
RIOTS IN INDIA - A LEGAL AND PSYCHOLOGICAL ASPECT

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ABSTRACT

India stands witness to uncountable riots that take place in the country, each of them having different root causes and issues. Due to the dangerous upsurge in the number of such riots there has been a considerable amount of damage to the society in terms of disturbances in peace and serenity of the society. Besides these disturbances the cause of concern is the amount of damage caused to life and property. Innocent victims of such crimes that get dragged in for no reason are the ones who undergo the most amount of damage in terms of both bodily and psychologically.

This paper takes into consideration the legal and psychological causes that give rise to such riots frequently. Is the law regarding the offence questionably weak? Or are the cognitive capabilities of the leader so high that common men are influenced to commit such an offence. The paper deals with various theories promulgated by psychologists like Le Bon, Turner and Jung dealing with mob psychology and why the mob behaves in such an aggressive and inhumane manner. The paper also covers various decided cases that are evident enough of the stringent Indian laws regarding the offence of rioting.

Keywords: Riots, law, psychology, Le Bon, Turner, Jung

Introduction

India is a land of rich culture and heritage. A country eminent worldwide for having people belonging to different beliefs and withhold a variety in linguistic approaches that co-exist. However, the situation practically is not as merry as it seems to be. Due to such wide variety of ideas and contrary levels of mental horizon among the individuals there exist certain contradictions in their ideas and beliefs which make it tough to co-exist. Some learn to slide away and keep such thoughts away from public exposure or scrutiny while some are extremely vocal about their thoughts towards their linking or disliking of opinions expressed or implied by others. There however is not possible to always promote tolerance among members of all the communities as no matter how much we try to co-exist there occur situations that can cause or act as a fuel to fire.

In 2013, Muzaffarnagar, a district in Uttar Pradesh witnessed communal riots which turned out to be gruesome. The original cause of the riots still stand disputed, some say the cause was a traffic accident while some say the cause was an eve teasing incident. However, immaterial of what the cause was, the impact of the incident was horrific. About 60 people died in the clashes. 730 people were injured and on an estimate more than 50,000 people were displaced. The riot was described as one of the worst riot to ever exist in Uttar Pradesh. The BBC news states this incident to be the worst riot that happened in India in a decade.

Innumerable people including many innocent lives were brutally injured and even lost their lives even when they were absolutely innocent. How can humanity become so cruel that just to express their opinion such violent means are adopted instead of seeking valid and suitable methods of putting their thoughts through being violent, risking or endangering lives of many such innocents depriving them off of their safety or their lives. What is the reason for adopting such means? Is it the weak legal structure with not so serious provisions, is it the staunch social bifurcation that exists in the society or the seemingly problematic psychological aspect for the same.

Analyzing the legal aspect covering laws related to the offence of Rioting

If we have to delve deep to into the analysis of the reasons for riots being caused in the country we first take into consideration the laws of the country regarding the offence. Laws are simply means of social control that impose certain consequences in form of punishments on the

offenders who have committed a crime, it is by means of these punishments that humans fear committing crimes hence it controls the behavior of individuals and encourages socially desirable behavior among individuals.

Section 191 of the Bharatiya Nyaya Sanhita deals with rioting as: ‘Whenever force or violence is used by an unlawful assembly or by any member thereof, in prosecution of a common object of such assembly every member of such assembly is guilty of the offence of rioting.

(2) Whoever is guilty of rioting shall be punished with imprisonment of either description of a term which may extend to two years or with fine or with both.

(3) Whoever is guilty of rioting being armed with a deadly weapon or with anything which used as a weapon of offence is likely to cause death, shall be punished with imprisonment of either a description for a term which may extend to five years or with fine or both.¹

From the above provision we infer that riot is an unlawful assembly in a particular state of activity being accompanied by the use of force or violence. It is only the use of force that distinguishes rioting from an unlawful assembly. There are certain ingredients that constitute the offence of rioting:

- The accused persons must be 5 or more in number and form an unlawful assembly.
- The accused must be animated by a common object
- The force or violence must be used by the unlawful assembly or any member thereof in prosecution of common object.

Force is used against persons only while violence extends to use of force against inanimate objects as well. Mere use of force by men assembled does not make them liable for rioting. If common object of the assembly is not illegal it will not fall under the ambit of rioting.

In **Maiku v State of Uttar Pradesh** a sub inspector and a few constables detained an individual while the sub police inspector investigated the case and the arrested person voluntarily led them to the place where the dead body was found, the detained person tried to flee the police. He was overpowered and beaten which resulted in his death. It was held that the purpose of the

¹ S.191, The Bharatiya Nyaya Sanhita, 2023, Act No. 45 of 2023

police was lawful and holding an investigation the common object was lawful. Hence it is not rioting even if the force is used by any member of assembly.²

Riots armed with deadly weapons: Section 191(3) entails about riots that are in aggravated form with usage of deadly weapons. **In State of Andhra Pradesh v Thakkidiram Reddy** there was a harsh grudge between both the parties. Miscreants armed with deadly weapons trespass into the house of the deceased at midnight after breaking into the house and dragging the deceased in the front yard ultimately beating them to death. The facts were a clear indication that the unlawful assembly held a common object to commit the murder of the deceased. In such a case every member of assembly would be guilty for the mob in furtherance of the common object without proof of any overt act committed by them.³

Section 192 of the Bharatiya Nyay Sanhita states- Wantonly giving provocation with intent to cause riot, if riot is committed if not committed whoever malignantly or wantonly by doing anything illegal gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed in consequences of such provocation be punished with imprisonment of either description from a term which may extend to one year, or with fine or with both; and if the offence of rioting be committed with imprisonment of either description for a term which may extend to six months or with fine or with both.⁴

There are certain ingredients specified for this section:

- The accused did an act which was illegal.
- He caused provocation by such illegal act.
- He did the act malignantly or wantonly
- He did the act intending or knowing it to be likely that such provocation may cause a riot to be committed.
- Such riot was committed in consequence of such provocation.

² Nivrati Gupta, Breach of Public Peace under Indian Penal Code , I pleaders (April 26, 2020) <https://blog.ipleaders.in/breach-public-peace-indian-penal-code/>

³ Prof. Surya Narayan Mishra, Bharatiya Nyay Sanhita, 2025 784-85 (24th ed.2024)

⁴ S.192, The Bharatiya Nyay Sanhita, 2023, Act No. 42 of 20

In Indrasingh v State⁵ the accused unfastened the string of the national flag after the flag hoisting ceremony and tried to trample on it. It was held that the accused was guilty under this section as the act of the accused was deliberately insulting the national flag and thereby the accused intended to wound the feelings and sentiments of other individuals present.

When quoting and analyzing the provisions given in these sections, it can be inferred that the law has been framed extremely precisely while taking into consideration all the essential components that necessarily constitute the offence of rioting also providing a clear picture with regards to the entire offence and the probable punishments that follow. With adequate means of explanation and a sufficient provision of punishment the offence of rioting can hold serious implications which are expressed clearly under the laws. However, the offence continues to take place and often in an aggravated form.

Analyzing the Psychological aspects: causes of such riots in the country Mob Psychology (Crowd Behavior)

A crowd is defined as a large group of individuals that have temporarily gathered in the same area with the understanding that they create a crowd and share some characteristics. Every individual experiences basic emotions such as anger, fear and fury. These dominant emotions cause a crowd to form and act in the common manner. When people get engulfed in a crowd various aggressive interactions, fierce direction of the leader and stressful conditions intensify such feelings which sways them to ultimately follow their leader.

In a crowd an individual tends to lose his rationality and accept the heinous directions given by their leader. Psychologists suggest that de-individualization can also be the cause of such behavior. An experiment conducted by Zimbardo tested whether the participants were willing enough to act aggressively towards other participants. Zimbardo wanted to explore whether any of the volunteers in his tests could be de-individualized in such a way that they felt anonymous. The results of the experiments demonstrated that de-individualized participants were prepared to inflict shock to the participants rather than those who had their names visible as name tags and lacked camouflage. This experiment demonstrated that when de-individualized people are capable of committing heinous crimes.

⁵ Prof. Surya Narayan Mishra, *Bharatiya Sanhita*, 2023 787 (24th ed. 2024)

Le Bon's Theory:

Le Bon believes that an individual's conscious and logical thinking is replaced by crowd's unconscious and irrational mindset. The collective mindset of crowds becomes extremely insane as a result of this shift from conscious to unconscious, rational to irrational. The mob is generally affected by anonymity allowing its members to commit acts which they would have not done if they were not a part of the mob. The crowd's actions are driven by primitive impulses as they lack a feeling of responsibility.

The biggest proponent of crowd behavior is that the individual begins to follow his basic instincts, which he would normally keep under control if he were alone. He is no longer conscious of his own actions.

Le Bon developed the key concept of 'collective mind' to explain crowd behavior. The collective mind is not just an amalgamation of the diverse minds of the members of the group. The group mind is a separate entity works on each person. The crowd's mentality operates more emotionally and less logically. It is a reckless mentality focusing its attention on some immediately reachable goal. It is a low degree of intellect and really disturbing which readily weakens the society.

Turner's Theory:

Sociologist Ralf Turner developed a new perspective on crowd behavior known as the emergent norm perspective. This approach is based on the idea that even the most violent and dangerous crowds exhibit some social interaction in which some behaviors are acceptable, limits are set and the course of action are recognized and allowed by the crowd. Crowd behavior is directed by social norms agreed upon by the crowd's members. According to emergent norm theory, crowd behavior is caused by a mix of like persons, anonymity and shared emotions. According to this idea, individuals come together with certain expectations and social norms, but through interaction among crowd members, new expectations, norms can be formed, this drives the audience to behave in ways that they would not in a regular circumstance. Some citizens, for instance, may peacefully be protesting. During this protest a few aggressive members of the crowd began assaulting the police enforcement and pelting rocks at the property. Soon, the other members of the crowd consider yelling insults and pelting stones as appropriate and

within minutes the remaining members of the crowd adopt similar aggressive behaviors.⁶

Jung's Theory:

Mobs according to Jung are like wild monsters. The sudden explosion of the mob's collective energy causes unexpected changes in the members' state of mind. Members are transformed from rational humans into wild creatures. "If one were to choose a hundred exceedingly clever persons, together, they would quickly create a foolish agglomeration!" said Jung. He claims that everyone has a dark side and that the conscious and subconscious minds are always in odds. When a person joins the mob, his subconscious mind gives him the idea that he is all-powerful. The anonymity of the mob envelops the individual, making him irresponsible.

Conclusion

When examining both the aspect it can be inferred that study of mob and its psychology is a critical area that must be researched on. While India as a country is advancing in terms of technology there is a widened gap in the tolerance amongst the people towards changes in society and other cultural aspects. Developing tolerance and acceptance towards others' opinions can solely improve the conditions and reduce the amount of times such offences are committed. Moreover, the country's governance needs to reform itself and include in such reformations, those minor yet vital incapacities due to which the citizens refrain from turning to the legitimate authorities for resolution of their issues due to lack of trust and rather prefer violent methods in order to be heard by the higher authorities are solved.

⁶ Dr. Jaswinder Kaur & Birendra Singh, A Study of the Psychology of Mob Lynchers: An Indian Perspective, 18(1) I.J.P.S. 017, 026-27 (2024)