



WHITE BLACK  
LEGAL  
LEGAL

VOLUME 1: ISSUE 8

||January 2020 ||

Email: [editor@whiteblacklegal.co.in](mailto:editor@whiteblacklegal.co.in)

Website: [www.whiteblacklegal.co.in](http://www.whiteblacklegal.co.in)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal

– The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published,

White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

## **EDITORIAL TEAM**

### ***EDITOR IN CHIEF***

*Name - Mr. Varun Agrawal*

Consultant || SUMEG FINANCIAL SERVICES PVT.LTD.

Phone - +91-9990670288

Email - [whiteblacklegal@gmail.com](mailto:whiteblacklegal@gmail.com)

### ***EDITOR***

*Name - Mr. Anand Agrawal*

Consultant|| SUMEG FINANCIAL SERVICES PVT.LTD.

### ***EDITOR (HONORARY)***

*Name - Smt Surbhi Mittal*

*Manager || PSU*

WHITE BLACK  
LEGAL

### ***EDITOR(HONORARY)***

*Name - Mr Praveen Mittal*

Consultant || United Health Group MNC

### ***EDITOR***

*Name - Smt Sweety Jain*

Consultant||SUMEG FINANCIAL SERVICES PVT.LTD.

### ***EDITOR***

*Name - Mr. Siddharth Dhawan*

Core Team Member || Legal Education Awareness Foundation

### *ABOUT US*

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide 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

**WHITE BLACK LEGAL: THE LAW JOURNAL**

## **MOB LYNCHING: “HORRENDOUS ACTS OF MOBOCRACY”<sup>1</sup>**

### **ABSTRACT**

*India is witnessing a high rise in lynching instances. When individuals bring law into their own fingers, it can be hazardous for the person who is threatened by their life. Lynching incidents can be associated with technology. A new form of nascent propaganda is brainwashing the majority group of people. Religiously loaded mobs have been involved in these acts of allocating vigilante justice. They are run amok across the nation. Courts are just mute spectator. Law has been on the reverse gear on this issue. Lynching is not defined in the Indian Legal System and still law doesn't provide any sentences in this regard. Heinous crime like should be included under offences given in the Indian Penal Code. The Government has a duty to punish a criminal; a layperson should not bear law in his hands. To protect the fundamental rights (the soul of our constitution) and keeping up essential standards of constitutions state in the Preamble there must be strict liability attached to these crimes. The present paper deals with the role of the social media, religion & the involvement of the political parties on defending those preparators and also the utmost necessity for implementation of anti-lynching law in India.*

**Keywords:** Mob Lynching, Mobocracy, Right to life and liberty etc.

### **1. INTRODUCTION**

The recent acts of mob lynching are shaking the nation and it's keep going on a daily basis. There is an outcry in the public to make legal provisions on this behalf. There are lot of factors elevate these kinds of incidents but there is no solid reason found till now. Recently, there is a law passed by legislative assembly of Manipur to curb these unspeakable horrified acts. The Supreme Court raised the concern in the '*T.S. Poonawalla case*'<sup>2</sup> that these dreadful acts are violating the fundamental right of the citizen of India<sup>3</sup> and also threatening the basic structure of the constitution of India which ensures the unity in diversity. Appropriate to life is the breath of Indian constitution and each individual is qualified for it. So, it is required to find the root cause of the problem and propose the effective solution for these hideous crimes.

---

\* Author , **Mukesh Kumar Mishra, LL.M. Corporate Law, National Law University, Jodhpur**

<sup>2</sup> LAWNN.COM, *Supreme Court Judgment- Tehseen S. Poonawalla v. Union of India* (2019), <https://www.lawnn.com/tehseen-s-poonawalla-v-union-of-india/> (last visited Mar 10, 2020).

<sup>3</sup> <https://www.constitution.org/cons/india/p03.html>,  
<https://www.constitution.org/cons/india/p03.html> (last visited Mar 10, 2020).

## 2. MOB LYNCHING ORIGIN & MEANING<sup>4</sup>

Mob Lynching, even though is a new glossary in Indian scenario, but has been coming from time to time through the world society for centuries. The word 'lynch' can be traced down in the American Revolution in which it means Giving Punishment without trial. The word 'lynch' or 'lynch law' has been derived from two Americans recognized as Charles Lynch and William Lynch who have been from Virginia. The 'Negroes' always have been the victim of these crimes. According to the English dictionary, "*lynch means to put to death, especially by hanging, by mob action and without legal authority. In other words, lynching is unlawful murder by an angry mob of people*".

At the first recorded lynching incident, took place in "the year 1835 at the place called St. Louis, McIntosh a black man who killed the white sheriff while being taken out of jail. He was detained and chained by the mobs and later on burned down to death"<sup>5</sup>. Lynch, has been the focal point of discussion in most countries of the world, especially in Mexico, Guatemala, Europe and South Africa etc now India also included in this list. It has been a new rage in India. As, we are witnessing in a number of cases that people have been brutally tormented and ruthlessly dragged by the group of the peoples due to which many people even lost their life and rest of them are severe injuries. These incidents in India occurs on the basis of strangest reasons like cow slaughter, cattle smuggling or beef consuming which evidently displays the nefarious and ghastly behaviour of the people in the 21<sup>st</sup> Century. Imposing the ideology of Hindutva in all over India can lead to the skirmish situation. In past 5 years, "there have been countless incidents of lynching in India, especially in Rajasthan, Uttar Pradesh, some parts of Madhya Pradesh, Bihar etc. Mostly the victims of Lynch in India are minorities of that particular area such as Dalit's and Muslims"<sup>6</sup>.

### WHITE BLACK LEGAL

HISTORICAL PROSPECTIVE Recognition to look into this issue relies upon ethical values, and profound quality changes. Lynching isn't something fresh to look at, it's been going on for a long time. Lynching was thought to be a legitimate support for whites against the dark individuals before the development of American Civil Rights. Violations involving rape, murder, and sexual intercourse with a white lady had a same resultant and mass mob accepted the state's position in its grasp. Blacks were blamed for committing offenses and were lynched by mass mob. The segregation was at its peak and blacks were hanged till suicide even on trivial offenses. The perception of Mark Twain<sup>7</sup> that prompted concern about the transformation of 'United Conditions of America' into 'United Conditions of Lyncherdom.'

---

<sup>4</sup> lynching | Definition, History, & Facts | Britannica, , <https://www.britannica.com/topic/lynching> (last visited Mar 10, 2020).

<sup>5</sup> Burning of Francis McIntosh, , WIKIPEDIA (2020), [https://en.wikipedia.org/w/index.php?title=Burning\\_of\\_Francis\\_McIntosh&oldid=938130121](https://en.wikipedia.org/w/index.php?title=Burning_of_Francis_McIntosh&oldid=938130121) (last visited Mar 10, 2020).

<sup>6</sup> Hindutva and Cow Terror: Politics of Hatred - Mainstream Weekly, , <http://www.mainstreamweekly.net/article7865.html> (last visited Mar 10, 2020).

<sup>7</sup> William F. Pinar, *AMERICA'S NATIONAL CRIME*, 163 COUNTERPOINTS 157–234 (2001).

Most burning scenes of mob lynching took place in Missouri<sup>8</sup>. The lynching in United States circumstances ended with the growth of civil rights in the mid-twentieth decade. In addition, the root of the term Lynch spurred. In India, most of the victims of mob lynching have been minorities since ages, but there are few exceptional cases such as Kashmiri pundits who were one of the minority groups in the entire state of Jammu and Kashmir after the Indian independence was settled in the southern region of Kashmir<sup>9</sup>. The Kashmiri pundits were withdrawn from the state by the bulk of Muslims due to cultural disputes between Hindu and Muslims, and at that moment there were numerous instances of violence and mob lynching on Kashmiri pundits. Like in America, we have witnessed a war centred on ethnicity and colour that resulted to events of mob lynching<sup>10</sup>.

### **3. REASONS OF MOB LYNCHING**

There are various reasons for flaring up the mob lynching here are some important one –

#### Rise of cow vigilante

After the enactment of the Prevention of Cruelty to Animals statutes (26th May 2017)<sup>11</sup>, these incidents are happening in the skyrocket speed. There is some provision that imposed the ban on the purchase or sale of the cattle across India and that lit up the wave of cow vigilante in the nation. After that, there are far cry on among the industries who makes billions on selling the leather products in the market and also beef eaters. The Supreme Court took immediate cognizance on the matter by looking at the gravity of the matter and put suspend the ban on the sale of cattle<sup>12</sup>. Which raised the attacks on Muslims and other beef loving communities. Dozens of innocent peoples got killed or hurt in those mob attacks. These incidents are erratic in nature and often the response from certain group of people (called usually as Go-Rakshak)<sup>13</sup> who are very furious over the reports of cow smuggling and butchery.

#### Silence of political class

The political parties are acting as a mute personal not, as moot personal. They are upbringing their political career by putting people's lives on the stake. The ultimate goal is to have an axe to grind.

---

<sup>8</sup> Shackel, Paul. (2011). America-s home town: Fiction, Mark Twain, and the re-creation of Hannibal, Missouri. *International Journal of Heritage Studies*. 17. 197-213. 10.1080/13527258.2010.532228.

<sup>9</sup> Amrit Wilson, *When will the Kashmiri nightmare end?* | Amrit Wilson, THE GUARDIAN, July 3, 2014, <https://www.theguardian.com/commentisfree/2014/jul/03/kashmiri-nightmare-narendra-modi-pandits-jammu-human-rights> (last visited Mar 10, 2020).

<sup>10</sup> *Id.*

<sup>11</sup> India Passes New Rules to Protect Animals, , <https://www.petaindia.com/blog/india-passes-new-rules-protect-animals/> (last visited Mar 10, 2020).

<sup>12</sup> How cow vigilantism is undermining the rule of law in India | India | Al Jazeera, , <https://www.aljazeera.com/indepth/opinion/cow-vigilantism-undermining-rule-law-india-190102143126368.html> (last visited Mar 10, 2020).

<sup>13</sup> *Id.*

## Rumours of child lifters

Rumours of child captors triggers the mob violence in many states like Tamilnadu, Bihar, Madhya Pradesh etc. According to various reports, at least 19 persons have been killed and many injured in incidents of mob violence sparked by rumours of child lifting. *“There are 55,723 instances of child abduction in the year 2016, 41,883 instances in 2015, 36,854 instances 2014, according to statistics from the household ministry. It was discovered that in 2016 the authorities lodged lawsuits against the kidnappers in only 40% of instances and in 2016 roughly 23% of instances were resolved. Practically talking, about three out of four individuals went safe to court for child abduction”*<sup>14</sup>.

## Losing Faith on Law and Order

Police officials losing the trust in general public and public had a notion that police can't capture these criminals and recover the kidnapped children. There are no accountability and lots of the incidents happened in the presence of the police but they caved in at that situation.

## Hard to Register Cases Against Crowd

In the mob there are numerous people and due to big crowd, it is really stiff to register the case. The evidence also got vandalized b the people so the police can't follow the crime scene investigate (CSI) procedure properly.

## Fake news and rumours of social media<sup>15</sup>

We are living in the digital age right now and in this world, every information is available at the blink of your eye but due to numerous sources of information, no one ever checks the authenticity of the information and believe the info as being told or seen by them in social media platforms.

No matter what the reason is, no person or group of persons has the right to take law into their own hands and giving them verdict for their acts. If you are punishing the person without giving them the opportunity of being heard you're violating the principle of natural justice. That runs counter to the fundamental concept of democracy.

## **4. RISE OF MOB LYNCHING IN INDIA**

The mob lynching is the biggest issue in the nation right now because it is complete havoc in the society. No one want to take the responsibility and Despite promises & some judicial rebukes, nothing has been done on the surface till now. These mobs always have their targets like they always target first to the minority group which is Muslims.

---

<sup>14</sup> Lynching in India, mob violence, mob violence in India, causes and consequences of mob violence in India, mob violence in India UPSC, , <https://www.civilserviceindia.com/current-affairs/articles/rising-mob-violence-in-india.html> (last visited Mar 10, 2020).

<sup>15</sup> *Id.*

The recent data showed that 87% of the Muslim community people were being subjected to these hate crimes<sup>16</sup>. The religion in India had its roots in the society from ages and those roots rotted by the political superiors & various religious organisations. Political leaders deliver the hatred speech to the people and public fall in the notion of religion gathers as group and commit the heinous crime.

As the terrible danger of lynching leaves a terrifying cloud over big parts of the nation, Supreme Court pronounce these acts as horrendous acts of mobocracy. The court has asked Parliament to consider passing a special law on lynching. A new law will work if gaps in existing law are what prevent state administrations from acting decisively and fairly against lynch mobs. This, it maintains, is essential to protect citizens and ensure that the “pluralistic social fabric” of the country holds against mob violence.

The second target group is Dalit’s. Here, the caste-based approach came into picture. “Dalits were being subjected to torture and lynching incidents as well. According to study, Dalits are second (9%) in the list of peoples getting killed or tortured by the mobs”<sup>17</sup>. We know that the concrete pillars of the nation are standing on the core principles of basic structure and unity in diversity. The upliftment of one community will never result as a growth of the nation at large. People should resolve the issues and maintain the belief of incredible India. The religion is playing the crucial role in these incidents. But no religion states that killing people will lead to peace or nirvana. Although, the cow is the holy animal in the Hindu Beliefs but that doesn’t mean that the person having the profession of slaughtering the cattle’s or beef lovers have to suffer the torment of these mob lynching incidents. The constitution is supreme law of the land and every citizen of India have to abide by the laws made by the constitution.

## **5. ROLE OF SOCIAL MEDIA**

According to experts 90% of social media<sup>18</sup> information is negative. There is no set standard here for these offences. It could begin from a hysterical response to an unhappy view, to shaming government, sexual preference, or political views. Social media platforms like WhatsApp and Facebook have huge user base in India. Nowadays, social media is having large influence on the day to day functions of the people. It is benefiting no. of peoples but you can’t put the curtains short comes of social media. In current scenario, racial hatred is the biggest flaw in the social media. An unfiltered form of false/fake information are easily accessible through these platforms which has fuelled violence across the country. More than dozen people have been killed across India since May in violence fuelled primarily by fake social media messages. Mob attacks and vigilantism are on the rise in India, with social media playing a role in spreading malicious rumours.

---

<sup>16</sup> The apparent rise in hate-crime since the election is likely to be short-lived, THE ECONOMIST, <https://www.economist.com/united-states/2016/12/10/the-apparent-rise-in-hate-crime-since-the-election-is-likely-to-be-short-lived> (last visited Mar 10, 2020).

<sup>17</sup> *Id.*

<sup>18</sup> Siddiqui and Singh - 2016 - Social Media its Impact with Positive and Negative.pdf, <https://ijcat.com/archives/volume5/issue2/ijcatr05021006.pdf> (last visited Mar 10, 2020).

In contemporary nation-states, the emergence of personal news networks has resulted to what some call "radically networked communities" (groups that interact, organize and mobilize much quicker than traditional hierarchical nations can react). India's Electronics and Information Technology Ministry called on WhatsApp to take "immediate action to end this threat," saying that the company cannot avoid "accountability".

A strong resemblance exists between a mob lynching event and a social media. Those who involve in crime are faceless people, unhappy, upset and miserable. Unaware of the same...they pick wrong path and start attacking people. it serves the purpose of a tool or platform where our personal grievances are shaped into collective grudge. The psychology of the mob is either constructive or destructive. The mob becomes the judge, jury and executioner, dispatching the accused without a grain of empathy for them.

There have been cases where the person got attacked already threaten by someone in the social media before and then attacked by mobs. But Gauri Lankesh, the Bengaluru based Vernacular journalist who was first threatened on Facebook, then murdered for her anti-establishment views, and even after death was subjected to social media lynching<sup>19</sup>.

## **6. ROLE OF THE POLITICAL PARTIES**

Lynching is a premeditated extrajudicial killing by a group. It is most often used to characterize informal public executions by a mob in order to punish an alleged transgressor, or to intimidate a group. It is to be considered an act of terrorism and punishable by law. The political parties play the major role in the mob lynching incidents. No political party came forward and make an effort to restraint these crimes. Political parties didn't address the issue to the general public and the mobs who are doing these offences never know the gravity of matter The idea of Hindutva is a bet these days where the religious larger part abuses its capacity of being a lion's share onto minorities and rebuffs them with physical disciplines and by bringing law into their hands. Cows are thought to be a standout amongst the most blessed demigods which is instigated under the assessments of Hindu since antiquated occasions. But that doesn't mean you have to kill the one to save another. Instead of doing anything, Political parties baking their own bread. Indeed, a latest research discovers that there has been an increase in mob violence, especially cow vigilance, since the present state of the Bhartiya Janata Party (BJP) handed over in 2014.10 Not only has the Supreme Court adopted a sequence of policies to control mob violence, but it has also suggested that the parliament establish a unique law to cope with such crimes. One cannot remain neutral when working with violent nationalist organisations such as ABVP, Hindu Maha Sabha, Shiv Sena. The instances like Pehlu Khan case or the case of child lifting shows that lynching violence is more ripened than before. It reflects that how well Hindutva ideology (Hindu Nationalism) shaped India's political and social landscape on their footings

Hindu nationalist parties are growing even more violent after the Bhartiya Janta Party (BJP) government came into power. "According to study, it shows shocking data that 96% of the mob

---

<sup>19</sup> Gauri Lankesh: Indian journalist shot dead in Bangalore - BBC News, , <https://www.bbc.com/news/world-asia-india-41169817> (last visited Mar 10, 2020).

lynching incidents happened in India since 2014”<sup>20</sup>. The no. is growing faster than before which is alarming.

## **7. CASES RELATING TO MOB LYNCHING IN INDIA**

### **Kherlanji Massacre 2006<sup>21</sup>**

The first incident related to lynching was recorded in India on 29 September 2006. It happened in Maharashtra State's Bhandara county. The lynching was owing to a property conflict where a crowd of at least 50 farmers barred the victim's home killing four household men and parading nude their spouse and girl before killing them.

### **Dimapur Lynching 2015<sup>22</sup>**

On 5th March 2015, the person named Syed Khan accused of rape lynched by the angry mobs in Dimapur a district of Nagaland while police were taking him to present on court.

### **Dadri Lynching 2015<sup>23</sup>**

On 28th September 2015, an incident of lynching reported in the western Uttar Pradesh. Where a Hindu Nationalist group lynched the person named Mohammad Akhlaq and his son Danish having belief that they eat cow meat and slaughter cow. This was the first case reported as Hindu Mob lynching.

### **Chatra District Lynching 2016<sup>24</sup>**

On 18th March 2016, Mazlum Ansari and his son Imteyaz Khan who was 15 year of age were brutally lynched by a mob known as 'Gau Rakshak' who is cow vigilantes at Chatra a district of Jharkhand. They were accused as selling beef in the cattle market but after investigation it was founded that they are on their way to sell oxen meat.

---

<sup>20</sup> Harsh Mander, *Lynching, the scourge of new India*, THE HINDU, October 16, 2019, <https://www.thehindu.com/opinion/lead/lynching-the-scurge-of-new-india/article29693818.ece> (last visited Mar 10, 2020).

<sup>21</sup> Khairlanji: the crime and punishment, THE HINDU, August 23, 2010, <https://www.thehindu.com/opinion/Readers-Editor/Khairlanji-the-crime-and-punishment/article16149798.ece> (last visited Mar 10, 2020).

<sup>22</sup> Dimapur rape and mob lynching: Five lessons from this double-crime - Firstpost, , <https://www.firstpost.com/india/dimapur-rape-and-mob-lynching-five-lessons-from-this-double-crime-2140921.html> (last visited Mar 10, 2020).

<sup>23</sup> Politics of lynching, the new normal in India - FYI News, , <https://www.indiatoday.in/fyi/story/lynching-hindu-muslim-mob-violence-kashmir-jharkhand-984791-2017-06-27> (last visited Mar 10, 2020).

<sup>24</sup> *Id.*

### Alwar, Rajasthan Lynching 2017<sup>25</sup>

On 5th April 2017, the victim was Pehlu Khan, a 55-year old resident of village name Mewat in Rajasthan. He was dairy farmer by his profession. He was returning from the city carrying the cattle (cow and calf) but in the midway he and his son stopped by Gau-Rakshak and lynched by them. which resultant into death of the Pehlu Khan. Pehlu Khan showed the document of cattle purchase and tell them the motive of purchase but the mobs were not in the mood of listening. Mob beat him up to death.

### Srinagar, Jammu and Kashmir Lynching 2017<sup>26</sup>

The DSP Mohammad Ayub Pandith were lynched by the mobs on the reason that he is taking picture of the masjid while Some reports state that he opened fire and then got shot. But the end of the day he lost his life.

### Thoubal, Manipur Lynching 2017<sup>27</sup>

Mohammed Rakib Ali and Mohammed Anish were killed by an angry mob in Thoubal, Manipur. Next day a video clip was posted by the CM Nongthombam Biren Singh on his Facebook page and stated that to deal with the matter the person got lynched can be innocent too. If the outrage will keep going on than every individual life is on threat because of some wicked people.

## **8. INDIAN LAW DEALING MOB LYNCHING**

With the rising trend of lynching in India there is no objection in bringing the anti-lynching law. The law makers should not be ignorant towards the issue. Serious crime like lynching should cover under the Indian Penal Code. Indian legal system, nowhere defined the term lynching. Lynching is not a legal term it is a societal term but should be punishable as criminal offence. The Indian legal system works on the principle that unless and until criminal charges proved the accused will be considered as innocent. The Indian law covers wide range of offences and also mentioned the punishment for those offences. But in the case of lynching no judge, no opportunity of being heard and execution without being known that the accused person is guilty or not. That's what known as jungle justice. Although Indian law doesn't specify the term lynch but there is various category of offences under Indian Penal Code<sup>28</sup> in

---

<sup>25</sup> Mohammed Iqbal, *Pehlu Khan lynching case: Rajasthan court acquits six accused*, THE HINDU, August 14, 2019, <https://www.thehindu.com/news/national/pehlu-khan-lynching-case-all-six-accused-acquitted-by-rajasthan-court/article29092863.ece> (last visited Mar 10, 2020).

<sup>26</sup> Press Trust of India Srinagar July 6, 2017 UPDATED: July 7 & 2017 11:45 Ist, *Kashmir: Police officer Ayub Pandith's lynching case cracked, says IGP*, INDIA TODAY, <https://www.indiatoday.in/india/story/case-of-lynching-of-police-officer-cracked-jandampk-police-1022854-2017-07-06> (last visited Mar 10, 2020).

<sup>27</sup> Action taken against four policemen in Manipur lynching case, THE HINDU, September 17, 2018, <https://www.thehindu.com/news/national/other-states/action-taken-against-four-policemen-in-manipur-lynching-case/article24968026.ece> (last visited Mar 10, 2020).

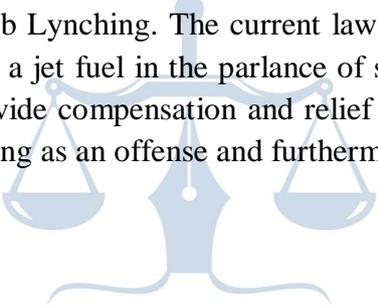
<sup>28</sup> IPC: Offences Affecting The Human Body, , A LAWYERS REFERENCE , [https://devgan.in/ipc/chapter\\_16.php](https://devgan.in/ipc/chapter_16.php) (last visited Mar 10, 2020).

which these accused person can be covered and maybe if tried according to the procedure will be held guilty. The government should make law while considering the range of the mob lynching operations and define the liability of the government authority on this behalf. But seeing the matter of mob lynching from the Hindu Muslim viewpoint by political parties is deadlier and more dangerous than mob lynching, and comments made by such parties or persons should also be declared a crime. Trial cannot be done on the road. No person has the right to be the guardian of the law. It is the utmost responsibility of the state to stop these unwanted and unwarranted crimes which are fatal to society.

It is a combined responsibility of both central and state government to prevent the occurrence of community violence in any part of the state through their agency and administration. If the officer neglects to maintain the system or law and order, then legal action should be brought against him.

#### MASUKA BILL- ‘Manav Suraksha Kanoon’<sup>29</sup>

National Campaign against Mob Lynching. The current laws are not sufficient to cover this offence which is spreading like a jet fuel in the parlance of society. MASUKA will not only protect the people but also provide compensation and relief to the victims of mob lynching. The bill will characterize lynching as an offense and furthermore manage the purpose for start of aim of the mob to lynch.

Advantages of MASUKA:  WHITE BLACK

Rehabilitation of victim’s family

Compensation provided to victim’s family

Speedy justice by set up of special courts

Protection of witness- Protection of Identity of witnesses to the lynching

Responsibility of mob lynching incidents allotted to SHO of the area- This will create extra awareness and care among police about the mob lynching incidents.

Under the umbrella of MASUKA following aspects covered such as:

Victims of a specific community- majorly backward classes of people

---

<sup>29</sup> Uniindia News Service, *Draft law of “Manav Suraksha Kanoon” (MASUKA) against mob lynching released*, [HTTP://WWW.UNIINDIA.COM/DRAFT-LAW-OF-MANAV-SURAKSHA-KANOON-MASUKA-AGAINST-MOB-LYNCHING-RELEASED/INDIA/NEWS/923677.HTML](http://www.uniindia.com/draft-law-of-manav-suraksha-kanoon-masuka-against-mob-lynching-released/india/news/923677.html) , <http://www.uniindia.com/draft-law-of-manav-suraksha-kanoon-masuka-against-mob-lynching-released/india/news/923677.html> (last visited Mar 10, 2020).

Suspicious of Cow slaughter

People representing political interest from the campaign.

#### 9. **NEW INITIATIVE: MANIPUR'S NEW ANTI-LYNCHING LAW**<sup>30</sup>

The Manipur state became the first to pass notable/remarkable law against incidents of lynching. After the horrific incident occurred in the thoubal district<sup>31</sup>. There was strong urge by the public that parliament should make anti-lynching law but parliament look help less even the Supreme court in the Tahseen S. Poonawalla vs Union of India case<sup>32</sup> issued the slew guidelines and the pluralistic social fabric approach but till now there is nothing on the table. The supreme court mentioned these acts as Horrendous acts off mobocracy. The state of Manipur done a little to comply the guidelines of thee highest court by passing anti-lynching law.

Need for Anti-Lynching Laws -

Increased no. of mob lynching offences

Minorities group targeted

Complete havoc in the society

Imminent threat to the individual

No liability of the public officials

Highlights of Manipur Anti-lynching Law<sup>33</sup>-

Follows the Supreme Court's prescriptions, creating a nodal officer to control such crimes in every State, special courts and enhanced punishments.

Curbing thee combat hate crime

Definition of lynching cover the many forms of hate crimes

Responsibility on public officers

Prescribed punishment for non-performance of legal duty

Penal liability will also arise upto rupee 50,000/-

#### 10. **WAY FORWARD**

---

<sup>30</sup> The Manipur Protection from Mob Violence Ordinance, 2018, mobviolence.pdf, , <https://manipur.gov.in/wp-content/uploads/2016/05/mobviolence.pdf> (last visited Mar 10, 2020).

<sup>31</sup> Action taken against four policemen in Manipur lynching case, *supra* note 26.

<sup>32</sup> WP (C) 754/2016

<sup>33</sup> mobviolence.pdf, *supra* note 29.

Under the worldwide human rights, there is an arrangement which gave every individual right to live by their own way. India is a nation having diversity but among individuals there is lot of similarities which upheld the founding principle of nation. The main issue is to secure the rights of the individual given to him by the constitution of India Following the footprints of this The Manipur government has broken all the barrier and enact the anti-lynching law and also gave provision that if the public servant fails to perform his legal duty then they will be liable for imprisonment or fine surject to the case.

The criminal accountability of public officers is important provision in the law. If the central govt. and state govt. together and make law they can stop these hate crimes mob attacks and other hatred cries questioning the norms of Indian society. This is the India we must claim — of safety, fairness and fraternity. Henceforth, always keep in mind that the end goal is to defend the ideal to life under Article 21 under Indian Constitution and alongside keeping the values of the con situation in first place stated in preamble. The law ought to be passed to rebuff the acts of these mobs who lynch, MASUKA which can act as a protective gear and shield a man's entitlement from the first case of lynching observed in the Kherlanji massacre we have observed a number of lynching cases today. It is becoming a tendency for Indians to lynch anyone whom they feel is wrong and have hurt the sentiments of the people. Are the people against the actions of the government where they feel taking law into their own hands is a better decision, we cannot conclude what exactly the people have in mind. But the moral and religious sentiments of the people should not encourage him to drag the other people ruthlessly down the street and killed him. at the political parties play the strong role in these outraging incidents. They are the one of the men cause to light the match in the people's brain which burn down the people's life. the impact of social media is also undeniable there should be some regulation on this regard or to justify that which part of the news is authentic and what part is a hoax. The govt. should also impose some liability on the companies like WhatsApp fakebook so that they stop illegal activities in the social media platforms. last nobody has a privilege to bring law into their hands This is the India we must claim — of safety, fairness and fraternity. Henceforth, keeping in mind the end goal to defend the basic ideal to life under Article 21 under Indian Constitution and alongside it keeping up essential standards of constitutions state in the Preamble. A law ought to be passed which will rebuff the mobs who lynch, at last nobody has a privilege to bring law into their hands MASUKA which will save and shield a man's entitlement to life. The new measures should be followed, every school should include the legal studies subjects in their curriculum which will give the students the wide notion of the constitution of India and also open their horizon of the various social issues. The parliament should make law to put mob lynching in the category of criminal offence and provide rigours punishment for that as well. The IPC can play vital role in this behalf. As supreme court given the guidelines there should be one nodal officer in the district to hear the complaints of the victims of mob lynching and provide them necessary help. And also, last but not least, keep in mind the ethical and moral values of the constitution which brings us together and make a nation as a whole. The secularism is the idea which states worship your religion but respect the religion and sentiments of the other too.