

# **THE DARK SIDE OF SOCIAL MEDIA: MOB LYNCHINGS IN INDIA**

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## **INTRODUCTION**

Over the most recent one year, 28 individuals crosswise over nine Indian states have been lynched in independent occurrences, which have been activated by gossipy tidbits spread via web-based networking media. Of these, in excess of 20 individuals were casualties of crowd lynching over the most recent two months alone. The most recent such occurrence happened on 15 July 2018 in Karnataka when a software engineer was pounded the life out of on the doubt of being a kidnapper.<sup>1</sup> The prior episodes have happened in various parts of the nation, from Assam in the upper east to Maharashtra in western India. The consistent idea in these grisly occurrences has been tyke lifting bits of gossip coursed on the internet based life. Bits of gossip are a deep rooted marvel and have had their impact in earth shattering occasions. The job of bits of gossip in the 'Incomparable Panic', prompting the French Revolution and the seizing of Bastille on 14 July 1789, is all around recorded. So too is the job of bits of gossip in the uprising of 1857 in British India. In the eighteenth and nineteenth hundreds of years, gossipy tidbits were generally spread by overhearing people's conversations. In any case, now present day innovation is helping the spread of bits of gossip, prompting startling and regularly merciless results. In almost every one of the occurrences of horde viciousness, the gossipy tidbits were flowed by WhatsApp, a free informing application claimed by Facebook. It's anything but an occurrence that India is WhatsApp's greatest market around the world, with in excess of 200 million clients.

In no cultivated society, the lynching of a man by group can be defended on any grounds at all. The lawfulness circumstance is said to be in question when number of lynching begin occurring

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<sup>1</sup> On 20 July 2018, a Muslim man was killed in Rajasthan by vigilantes on the suspicion that he and a companion were smuggling cows. There is, however, no evidence to suggest that this incident and earlier ones involving cow vigilantes were caused by online rumours.

in a general public. The depiction of Mob lynching basically thinks about a demonstration of savagery submitted by a crowd who presumes their activities to be called for, in order to keep up the social string unblemished and protect the social standards. Moreover, Lynching is a type of moment equity being regulated against an assumed guilty party with no preliminary or method set up by law. Furthermore, the term 'lynching' was coined after a Virginia grower and equity of peace amid American Revolution, Charles Lynch (1736– 96).<sup>2</sup> Therefore, such demonstrations of savagery have no specialist of law and are inborn illicit and uncaring. It incorporates acts running from swarm lynching; assaults by vigilantes, murder, assault, badgering, ambush, robbery, and so on all have the reserves of the moment equity by them as they discover no confidence in the method built up by law.<sup>3</sup> Withal, Vigilantism is typically connected with the horde wrongdoing in that capacity demonstrations are famously merciless as well as vacuous of any regret or apologize. Comparable inclination makes vigilantism the request of the day which is no not as much as an account of sheer frightfulness.

And finally Honorable Supreme court in its recent judgement has declared that mob lynching is a crime whatever might be the grounds of it like cow vigilantism etc.<sup>4</sup> Its the duty of the state to look after controlling these cases and follow the certain guidelines laid down by court in its recent judgement.

***History of Lynching:*** Mob lynching is not at all a new issue, it can be traced in our history in certain infamous incidents discussed below:

**1. 1857 Revolt :** Sepoys were using Enfield Rifles in which cartridges were suspected to be wrapped with grease which was extracted from the fat of pigs and cows. Cows were sacred to hindus and pigs to muslim , this lead to the restraining from the use of these cartridges into the rifles. On 10 May 1857 mob became outrageous and started attacking women, children, villages, houses, etc.

**2. The Bloody Legacy of Partition :** Nasid Hajari in his book “Midnight Furies” written on the horrors of Partition has described how brutally were the men and children hacked to death pregnant women were hacked of their babies from bellies and much more. Thus 1947 became the site of lynching where women and children were the worst victims.

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<sup>2</sup> Lynching mob violence , <https://www.britannica.com/topic/lynching>

<sup>3</sup> <https://www.newslaundry.com/2017/07/04/mob-lynchings-in-india-a-look-at-data-and-thestory-behind-the-no>.

<sup>4</sup> Tahseen Poonawalla Vs Union Of India, MANU/SC/0409/2018

**3. The aftermath of Indira Gandhi's death :** “When a big tree falls the earth shakes” this line seems true when we have a look at the anti-shikh riots which took place after the death of Indra Gandhi. Gurdwara were set on fire along with houses, people were pulled off their houses, fingers were chopped off and burnt alive people were enjoying and celebrating all these with voter list in their hands.

**Mob Lynching in the contemporary world:** On a very recent note in past 10 years there have been lynching stories which tear our sensibilities.

1. On 24 January 2009 young women and men were attacked in a pub in Mangalore on the the contention of violation of Indian traditional values by women who were enjoying in the pub.
2. 55 year old dairy farmer Pehlu Khan in Alwar who was transporting cows for his dairy was attacked mercilessly with several wounds resulting in his death two days later.
3. 50 year old Mohammad Akhlaq was attacked and lynched for allegedly eating beef. His son was Danish was also attacked. This resulted in the riots in a village called Dadri 40km away from city of Noida.
4. In Una town of Gir, Gujrat certain members of a Dalit family were attacked and beaten up by the so called *Gowrakshaks* for allegedly skinning a dead cow.
5. On a dispute over seat a guy Hafiz Junaid was allegedly abused and beaten up for being beef eaters. He was thrown out of the train in Ballabgharh where this 15 year old innocent died in brother's lap.

## **MOB LYNCHING AND THE INDIAN LAW**

*“Unless the court strives in every possible way to assure that the constitution, the law, applies fairly to all citizens, the Court cannot be said to have fulfilled its custodial responsibility.” - Hamid Ansari*

Lynching is a shocking wrongdoing, it is infringement of human rights yet no information is accessible with National Crime Records Bureau. The National Human Rights Commission likewise has not discharged any information so far. Incidents of lynching are for the most part detailed under IPC section 302 for homicide, IPC 307 for attempt to kill, IPC 324 for causing

hurt, IPC 147 for revolting and so on. The reality and terribleness of this wrongdoing ought to be altogether investigated. The criminal law isn't sufficient in keeping the instances of lynching as the loathe component of it isn't tended to. An alteration could be passed like the one go in corrosive assault. Prior to 2013, corrosive assault was enrolled under IPC areas for offensive hurt however these were discovered lacking to manage the physical and mental injury of the person in question, cost for treatment and the scheme in executing the demonstration. The Criminal law (Amendment) Act 2013 presented 326 An and 326 B particularly to handle the savagery through corrosive assault, by recommending a base discipline of 10 and 5 years of detainment, separately.

**MaSuKa (Manav Suraksha Kanoon) – *the silver covering in obscurity cloud*:** MaSuKa<sup>5</sup> is a common society started draft law under the administration of legal advisors and activists, for example, Sanjay Hegde, Prakash Ambedkar, Tehseen Poonawalla and Shehla Rashid. It proposes a law against horde lynching which incorporates characterizing the terms of 'swarm' and 'lynching', calls for making it a non-bailable offense and life detainment for convicts, a period bound legal enquiry and remuneration to groups of injured individual.

1. This Petition, *bury alia*, looks for the issuance of a writ of mandamus, ordering the Respondents to make quick strides against dairy animals insurance bunches enjoying brutality the nation over. The Petitioner has conveyed to the notice of this Court, a progression of occurrences which have brought about the loss of vocation, damage and demise of people because of so called vigilante gatherings/lynch swarms.

2. The Petition was at first recorded looking for bearings against bovine security gatherings. Be that as it may, having heard the scholarly Counsel for the Parties, and keeping in view the disturbing ascent in episodes of lynching/swarm brutality the nation over, we are of the supposition that it is important to set down rules for the successful assurance of the protected privileges of defenseless people, to rebuff demonstrations of lynching/horde viciousness and to accommodate restoration of its injured individual and their families. It is clarified that these rules just look to give an expansive structure. It will be available to the official of each state to develop additionally measures in help of the previously mentioned purposes.

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<sup>5</sup> <https://www.thequint.com/news/india/is-masuka-the-answer-to-mob-lynching>.

***Key directions of the Honorable Supreme Court in Tahseen Poonawalla Vs Union Of India***

**A.PREVENTIVE MEASURES**

I.Each state ought to name a senior cop, not underneath the rank of Superintendent of Police, as the Nodal Officer in each District. The nodal officer will guarantee that preventive measures are taken against occurrences of swarm savagery/lynching. In playing out his capacities, the nodal officer will be helped by the Officer responsible for the police headquarters of the concerned regions.

II.The State Governments ought to forthwith distinguish Districts, Sub-Divisions as well as Villages where examples of lynching/swarm brutality have been accounted for in the ongoing past, e.g., over the most recent five years. The Secretary, Home Department of the concerned States will issue orders/warnings to the Nodal Officer of the concerned Districts for guaranteeing that unique consideration is taken to forestall episodes of lynching/crowd brutality in recognized territories.

III.Every cop, straightforwardly responsible for keeping up peace in a region will find a way to keep any demonstration of lynching including its prompting and bonus. In doing as such, he will endeavor every single conceivable exertion to recognize and restrict occasions of dispersal of hostile material or some other means utilized with the end goal to affect or advance lynching of a specific individual or gathering of people.

IV.Every cop, specifically responsible for keeping up lawfulness in a territory will try every conceivable exertion to recognize examples of viciousness in the zone under his purview, that show event of focused savagery, including the creation or presence of threatening condition against a man or gathering of people.

V.It will be the obligation of each cop, straightforwardly responsible for keeping up peace in a territory, to practice his position on a horde with the end goal to make it scatter. In exercise of his position, such a cop may utilize such powers as vested in him under Section 129 of the Code.

## **B.REMEDIAL MEASURES**

I.If an episode of lynching/swarm savagery happens regardless of the measures taken by the express, the jurisdictional police headquarters will quickly hold up a F.I.R. under the fitting arrangements of law. Suggestion of the enrollment of the FIR will be expeditiously given to the Nodal Officer in the region who, thus, will guarantee that viable examination is completed.

II.Cases where a charge sheet isn't documented inside a time of three months from the date of enrollment of the First Information Report will be inspected by the Nodal Officer. The Nodal Officer may pass orders for a new examination by another officer not underneath the rank of Deputy Superintendent of Police when he is of the considered feeling that the equivalent is important.

III.Immediate steps will be taken by the locale organization to give security to the casualty of lynching/swarm viciousness and his/her relatives.

IV.The State Government through the workplace of the Chief Secretary will give Compensation to casualties of lynching inside 30 days of the episode. Where the passing of a man has happened as an outcome of lynching, the remuneration for such demise will be paid to the closest relative of the expired.

While registering remuneration, the State Government must give due respect to the real damage, mental damage, material damage and loss of profit including misfortune chance of business and training, costs caused because of lawful and restorative help.

V.Wherever it is discovered that a cop, or an officer of the region organization has intentionally not consented to these bearings or has neglected to practice the power legitimately vested in him with the end goal to forestall or examine a demonstration of lynching/crowd brutality, such activity will be viewed as wilful carelessness/unfortunate behavior. Disciplinary activity according to surviving administration rules must be taken against the equivalent. An enquiry in regards to the equivalent must be finished up inside a half year.

## **C.MEASURES FOR AN EFFECTIVE TRIAL**

I.Incidents of lynching/crowd brutality will be attempted by exceptionally assigned quick track courts in each locale. Such a Court will hold the preliminary of an offense on an everyday

premise. The preliminary will ideally be finished up inside a half year of the date of taking comprehension of the offense.

II.A Designated court may, on an application made by an observer in any procedures previously it or by the Public Prosecutor in connection to such observer or all alone movement, accept such measures as it considers fit for keeping the personality and address of the observer mystery.

III.A injured individual will have the privilege to sensible, exact, and auspicious notice of any court continuing. He or she will be qualified for be heard at any procedure under this Act in regard of safeguard, release, discharge, parole, conviction or sentence of a denounced or any associated procedures or contentions and document composed entries on conviction, vindication or condemning.

IV.A unfortunate casualty will be qualified for get free legitimate guide in the event that he/she so picks and to connect any supporter who he or she looks over among those selected in the lawful guide board under the Legal Services Authorities Act, 1987 and the Legal Aid Services Authority set up under the said Act will pay all costs, costs and expenses of the backer named by the person in question or source as per pertinent guidelines.

V.It will be the obligation and duty of the State Government for making game plans for the insurance of unfortunate casualties, and observers against any sort of terrorizing, intimidation or instigation or brutality or dangers of viciousness.

## **CONCLUSION**

It cannot be denied that cases of lynching are on rise since 2015.<sup>6</sup> Capacity to convey equity in no way can be allowed to the swarm, the showcase of solidarity and utilization of brutality is against the simple mainstays of majority rules system. There is a convincing requirement for atleast certain particular arrangements if no enactment for the violations identified with crowd lynching. The particular arrangements will guarantee the expedient preliminaries together with the recovery of unfortunate casualties' families and security of observers which is absent under

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<sup>6</sup> <http://www.indiaspend.com/cover-story/86-dead-in-cow-related-violence-since-2010-aremuslim-97-attacks-after-2014-2014>

the present law. It is the correct time to comprehend the gravity of the circumstance and begin a productive exchange once again the horde brutality and the law required. The essential need of basic turn upward into the issue and do the needful can't be squeezed any more. Countries like US, Mexico, Guatemala, Dominican Republic, Haiti, South Africa, Nigeria, Palestine, Afghanistan and entire of Europe have confronted the horrible crowd lynching sooner or later of time in history yet the watchful follow up into the wrongdoings have minified the incidents.<sup>7</sup> Now, it is the turn of the world's biggest majority rules system to handle the issue with the fundamental seriousness and reinforce the tranquil, common social string that makes India incredible. Any kind of positive intelligent exchange among the distinctive political gatherings, common powers, legitimate establishments, law specialists and society all in all can conveniently disentangle the hazards of swarm lynching. Something else, the majority rule government may change into a mobocracy.

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<sup>7</sup> Lynching, <https://en.wikipedia.org/wiki/Lynching>