of due process and individual rights but also instils fear and insecurity among the populace.

To combat the erosion of democratic values caused by mob lynching, it is crucial for authorities to uphold the rule of law, ensure swift justice, and promote education and awareness on the importance of respecting human rights and diversity. By fostering a culture of tolerance and understanding, we can strive towards a more just and equitable society where all individuals are treated with dignity and respect.

Social Media Influence: Spread of fake news and rumours through social media has fuelled mob

violence and widespread panic in recent times. It has become increasingly challenging to distinguish between what is real and what is fabricated online. As a result, misinformation has the potential to incite fear, hatred, and even violence among communities. It is crucial for social media users to be vigilant and verify the authenticity of information before sharing it further. By promoting digital literacy and critical thinking skills, we can combat the negative impact of fake news and rumours, fostering a more informed and responsible online community. Let us strive to use social media as a tool for positive change and constructive dialogue, rather than a platform for spreading misinformation and inciting unrest.

Weak Law Enforcement: Inadequate law enforcement has allowed mobs to act with impunity and wreak havoc on the community. Without proper enforcement of laws and regulations, these mobs have been able to operate without fear of consequences, causing fear and distress among the residents. It is crucial for authorities to enhance their efforts in enforcing the law to ensure the safety and well-being of all individuals in the area. By strengthening law enforcement measures and holding accountable those who break the law, we can work towards creating a safer and more secure environment for everyone.

Communal Tensions: Religious divides and Hindu nationalism have contributed to mob lynching incidents and communal tensions in various parts of the country. The rise of religious intolerance and the promotion of Hindu nationalism have fuelled a dangerous environment where communities are pitted against each other. The alarming increase in mob lynching incidents has highlighted the urgent need for interfaith harmony and understanding. It is crucial for society to come together to promote peace, respect, and acceptance for all religions and beliefs. By fostering dialogue, empathy, and mutual respect, we can work towards creating a society where diversity is celebrated and differences are embraced. It is only through unity and understanding that we can overcome communal tensions and build a more harmonious and inclusive community for all.

Vigilantism: Groups like cow vigilantes taking the law into their own hands have fuelled mob violence and other forms of violence in India. These communal tensions have created a sense of fear and distrust among different religious communities, leading to a fragile social fabric. It is crucial for all citizens to come together to promote peace, harmony, and understanding among diverse groups. By fostering a culture of tolerance and acceptance, we can work towards creating a society where every

individual feels safe and respected, regardless of their religious beliefs. It is only through unity and mutual respect that we can overcome these challenges and build a more inclusive and compassionate nation.

Why Control is Necessary?

Loss of Innocent Lives: Mob lynching results in the tragic loss of innocent lives, often based on false suspicions. These senseless acts of violence not only rob individuals of their lives but also shatter the peaceful fabric of communities. The repercussions of mob lynching extend far beyond the immediate victims, leaving families devastated and communities in turmoil. It is crucial for society to stand united against such heinous acts and work towards fostering a culture of empathy, understanding, and justice for all. By promoting tolerance and respecting the diversity of our communities, we can strive to prevent the loss of innocent lives to the scourge of mob lynching.

Violation of Human Dignity: Mob lynching violates human dignity, constitutional rights, and the Universal Declaration of Human Rights. **Against Rule of Law:** These acts challenge established laws and promote a culture of revenge over legal. Mob lynching is a heinous act that not only violates human dignity but also goes against fundamental human rights as enshrined in various legal documents. Each individual deserves to be treated with respect and fairness, regardless of any differences. The Universal Declaration of Human Rights emphasizes the importance of upholding the dignity and rights of every person. It is crucial for society to stand against such acts of violence and injustice, and work towards creating a world where all individuals are valued and treated with compassion and equality.

Need for Preventive Measures: The Supreme Court has recommended preventive, remedial, and punitive measures to address mob lynching, including fast track courts, victim compensation schemes, and special task forces. The need for preventive measures to address the issue of mob lynching is critical in today's society. As recommended by the Supreme Court, implementing a combination of preventive, remedial, and punitive measures is essential for combating this heinous crime effectively.

Fast track courts can ensure swift justice and serve as a deterrent for potential perpetrators. Victim compensation schemes are crucial in providing support and assistance to those affected by such acts

of violence, helping them rebuild their lives. Moreover, the establishment of special task forces dedicated to tackling mob lynching can enhance law enforcement's ability to investigate and prevent such incidents from occurring]. By proactively implementing these measures, we can work towards creating a safer and more just society for all.

Impact of Mob Lynching on Indian Society

Mob lynching in India has profound impacts on various aspects of society, leading to both positive and negative consequences:

Society:

- **Positive Impact:** Mob lynching can sometimes bring society together for justice and unity in diversity. When a community comes together to condemn such acts of violence and demand justice for the victims, it fosters a sense of solidarity and collective responsibility. People from various backgrounds can unite in the common goal of upholding justice and human rights.
- **Negative Impact:** It creates a sense of minority versus majority, provoking anger between different castes, classes, and religions. The division caused by mob lynching can deepen existing societal tensions and lead to mistrust and hostility among different groups. This can further fuel discrimination and prejudice, hindering efforts towards building a harmonious and inclusive society. It is crucial for communities to work towards understanding and respecting each other's differences to prevent such conflicts from escalating.

Economy: Mob lynching impacts the economy by deterring both foreign and domestic investment and hindering internal migration, which affects economic activities. Mob lynching deters both foreign and domestic investment by creating a perception of instability and damaging the region's reputation. This leads to limited infrastructure development and erodes investor confidence. Internal migration due to fear of violence causes labor shortages, reduces the consumer base, and results in a loss of talent and diversity. Overall, this leads to stagnant economic growth, increased poverty, and strains on public resources.

Individuals: Physical and Mental Harm: Individuals involved in mob lynching are severely hurt, both physically and mentally. Victims of lynching suffer loss of life and property,

violating human rights and leaving a deep scar on their families and communities. The physical wounds inflicted during these heinous acts can be long-lasting, leading to disabilities and trauma that may never fully heal. Moreover, the mental anguish experienced by both the victims and their loved ones can be immeasurable, causing fear, anxiety, and deep psychological distress.

It is crucial for society to come together to condemn such acts of violence and work towards creating a more inclusive and compassionate environment where all individuals are treated with respect and dignity. By promoting understanding, empathy, and tolerance, we can strive to prevent such atrocities from ever occurring again, ensuring a safer and more harmonious world for everyone to live in.

Consequences of Mob Lynching in India

Loss of Innocent Lives: The most significant consequence is the tragic loss of innocent lives due to mob lynching incidents, often targeting individuals based on religion, caste, or social status. These heart-breaking incidents of mob lynching result in a devastating loss of innocent lives, leaving families shattered and communities in mourning. The impact reverberates far beyond the immediate victims, creating a sense of fear and insecurity among everyone. It is a stark reminder of the urgent need for society to come together to promote understanding, empathy, and respect for all individuals regardless of their background. Only through fostering a culture of tolerance and acceptance can we hope to prevent such senseless violence and preserve the sanctity of every human life.

Against Values of Indian Society: Mob lynching goes against the core values of Indian society such as peace, communal harmony, and tolerance. Mob lynching is a heinous act that contradicts the fundamental principles of Indian society. The values of peace, communal harmony, and tolerance have long been cherished in the cultural fabric of India. These values form the foundation of a society that thrives on diversity, mutual respect, and understanding. Engaging in mob lynching not only undermines these core values but also perpetuates fear and division among communities. It is crucial for individuals to uphold the principles of peace, harmony, and tolerance to foster a society where all members can coexist peacefully and respectfully.

Role of Bhartiya Nyaya Sahita on Mob Violence

The provisions for mob lynching in the Bhartiya Nyaya Sahita (BNS) aim to prevent these horrific acts through deterrence, improved law enforcement, and ensuring swift justice for victims. Here's a breakdown of how it works:

Prevention:

- **Increased Deterrence:** The legislation establishes a robust deterrent against participation in mob lynching. The severe penalties, including life imprisonment or the death penalty, act as a significant deterrent, prompting individuals to reconsider involvement in such actions.
- **Promoting Justice:** By imposing stringent consequences on those engaged in mob lynching, the law aims to deliver justice to victims and their families. It unequivocally conveys that such atrocious behaviours will not be sanctioned in society and that perpetrators will face the full weight of the law.
- **Protecting Communities:** Enforcing strict measures against mob lynching plays a vital role in shielding communities from the perils of vigilante justice. It fosters a sense of security among the populace, assuring them that their rights are safeguarded by a legal system committed to ensuring their well-being.
- **Building a Civilized Society:** The enforcement of anti-mob lynching laws is a pivotal stride towards cultivating a more civilized and compassionate society. It underscores the significance of valuing human life and upholding principles of justice and equality for all individuals, irrespective of their backgrounds or beliefs.
- **Fostering Unity:** By denouncing mob lynching and holding perpetrators accountable, the legislation nurtures unity and harmony among diverse segments of society. It advocates for mutual understanding, tolerance, and collaboration, fostering a spirit of solidarity that transcends differences and nurtures peaceful cohabitation.
- **Educating the Public:** The enactment of laws combating mob lynching serves as a crucial educational tool, raising awareness about the detrimental impacts of such crimes on individuals and communities. It underscores the virtues of empathy, compassion, and respect for human dignity, guiding individuals towards a more humane and empathetic way of life.
- **Improved Law Enforcement:** The legislation may prompt enhanced training for law enforcement personnel to identify potential situations leading to mob violence and intervene effectively. This could involve heightened patrols in sensitive areas and improved community

engagement.

- **Community Awareness Campaigns:** Government bodies or social organizations could initiate campaigns to enlighten the public about the risks associated with mob lynching and the imperative of resolving conflicts through legal avenues.

Punishment for Offenders:

- **Clear Definition:** Mob lynching is a complex and disturbing phenomenon that requires careful analysis and understanding. By defining specific parameters around the act of mob lynching, the BNS can bring clarity to this issue and pave the way for effective measures to combat it.

Understanding the number of participants involved, the motives fueling the violence, and the distinct roles individuals play within the mob is crucial for assigning responsibility where it truly lies. Leaders who incite violence, instigators who fuel the frenzy, and bystanders who choose not to intervene all contribute to the tragedy of mob lynching.

With a well-defined framework in place, we can work towards justice and accountability for all those impacted by this heinous crime.

- **Graded Penalties:** Bhartiya Nyaya Sahita (BNS) imposes varying degrees of sanctions based on the gravity of the offense committed and the individual's involvement. For instance, a perpetrator who physically assaults a victim may receive a more severe penalty compared to a bystander who did not actively participate.
- **Fast-Track Courts:** The implementation of specialized courts dedicated to addressing mob lynching cases can serve to expedite the judicial process, fostering a sense of accountability and deterring potential future incidents. This measure aims to ensure swift trials, thereby discouraging perpetrators from evading consequences. Specialized courts dedicated to handling mob lynching cases have the potential to significantly impact the judicial system by streamlining the legal process and delivering justice efficiently. By creating a focused environment for these specific cases, the courts can prioritize the investigation, trial, and sentencing processes, ensuring that justice is served promptly. This targeted approach not only holds individuals accountable for their actions but also sends a clear message that such heinous

acts will not go unpunished. Ultimately, the establishment of these courts can help build a safer society by deterring potential offenders and upholding the rule of law.

- Compensation for Victims: The BNS may consider mandating compensation for the families of victims who lose their lives in mob lynching. This measure could provide essential financial support during a challenging period for the affected families. By offering compensation, the BNS can help ease the burden of sudden loss and provide a sense of justice for those impacted by such tragic events. Additionally, this initiative could serve as a deterrent, sending a clear message that mob violence will not be tolerated in our society. Ultimately, by taking steps to support the victims' families, the BNS can work towards creating a safer and more compassionate community for all its citizens.
- Compensation for Victims: The BNS may consider mandating compensation for the families of victims who lose their lives in mob lynching. This measure could provide essential financial support during a challenging period. Offering compensation not only acknowledges the deep loss suffered by the victims' families but also helps in easing their financial burden. By providing this support, it shows a commitment to justice and care for those affected by such tragic incidents. This step could serve as a beacon of hope in times of darkness, showing that society stands united against violence and injustice.

Reference

1. <https://www.newindianexpress.com/specials/2018/jul/24/history-of-mob-lynching-and-attacks-by-cow-vigilantes-in-india-since-the-start-of-2017-1847858.html>
2. Mushirul Hasan and Asim Roy. 2005. Living Together Separately: Cultural India in History and Politics. Oxford University Press. pp. 132-133, 135-139, 143-145.
3. Govind Sadashiv Ghurye.1968. Social tensions in India. Popular Prakashan. pp. 305- 306.
4. Barbara D. Metcalf; Thomas R. Metcalf . 2012. A Concise History of Modern India. Cambridge University Press. pp. 152-153.
5. Judith E. Walsh.2006. A Brief History of India. Info base Publishing. pp. 161-162.
6. Hardy,P .1972. The Muslims of British India. Cambridge University Press. pp. 140- 141.
7. Judith E. Walsh .2006. A Brief History of India. Info base Publishing. pp. 161-162.
8. John R. McLane.2015. Indian Nationalism and the Early Congress. Princeton University

Press. pp. 314-315

9. John R. McLane.2015. Indian Nationalism and the Early Congress. Princeton University Press. pp. 314-315.
10. Gene R. Thursby .1975. Hindu-Muslim Relations in British India: A Study of Controversy, Conflict, and Communal Movements in Northern India 1923-1928. BRILL Academic. pp. 80-83.
11. Nitish K. Sengupta .2011. Land of Two Rivers: A History of Bengal from the Mahabharata to Mujib. Penguin. pp. 347-348.
12. Nitish K. Sengupta .2011. Land of Two Rivers: A History of Bengal from the Mahabharata to Mujib. Penguin. pp. 347-348.
13. Govind Sadashiv Ghurye .1968. Social tensions in India. Popular Prakashan. pp. 313- 314.
14. Govind Sadashiv Ghurye .1968. Social tensions in India. Popular Prakashan. pp. 335- 344.
15. Ian Copland., Ian Mabbett., Asim Roy., Kate Brittlebank and Adam Bowles.2013. A History of State and Religion in India. Routledge. pp. 237-239.
16. Indrani Jagjivan Ram .2010. Milestones: A Memoir. Penguin Books. pp. 215-218
17. National Crime Records Bureau report-2015
18. <https://www.opendemocracy.net/en/5050/women-demand-freedom-not-surveillance/>
19. <https://www.justice.gov/eoir/page/file/1290791/download>
20. <https://www.indiatoday.in/crime/story/man-lynched-over-cow-theft-suspicion-in-assam-s-tinsukia-12-nabbed-1814269-2021-06-13>
21. <https://www.dnaindia.com/india/report-mob-lynching-7-instances-which-shook-india-2639925>
22. 2639925
23. <https://www.newindianexpress.com/nation/2021/mar/14/27-year-old-killed-on-suspicion-of-bike-theft-in-second-lynching-in-a-week-in-jharkhand-2276464.html>
24. https://www.sagepub.com/sites/default/files/upm-binaries/17424_Chapter_8.pdf
25. Heal Sid.2000. Crowds, Mobs and Nonlethal Weapons. Military Review, March/April (2000): 45-50.
26. Veeraswami Nandagopal [Review-of-literature-on-mob-lynching-in-india](#)
27. [Palghar sadhus lynching case: CBI to take over probe, Maharashtra government....](#)
28. [PALGHAR LYNCHING CASE: AN OVERVIEW AND ANALYSIS.](#)
29. [Palghar lynching case: Two years on - Hindustan Times.](#)
30. [“MOB-LYNCHING” TO BE A CRIMINAL OFFENCE UNDER NEW CRIMINAL LAW.](#)

31. [Palghar Mob Lynching | Petitioners Tell Supreme Court That ...](#) - LiveLaw.
32. Srivastava, Anand Kumar. "Prejudice, Security Insecurity and Perceived Causal Discrepancy among Educated and Uneducated Hindus and Muslims of Riot-Free and Riot-Prone Areas." , Veer Bahadur Singh Purvanchal University, Jaunpur (India), 2018 Publication supremoamicus.org
33. www.supremoamicus.org
34. www.legalserviceindia.com
35. www.civildaily.com
36. www.wikipedia.com
37. "Analysis of the Implementation Effects and Optimization Path of the "Tax Reduction and Fee Reduction" Policy", Social Security and Administration Management, 2023



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L E G A L

Quotes from

- Anand Kumar Srivastava. "Prejudice, Security, Insecurity and Perceived Causal Discrepancy among Educated and Uneducated Hindus and Muslims of Riot-Free and Riot-Prone Areas." , Veer Bahadur Singh, Purvanchal University, Jaunpur (India), 2018 Publication supremoamicus.org
- www.supremoamicus.org
- www.legalserviceindia.com
- www.civildaily.com
- www.wikipedia.com