

MOB LYNCHING IN INDIA: A CRITICAL ANALYSIS OF LAW AND POLICY

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ABSTRACT

The chapter of Human Rights has been a hot topic over the period of time not only in India but all across the globe. They are the minimum rights that are available to a human being right from the time when he is in the womb of his mother. These rights cannot be snatched or waived as it is impossible for a person to live without them. One example of Human Rights violation is 'Mob Lynching'. It is a kind of 'punishment' in form of killing that is dictated by an unlawful assembly comprising of people with *malafide* intentions, upon a person, who is accused of committing a crime or anything like that. Supreme Court of India has termed it as '*horrendous acts of mobocracy*' describing the injustice that is inflicted upon the sufferer. The research question in the article revolves around the state of mind of the culprits while committing these kinds of crimes and the sufficiency of laws governing those, including remedies that are prolific for stopping these aggressors. Research Methodology is doctrinal including the principles of applied and fundamental research. Literature review includes a perusal of articles written by authors mentioning their views in a profound manner.

Keywords: Human Rights, Lynching, Unlawful Assembly, Horrendous, Mobocracy.

INTRODUCTION

As per Dr. SK Kapoor, Human Rights are regarded as those fundamental and inalienable rights which are essential for life as human being and are possessed by every human being irrespective of his or her nationality, race, religion, sex etc. simply because he or she is a human beingⁱ. The founding fathers of the Indian Constitution were vigilant enough to include the principles of ethics, fairness, reasonableness and natural justice in the Constitution to describe and define the powers of the citizens of India. They did their best to lay down an easy path for the Indians to redefine their strengths and rights in a comprehensive manner as the British rule for more than hundred years created a sense of captivity in their minds. The focus of the framers of the Constitution was to make every citizen of India powerful by giving him the minimum rights to survive including the right to life, equality, freedom etc. However, the sociological framework has changed over a period of time and unfortunately, there have been incidents of communal clashes, violent caste conflicts and even gender discrimination between the members of the society. All these incidents reflect a poor picture of law and order prevailing in the society. The basis of their action cannot be justified on any ground.

One such example of the unlawful game played by the crowd in the current social framework is of Mob Lynching. It is actually the killing of a person by the crowd without giving him any chance to defend himself or face trial in the Court. It is a kind of illegal killing (by beating or giving grievous hurt) of a person who has allegedly committed a crime. The reasons may include child trafficking, cow slaughter, rape, murder etc. Meaning thereby, when an unlawful assembly decides to take away the basic human rights of a personⁱⁱ illegally, it becomes one of the fit cases of human rights violation termed as mob lynching. Every person in India has got some minimum rights in his kitty known as principles of natural justice in legal language. These include *Ex Post Facto Laws*ⁱⁱⁱ, *Audi Alteram Partem*^{iv}, *Self-Incrimination doctrine*^v, *Double Jeopardy*^{vi} etc. These principles have been incorporated in Indian Constitution to define and describe the rights of the people. It can be said that lynching is a kind of violation of the basic right of *Audi Alteram Partem* in clear terms. The person who has been killed by the mob deserved the right to have fair trial and represented through a lawyer of his own choice. But the angry crowd under the influence of its 'sick' mind shows no sympathy towards the victim. The people involved in mob lynching have such a high level of aggression that they fail to differentiate between right and wrong. Their mind set compels them

to perform an act which is dangerous enough to kill a person. It is immaterial that in what situation these acts were done as no one has got the right to take law in his own hands except in special circumstances like Private Defence, so defined in Criminal laws. Mob Lynching is not only against the domestic laws of a nation but also against International laws that have found place in various documents in form of Conventions and Treaties. They have defined and interpreted the term 'Human Rights' in a prolific manner by linking them with the dignity of Human Beings. If we look at the provisions of UDHR (Universal Declaration of Human Rights), 1948, we can easily conclude that the idea of Human Rights is not confined within the boundaries of a nation or province^{vii}. Article 3 of the UDHR says 'Everyone has the right to life, liberty and security of person.' It means that every human being on earth has got the right to possess and enjoy minimum rights that are necessary for his survival like right to food, clothing, shelter, health etc. Article 7 provides for Equality before Law and Equal Protection of Laws and the protection against discrimination. Article 20 of the International Covenant on Civil and Political Rights (ICCPR) also states that "any advocacy of national, racial or religious hatred that constitutes an incitement to discrimination, hostility or violence shall be prohibited by law." Article 12 of the UDHR goes on to say that 'No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation'. A literal interpretation of this Article gives us an idea that every human being has got the right to live a dignified life with utmost honour and privacy with respect to his family. Mob lynching is against these provisions of UDHR as it somewhere infringes the right to life of a human being by throwing him in the well of death and also downgrades his personal reputation by giving him the pain of social insult and humiliation. Needless to emphasise the fact that, a section of society cannot decide who the culprit is in a particular case and that too only on the basis of assumption and suspicion. It is the judiciary that has the power of deciding whether a person is guilty of committing a crime or not after giving him a chance to defend him. The lynching of Akhlaq in Dadri (Uttar Pradesh), Pehlu Khan in Alwar (Rajasthan), Tabrej Ansari in Jharkhand, two sages in Palghar (Maharashtra), named Chikne Maharaj Kalpavrukshagiri and Sushilgiri Maharaj, Alimuddin Ansari in Ramgarh (Jharkhand) are some of the unfortunate cases that have tarnished the image of India at the global level by reflecting the fact that the concerned authorities (including police) failed to protect the lives of these people. In Palghar incident, it was noticed in video footage that a policeman left the spot immediately once both the *sadhus* were surrounded by the violent mob, which ultimately gave

a green signal to the angry members of that unlawful assembly to go ahead with their evil intentions. The acts of the mob proved fatal for both of them. It is to be noted that *malafide* intentions of the mob and their eagerness to play with the law are two sides of the same coin. *Malafide* intention, because the crowd has somewhere decided to punish the so called culprit without giving him any chance of defending himself and this can only be done by simply making a mockery of the defined laws of the nation that are based on justified grounds. Ankita Ramgopal in her article has said that the obligation to protect the life and security of persons is the fountainhead of the Constitution of India and Mob Lynching especially on the basis of religion or caste strikes at the heart of the Constitutional pact between Indian State and its citizens^{viii}.

CURRENT LAWS: PURPOSE NEEDS TO BE SERVED

Legislations:

India does not have a definite law on mob lynching that is applicable all across the country. There are some provisions in Constitution of India, 1950, Indian Penal Code, 1860, Code of Criminal Procedure, 1973, Protection of Human Rights Act, 1993 that indirectly refer to the hate crimes and their punishment. Lynching impliedly, is included in those laws. Article 14 of the Indian Constitution talks about equality before law and equal protection of laws, Article 15 reflects the fact that there shall not be discrimination on grounds of religion, race, caste, sex or place of birth against any citizen of India. Article 21 of the Indian Constitution has also talked about Right to Life and Personal Liberty for every person and the Indian judiciary through its judgments has from time to time, played an important role in swelling its domain and redefining the rights of 'person' in a comprehensive manner^{ix}. Professor VN Shukla has said that right to life which is the most fundamental of all is also the most difficult to define and cannot be confined to a guarantee against the taking away of life, it must have a wider application^x. These important articles were included in the Constitution of India to let the Courts and the legislators define and interpret the rights of the people from time to time by considering questions of fact as well as law. Section 34 of the Indian Penal Code talks about Common Intention of the group of people committing a crime and goes on to say that "When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons shall be liable for

that act in the same manner as if it were done by him alone”. This Section is totally applicable on the perpetrators of lynching as all of them have the common intention of killing the accused for which they do an act like beating, giving grievous hurt etc. Section 141 of the Indian Penal Code says about Unlawful Assembly which includes an assembly of five or more persons if the common object of the persons composing that assembly is: 1) To overawe by criminal force, or show of criminal force, the Central or any State Government or Parliament or the Legislature of any State, or any public servant in the exercise of such public servant. 2) To resist the execution of any law or any legal process. 3) To commit any mischief or any criminal trespass, or other offence. 4) Taking possession of any property or depriving any person of the enjoyment of the right of way, the use of water etc. of which he is in possession through criminal force 5) By using or showing criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do. When a group of people (five or more than five) decide to lynch a person on the basis of any fake or true information or anything like that, they constitute an unlawful assembly as the object for which all of them have assembled is illegal. Section 146 of the Indian Penal Code talks about ‘riots’ and Section 147 about its punishment which is of two years. A mob which lynches a person is covered under these two provisions as there is force as well as violence unleashed by the mob (which is an unlawful assembly), having a common objective of killing the victim. Section 153-A of the Indian Penal Code talks about promoting enmity between different groups on grounds of religion, race, place of birth, residence, language etc. and doing acts prejudicial to maintenance of harmony. This Section is applicable on the hate crime of mob lynching as there are cases where one member of a community or religion is murdered by a violent mob of different community or religion only on the ground of the former not belonging to their own religion or doing anything causing insult to their religion. Sometimes, it takes a catastrophic form where a large group of people of both the communities start fighting which ultimately results in disturbing peace and harmony of the society. There have been many cases in India where communal clashes started from petty incidents. Section 295-A, B has its say as well when an incident of mob lynching is reported. It refers to acts and words used by the accused intending to outrage the religious feelings of a class making the wrongdoer liable for a maximum imprisonment of three years. If the members of a mob commit lynching, Sections 300, 302 and 307 of the Indian Penal Code are also attracted where the acts so done by them are coupled with an intention of causing such bodily injury as the offender knows to be likely

to cause the death of the person to whom the harm is caused, sufficient in the ordinary course of nature to cause death and in all probability and circumstances, death of the victim is ensured as the attackers use sufficient force either through weapons or anything else, to cause the death of the victim and thereby making the members of the mob liable for murder under Section 302. The punishment for the people involved is either life imprisonment or death penalty. Under Section 223 (a) of the Code of Criminal Procedure, the members of the unlawful assembly who have committed the crime of mob lynching can be charged and tried together as they commit the same offence in the same course of transaction. Under Section 30 of the Protection of Human Rights Act, 1993, for providing speedy justice to the victims of Human Rights violation, a State government with the concurrence of the Chief Justice of the High Court may specify a Court of Session for each district to be Human Rights Court to try the offence that has been committed against him^{xi}. International Religious Freedom Act was passed in 1998 by the United States of America having a motto to nurture and promote religious freedom in the nations that lack the same. However, in India, NCRB (National Crime Records Bureau) has not published the data on mob lynching since 2015 for reasons unknown, but it doesn't hide the truth. The seventh published report of UP State Law Commission^{xii} prepared in 2019 and submitted by Hon'able Justice A.N. Mittal has recommended for a law on mob lynching (named Uttar Pradesh Combating of Mob Lynching Act) by mentioning some of the important provisions like defining the duties of the police officer (not below the rank of Inspector) and District Magistrate in a clear manner, punishment up to rigorous imprisonment for life where the act of the mob leads to the death of the victim, punishing police officers and District Magistrates for dereliction from their duty and providing compensation to the victims of lynching within thirty days of the incident. Manipur became the first state to introduce a bill on mob lynching in 2018 and advocated for nodal officers in each districts of the state to control such crimes, removing the shield of public officials charged with any offence committed while acting in their discharge of official duty, requiring no prior sanction from the state government to register FIRs against public officials who fail in their duties to stop mob lynching, protection of victims etc.

Some other states like Rajasthan and West Bengal etc. have also shown their intent to formulate laws to combat lynching. The State government of Rajasthan in August, 2019 passed a bill against lynching as most of the cases were being reported in Rajasthan. West Bengal

government has mostly adopted the guidelines of the Supreme Court of India passed in the case of Tehseen Poonawala vs. Union of India^{xiii} while formulating laws with respect to mob lynching, like Director General of Police or the Home Secretary holding regular review meetings with the nodal officers, issuing the circular to the SPs on police patrolling in sensitive areas, police officers to ensure the dispersal of mobs that have a tendency to cause disturbance or threat to public peace etc. While pronouncing the judgment in this case, the then Chief Justice of India Mr. Dipak Mishra went on to say that *“The horrendous acts of mobocracy cannot be permitted. Earnest action and concrete steps have to be taken to protect the citizens from the recurrent pattern of violence which cannot be allowed to become the new normal.”* Minister of State for Home Affairs, Mr. Nityanand Rai has clarified in The Council of States (Rajya Sabha) that there is no separate definition of mob lynching in IPC and a group of ministers was constituted to formulate a law specifically dealing with mob lynchings^{xiv}. However, the real problem will be solved only when its proper implementation is ensured. It has been seen that the governments play an important role in making laws owing to the demands of the society but fail to implement them in true letter and spirit.

JUDGMENTS:

The Indian judiciary, specially the Supreme Court, has played an important role in redefining and interpreting the rights of the citizens of India from time to time through its judgments. The power given to it by the Constitution has been utilized at various instances like framing guidelines for stopping sexual harassment of women at workplace^{xv} using Article 142 of the Constitution, declaring Articles 368(4) and 368(5) unenforceable^{xvi} citing the concept of Judicial Review, saying National Judicial Appointment Commission (NJAC) to be *ultravires* the Constitution of India etc. Similarly, it has taken a strict view on hate crimes and framed guidelines to curb them. In the case of St. Stephen’s College vs. Delhi University^{xvii}, the Supreme Court opined that “a dynamic contemporary constitutional democracy imbibes the essential features of accommodation pluralism in thought and approach so as to preserve cohesiveness and unity” and signified the fact that lynching on the name of “cow vigilantism” should be stopped and urged the Parliament to make definite laws on the issue. In Nandini Sundar and others vs. State of Chhattisgarh^{xviii}, the Court instructed the States to promote

fraternity amongst all citizens so that the self – respect of every citizen is protected. In *Krishnamoorthy vs. Sivakumar and others*^{xix}, the Supreme Court held that “the law is the mightiest sovereign in a civilized society and no one can be allowed to take law in his own hands on the fancy of his shallow spirit of judgment”. In *Arumugan Servai vs. State of Tamil Nadu*^{xx}, the Supreme Court ordered the states to take disciplinary action against the concerned officials wherever they failed to stop or prevent the incidents of lynching despite having prior knowledge of it. However, the Court cannot practically run behind everyone to enforce its judgments and it is the duty of the executive to enforce them. The judiciary has been standing tall in favour of the rights of the victims whenever there has been any demand for the same and we can expect it to pronounce judgments of utmost importance describing the rights and liabilities of the people in future as well. Fingers crossed.

REASONS

The reasons for lynching of a person by an angry crowd aren't different from the prevailing socio- economic problems in our society. Some of them can be listed here:

Self – justice without having faith on law or its implementation:

The perpetrators of this horrific crime think that the accused will be ‘set free’ due to the long and tedious nature of the legal process. However, this cannot be taken as a defence in any circumstances. Their faith on the judiciary should be strong and unshakable. It has been seen that the mob while killing the victim deliberately avoids the principles of humanity. For e.g. on the pretext of child kidnapping or cow vigilantism, the attackers are so furious that they decide themselves to fix the punishment for the so called accused. The belief system based on false and unverified source of information makes them commit this crime. They themselves tend to bring them in an imaginary situation where a person can actually settle that who is a criminal and who isn't. Their usurping of power that is supposed to be exercised by the judiciary creates imbalance in the sociological order ultimately making a mockery of the criminal justice system. Their state of mind is filled with anguish and anger as they fail to recognise the system that is present to give proper punishment to the criminal.

Religious beliefs:

Every religion teaches to live with harmony, peace and brotherhood. However, the problem arises when people begin misinterpreting the texts of religious books and are ready to fight over it. Their 'eagerness' to support their religion at any cost including playing with the life of some else proves to be problematic for the society. Nevertheless, a particular community having its faith in an animal or a deity tries to protect and respect it and it is the duty of people of other religions not to do anything which may annoy the former in any case. It has been often seen that communal clashes are started from the lynching of a person from a particular religion which ultimately disturbs the peace and harmony of the society. There are provisions mentioned in the Indian Penal Code that punish people who have hurt the religious sentiments of people of other religion through any acts, words, gesture etc. but something more in case of enforcement needs to be done.

Political and social vendetta

Revenge or vendetta is one of the mental defects that can make a person do anything. In politics, it plays a special role. Political parties in order to create a fear psychosis in the minds of the opposition, mobilise masses for committing hate crimes. In order to achieve their goal, the politicians pay a handsome amount to the culprits and even shield them from being prosecuted under the defined process of law. Their lust to prove their fictitious supremacy just to garner some votes for electoral purposes creates disturbance in the society. It not only raises a question on the issue of law and order but also divides the society on communal and cast lines. Mobilising masses for electoral purposes should not be done at the cost of communal clashes or disturbance. It is important for the members of all communities that they use their minds before entering in any argument or conversation without believing blindly on their political masters.

Honour killing

Indian society has different castes, creed, religion which makes it a complete social fabric. Whether it is marriage or anything else, caste factor matters a lot. People still prefer marrying their children in their own caste. In this scenario, if any person of a particular caste takes the decision of marrying another person of a different caste, people of his own caste start creating problems for him. There have been cases reported where the person has married outside his

caste making the members of his own caste angry. These members don't hesitate to kill this person because as per their view, he has 'disrespected' their caste. Unfortunately, they don't recognise the fact that any person above 18 years of age (women) can marry any person of her choice (21 years in case of men). Sometimes, the angry mob lynches the person of other caste who has married with the person of their own caste which escalates the matter turning it to be a fight between the two castes at large.

Fake news on social media

It's often said that 'words spoken from the mouth cannot be taken back'. Reporting of fake news is common in many nations including the developed as well as the developing ones. Unfortunately, people tend to believe on these messages without giving a thought. It signifies their weak thought process and inability to take control of things in a peaceful manner. The distributors and transmitters of fake news have a hidden agenda of inciting violence and to prove supremacy of their minds. The reasons of violence and lynching through fake news include religious disagreement, child kidnaping, rape, murder, eloping etc. It is easy to spread untrue news in a group of people who have the tendency to believe on anything without giving a second thought. More often, uneducated and aggressive people are the perpetrators of this crime. There are many cases where it is seen that the victim was accused of taking by inciting a woman of another caste with her in order to elope or anything like that. Even if it is true, it is a horrifying thing to see that people don't believe in legal provisions where it is clearly mentioned about the age of marriage. In a country like India, where states have recorded a poor literacy rate of 53 or 54 percent, people become an easy prey for the executioners of the hate crime through social media.

EPILOGUE

No nation can afford to take hate crimes as for granted in any condition and specially a developing one like India. A society can progress only when there is proper coordination, peace and fraternity among the members living in it. United we stand, divided we fall is an old proverb which contains a meaning. Good social order can be maintained only when all the communities live together and have compassion for each other. India has to move further ahead

in literacy, economy, health etc. and this can only be achieved when there are proper conditions for the people to live in and work together. As per the World Bank's Ease of Doing Business Index, India stands at 63rd position for the year 2019. Meaning thereby, companies are still not investing in India (for business purposes) with utmost interest, whatsoever may be the reasons. Their reluctance sometimes, includes the poor law and order situation in a state and mob lynching is one of them. It can be said that hate crimes not only affect the victims but also the economic sector. Apart from disturbing the law and order situation, it sends a bad name and image of the nation in front of the whole world. Healthy law and order situation is one of the most important parameters of a state to measure its development. The western nations have stringent laws on hate crimes and India can have much more than the present ones. United States of America has been a victim of hate crimes over the period of time. There has been racial discrimination in the nation during the 19th and 20th Centuries where African Americans were lynched by white mobs. As per the lawmakers, more than 4500 people were reported to be lynched in the country between 1882 and 1968, and to add insult to injury, the perpetrators in most of the cases escaped punishment. The nation has planned to make Emmett Till Anti Lynching Act, a revised version of Justice for Victims of Lynching Act punishing a convicted person for 10 years for minor bruising. However, we have to wait for some time for seeing its effect in future. Needless to emphasise the fact that violence cannot be allowed in any circumstances as it disturbs the peace and affects people at large. A proper roadmap with prolific functioning is need of the hour. Instead of giving lynching a religious colour, efforts must be taken to ensure speedy justice to the victim and his family members. It is necessary for all of us to understand our responsibilities and then to work on them. Neither the citizens should expect everything from the government nor should the governments leave the matter on the citizens or the judiciary totally. Today, in 21st century, India's problems need to be solved in their beginning only as we are a nation having a big population and if they are not solved at the earliest, there is a danger of its chain being formed. Meaning thereby, if any incident of mob lynching is not reported and no proper action has been taken against the culprits in the beginning itself, a wrong message of weak legal enforcement machinery goes in the society which can ultimately lead to a swell in the number of cases across the nation.

WAY FORWARD

Even after 73 years of getting independence, all of us shall stand on the same platform and recognise that we as a nation have not yet succeeded in solving many of our problems like poverty, overpopulation, unemployment, communal clashes, human trafficking etc. India has witnessed a series of communal clashes since its independence, for different reasons which had unfortunate consequences. Therefore, it is need of the hour that through proper planning and implementation, problems are resolved at the earliest. As far as mob lynching is concerned, all the state governments in India need to formulate a defined and definite policy for stopping these crimes mentioning the punishment for the offenders and completing trial in Fast Track courts within three months maximum. There should be zeal in the minds of people to work together in this direction so that fruitful steps are taken without unnecessary delay. People should be counselled and made to understand that taking law in their own hands in any case will be problematic not only for them but whole society at large. An eye for an eye will make the whole world blind was a famous quote given by Mahatma Gandhi. More importantly, there is no certainty that the lynched is actually the culprit of committing a crime or not. Various Seminars, Conferences, *nukkad nataks* should be organised both at the district as well as state levels with a motto to teach people not to believe in any unfounded information or hoax. People should develop a sense of vigilance among them and refrain from getting involved in petty incidents. In any case, they must refer the accused to the police and not decide to give him the punishment. Governments should come forward with examples where people have helped each other in making the society function well and advertise them in front of the whole society. There should be a check on social media as well and sincere efforts taken for stopping it in spreading hate. The government should formulate a revised policy for social media users apart from using the Information Technology Act, 2000. This policy should have some basic features like not forwarding any unknown or unwarranted post to a third person, reporting any mischievous or frivolous content immediately to the concerned authorities of the cyber cell, making the group admin liable for the post which is found to be offensive in nature and has the capacity to create problems in the society, clearly defining the areas in which a person will be made liable for spreading hate news, shutting down the internet temporarily in even slightly disturbed areas etc. The mentality of people who are involved in committing a crime decides their action. Anguish of the mob should be studied and checked that under what circumstances

it has decided to take this horrific step of killing someone without even giving him an opportunity to defend himself and this should be done without having a personal bias in favour of the deceased. There may be different reasons for the mob to commit a crime of such a nature but, through counselling and communication, volunteers and government officials can help them to feel that they have committed a sin instead of ‘revenge’ and should regret for it. This guilt may stop them from taking law in their own hands or lynching someone again. Steps should be taken to provide compensation by the killers to the families of the victim who has been murdered by the mob. However, no life on this planet can be weighed with money but this can prove to be a tiny help for the legal representatives of the deceased. Chapters should be included in the textbooks of the students at the primary level teaching them about the dreadful crimes and their impact on the society at large. Efforts must be taken to provide employment to the unemployed youths who can devote their time in constructive things rather having a free time and bringing negative thoughts in their minds. Apart from this, governments must refrain themselves to be a party for any side who has been actually involved in lynching any person. It has been seen that vote bank politics has made the governments fall in this wicked trap. Police officials or any other responsible person who has been given the power to maintain law and order in the society must take adequate steps to stop the conflict between people in the beginning itself and strict action must be taken against those officials who either refrain from taking these steps or deliberately leave the place where lynching or any conflict between two or more people has started. Doctors who abstain from attending the injured victims who have been thrashed by the mob should be punished as per the provisions of the criminal law. We must not forget that every human being is directly or indirectly linked to god and therefore must be given due respect and support until and unless he decides to create problems for the society.

REFERENCES

ⁱ Dr. SK Kapoor, International Law and Human Rights 806 (19th ed. 2014)

ⁱⁱ These rights include Right to live, face trial, get a lawyer of your choice etc.

ⁱⁱⁱ Article 20(1) of the Indian Constitution

^{iv} It means let the other side be heard as well.

^v Article 20(3) of the Indian Constitution which means and includes that no one can be compelled to be a witness against himself in any case.

^{vi} Based on the common law maxim *nemo debet bis vexari*, Article 20 (2) of the Indian Constitution means and includes that no one can be prosecuted and punished more than once for the same offence.

^{vii} UDHR came into force on 10 December, 1948 and talks about universal protection of Human Rights.

^{viii} Ankita Ramgopal, Mob lynching in India: where does the buck stop?, *The Invisible Lawyer* (Feb 20, 2020), <https://lawyerscollective.org>.

^{ix} In *Maneka Gandhi vs. U.O.I*, the Supreme Court of India has said that the procedure established by law to deprive a person of his right to life and personal liberty must be just, fair and reasonable.

^x Mahendra Pal Singh, *VN Shukla's Constitution of India*, 210 (13th ed. 2017)

^{xi} Human Rights Courts.

^{xii} Seventh report of UP State Law Commission on Mob Lynching along with draft bill of Uttar Pradesh Combating of Mob Lynching Bill, 2019, <http://upslc.upsdc.gov.in/MediaGallery/7thReport.pdf>

^{xiii} Writ Petition (Civil) No. 754 of 2016

^{xiv} <https://economictimes.indiatimes.com/news/politics-and-nation/committee-to-suggest-necessary-amendments-in-ipc-crpc-to-curb-mob-lynching/articleshow/72364528.cms> (last accessed on 18/8/2020)

^{xv} *Vishakha vs. State of Rajasthan* AIR 1997

^{xvi} *Minerva Mills vs. Union of India* AIR 1980

^{xvii} AIR 1992 1 SCC 558

^{xviii} AIR (2011) 7 SCC 547

^{xix} AIR (2015) 3 SCC 467

^{xx} AIR (2011) 6 SCC 405