



INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL  
ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

## DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

## ABOUT WHITE BLACK LEGAL

*White Black Legal – The Law Journal* is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

## AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

## **MOB LYNCHING: A HEINOUS CRIME IN INDIA**

AUTHORED BY - DR. SANDEEP KUMAR HUDIWAL

Assitant Professor (Law)

Maa Ambe K.P. Sanghvi Govt. Law College, Sirohi, Raj, India

### **Introduction:-**

With the increasing number of criminal cases in the country, lynching has emerged as a new problem, particularly in India. Despite the implementation of anti-cow slaughter laws by various state governments, the rise in lynching incidents has increased the sense of insecurity among communities. In these incidents, individuals from specific communities are targeted based on misinformation, rumours, and suspicion. This involves an uncontrolled mob or group beating a person to death without any legal process.

India is home to people of various religions, castes, and communities. Indian society is characterized by its belief in "unity in diversity." The Preamble to the Constitution of India also speaks of social, economic, and political justice and a secular state. India is a country governed by the rule of law, but the rule of law can only be maintained when individuals and institutions respect the laws of the land. Article 21 of the Constitution of India guarantees the right to life and personal liberty. Under this article, no person can be deprived of their life and personal liberty except according to the procedure established by law.

### **Definition:-**

**The Legal definition of Mob lynching** "the legal definition of mob lynching is where three or more persons who constitute a mob, put someone to death extra - legal without court sanction and without legal sanction and they do it for the purpose of tradition and whatever their version of justice."<sup>1</sup>

**According to Collins Dictionary**, "Lynching means a group of people who condemn and punish a person without a fair trial."<sup>2</sup>

### **National Human Rights Commission vs. State of Gujarat and others.<sup>3</sup>**

In this case, the Hon'ble Supreme Court observed that communal harmony is the hallmark of

democracy. No religion preaches hatred. If people are killed in the name of religion, it raises a question mark on the rule of law. The Constitution of India, in its Preamble, speaks of secularism.

**According to Francis Gimke, a researcher,"** Lynching has no technical meaning. It is used a descriptive adjective for ' Lawless acts ' by persons who choose to violate established law."<sup>4</sup>

### **Causes of Mob Lynching:-**

- Rumours and the spread of misleading and false information: through social media platforms like Facebook, WhatsApp, Instagram, etc.
- Distrust in the legal system: Delays in justice lead to its failure, and the legal system is also excessively expensive.
- Communal and caste-based discrimination: Spreading hatred and discrimination in society based on religion, caste, and community.
- Illiteracy and lack of legal awareness.
- Political support: In some cases, inciting the public through caste-based, communal, and religious speeches.
- Economic inequality and increasing unemployment.
- Lack of specific laws: The absence of effective special laws to prevent mob lynching.
- Rise of cow vigilantes: Often, cow vigilantes take the law into their own hands while trying to protect cows and resort to violence to carry out their actions.
- Torturing and killing women based on the suspicion of evil magical powers. This is known as witches hunting.

### **Types of Mob Lynching:-**

#### **1. On Communal Grounds –**

(A) Pehlu Khan Lynching (2017): A man was beaten to death by a mob in Alwar district of Rajasthan on suspicion of cow smuggling.

(B) Tabrez Ansari Lynching (2019): A Muslim man in Jharkhand was beaten to death by a mob on suspicion of theft.

(C) Palghar Lynching (2020): Two sadhus (Hindu ascetics) were beaten to death in Palghar, Maharashtra, on suspicion of child abduction.

(D) Nashik Lynching (2023): Two individuals were killed on suspicion of smuggling.

## **2. Lynching based on witchcraft:**

- “Assam lynching 2018”
- “Jharkhand lynching 2019”
- “Odisha lynching 2021”

## **3. Honor killing:**

Women and girls are killed by family members, relatives, or acquaintances in the name of honor or to uphold family or social reputation, such as

- “Tamil Nadu lynching 2016”
- “Haryana lynching 2018”
- “Bihar lynching 2020”

## **4. Cow-related lynching:**

Individuals are killed by uncontrolled mobs on communal and religious grounds, based on suspicion of killing, slaughtering, or consuming cows. Examples include

- “Dadri lynching 2015”
- “Alwar lynching 2018”

## **5. Lynching based on child abduction:**

In India, individuals have been lynched by mobs based on suspicion of child theft, kidnapping, abduction, or even rape and murder. Examples include

- “Maharashtra lynching 2018”
- “Assam lynching 2018”
- “Jharkhand lynching 2019”

## **6. Lynching based on theft:**

Individuals are beaten to death by mobs without any legal process based on suspicion of theft, robbery, or other crimes. Examples include

- “Jharkhand lynching 2017”
- “Nagaland lynching 2018”
- “Telangana lynching 2019”
- “Rajasthan lynching 2019”

## Constitutional Provisions:<sup>5</sup>

The Constitution of India is a sacred document that grants every individual the right to life and liberty. Indian citizens are granted various rights and freedoms in Part Three of the Constitution, along with remedies for the violation of these rights. When a person's fundamental rights are violated, that person can file a petition in the Supreme Court under Article 32 and in the High Court under Article 226 of the Constitution. The Indian Constitution does not have a separate provision for the term "mob lynching," but it does contain certain fundamental rights and Directive Principles of State Policy that directly or indirectly prevent mob lynching. These are as follows:

- 1. Right to Equality (Article 14):-** "Equality before the law and equal protection of the laws." This provision states that the State shall not deny to any person within its territory equality before the law or the equal protection of the laws. All people should be treated equally. No person should be discriminated against.
- 2. Prohibition of Discrimination (Article 15):-** This article prohibits discrimination, i.e., bias. It states that no citizen shall be discriminated against on the grounds of religion, race, caste, sex, place of birth, or any of them. Most incidents of mob lynching are carried out through discriminatory and violent acts based on religion, caste, or community. Therefore, this article prohibits discrimination.

### **In the case of State of Rajasthan v. Pratap Singh<sup>6</sup>**

In this case the Supreme Court struck down a warning order issued under the Police Act, 1851, which declared certain areas as disturbed areas and granted relief to certain castes and communities.

- 3. Right to Freedom (Article 19):-** Article 19(1)(A) of the Indian Constitution grants all citizens the right to freedom of speech and expression. Article 19(1)(B) grants the freedom to assemble peacefully and without arms. Similarly, Article 19(1) grants the freedom of movement, residence, and trade and commerce. Under Article 19(2), reasonable restrictions can be imposed on the freedoms granted under Article 19(1). No group or individual belonging to a particular caste or community can infringe upon anyone's freedom of movement and right to life.
- 4. Right to Life and Personal Liberty (Article 21):-** This article provides that no person shall be deprived of his life and personal liberty except according to the procedure established by law. This means that no person can take the law into their own hands and kill someone based on caste, religion, or community.

- 5. Right to Freedom of Religion (Article 25):-** The Preamble to the Constitution of India declares India a secular state. Under this, every citizen of India has the freedom of religion, meaning they can adopt any religion they wish. The state does not compel anyone to follow a particular religion. Therefore, no one can be killed on the basis of religion or community.

### **Statutory Provisions:<sup>7</sup>**

**Section 103(2)** of the **Bharatiya Nyaya Sanhita, 2023**, defines mob lynching as a crime. Under this section, when a group of five or more persons, acting together, commit murder through violent acts based on discrimination on the grounds of caste, gender, community, place of birth, language, or personal belief, it is considered the crime of mob lynching. This offense carries a severe punishment, including the death penalty or life imprisonment and a fine. **Section 117(4)** of the **Bharatiya Nyaya Sanhita, 2023**, addresses grievous hurt caused by a mob. It stipulates that when a group of five or more persons, acting together and based on discrimination, inflict grievous hurt upon a person, they shall be punished with imprisonment up to seven years and a fine.

### **Other statutory provisions:-**

Part four of the Constitution of India deals with the Directive Principles of State Policy. Specifically, Articles 38 to 51 outline these principles, which the state is obligated to uphold. The state has a responsibility to maintain peace and order, social harmony, and respect for citizens, and to prevent mob lynching. In fulfillment of this responsibility, some state governments have enacted bills/laws to prevent mob lynching, which are as follows:-

- I. " The Manipur protection from mob lynching ordinance,2018"
- II. " The west Bengal ( prevention of lynching) Bill,2019"
- III. " The Rajasthan protection from lynching Bill,2019"
- IV. " Jharkhand prevention of Mob violence and mob lynching Bill,2021"
- V. " Uttar Pradesh combating of Mob lynching Bill,2019"

### **The protection from Lynching Bill, 2017 (MASUKA)<sup>8</sup>**

#### **Maanav Suraksha kanoon:-**

The National Campaign Against Mob Lynching introduced a bill in 2017. This bill was named the maanav Suraksha kanoon. The objective of this bill was to take legal action against groups

and individuals involved in lynching and to provide constitutional protection to vulnerable sections of society. However, the Indian Parliament has not yet enacted this law. It remains a draft law, that is, a proposed law.

### **Supreme court stand on mob lynching:-**

#### **Tehseen s. Poonawalla vs union of India<sup>9</sup>**

In this case, the Honorable Supreme Court issued detailed guidelines on mob lynching and directed the central and state governments to enact special, stringent laws to prevent such crimes, stating that "fear of the law" and "the rule of law" form the foundation of a civilized and safe society. Protecting citizens is the responsibility of the state. No individual or group can take the law into their own hands; that is, there is no place for violence in the pursuit of justice.

### **Other Judgements on mob lynching:-**

#### **Nandini sunder and others vs state of Chhattisgarh<sup>10</sup>**

In this case, the Chhattisgarh High Court stated that providing social security to citizens is the responsibility of the state.

#### **Darshan singh and others vs state of Rajasthan<sup>11</sup>**

This case pertains to mob lynching. In a related matter, the Rajasthan High Court refused to grant bail to Darshan Singh and his associate.

### **Recent incidents of mob lynching:-**

- 1. Bhilwara (Rajasthan), Mob Lynching, 2025:** In this incident, a 25-year-old man named Sitaram was beaten to death by a violent mob following a minor road accident (a collision involving a vegetable cart).
- 2. Nawada (Bihar), Mob Lynching (December, 2025):** In Nawada district of Bihar, on December 5, 2025, a 40-year-old cloth vendor named Mohammad Athar Hussain was first asked about his identity and religion by a mob. They then forcibly removed his pants and brutally beat him, resulting in his death while undergoing treatment at the hospital.

### **Conclusion:**

Observing the various incidents of mob lynching, it appears that it has become a serious social problem. It is not only a criminal act but also raises questions about the rule of law and poses

a challenge to human rights. Mob lynching is contrary to the Preamble of the Constitution of India. India is a secular country that does not promote any particular religion. However, incidents of lynching in the name of religion are a cause for concern. To prevent this, the role of the media, NGOs, and other social organizations should be strengthened, and an effective special law should be enacted. The trial process should be conducted in fast-track courts, legal awareness should be provided to the public, effective monitoring of those spreading rumours.

**References:-**

1. <https://Legal dictionary.thefreedictionary. com/ mob-lynching>
2. <https://www. Collins Dictionary. Com/ mob-lynching>
3. 3-(2009)6 SCC 342
4. chadbourn, james Harmon. Lynching and the Law Chapel hill: University of North Carolina press. 1933. Print
5. M. P. Jain, Constitution of India,1950
6. AIR 1960 SC 1208
7. Bharatiya Nayaya Sanhita,2023
8. <https://www. thequint. Com/ news/2017/07/07/masuka -unveiled -anti- lynching>
9. (2018) 9 SCC 501
10. (2011) 7 SCC 547
11. (2024) SCC online Raj. 1088(order date 14.03.2024).

WHITE BLACK  
LEGAL.