
MOB LYNCHING IN INDIA: SOCIAL TRIGGERS, VULNERABLE COMMUNITIES, AND LEGAL CHALLENGES

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ABSTRACT

Mob lynching has emerged as a serious form of collective violence in India, posing a threat to the rule of law, constitutional values, and social harmony. It refers to the unlawful killing or violent punishment of a person by a group that takes the law into its own hands without following legal procedures. This article looks at mob lynching in India. In recent years, such incidents have increased due to rumours, misinformation, religious sentiments, caste tensions, and accusations spread rapidly through social media. Vulnerable groups such as religious minorities, Scheduled Castes, migrant workers, and economically weaker sections are often the main victims. The issue raises significant legal concerns despite constitutional protections and judicial intervention, particularly in *Tehseen S. Poonawalla v. Union of India*. Although the *Bharatiya Nyaya Sanhita* and constitutional provisions address related offences, India still lacks a comprehensive central law specifically targeting mob lynching. A combined legal, social, and awareness-based approach is necessary to effectively address this growing problem. The article concludes with highlighting the need for a multi-faceted approach. This approach should not only include stronger legal tools but also a responsible social media oversight and a greater public awareness to prevent Mob Lynching incidents and maintain justice, dignity and equality.

1. Introduction

Mob lynching refers to the extrajudicial killing of an individual or individuals without trial and regardless of existing courts of law, under the pretence of administering justice by a large crowd of people. The term lynch law refers to a self-constituted court that imposes sentence on a person without due process of law. The mob appoints itself as judge, jury, and executioner, often acting on unverified accusations, rumors, or deep-seated hatred. Victims of mob lynching are denied basic legal rights, such as to defend themselves or to get a chance of a fair hearing. The victims were punished in a brutal manner, which may include hanging, beating, or shooting. Many of these acts were carried out in public with the intention of creating fear to entire communities

In the United States, mob lynching was used a racial weapon used to terrorize and oppress Black communities¹. In other parts of the world, such as South Asia, Africa, and Latin America, the main causes of lynching was religion, caste, accusation of witchcraft, theft or blasphemy. In the new age of technology the rapid spread of rumours through social media is also acting as a catalyst for violence.

This article examines mob lynching in India in depths, vulnerable groups, role of social media, triggers and causes of the violence, legal framework, challenges and the path forward for a society that must reckon honestly with this crisis if it is to uphold its constitutional promise of equality, dignity, and the rule of law.

2. Mob Lynching in India

Mob Violence is not a new phenomenon in India, but over the last decade, the incidents of lynching have increased exponentially². One of the main cause of this increase is the affordable smartphones and messaging services as this facilitates the spread of rumours and misinformation across villages and towns, among different communities in a short span of time. Most of the people who receive such messages do not spend a minute fact-checking this information and believe in such messages.

In India, mob lynching, where a group of people violently attacks someone, has become one

¹ Equal Justice Initiative, *Lynching in America: Confronting the Legacy of Racial Terror* (2017)

² National Crime Records Bureau, *Crime in India Report* (Ministry of Home Affairs, Government of India).

of the most disturbing forms of social violence in recent times. While groups taking the law into their own hands is nothing new in the country, such incidents have been happening more often and are getting more public attention than before. What makes it even more alarming is that these attacks are increasingly driven by religious or caste-based tensions, turning it into a serious problem that threatens the foundation of Indian democracy today.

In *Tehseen S. Poonawalla v. Union of India*³, the Supreme Court of India raised the issue of rising Mob lynching across the country. The Court described lynching as a “horrendous act of mobocracy” and emphasized that no individual or group has the authority to take the law into their own hands. The court observed that such acts are a violation of the rule of law and threaten the fundamental values of the Constitution. The Court ordered both the central and the state government to adopt a three-level approach, which should cover preemptive measures to stop these kinds of incidents from occurring, to protect victims and control violent mobs, and punitive measures to ensure strict punishments for offenders to deter such incidents. From this judgment, the Supreme Court recognised Mob Lynching as a serious threat to Constitutional values and the overall rule of law in India.

3. Vulnerable Groups

Mob lynching in India has affected the socially and economically marginalised community, especially in remote areas where education, legal awareness, and state presence are limited. Mob Violence can target individuals from different communities, but from past data and cases, it depicts that victims most of the time belong to the vulnerable groups of society, such as religious minorities, persons from scheduled castes and tribes. These Vulnerable groups have faced discrimination, limited access to public resources and were socially excluded, these reasons making them more prone towards collective violence.

Religious minorities, especially Muslims, have often been victims in cases related to cow vigilantism, cattle smuggling, and allegations of consuming beef. Several incidents such as the case of lynching of Mohammad Akhlaq in Dadri⁴ or the case of Tabrez Ansari in Jharkhand⁵ depicts how rumors, suspicion, and vigilantism can exponentially escalate into brutal collective

³ *Tehseen S. Poonawalla v. Union of India*, (2018) 9 SCC 501

⁴ “Dadri Lynching: Man Killed Over Beef Rumours,” *The Indian Express*, Sept. 2015.

⁵ “Jharkhand Lynching: Tabrez Ansari Case,” *The Hindu*, June 2019.

violence.

Persons from scheduled caste have also been victims of mob violence, some incidents depict that such violence is linked to caste-based discrimination. These vulnerable persons are often oppressed when they attempt to claim some social rights and challenge the old caste hierarchy, such as riding a horse in wedding processions, entering temples or claiming equal rights over public resources, though caste-based discrimination has been banned by the constitution and statutes. They are often oppressed with the help of Mob Violence which sometimes gets escalated to mob lynching

Furthermore, workers and daily wagers who migrate from their native place to cities in search of employment and better opportunities are often at risk of becoming victims of mob violence due to their unfamiliar faces in the locality. In situations where rumours about criminal activities spread, these migrants are easily suspected and targeted. As a result many scholars argues that Mob Lynching is not just a crime but is reflects a deeper social inequality and highlights the urgent needs for stronger legal protection and social awareness to protect vulnerable groups.

4. Role of Social Media

Undoubtedly, social media is one of the biggest factors that has contributed to the increase in mob lynching incidents in India, specifically through the rapid spread of misinformation and rumours without proper fact-checking. As smartphones and internet access have become affordable, messaging platforms such as WhatsApp, Facebook, and Instagram have become the primary source of information for most, especially in rural and semi-urban areas. While these platforms have made information access easy it has also increased the risk of misinformation and false information⁶.

In several instances, fabricated messages and videos claiming that child kidnappers, organ traffickers or criminals are active in a particular locality have gone viral. Since these messages are received many times from trusted contacts, they are forwarded without fact-check. As a result, if any unfamiliar face is seen in the locality, the local residents become more suspicious and may react in a violent manner. Innocent individuals, such as migrants or travellers, have

⁶ Law Commission of India, *Report No. 273* (2017)

been attacked by mobs before the authorities could intervene.

One of the incidents of rumour-driven mob violence occurred in 2018 in Dhule. There was a rumour spread on WhatsApp claiming that child kidnappers were active, as a result, five persons from the nomadic community became victims of Mob Lynching. Later on when investigations were conducted it was found out that they had no connection with the crime. These incidents highlight how a rumour or misinformation which is circulated through social media can trigger panic and violence, posing a serious challenge to law enforcement and public safety.

5. Triggers and Causes of Mob Lynching

In India, Mob Lynching is rarely the result of only a single cause rather it arises from a combination of social tensions, religious beliefs, misinformation, political narratives, and psychological dynamics, these factors create an environment where collective violence becomes possible. In most cases, even a minor incident or rumour can quickly escalate into Mob Violence due to mistrust or fear. For understanding the real cause of the occurrence of such incidents and to develop effective strategies to prevent such incidents, analysing these factors is important.

One of the most frequent triggers of mob lynching has been cow vigilantism. In the Hindu religion, the cow has a very sacred position. Over time, such beliefs have led to the emergence of groups commonly known as “gau rakshaks”. These groups claim that they prevent illegal cow slaughter or transportation. In numerous cases. These groups have attacked on individuals under suspicion of their involvement in illegal cattle trade and cow slaughtering. One of the major concerns in these incidents is that the violence occurs without proper verification of facts, and mere suspicion and rumours have been sufficient to trigger violent mobs.

Another reason is the caste-based tensions in certain regions of India. Violence may occur when a person from a scheduled caste attempts to challenge the traditional caste-based hierarchy, such as entering a temple, drawing water from a common well, etc. Such acts at a time may be considered as threats to established social order by the dominant caste groups. Sometimes, collective violence is used as a means to reinforce traditional hierarchies. Similarly, inter-caste relationships or marriages can provoke violent reactions in communities where traditional norms strongly oppose such unions.

Religious and community tensions can also turn small disputes into violent attacks, especially when the victim is seen as representing a particular religion or group. In some tribal areas, women are targeted and harmed based on false accusations of witchcraft. Beyond these external triggers, certain psychological factors also play a role, as people in a mob tend to lose their individual sense of right and wrong, disconnect from their own moral values, get swept up in the emotions of the crowd, and act boldly knowing they are unlikely to face any punishment.

Many times, mob lynching is often triggered by allegations of theft or minor crimes, especially when such allegations are made in crowded public areas, such as markets or bus stands. In such situations, even minor allegations can quickly make the crowd angry. Crowds sometimes take justice into their own hands without investigating the allegations that have caused the deaths of many innocent people. Sometimes, religious and communal tensions can also trigger small disputes into violent attacks, especially when the victims are seen as representative of a particular religion or community.

In some tribal areas vulnerable women like widows or women living alone are accused of witchcraft practices. Accusations may arise during times of misfortune within the community, such as sudden illness, crop failure, or the death of livestock. When such accusations spread across the villages, community members may gather and attack such women in belief that they are protecting the village from supernatural harm. These incidents shows the deep-rooted social problems such as superstition, gender discrimination and poverty

6. Legal Framework

Earlier, Mob Lynching was not considered a distinct offence, and the offenders were prosecuted under the general provisions of law, such as murder, rioting and unlawful assembly. There has been a reform in Indian mob lynching laws with the introduction of Bharatiya Nyaya Sanhita 2023. mob. The new criminal law has introduced a provision that specifically addresses murder committed by a Mob, This provision has strengthened Indian law against Mob Lynching.

6.1. Constitutional Protections

The Indian Constitution has provided fundamental rights which are violated when incidents of mob lynching occur. The most crucial fundamental rights out of all is Article 21, which

guarantees the right to life and personal liberty; the only exception to this article is that the act which violates life and liberty should be in due process of law. Mob Lynching is a direct violation of Article 21 as individuals are killed without due process of law. Article 14 provides for Equality before the law and equal protection of the laws. Lynching incidents often involve targeting individuals based on identity, rumours, or suspicion, thereby undermining this constitutional principle. Article 15 prohibits discrimination, which is also violated as in a maximum number of cases, the reason for Mob Lynching is identity. These fundamental rights are negative obligations of the state, and it is the duty of the state to protect the citizens from collective violence, and justice should be administered through lawful institutions.

6.2 Criminal Law Provisions under the Bharatiya Nyaya Sanhita, 2023

The introduction of BNS has evolved the mob lynching laws in India. The BNS, 2023 specifically addresses the offence of Mob Lynching through Section 103(2) of BNS, 2023. Section 103(2) states that when a group of five or more persons acting in concert commits murder on the grounds of race, caste, or community, sex, , place of birth, language, personal belief or any other similar ground, it will be treated as a special and aggravated form of murder. The punishment for such an aggravated form is death penalty or with imprisonment for life, and shall also be liable to fine.

However, this provision only covers the cases where lynching results in death and where the violence is identity-based. It does not cover the circumstances where violence has occurred due to rumors, accusations of theft, or any other reason which is not mentioned in the provision. Also, in cases where death does not occur, then the offender will be prosecuted under general provisions related to grievous hurt, unlawful assembly or assault.

6.3 Supreme Court Guidelines

In *Tehseen S. Poonawalla v. Union of India*, the Supreme Court of India issued comprehensive guidelines addressing mob lynching. The court categorised into three categories preventive, remedial and punitive measures. Preventive measures included the appointment of a nodal officer in every district, identifying sensitive areas and taking strict and speedy actions against those who spread inflammatory messages on social media. Remedial measures required immediate registration of FIRs, prompt police intervention to disperse mobs, and medical assistance for victims. Punitive measures emphasized fast-track trials for lynching cases and

strict legal action against perpetrators, along with departmental action against police officials who fail to perform their duty.

6.4 State-Level Anti-Lynching Laws

Before the introduction of BNS, 2023, some state legislatures have attempted to address Mob Violence, , the Rajasthan Protection from Lynching Act, 2019. These laws have attempted to define Mob lynching as a separate offence and an aggravated form of crime. These laws provide enhanced punishments, and has also established mechanisms for victim compensation, rehabilitation and witness protection. These laws also makes police officials accountable who failed to prevent such incidents.

However, the implementation of these state laws has been uneven, and their effectiveness has been limited due to administrative delays and lack of uniformity across states.

7. Challenges in Addressing Mob Lynching

The Supreme Court of India, in *Tehseen S. Poonawalla v. Union of India*, has recognized mob lynching as a serious threat to the rule of law and has recommended the enactment of a specific anti-lynching legislation. However, India still lacks a comprehensive central law exclusively dealing with mob lynching.

The provisions of BNS deal with punishing the offenders after the crime has occurred and do not address broader aspects such as prevention, victim protection, accountability of officials of Mob Lynching. This gap in the legal framework leads to inconsistent investigations, delay in prosecution and establishing collective liability among members of a violent mob.

Another challenge is the rapid spread of unverified information across social media platforms, which quickly incite public anger and may lead to mob violence. Furthermore, weak enforcement mechanisms and a lack of public awareness complicate the prosecution and conviction in lynching cases.

These challenges indicate the urgency of a separate and comprehensive Anti-Lynching Law that should be clear in terms of the definition of offence, strict punishments and ensure that law-enforcement authorities are accountable and provide effective victim compensation and witness protection mechanisms. This legislation will help in strengthening the legal system

against mob violence and will facilitate in reinforcing the constitutional commitment to the protection of life, dignity, and the rule of law.

8. Conclusion and Way Forward

Mob Lynching presents a serious threat to the rule of law and enforcement of fundamental rights. The Supreme Court, in its various judgments, has condemned such acts and has highlighted that no individual or group should take the law into their own hand. The legislatures, through BNS section 103(2), have recognised the gravity of such identity-based mob violence.

However, India still lacks specific Anti-Lynching laws, due to which there is still a gap in law and their effective enforcement. Anti lynching laws should be made to increase public awareness, make law-enforcing authorities more accountable, and reforms should be made to prevent the spread of misinformation through social media platforms. To prevent such Mob Lynching incidents, a coordinated effort by the state and society is most essential.