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MOB LYNCHING AND THE RIGHT TO LIFE: A HUMAN RIGHTS PERSPECTIVE IN LIGHT OF THE CONSTITUTIONAL FRAMEWORK OF INDIA

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Abstract: The discussion is on the historical background of mob lynching in India and how it has recently increased as a result of mob violence and the dissemination of false information on social media platforms. We need better policies and governing statutes and regulations to mitigate and prevent the "horrendous act of mobocracy". Mob lynching is a very serious threat to established social order and belief in the rule of law. The research paper also dealt with scenarios within other countries relating to such crimes. The responses of the judiciary and parliament of India have also been discussed. Today, lynching is being carried out in an organised manner, like a parallel judicial system. In Indian society, "vigilantism" was prevailing, but this type of apparent authority was never granted to the offenders in the real sense. The main objective of the research paper is to understand the historical background, study the reasons behind the increasing incidents of mob lynching, and also study the constitutional and human rights perspective of lynching. This research work may contribute in measure to a better understanding of this most serious and difficult problem, which is the hope with which it is placed in the hands of the reader. Briefly, this research paper also delves into the social, economic, and political effects of lynching on the victims and their immediate relatives. Overall, this paper highlights the urgent need to address the issue of mob lynching in India from a human rights perspective, with a focus on the constitutional framework and international human rights standards.

Index Terms- Mob Lynching, Human Rights, Constitution of India, Law Enforcement, Due process Vigilantism, Hate Crimes, Judicial Activism, Free speech, Democracy

“Law may not be able to make a man love him, but it can keep the man from lynching him.”

Dr. Martin Luther King Jr.

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INTRODUCTION

HISTORICAL GENESIS AND MEANING OF LYNCHING

Meaning

Lynching is a crime of extremism and hatred; and legitimization of the same, no matter for whatsoever cause/s is very pathetic and unsocial act. It is referred to “extra-legal punishment”, administered by mob and “approved” by the immediate community.

Brande's Dictionary of Science, Literature, and Art (1842) contains the following: “Lynch Law. The irregular and revengeful species of justice administered by populace in some parts of the United States is said to have been so called from a Virginian farmer of the name of Lynch, who took the law into his hands on some occasion, by chasing a thief, tying him to a tree, and flogging him with his hands.”

In the proposed bill “The Protection from Lynching Bill, 2017”, ‘lynching’ has been defined in Section 2(c) as follows:-

Section 2(c) “lynching” means “any act or series of acts of violence or aiding, abetting or attempting an act of violence, whether spontaneous or planned, by a mob on the grounds of religion, race, caste, sex, place of birth, language, dietary practices, sexual orientation, political affiliation, ethnicity or any other related grounds.”

Historical Genesis

Lynching is not limited to the domestic boundaries of India; rather, it was prevalent in American and European countries too; particularly American history has very dark episodes of discriminatory racial lynching. Lynching was a widely acknowledged practice in the United States until the middle of the 20th century. It is a campaign to enforce racial segregation and subordination. Lynching is a kind of racial or religiously influenced act of terrorism that aims to subjugate and intimidate the minority living in a particular state. It's a violent and voluntary tactic of the majority to put the minority in perpetual fear and insecurity.

At least 4,742 people, primarily African Americans, were lynched in America between 1882 and 1968. Roughly 99 percent of all offenders or those accused of lynching escaped being prosecuted either by state or police officials' inappropriate actions. Almost 200 anti-lynching bills were placed before Congress during the first half of the 20th century. In the United States, lynching was mostly committed against Negroes, Indians, Italians, and Mexicans in an environment of popular excitement and social disruption. The practice of lynching was not as common in Canada, England, France, or Germany as it was in the United States.

The place of origin of lynching is very uncertain and disputed, but the cause and reasons were mostly homogeneous. Existing social conditions were very disorderly and unsatisfactory (in India, communal intolerance, misleading rumors, political rhetoric, religious misinformation, and political polarisation are among these social conditions). It was this disaffection and disagreement among the members of society that led to the origin of the lynching.

Mob lynching has rapidly increased in recent years, as can be traced from the data collected by the Quint. In most cases of mob violence, the victims belong to marginalised sections of society, such as scheduled tribes, scheduled castes, and minorities.

As any government institution has deliberately not yet published any data relating to mob lynching, it is reasonable to rely on data collected by other private stakeholders. From 2015 to September 2019, The Quint records 113 deaths due to mob lynching across India, i.e. 22-23 lynching per year, which is more than the death penalty executed in the previous three decades. Although recently there has been a skyrocketing growth in incidents of mob lynching, it's not a nascent phenomenon in Indian society; it's been there in the form of atrocities against the Dalits and scheduled tribes since immemorial. What's new to Indian society is the use of the terminology "mob lynching," not the occurrence of the incidents.

The lynching cases are not limited to any particular state alone but became a pan-India. The numerous cases of lynching have been registered in Bihar, Uttar Pradesh, Haryana, Rajasthan, Maharashtra, Madhya Pradesh and few cases also accounted in the south Indian states Karnataka, Kerala and Telangana. Undoubtedly, lynching is emerging as a national phenomenon.

FACTORS CONTRIBUTING TO MOB LYNCHING IN INDIA

The roots or place of origin of lynching may be disputed and ambiguous, but most of the time, the reasons for committing lynching are almost homogeneous or common in every society. There are social, cultural, or even political reasons behind the causation of incidents of horrific lynching.

There are numerous reasons for rising mob lynching, communal animosity between the different sects of society, and the celebration of lynching by the rest of the supporting section of society. A kind of "symbolic or virtual support" by the public representatives to the offenders for personal polarization. Sometimes the majority (population) is so frightened by the ideas of the minority that it will supplant their social position and suppress them. Lynching occurred for a variety of reasons, including suspicions of cattle theft or smuggling, rumors of child lifting, and so on. In a majority of cases, particularly those perpetuated by self-styled 'gaurakshaks', Muslims and Dalits have been the victims." The communal attitude of offenders or illegal cow vigilantes, the use of rhetoric and hateful statements by the elected representatives, the purposeful inaction of the police, rumors of child lifting or of being a witch, and religious or racial animosity are the main causes behind the escalation of incidents of mob lynching. These demonic occurrences are significantly affecting race and religious relations and causing damages geographically, politically, socially, and economically to the people and the state as well, as these crimes against humanity are still being partially tolerated or ill-managed to be controlled by the state. Furthermore, the assaults on the anti-lynching movement's defenders escalate the hatred and increase the distrust and insecurity in the minds and hurt of the victims of the crime.

HUMAN RIGHTS FRAMEWORK AND THE CONSTITUTIONAL PERSPECTIVE OF LYNCHING

“Constitution is not a mere lawyer’s document, it is a vehicle of Life, and its spirit is always the spirit of Age.”

The Indian Constitution is the country's highest law, which lays out the foundation for citizens' rights and freedoms and prescribes the duties and liabilities of the state in maintaining law and order. Under the Constitution, every citizen is entitled to the fundamental human rights of freedom of speech and expression, equality before the law, freedom of religion, and the right to live with dignity. The fundamental rights enshrined under Part III of the Indian Constitution and human rights are closely interrelated and complementary to each other. Both of them have the common goal of establishing peace and security in society.

International human rights are considered universal and inalienable, whereas fundamental rights are limited as per the applicability of those prescribed by the Constitution itself. But India, being a signatory, has ratified various international human rights laws (conventions and treaties), including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Under Article 253 of the Constitution of India, after due ratification, the Government of India is obliged and bound to protect and fulfill the rights enshrined in these laws.

But still, there has recently been an upsurge in mob lynching incidents in which, based on rumors, suspicions, or prejudices, a group of people take the law into their own hands and attack to lynch the victim, ignoring and violating the law of the land. These incidents have been caused by numerous factors, like racial tensions, vigilantism, the propagation of misleading and false information on social media, political polarisation of votes, etc. Mob lynching violates numerous basic human rights.

The idea of human rights affirms everyone's inherent right to life with dignity and various freedoms such as freedom from torture and cruelty, inhumane, or humiliating treatment or punishment. These rights are essential to the protection of individuals against mob lynching and other forms of vigilante justice. Therefore India and every other signatory are under obligation to ensure that its laws, policies, and practices are consistent with international human rights standards. However, it is a question of fact whether the Indian laws are sufficiently and effectively doing justice to the victims of lynching. According to Article 21 and other provisions of the Indian Constitution, mob lynching violates the victim's right to life and personal liberties. The right to life has been deemed as fundamental-human right by the Supreme Court in a number of cases, and any act that violates this right is illegal and against the basic principles of procedure established by the law.

Mob lynching undermines the rule of law, and the public's trust in the criminal justice system is weakened. The Supreme Court has held that the rule of law is an essential feature of the Indian Constitution and that it is the duty of the state to maintain law and order.

The Union of India is founded on the values of respect for liberty, equality, democracy, the rule of law, fraternity, human dignity, and respect for human rights. Unconstitutional changes in society jeopardize the above-mentioned principles of constitutional life. The Constitution is the beginning as well as the endpoint of everything in itself; it is the origination as well as the conclusion of everything, which means there cannot be

any action or inaction or anything not based on the Constitution throughout its existence. Ideally, the Constitution is the 'grundnorm' on which everything in the state should be based. A lawful state cannot afford to tolerate the violation of the Constitution at any cost. Lynching ends each and every principle of the law. Therefore, India must have a just law to curb the menace of mob lynching.

Lynching is a violent act of mob justice, involving extrajudicial punishment without due process of law. The act of lynching transcends constitutional supremacy and the rule of law in various ways, a few of which are as follows:

The "concept of due process" enshrined in the constitution is shattered by the incidents of lynching; it is a kind of vigilante or mob justice. The punishment is inflicted without following any judicial procedure, i.e., due process, and the accused is not given a chance to present a defence in a court of law. Therefore, it also leads to a violation of the very general principles of natural justice, i.e., *audi alteram partem* (let the other side be heard as well). It also violates the individual's right to a fair trial, which has been recognised as one of the fundamental rights under Article 21 of the Constitution. Lynching violates every basic human right of an individual and leads to the creation of an insecure and unstable society.

The criminal law recognizes that the 'presumption of innocence' is a fundamental principle that underpins the entire criminal justice system. It means that an accused person is presumed innocent until proven guilty, and generally the burden of proof lies with the prosecution or party alleging to prove beyond a reasonable doubt that the accused committed an offense or a crime.

On the other hand, mob lynching is a situation where a group of people takes the law into their own hands and administers punishment to an accused person based upon their own whims and fancies without due process of law as secured by Article 21 of the Indian Constitution. Here, merely based upon an allegation, the mob lynches or murders a person. Assuming the accused is guilty without any evidence and hearing from a court of law violates the principle of the presumption of innocence.

The Supreme Court has repeatedly emphasized the importance of the presumption of innocence. The Court has held that mob violence or lynching is a crime, no matter what the grievance of the mob may be. The Court went on to note that the principle of the rule of law demands that those who take the law into their own hands be dealt with severely so as to send a clear message that mob violence will not be tolerated.

On the other hand Court repeatedly reminded "That there is double presumption in favor of the accused. Firstly, the presumption of innocence that is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the court. It has been further held that if two reasonable conclusions are possible on the basis of the evidence on record, the Appellate Court should not disturb the finding of acquittal recorded by the trial court."

Moreover, lynching undermines the existence of a court or the complete administration of justice by taking matters into the hands of the mob itself. Therefore, lynching is an act or offence not against a law but rather

against the whole system of welfare and the constitutional state. The state is responsible for protecting its citizens, and citizens must trust the state to provide the same. The moment there is lynching, the ages-old social contract is breached, which throws the whole situation into chaos and undermines the state's authority.

A democratic government is formed based upon the principles of equality, freedom, and the rule of law, where due process of law has to be followed and maintained. When mobs engage in vigilantism or lynching, it undermines democratic principles. Therefore, it is imperative to hold perpetrators accountable and ensure that justice is served through the proper legal channels.

ANTI-LYNCHING LAW IN INDIA

How important is it to have a law on lynching? Law is not a choice; rather, it is the sole and only way to secure the social order. The criminal law is an instrumentality of the state that maintains peace and tranquilly in society. Every action or reaction of social beings is due to the existence of law or it's by product. It is the law on which human beings place the utmost reliance for protection against any wrong or injury to their lives or property. The ultimate object of the law is to secure the maximum happiness or goodness for the community at large. The law is to regulate social behavior so as to keep others safe from the rest. It is and will always be the sole foundation of every civilized state or society: to make the society a better place where human beings can achieve the utmost heights of self-aspiration and development.

As of now India does not have a specific law that criminalizes lynching. Yet, there are a number of legal remedies in Indian law that can be utilized to bring lynching perpetrators to justice. The Indian laws, based on the circumstances and facts of the case, may be utilized to punish the offenders of lynching, namely, the Indian Penal Code, 1860, the Prevention of Atrocities Act or the Unlawful Activities (Prevention) Act, 1967, Code of Criminal Procedure, 1973, the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

Whenever there is lynching, then in every case, articles 14 and 21 get violated, but if lynching is based on religious, caste-based, or other discriminatory grounds, then articles 14, 15, 16, 17, 21, and 29 also get violated; these are the prima facie or direct violations, but in reality, every legal provision or norm that establishes or maintains the rule of law gets violated.

It is a doctrine that recognizes that the Constitution is the supreme law as well as the authority of the state. Each and every organ or institution, such as the executive, legislative, and even judiciary, is subservient to the holiness of the Constitution. It is considered the supreme law of the land, from which every stream of power streams; it is the reservoir of other laws from which they derive their constitutionality or validity. Lynching is based on public morality or the morality of the people associated with lynching. If the state lets this happen, then the consequences will be harsh. Therefore, the form of administration has to be in line with the form of the Constitution. The constitutional morality always has to supersede the public morality so as to preserve and protect the rule of law; the replacement of the constitutional morality by the public morality will lead to lawlessness and the rule of whims and fancies.

In recent years, there have been numerous cases of lynching in India, mainly targeting minority communities and other vulnerable groups like Dalits and tribal people. The incidents have sparked widespread outrage and calls for action to be taken to prevent such violence. Thus, due to the rising instances of mob violence in India, there has emerged a growing need for a special law against lynching. And several states initiated the process to enact the law, but these laws are still pending and none of the states or the central governments have a special anti-lynching law.

However, in the Rajya Sabha in December 29th, 2017, Shri K.T.S. Tulsi (the then member of the Rajya Sabha) has proposed a private member bill, i.e., Bill No. 44 of 2017, with the title "The Protection from Lynching Bill, 2017," which has yet to be passed even almost five years later. The state government is empowered within the Seventh Schedule of the Constitution to enact laws relating to mob lynching. The proposed bill has been bifurcated into IX chapters containing thirty-one sections on various issues relating to mob lynching.

The Manipur Protection from Mob Violence Bill, 2018, Manipur Ordinance No. 3 of 2018 passed in November 2018 by the then Governor of Manipur, and therefore Manipur became the first State to pass a law against lynching. For bring a conflicting law with law enacted by the Central (Union) Government it is still pending for the assent of President of India.

The State Assemblies of West Bengal (The West Bengal (Prevention of Lynching) Bill, 2019) Bill No. 21 of 2019 passed in August 2019 by the State Assembly is still pending (February 2023) for the assent of the President of India, Bill No. 22 of 2019 was introduced in Rajasthan State Assembly (The Rajasthan Protection from Lynching Bill, 2019) .

Following the case of Tehseen S. Poonawalla v. Union of India, the Tripura Lynching/Mob Violence Victim Compensation Scheme, 2018 was formulated by the Government of Tripura.

In December 2021, the Jharkhand State Assembly passed an anti-lynching law, The Jharkhand (Prevention of Mob Violence and Mob Lynching) Bill, 2021, with the Statement of Object and Reasons as stated: "An act to provide for effective protection of the constitutional rights of vulnerable persons in the State of Jharkhand and to prevent mob violence and lynching incidents, and to punish for acts of mob violence and lynching."

In line with the guidelines issued by the Supreme Court in the case of Tehseen S. Poonawalla v. Union of India, these abovementioned states have passed bills to criminalize the lynching separately, but for assent, these are pending before the President of India. As per the Constitution of India, if there is a conflict between the laws enacted by the Union and the state, the laws or bills of the state assembly have to be assented to by the President of India. It is because of this formality that these laws are pending.

JUDICIAL INTERVENTIONS

Tehseen S. Poonawalla v. Union of India

On July 17, 2018, the three judges of the Supreme Court of India, consisting of Hon'ble Chief Justice Dipak Misra, Hon'ble Dr. Justice D.Y. Chandrachud, and Hon'ble Mr. Justice A.M. Khanwilkar, pronounced an important decision on the issue of lynching and vigilantism. After examining the seriousness and necessity, the court issued directions for preventive, remedial, and punitive measures in order to curb this ongoing "horrendous act of mobocracy.

After referring to *Shakti Vahini v Union of India & Ors*, It was held that no one should engage in lynching merely because they believe an offense has been committed. Also, it was emphasized that the executive should keep an eye out for any actions that might amount to mob violence or mob lynching. No one is allowed to take the law into his own hands on the fancy of his 'shallow spirit of judgment'.

Under the garb of self-assumed or styled protectors and enforcers of law and society, no vigilantism or hooliganism is allowed; India being a constitutional democratic state, due process is required to do justice and seek remedy. We are not a perception-based society but rather a state of rule of law; therefore, it must be respected and upheld at any cost. Under the following heads the Supreme Court proceeded to issue the following guidelines:-

Preventive Measures: The circulation of dangerous and hateful statements, videos, pictures, and other materials on various social media platforms must be stopped, and therefore the Central and State Governments must file a FIR against those involved under Section 153-A of the IPC. Recently, in various cases, the Supreme Court reiterated this kind of ruling for hate crimes/speech. A suo motu case shall be registered without waiting for a complaint, and the offenders should be proceeded against in accordance with the law, irrespective of the religion of the offender. And in this regard, any inaction would amount to contempt of court.

Remedial Measures: In light of Section 357 of the Code of Criminal Procedure, 1973, a lynching and mob violence compensation scheme shall be prepared by the state governments, and the trial court, based upon the circumstances of the case and in accordance with due procedure, may award the maximum sentence to the offender or offender(s).

Punitive Measures: Based on the relevant service and other laws, if there is negligence and harassment by law enforcement authorities against victims of lynching, then strict disciplinary action must be taken. The apex court was directed to implement and utilize the ruling held in the case of *Arumugam Servai v. State of Tamil Nadu*.

Concluding its judgment, the Supreme Court expressed that it would be appropriate to recommend to the legislature, that is, Parliament, to create a separate offence for lynching and provide adequate punishment for the same.

CONCLUSION AND SUGGESTIONS

The issue of mob lynching in India is a serious human rights concern that demands urgent attention. In light of India's constitutional framework, this research article has addressed the problem of mob lynching from a human rights viewpoint. Mob lynching violates the Indian Constitution's Article 21 guarantee of a person's right to life, liberty, and security. The paper also highlights that the responsibility to protect the right to life of all citizens rests with the state and that failure to do so can result in the violation of the rights of the victims of mob lynching. The article underlines that the state has a responsibility to stop and punish mob violence, and that this responsibility is especially crucial when the victims are members of vulnerable communities. In conclusion, it is clear that mob lynching is a violation of human rights and cannot be tolerated in a democratic society. The government must take immediate steps to prevent and punish acts of mob violence and to protect the right to life of all citizens, particularly those who belong to marginalized communities. Only then can India truly become a society that respects and upholds human rights for all.

The States needs to strictly enforce existing laws such as the Indian Penal Code, the Criminal Procedure Code, and the Prevention of Atrocities Act to deter and punish perpetrators of lynching, establish fast-track courts to handle lynching cases, and Law Enforcement Agencies shall be trained to identify potential sources of conflict, de-escalating tense situations, and if there is any negligence or dereliction of duty, they must be held accountable. The awareness campaigns launched after engaging religious leaders, local communities, and civil society may also play a vital role in mitigating these incidents. It shall also be noted that due to the huge accessibility and availability of the internet and social media platforms, people are very likely to fuel lynching incidents based on hate speech and incitement to violence; therefore, a culture of tolerance and respect for diversity can help prevent incidents of lynching.

The issue of mob lynching is a complex problem that requires a multifaceted approach to address. By implementing these suggestions, we can work towards creating a society that respects human rights and upholds the dignity of all its citizens.

REFERENCES

1. Dr Martin Luther King, Jr. Speech on Receipt of Honorary Doctorate in Civil Law, November 13, 1967, University of Newcastle upon Tyne, available at <https://www.ncl.ac.uk/media/wwwnclacuk/congregations/files/Transcript%20of%20Dr%20Martin%20Luther%20King%20Jr%20speech%2013th%20November%201967.pdf> (last visited on 07 March 2023).
2. Roderick T. Stephen, *Incredible Injustice: Lynching in the Southern United States*, (2010) (Graduate Faculty of Wake Forest University, North Carolina), available at https://wakespace.lib.wfu.edu/bitstream/handle/10339/14823/Incredible_Injustice%5B1%5Dpdf%5B1%5D.pdf (last visited on 28 Feb 2023)
3. Christine Arnold-Lourie, *A Madman's Deed: A Maniac's Hand*: Gender and Justice in Three Maryland Lynchings, 41 *Journal of Social History* 1032 (2008) available at <https://www.jstor.org/stable/25096566>, last visited on 6 March 2023)
4. James Elbert Cutler, *Lynch law: An Investigation Into the History of Lynching in the United States*, 9 (Longmans, Green, & Co., New York, 1905) available at <http://users.clas.ufl.edu/davidson/Jim%20Crow%20America%20Spring%202016/Jim%20Crow%20America%20course%20readings/week%2012%20Lynching,%20Riots%20and%20Interpersonal%20Violence/Cutler%201905%20lynch%20law.pdf>. See also *An American edition* titled as "Brande's Encyclopaedia," published in 1843
5. The Protection from Lynching Bill, 2017, (Bill No. 44 of 2017), s. 2(c).
6. US Congress, H.R.35 - Sec. 2(2). FINDINGS of Emmett Till Antilynching Act, available at

<https://www.congress.gov/bill/116th-congress/house-bill/35/text> (last visited on 28 February 2023).

7. Equal Justice Initiative, *Lynching in America: Confronting the Legacy of Racial Terror*, 2017, available at <https://lynchinginamerica.eji.org/report-landing> (last visited on 28 February 2023).

8. US Congress, H.R.35 - Sec. 2(2). FINDINGS of Emmett Till Antilynching Act, available at <https://www.congress.gov/bill/116th-congress/house-bill/35/text> (last visited on 26 February 2023).

9. Rupinder Kaur, "Lynchistan: Mob Lynching Cases Across India", *The Quint*, <https://www.thequint.com/quintlab/lynching-in-india/>, last visited on 27 February 2023.

10. Indo-Asian News Service, 16 convicts hanged to death in India since 1991, *India Today*, available at <https://www.indiatoday.in/india/story/16-convicts-hanged-to-death-india-since-1991-1634925-2020-01-08>, (last visited on 28 February 2023).

11. The Wire Staff, "Despite Collecting It, NCRB Hasn't Published 2017 Data on Lynchings", *The Wire*, 22/OCT/2019, <https://thewire.in/government/despite-collecting-it-ncrb-hasnt-published-2017-data-on-lynchings-religious-murders>, (last visited on 21 February 2023).

12. Mahtab Alam, *Why Do Mob Lynchings Still Continue Unabated?*, *The Wire*, 07 SEP 2019, available at <https://thewire.in/communalism/mob-cow-lynching-vigilante>, (last visited on 21 February 2023), Amnesty International India, *India: Hate crimes against Muslims and rising Islamophobia must be condemned*, 2017, available at <https://www.amnesty.nl/actueel/india-hate-crimes-against-muslims-and-rising-islamophobia-must-be-condemned> (last visited on 21 February 2023).

13. Amnesty International, *India: Mob lynching attacks fuelled by impunity, politics and 'fake news'*. Amnesty International, July 2018, <https://www.amnesty.org/en/latest/news/2018/07/india-mob-lynching-attacks-fuelled-by-impunity-politics-and-fake-news/> (last accessed on Feb 27, 2023).

14. The Supreme Court of India, *The Constitution at 67*, (The Supreme Court of India, New Delhi, 1stedn. 2017), at page no. 3 available at <https://main.sci.gov.in/pdf/AnnualReports/The%20Constitution%20at%2067.pdf> (last visited on 07 March 2023).

15. Justice Hosbet Suresh, *All Human Rights are Fundamental Rights*, Published by HUMAN RIGHTS LAW NETWORK (HRLN) New Delhi: Universal Law Publishing Co. Pvt. Ltd., (2010), available at <http://www.slic.org.in/uploads/2018/10/All-Human-Rights-are-Fundamental-Rights.pdf>, (last visited on 21 February 2023).

16. The Office of the High Commissioner for Human Rights (OHCHR), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>, (last visited on 21 February 2023).

17. The Office of the High Commissioner for Human Rights (OHCHR), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>, (last visited on 21 February 2023).

18. *Tehseen S. Poonawalla v. Union of India* (2018) 9 SCC 501, *People's Union for Civil Liberties v. State of Maharashtra*, (2014) 10 SCC 635, *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225, *Ajmal Kasab v. State of Maharashtra*, (2012) 9 SCC 1 *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161

19. *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416, *Nilabati Behera v. State of Orissa*, (1993) 2 SCC 746, *Sheela Barse v. State of Maharashtra*, (1983) 2 SCC 96, *State of Andhra Pradesh v. Challa Ramkrishna Reddy*, (2000) 4 SCC 259.

20. *Sharad Birdhi Chand Sarda vs State Of Maharashtra*, (1984) 4 SCC 116, *State of Haryana v. Jagbir Singh*, (1997) 6 SCC 591, *Hanumant v. State of Madhya Pradesh*, AIR 1952 SC 343.

21. *Nikhil Chandra Mondal Vs State of West Bengal* 2023 LiveLaw (SC) 171.

22. *Rajesh Prasad v. State of Bihar* 2022 LiveLaw (SC) 33.

23. David A. Funk, "Major Functions of Law in Modern Society Featured" 25 *Case Western Reserve Law Review* 281 (1972).

24. *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1

25. Uttar Pradesh Law Commission, "Seventh Report of 7th State Law Commission on Mob Lynching (Along with draft Bill of) Uttar Pradesh Combating of Mob Lynching Bill, 2019" (2019), available at <http://upslc.upsdc.gov.in/MediaGallery/7thReport.pdf>, (last visited on 28 Feb 2023).

26. *Kesavananda Bharati Sripadagalvaruv. State of Kerala and Anr.* (1973) 4 SCC 225.

27. *Navtej Singh Johar v. Union of India*, AIR 2018 SC 4321.

28. Shashi Tharoor, available at https://shashitharoor.in/private_member_bills_details/22%22 (last visited on 28 Feb 2023)

29. The Manipur Protection from Mob Violence Ordinance, 2018, available at <https://manipur.gov.in/wp-content/uploads/2016/05/mobviolence.pdf>, see also

https://prsindia.org/files/bills_acts/bills_states/manipur/2018/Ordinance%20No.%203%20of%202018%20Manipur.pdf (last visited on 05 March 2023)

30. The West Bengal (Prevention of Lynching) Bill, 2019, available at http://wbassembly.gov.in/report_bill.aspx (Bill No. 21 of 2019), see also https://prsindia.org/files/bills_acts/bills_states/west-bengal/2019/Bill%2021%20of%202019%20WB.pdf (last visited on 05 March 2023)

31. The Rajasthan Protection from Lynching Bill, 2019, available at <https://rajassembly.nic.in/LegislationGovernmentBills.aspx> (Serial No. 21, Bill No. 22/2019), see also https://prsindia.org/files/bills_acts/bills_states/rajasthan/2019/Bill%2022%20of%202019%20RJ.pdf (last visited on 03 March 2023)

32. Tripura Lynching/Mob Violence Victim Compensation Scheme, 2018 available at <https://thc.nic.in/Tripura%20State%20Lagislation%20Schemes/Lynching%20or%20mob%20violence%20Victim%20Compensation%20Scheme,2018,%20Tripura.pdf> (last visited on 05 March 2023)

33. The Jharkhand (Prevention of Mob Violence and Mob Lynching) Bill, 2021 available at https://prsindia.org/files/bills_acts/bills_states/jharkhand/2021/Jharkhand%20Anti-Lynching%20Bill%202021.pdf (last visited on 04 March 2023)

34. Shaheen Abdulla vs Union of India 2022 LiveLaw (SC) 872, available at <https://www.livelaw.in/top-stories/take-suo-motu-action-against-hate-speech-crimes-without-waiting-for-complaint-supreme-court-212282>, (last visited on 05 March 2023).

35. Kazeem Ahmad Sherwani vs. State of Uttar Pradesh W.P.(Crl.) No. 391/2021 LiveLaw, available at <https://www.livelaw.in/top-stories/chief-justice-of-kenya-lauds-indias-ability-to-translate-judgments-using-ai-223493?infinite-scroll=1>, (last visited on 05 March 2023).

36. Bhumika Indulia, Cow Vigilantism/Lynching| No citizen can assault the human dignity of another, such an action would comatose the majesty of law: SC, SCC Online, Published on July 17, 2018, available at <https://www.sconline.com/blog/post/2018/07/17/cow-vigilantism-lynching-no-citizen-can-assault-the-human-dignity-of-another-such-an-action-would-comatose-the-majesty-of-law-sc/>, (last visited on 05 March 2023).

