



Mob Lynching

For Prelims: [Bhartiya Nyaya Sanhita \(BNS\), 2023](#), [NCRB](#), [Tahseen Poonawala versus Union of India Case 2018](#)

For Mains: Mob Lynching and Religious Fundamentalism: Challenges and Way Forward

[Source: HT](#)

Why in News?

The Supreme Court has **declined to issue nationwide directives** for uniform **compensation and monitoring of mob lynching** and **cow vigilantism** cases, citing feasibility concerns.

- However, it reaffirmed that its 2018 [2018 Tehseen Poonawalla guidelines](#) remain binding on all states under [Article 141](#) of the Constitution.

What is Mob Lynching?

- **About:**
 - Mob Lynching is a **collective violence** where a **group unlawfully punishes** individuals based on **perceived wrongdoing**, bypassing legal procedures.
 - **Cow Vigilantism** is a **violence in the name of cow protection**, threatening secularism and social harmony, often **driven by suspicion**.
- **Causes of Mob Lynching:**
 - **Perceived Threat to Culture or Identity:** Lynching occurs when individuals or groups are seen as **threatening cultural, religious, or traditional values**.
 - Common triggers include **inter-caste/inter-religious relationships, food habits, or customs** perceived as challenging societal norms.
 - **Rumors: Fake news and rumors**, often spread via **social media and word of mouth**, can incite mob violence.
 - **Socio-Political Tensions:** Tensions from **land disputes, resource competition, and economic disparities** can escalate into violence, often **exploited for political gains**.
 - **Communal Divisions: Historical religious, ethnic, or communal tensions** often act as catalysts for lynching incidents.
 - **Moral Vigilantism:** Self-proclaimed groups enforce **their interpretation of social norms** through violence, targeting individuals they consider violators.

What are the Legal Provisions Related to Mob Lynching in India?

- **Bhartiya Nyaya Sanhita (BNS), 2023:**
 - **Section 103(2): Mob Lynching as Murder**
 - When a group of **5 or more persons** acting in **concert** commits **murder** on grounds like race, caste, community, sex, place of birth, language, or personal

belief.

- **Punishment: Death penalty or life imprisonment** along with a fine.
- **Section 117(4): Grievous Hurt by a Mob**
 - When a group of **5 or more persons** acting in **concert** causes **grievous hurt** on similar discriminatory grounds.
 - **Punishment: Imprisonment up to 7 years** and fine.
- **SC Directions in *Tehseen Poonawalla Case, 2018*:**
 - SC **strongly condemned mob violence**, stating that **no individual or group can take the law into their own hands**.
 - The Court warned that unchecked lynching could become "**the new normal**" and emphasized that **mob justice has no place in a civilized society**.
 - It stated that the **state has a duty to protect citizens** and **prevent targeted violence**.
 - It cited **American legal precedents** to reinforce that **mob justice undermines the rule of law**.
 - **SC Directions for Mob Lynching:**
 - **Strict Action Against Incitement: Automatic FIRs** under IPC Section 153A (**section 196 in BNS**) (**promoting enmity between different groups**) for those spreading **hate speech or fake news**.
 - **Preventive Measures:** States to appoint a **senior police officer as a nodal officer** in each district.
 - Identify vulnerable areas and **increase police patrolling**.
 - Social media platforms must **curb hate speech and fake news**.
 - **Punitive and Remedial Measures: Fast-track courts** in every district to resolve cases within **6 months**.
 - Strict punishment, including **life imprisonment**, for lynching crimes.
 - **Disciplinary action** against negligent officials.
 - **Victim Compensation:** States to develop a **compensation scheme** based on **injury severity, livelihood loss, and medical expenses**.
 - **Accountability of Officials: Action against officials** failing to prevent lynching.
 - **Monitoring and Legislative Measures:** States must **submit periodic reports** on mob lynching incidents.
 - Parliament urged to **enact a national anti-lynching law** (pending), though **Rajasthan and Manipur** have enacted state laws.

What are the Challenges in Tackling Mob Lynching?

- **Legal Gaps and Weak Enforcement:** India lacks a **specific anti-lynching law**, leading to **inconsistent action** against such crimes. Though the SC has set guidelines to prevent mob violence, **enforcement remains weak**.
- **Communal Targeting and Bias:** Lynching incidents **disproportionately affect weaker communities**. This **deepens communal divisions** and raises concerns about systemic discrimination and biased law enforcement.
- **Data Deficiency and Policy Gaps:** The **NCRB** stopped recording separate data on mob lynching and hate crimes after 2017, making it **hard to gauge the extent of the issue** leading to challenges in formulating effective measures to prevent such violence.
- **Social Media & Misinformation:** **Fake news and inflammatory content** on digital platforms incite violence, making regulation and accountability difficult.

Way Forward

- **National Legislation:** A **dedicated anti-lynching law** with stringent penalties and swift trials is essential for uniformity and deterrence.
- **Stronger Law Enforcement & Judiciary:** Police reforms must ensure **accountability** in preventing and responding to mob violence.
- **Special investigation teams (SITs) and fast-track courts** should be established to ensure **speedy trials and justice** for victims.
- **Public Awareness & Media:** Government and civil society must counter mob violence

through **awareness, ethical journalism, and curbing misinformation.**

- **Tech Regulation & Cybersecurity:** Strengthen **digital monitoring, curb hate speech, and hold social media accountable** while **promoting digital literacy.**
- **Community Engagement:** Address socio-economic disparities, promote **interfaith dialogue, and establish grievance redressal** to curb mob violence.

Drishti Mains Question:

Mob lynching threatens the rule of law and social harmony in India. Analyze its causes and suggest legal and policy measures to address the issue.

PDF Reference URL: <https://www.drishtias.com/printpdf/mob-lynching-9>

