

Gonzaga University

The Repository of Gonzaga University

International Conference on Hate Studies

7th International Conference on Hate Studies

Apr 21st, 10:30 AM - 11:45 AM

Vigilantism and Hate Motivated Mob Lynching Cases in India

Sumant Kumar
Alliance University

Follow this and additional works at: <https://repository.gonzaga.edu/icohs>



Part of the [Arts and Humanities Commons](#), [Law Commons](#), and the [Social and Behavioral Sciences Commons](#)

Recommended Citation

Kumar, Sumant, "Vigilantism and Hate Motivated Mob Lynching Cases in India" (2023). *International Conference on Hate Studies*. 13.
<https://repository.gonzaga.edu/icohs/2023/seventh/13>

This Event is brought to you for free and open access by the Conferences and Events at The Repository of Gonzaga University. It has been accepted for inclusion in International Conference on Hate Studies by an authorized administrator of The Repository of Gonzaga University. For more information, please contact jamesh@gonzaga.edu.



Vigilantism and Hate-Motivated Mob Lynching Cases in India

Dr. Sumant Kumar
Assistant Professor,
Alliance School of Liberal Arts,
Alliance University, Bangalore,
Karnataka, India



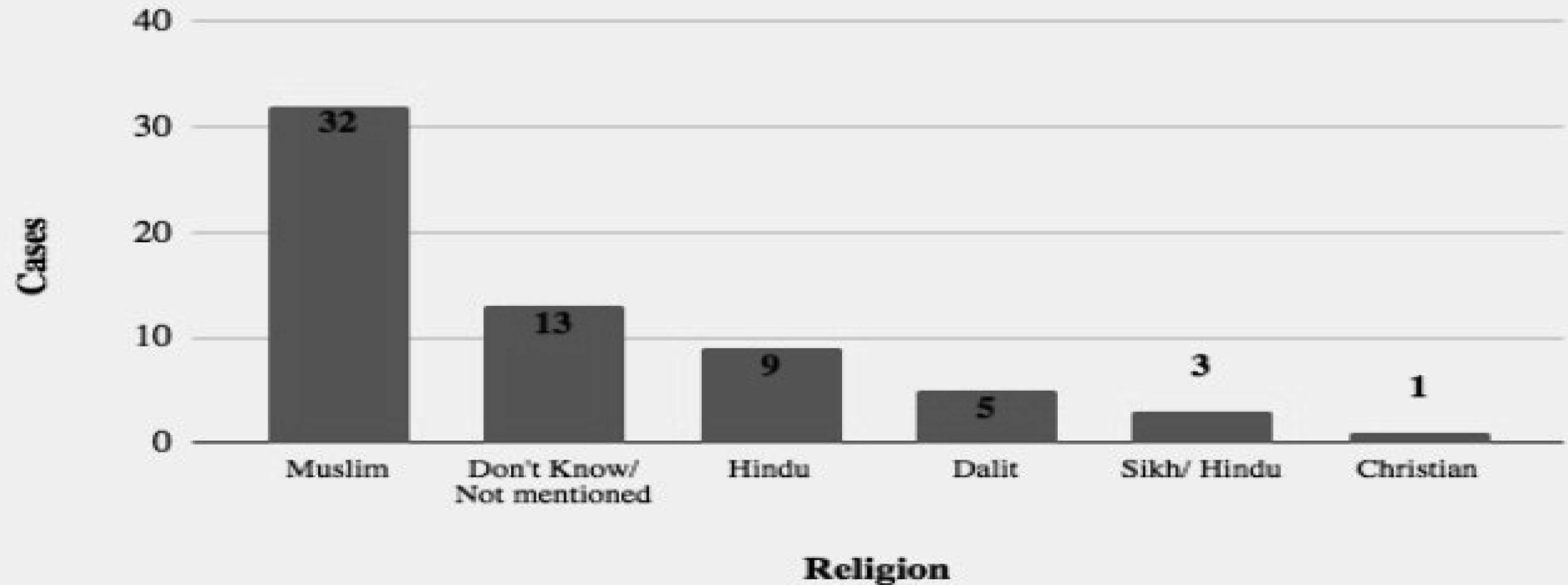
- “It may be true that the law cannot make a man love me, but it can stop him from lynching me, and I think that’s pretty important.”
- — Martin Luther King Jr.

Vigilantism

- Vigilantism is not a new concept; it is a reflection of the platitude and failure of the state in which state always blames their own people for taking law into their hands, and by citizens, who justify their measures on state inactiveness.
- Vigilantism defines as “the act of taking the law into one’s own hands and attempting to enact justice according to one’s own understanding of right and wrong”.



Cow-Terrorism Attacks: Cases By Religion Of Victims/Survivors



Note: Data as of June 25, 2017. Compiled by IndiaSpend from media reports.

Mob-Lynching
based on the
causes can be
classified into
seven types

Communal based

Witchcraft

Honour killing

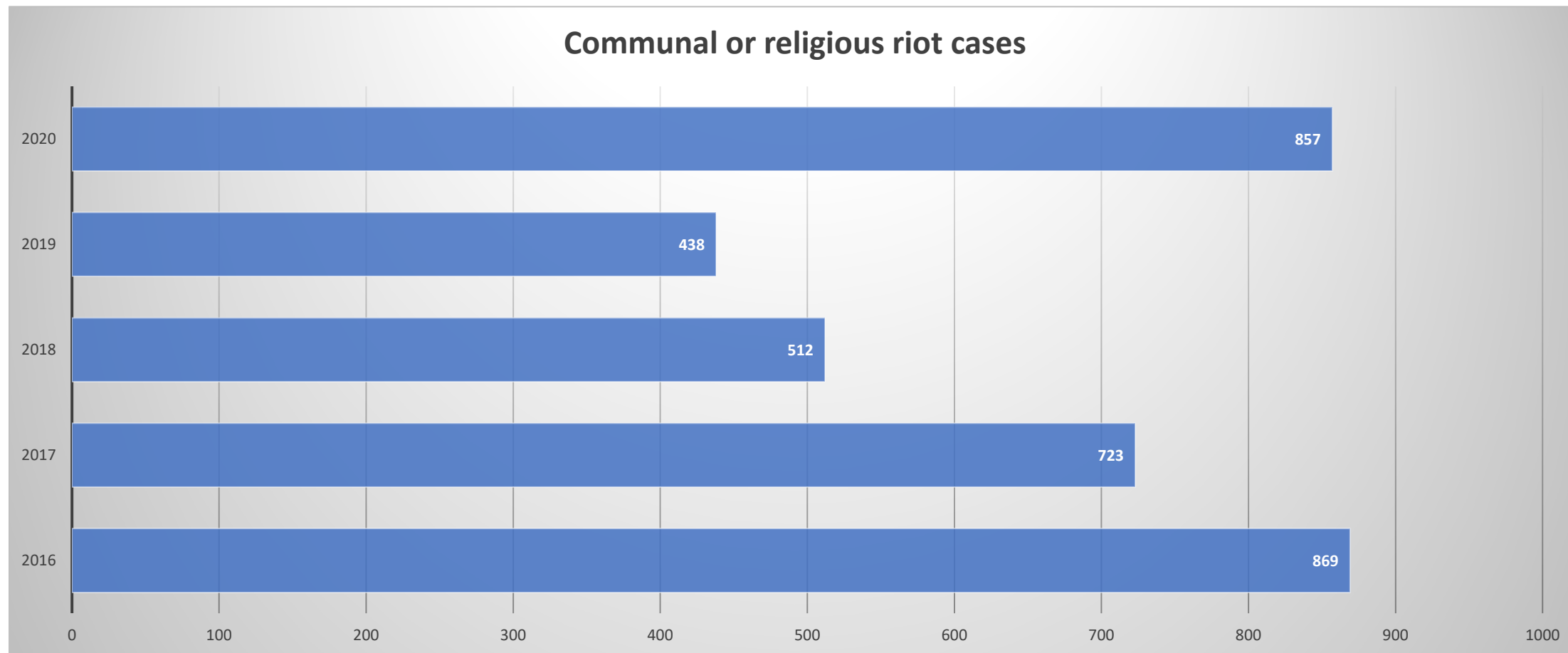
Bovine-related mob lynching

Suspicion of Child lifting

Theft cases

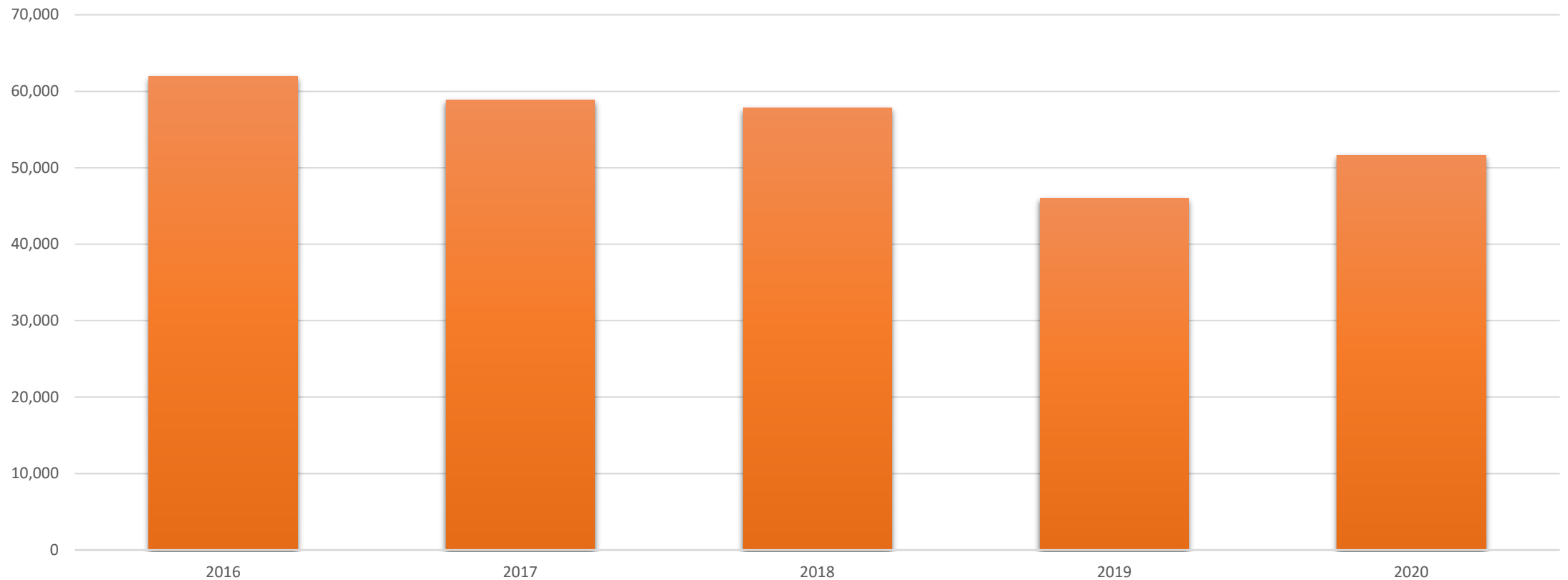
Love jihad

National Crime Records Bureau (NCRB) report

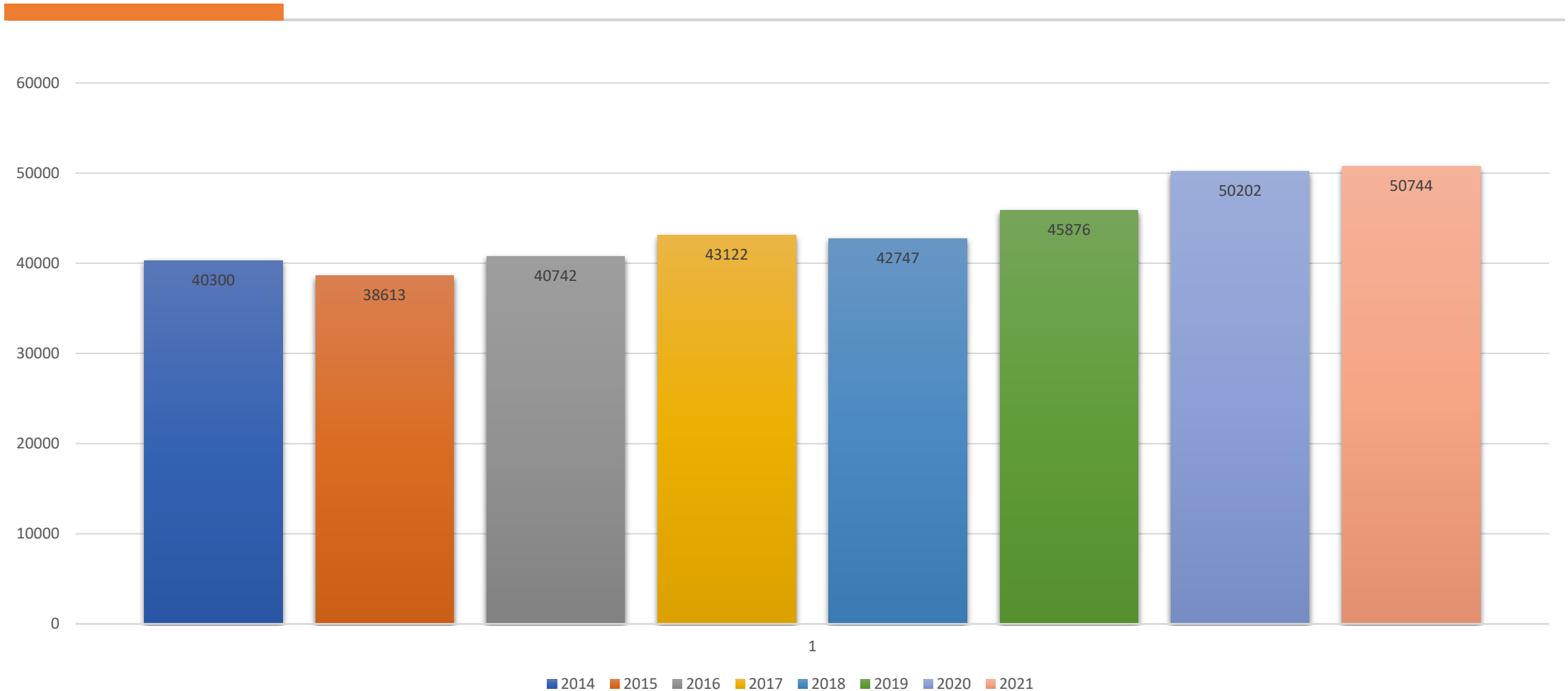


National Crime Records Bureau (NCRB) report

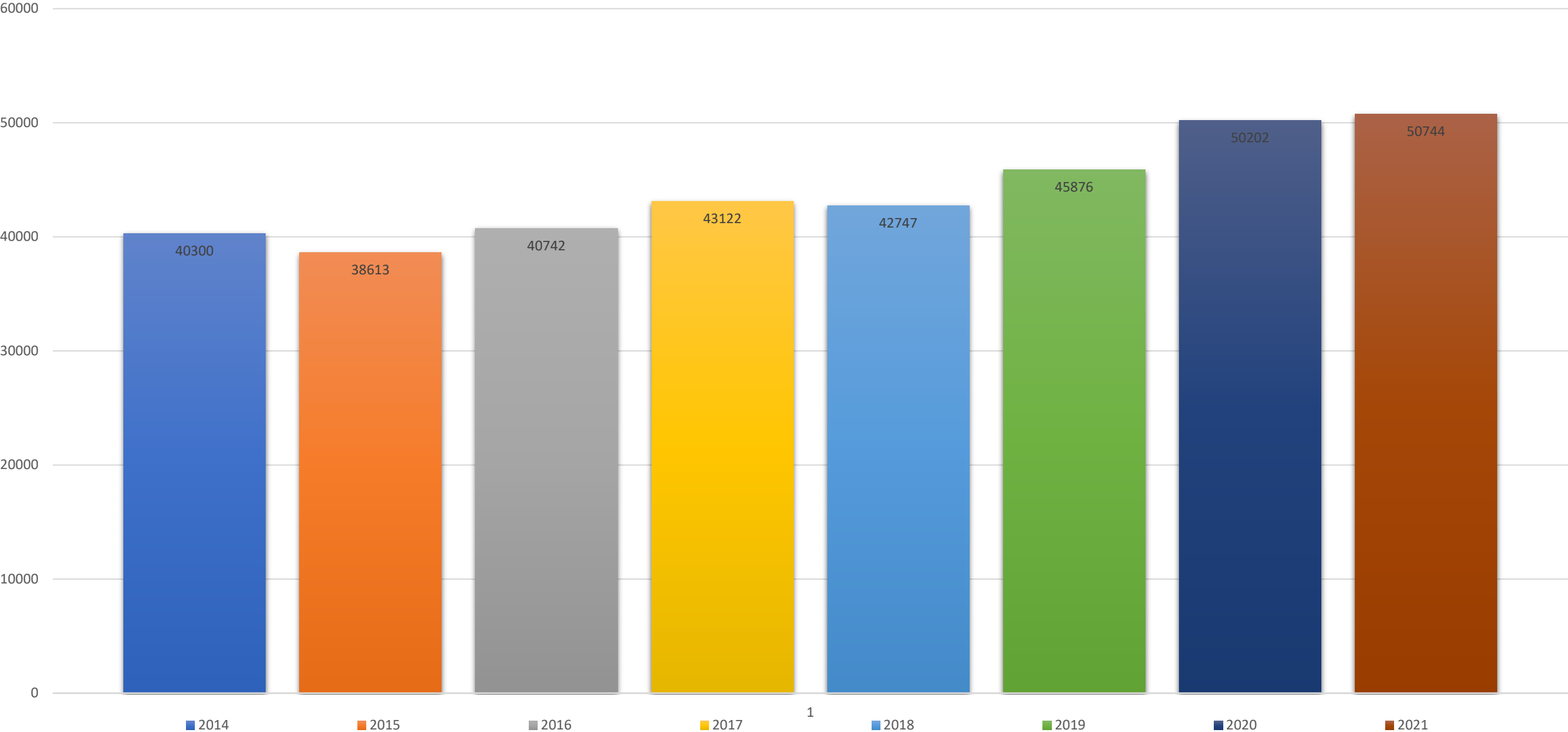
Rioting cases were registered



Crime/Atrocities against Scheduled Castes (SCs)



Crime/Atrocities against Scheduled Castes (SCs)



Tahseen s. Poonawala v. UOI

- In July 2017, the Supreme Court in the case of **Tahseen s. Poonawala v. UOI** had laid down several preventive, remedial and punitive measures to deal with lynching and mob violence.
- The Supreme Court in this case aptly referred to mob lynching as a ‘horrendous act of mobocracy.’



Preventive Measures:

- Guidelines to be made by the states
 - only four states passed law: Rajasthan, Jharkhand, West Bengal and Manipur
- **Whatsapp** forwarding message has been restricted to only five chats, in order to stop the fake rumors to get spread so easily and fast.
- States were directed to set up designated **fast track courts** in every district to exclusively deal with cases involving mob lynchings
- The court had also mooted the setting up of a **special task force** with the objective of procuring intelligence reports about the people involved in spreading hate speeches, provocative statements and fake news which could lead to mob lynchings.
- Directions were also issued to set up **Victim compensation** schemes for relief and rehabilitation of victims.

The Indian Penal Code (IPC)

- Provisions of IPC are applied to deal with instances of mob killing like
 - Section 302 (murder)
 - 307 (attempt to murder)
 - 323 (causing voluntary hurt)
 - 147 (rioting)
 - 148 (rioting armed with deadly weapons) and 149 (unlawful assembly).
- Section 223A of the CrPC provides for criminal prosecution of crowds involved in similar crimes.



Theory of Retribution by Immanuel Kant

- Kant's theory of punishment is based on the principle of retributive justice
 - Kant emphasizes that punishment should be imposed by a legitimate authority, such as the state. Punishment should not be carried out by individuals acting on their own or by private organizations. Only the state has the authority to impose punishment in accordance with the principles of retributive justice.
 - Kant also argues that punishment should be public and transparent. Punishment should not be inflicted in secret or hidden from public view. Instead, punishment should be visible and open to public scrutiny, so that others can see that justice is being done.





BROKEN WINDOW THEORY

by Wilson and George L Kelling in 1982

1



2



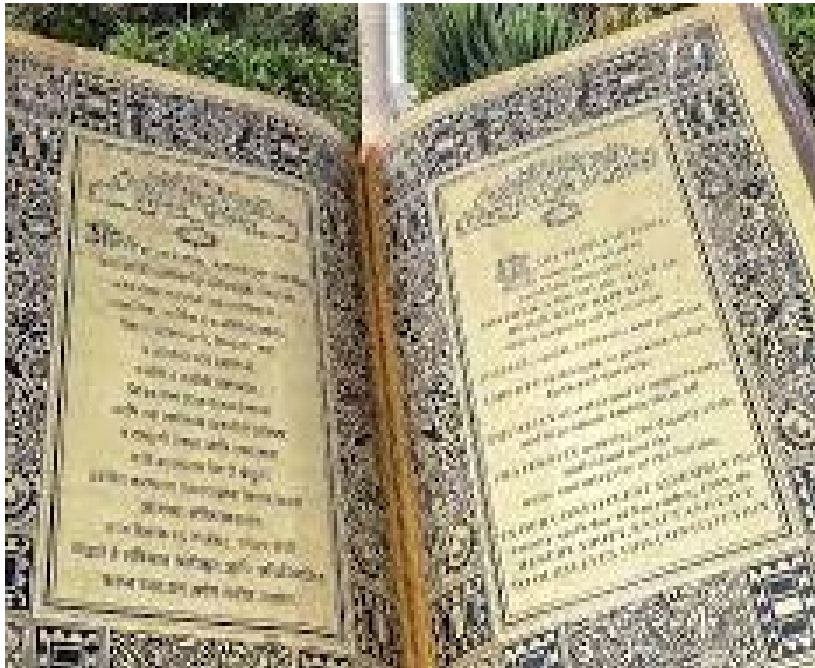
3



4



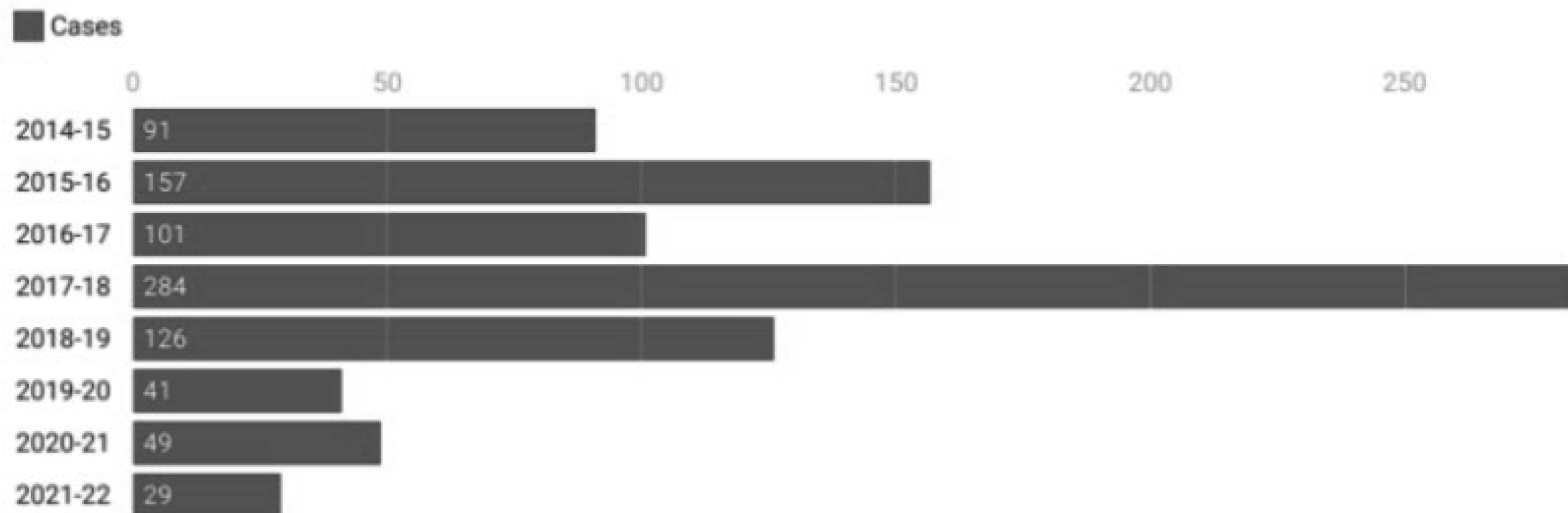
Indian Constitution



- **Role of Silent Media on Mob Lynching**
 - Indian constitution guarantees freedom of expression but there is no guarantee of freedom after expression

Rising Cases of Hate Speech and Hate Crime in India against Muslims and Christians: 2014-22

In eight years the total count of 'hate speech and hate crime' against Muslims (646) and Christians (232) has risen.



**The numbers pertaining to hate speech and hate crime has been filtered from ANHAD's document*

Source: ANHAD • Created with Datawrapper

Conclusion

Problems with enforcement of legislation

Unless all the states implement a law against mob lynching, cases will continue to rise.

Role of the Supreme Court needs to take action to control hate speech made by the political parties

Media and society's role is important to stop hate crimes

Role of social welfare organisations, political parties, police and courts to create awareness on the consequences of violence