# Mob Lynching in Assam, India

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#### **Abstract:**

Mob Lynching is an emerging trend as a new Crime in the shade of mob violence all over the country. Being a part of India, in Assam people belong to different cultural groups, linguistic groups, caste, community and religious groups use to live together with the feeling of unity, integrity and fraternity. In Assam like other parts of the country, 'Mob Lynch' is the term which becomes much familiar to the people of the region because every now and then it has been highlighted through the available Electronic Media of the State that some person(s) is/are being killed by a mob violence on suspicion of Child Lifter or Witch hunting etc.; Villagers lynched to death a women on suspect of that she is practicing Black Magic and a Witch; a Boy lynched to death in a place where he went to meet his relatives etc. many other such cases occurred which is nothing but a curse of the modern society. Assam has registered huge number of Mob Lynching cases every year in the state like Honour Killings, Witch Hunting, on suspicion of Child Lifters, on Communal riots, Pickpockets, Thefts etc. 'Mob' is an English term which means 'uncontrolled group of people' and 'Lynch' is an American term which means 'award of punishment to the wrong doers without any legal trial or proceedings'. According to the Data available of the Government of Assam during 2011-2019 shows that there were 107 persons killed in Witch Hunting incidents in the state. The present study aims to understand and explain what is Mob Lynching? What are the causes of lynching? What are the available legal provisions and laws to deal with such type of cases? What are the preventive and remedial measures that have been adopted by the state government and other Agencies and NGOs including the various Legal proceedings of the High Courts and the Hon'ble Supreme Court of India?

Key Words: Mob, Lynch, Witch, Legal, Communal, Violence, Death, Government.

### **INTRODUCTION:**

The word 'Lynch' has emerged during the American Revolution against the name of Charles Lynch (1736-1796), a Virginian Planter and Justice, who formed a system to punish the loyalists and criminals without any trial through proper proceedings of law which is known as 'Lynch Law.' This Law is a self constituted institution for administering sentence against a person without due process of law. Mob Lynching the term is used to explain the actions of violence by a group of people or the mob believed that they punish the person or persons for doing wrong by taking law in their own hands. 'Mob' is an English term means 'uncontrolled group of people' and the term 'Lynch' is an American word which means 'award of punishment to the wrong doers without any legal trial or proceedings'. When an uncontrolled furious group of people or mob use to attack, beat, may or may not be killed to any wrong doers or on suspicion of that the person has done a wrong, it is called Mob Lynching. It is a form of violence where mob use to beat, assault or kill a person or persons assuming that the person(s) is guilty and they are doing justice by providing punishment without any authority because they have lost their confidence on any legal authority and take over the law in their own hands.

Mob Lynching depends on the belief and faith of the people. Lynches are done by the people those who think that they have an authority and responsibility to defend their

community from the wrong done by anybody else. They do not adopt this individually but they do this on behalf of the entire community. A mob use to gather together and getting excited, feel like intoxicated and promise to safeguard from the future persecution to them and their community of people. To understand the Mob Lynching it needs to understand the psychological factors which provide incite the persons of the mob. Like fear psychosis of unknown persons, defensive attitude, communal intolerance, fear of losing, believing that different appearance means enemy of theirs, doing behalf of the community, believing in rumours, linguistic, superstitious belief and faith and some other factors which make the people compelled to participate with the mob for the execution of the incident.

Mob Lynching is an emerging trend as a new type of crime all over the world. Every country is facing with this issue from the time immemorial. In India different culture, language, caste, community and religions group of people and diverse communities of people use to live together with the feeling of oneness and brotherhood. India also registered huge number mob lynching cases like Honour Killings, Witch Hunting, on suspicion of Child Lifters, on Communal clashes, Pickpockets, Thefts etc. In the State of Assam also recorded lot of cases on Mob Lynching among them the cases of Witch Hunting (Dainee Hatya), Human Trafficking, Lynches on suspect of being Child Lifters and Theft are in highest number than the other states of India but cases of Honour Killing, Communal Violence, Bovine Related and other cases are less in number.

#### **TYPES OF MOB LYNCHING:**

There are various reasons for Mob Lynching based on which it can be divided into the following types:

- (a) Communal Based Lynching: Caste or Religion based violence lead to such kind of mob lynching. As higher caste people use to organise violence against the lower caste of people who belong to one religion and do violence against another religion.
- (b) Witch Hunting: When a mob lynched to death to a person(s) on suspicion of that the person(s) are practicing Black Magic and Witch (Dainee) sucks blood of people which cause to death. This can be called Blind faith or superstitious beliefs and sometimes it found to be a conspiracy and vested interest of a person(s) organise such incident(s) against the person(s). What so ever be the fact, it has become usual incidents of the region highlight by the Electronic media and social media too?
- (c) Honour Killing: It is a usual incident happening in our country. This is basically crimes or violence commits against the young couple who belong to inter-caste, opposite religion and inter-community fall in love and/or planning to get married without the concern of their parents or community for that purpose they run away from home and / or happened to be killed/ murder the couple by a group of people.

Kavita Krishnan, the Secretary of the AIPWA defines, "Violence to prevent a eligible women from exercising her choice either in love or marriage".

According to the Supreme Court of India the following situation can lead to an Honour Killing or Honour Crimes:-

- Lose of virginity before marriage.
- Pre-marriage pregnancy.

- Infidelity.
- Unaccepted Relationship.
- Refused to do arrange- marriage.
- Seeking Divorce.
- Asking of custody of Child after Divorce.
- Deserting from Family.
- Scandal.
- Being Victim of Rape.
- (d) Bovine Related: Bovine means relating to Cow or Ox. This is basically animal related Mob Lynching. In the origin of this kind of lynching, communal feeling is the main reason. As for example, Cow Vigilantes lynches the person belong from different community who slaughter the cows.
- (e) Suspicion of Child Lifting: India as well as in the state of Assam, Mob Lynching on suspicion of Child lifters is a very common phenomena. Every now and then, incident related to this kind taken place with a fear of being their children would be kidnapped by the lifters and therefore whenever they have seen unknown person(s) in the locality they use to think that these might be a Child lifters and attack on them to protect their children. This can be stopped by creating awareness among the people. This happens to a great extent in the rural and interior areas than the towns.
- (f) Theft Cases: In this kind of Mob Lynching, Mob lynches to the accused for being theft of domestic animals like Cows, Goats and Money, Jewelleries and other things. Sometimes this is happened on suspicion and the mob attack and kills the person(s) instead of handing over to the administration.

### **CAUSES OF MOB LYNCHING:**

There are various causes and factors responsible for inciting to the Mob Lynching or Mob Violence which may be as follows:

- (a) Due to the decreasing of moral decency in the Society.
- (b) Due to the failure of the administration.
- (c) Spreading of fake news in the Social media and Electronic media.
- (d) Development of intolerance among the people.
- (e) Misleading of the youths by the miscreants and anti-social elements.
- (f) Defensive attitude of the people.
- (g) Due to the loose administrative system of strict punishment to punish the mob involved in lynching incidents.
- (h) Political Propagandas lead to mob lynching.
- (i) Peoples' suspect to unknown person(s) as child lifters.
- (j) Present situation Mob Lynching cases increased due to the active participation of Cow vigilance.
- (k) Hatred speech and dialogue against a particular community, caste and religion leads to Mob Lynching or Communal violence.
- (l) Religious Fundamentalists provide fuels to the increasing number of Mob Lynching and Communal violence cases due to their hardcore belief of superiority complexity of their own religion and intolerance and disregard to the other religious community.
- (m) Fear psychosis of unknown person is also another cause of lynches.

#### **MOB LYNCHING IN ASSAM:**

In Assam there have been reported multiple incidents of Mob Lynching, where unknown people were attacked by the local people and even the mentally challenged persons were not spared from it. According to the Data of the State Government during 2011-2019, 107 persons were killed in Witch Hunting incidents in Assam. As per the NCRB data of 2015 Assam has been recorded the highest number of Human Trafficking and Kidnapping cases. It is difficult to find out the exact number of cases of Mob Lynching and communal violence has been registered. In some cases though registered but it becomes very difficult to find out the real culprits and providing them punishment. Many such incidents were happened but did not register due to various reasons like fear-psychosis, shame, support and lack of awareness. The Government of Assam as well as the Central Government and various other Agencies and NGOs conducted awareness campaign against Mob Lynching for abolition of Mob Lynching of any kind and provided compensations and rehabilitation to the victims of different cases. The difference between Assam and other states of India relating to Mob Lynching and Mob violence will be clear from the following discussions on the basis of the Mob Lynching cases registered in different districts of Assam.

A father and son were attacked by a local mob over a disagreement and tassel on the issue of Auto Rickshaw fare on first July, 2013 where 16 years old Jhankar Saikia died on the spot in the broad day light in the busy town of Diphu, Karbi Anglong because of the negligence of the Assam Police. In March 2015 a person from Assam was dragged out from Jail by a large mob and beaten up to death on the suspect of the fact that he has committed a rape in Dimapur. Four people lost their lives in separate incidents in the districts of Chirang, Darrang, Baksa and Sonitpur in 2016 due to rumours spread of being child lifters. In February, 2018 two Sikhs from Punjab has been beaten up by a mob in Kamrup district suspecting them as child lifters or 'Xopadhora'. In June, 2018 Nilotpal Das, 29 years old Goa based sound engineer and Abhijit Nath, 30 years old Guwahati based businessman were lynched to death by local villagers of Dengaon Panjuri Kachari village of Dokmoka, Karbi Anglong on suspicion of being child lifters when they were returning from the Kangthilangso Waterfalls. In August, 2018 four Pig traders, Deben Rajbanshi (35), Pujan Ghatuwar (40), Phulchand Sahu (25) and Bijoy Nayak (25) were attacked by the villagers at Line No. 15 of Diplunga Tea Estate of Biswanath district. In April, 2019, 68 years old man, Shaukat Ali was lynched by suspecting that he was selling beef in Biswanath Chariali Market. On 31st August, 2019, 73 years old Doctor, Dr. Deben Dutta was lynched by a mob of Teok Tea Estate Workers for his delay in the treatment to Somra Majhi, a tea garden worker. In May, 2020 Jahnobi Gogoi, one Hindu women of Nazira has been attacked with sharp weapons with an attempt to kill her by her Muslim neighbours who prohibited her of watching TV serial of 'Ramayana' during the month of Ramadan (Ramjan). Paragiyoti Neog of Chabua, Dibrugarh district was killed by a Mob of Muslim community on 23rd May, 2020. Sanatan Deka, a vegetable vendor was beaten to death by five Nos. of Muslim people at Manahkuchi village of Kamrup district. In June, 2020, Debashish Gogoi, 22 years old B.Sc. Student and his 22 years old friend, Aditya Das were attacked and beaten up by a Mob of Muslim community in Gabhuru Parbat near Mariani, Jorhat district. Rituparna Pegu was stabbed to death in the broad day light in Guwahati. In June, 2020, Saurab Das was killed by a Muslim Mob in Dibrugarh and thrown the deceased body into the river. A woman and a man were killed in Karbi Anglong on suspicion of practicing black magic and Witchcraft in October, 2020. In February, 2021, a 40 years old man was lynched by

villagers of Karashi Bey gaon, Bakalia, Karbi Anglong. In May, 2021 a 50 year old man was lynched by a mob on alleging of practicing black magic and Witchcraft at Tamulpur of Baksa district. In June, 2021 Sarat Moran, a 28 year old man was beaten up to death at Karjonga Barpather village of Tinsukia district on suspicion of being Cow Theft. In November, 2021, a 23 years old young boy, Animesh Bhuyan was lynched in Jorhat by a mob when he went to rescue an old man who got a road accident assuming that he was the responsible for the accident. On 2nd January, 2022, Ahom Das Alias Sanjay was lynched to death by a group of youths of the area at Dergaon under Golaghat District. On 21st May, 2022, an angry mob of around 2000 people both men and women were lynched Police Personnel's and set fire on Batadrava Police Station of Nagaon District after the alleged death of Safikul Islam, a Fish Trader of the area where several police persons were injured.

#### **LEGAL PROVISIONS AGAINST MOB LYNCHING:**

## Mob Lynching violets the following provisions of the Laws:-

#### **Constitution of India:-**

Article 14:- Equality before Law and Equal protection of Law.

Article 15:- No Discrimination on the basis of religion, caste, race, sex or place of Birth.

Article 21:- Protection of life and personal liberty.

### **Indian Penal Code, 1860:-**

Under Section 120(a):- Criminal Conspiracy.

Under Section 141:- Unlawful Assembly.

Under Section 147:- Rioting.

Under Section 148:- Rioting armed with deadly weapon.

Under Section 149:- Unlawful Assembly, guilty of offence committed in the prosecution.

Under Section 300:- Murder.

Under Section 302:- Punishment for Murder.

Under Section 304(a):- Causing death by Negligence.

Under Section 323:- Punishment for voluntarily causing Hurt.

Under Section 335:- Voluntarily causes Grievous Hurt.

Under Section 339:- Wrongful Restraints.

#### Criminal Procedure Code, 1973:-

Section 223(a):- Prosecute Persons accused of the same offence committed in the course of the same transactions.

Section 357(a):- Every victim of such crime or the dependents of the victim would provide Compensation.

Mob constitutes an unlawful Assemble which came under the purview of under section 141, Indian Penal Code, 1860 and according to section 129, Criminal Procedure Code, 1973 Police are being authorized to use force to disperse the assemble against illegal act includes illegal Omission for which people or the mob can be booked under the section 299, Indian Penal Code, 1860. In 2011at the judgement of Arumugom Servai Vs. State of Tamil Nadu (2011, 6, SCC.405) Hon'ble Supreme Court of India directed that States should take disciplinary actions against the concern Officers wherever they did not take action to prevent the incident despite of having prior information about it.

In the case of Tehseen S. Poonawala Vs. Union of India (wp(c) No. 754/2016) Judgement , the Supreme Court of India laid down some preventive, punitive and remedial measures for dealing with Mob Lynching and Mob Violence in 2017 where States were directed to set up Fast Tract Courts in every district to deal with such kind of cases and to setting up of Special Task Force for procuring intelligent reports about the people involved into the spreading of hatred speeches/ dialogues, provocative statements and Fake News. The Supreme Court of India issued a direction to introduce Victim Compensation Schemes to provide relief and rehabilitation to the victims. The Supreme Court asked both the Centre and the States to submit their reports about the steps taken by them towards the implementation of its directives. On this directives of the Supreme Court only Manipur in 2018, West Bengal in 2019 and Rajasthan in 2019 have enacted the laws against Mob Lynching. In the case of Tehseen S.Poonawala vs. Union of India in 2018 the Supreme Court issued the following guidelines:-

- (a) To designate an Officer in the rank of SP as a Nodal Officer in every district.
- (b) Strict monitoring system of broadcasting of messages that involve into lynching.
- (c) Spreading of fake news through social media and others means shall lead to filing an FIR against the spreader.
- (d) If Police failed to follow the Supreme Court guidelines, it will amount to negligence.
- (e) State should provide Compensation to the victims.
- (f) Lynching cases should trial in Fast Track Court in each district.

### **INITIATIVES TAKEN BY THE GOVERNMENT OF ASSAM AND NGO'S:**

The Assam Government as well as the Central Government have been immensely working to deal with these kinds of violence throughout the country but failed to achieve the desired result. Apart from the Governmental efforts various NGOs and Agencies are also working for creating awareness among the common people and many a times due to this effort many people could have been escaped from death or from loosing of their lives. Assam is also trying to make the people aware about it through various campaigns and programmes as well as to join the programme or campaign started by the Central Government and its agencies from the mainland. When the campaign to bring 'Manav Suraksha Kanoon' (MASUKA) or Human Protection Law and 'Not in My Name' in 2017 started by the students of Delhi, Assam also joined the movement. On the other hand All Assam Students' Union (AASU) organized many more awareness programs regarding the Mob Lynching throughout the state and many other students' organizations also organized various campaigning programmes such as Karbi Students' Association (KSA), National Students' Union of India (NSUI), Akhil Bharatiya

Vidyarthi Parishad (ABVP), All Assam Adivasi Students' Union (AAASU), All Assam Dimasa Students' Union (AADSU), All Assam Bengali Youth Students' Federation (AABYSF) to create the awareness among the common people.

In August, 2001, Assam Police introduced 'Project Prahari' in Kokrajhar district with the initiative of the ADGP, Assam Police, Mr.Kuladhar Saikia to create awareness among the villagers against the killing of women on suspicion of Witches i.e.; 'Witch Hunting'.

The Government of Assam passed the "Assam Witch Hunting (Prohibition, Prevention and Protection) Act, 2015". But this Act has failed to fulfil its purpose of enactment and to achieve desired result.

On 21<sup>st</sup> December, 2021 the State Parliamentary Minister of Assam, Mr. Pijush Hazarika informed that the Government of Assam was planning to introduce a bill against the Mob Lynching and Mob Violence in the State Legislative Assembly.

The Assam based Northeast Legal Organization (NELO) has demanded for specific law against Mob Lynching by submitting a letter to the then Chief Minister of Assam, Mr. Tarun Gogoi for the first time when the incident of Jhankar Saikia lynched to death in July 2013 at Diphu, Karbi Anglong; then they submitted the same to the then Chief Minister of Assam, Mr. Sarbananda Sonowal in 2020 after the death of Sanatan Deka, a Vegetable Vendor at Manahkuchi village of Kamrup District and Debashiah Gogoi in Ghaburu Parbat of Jorhat district. The NELO refreshed their demand and submitted another Memoradum on the same issue to the Chief Minister of Assam, Dr. Himanta Biswa Sharma after the incident of Mob Assault on Dr. Seuj Kumar Senapati during the period of Covid-19 at a Covid-19 Care Centre at Udali under Hojai district on June 02, 2021. The NELO President, S.N. Krishnatraya and the Secretary General Debojit Barman, said, "Cases of Mob Lynching generally come under the purview of the Indian Penal Code, 1860 (IPC, 1860) but even though the IPC, 1860 does not specifically deal with the Mob Lynching as an offence. A specific and strict Penal Statute on Mob Lynching shall definitely help the State in the Intervention and Prevention of such instances."

#### **SOME PREVENTIVE MEASURES TO STOP MOB LYNCHING:**

The following measures will help to stop or reducing the cases related to Mob Lynching and Mob Violence in our society:-

- (a) Bringing of Specific Law on it.
- (b) By enacted a strict Legislation against Mob Lynching and Mob Violence.
- (c) Establishment of Fast Track Court.
- (d) Create awareness among the people regarding the issue like Witchcraft/ Witch Hunting.
- (e) Community Policing.
- (f) Provide Counselling to Youths.
- (g) Giving efforts through Social Media.
- (h) Active investigation and identification of the people involved in lynching.
- (i) Establishment of separate department to deal with such kind of cases.
- (j) Make compulsory Moral Science into the Syllabus of Schools, Colleges, and Universities.

### **COCLUSION:**

It is found from the Study that Mob Lynching is a Mob Violence used to be happened all over the country and Assam is also suffering from this kind of problem. Mob Lynching, Witch Hunting, Communal Violence and various other incidents discussed above showed that how frequently this kind of untoward incidents occurred in the state. Government of Assam witnessed such kind of violence and incidents occurred every now and then in the state in particular and in the country in general. The Government of Assam as well as the Government of India along with other Governmental organizations and Agencies and the Non-Governmental Organizations (NGOs), Eminent Persons of the society like Students' Organizations, Civil Societies' and various other groups are working for creating awareness among the people but did not achieve desired results till today. In Assam, Mob Violence or Mob Lynching like Witch Hunting, Human Trafficking, Cases on the suspicion of Child Lifters, Theft cases etc. are the highest in number among the states of India. The NGOs, Governmental Agencies, Eminent Personalities and all other organizations came to the close contact with a view to create awareness among the people so as to remove such kind of social evils from the society and the country as well. According to Prof. Prodip Acharya, "the Xopadhora(Child Lifter) is a myth to control children in Assam. The Xopadhora is an Alien and the fear of this alien was basically to discipline a naughty child."

Assam has been reported the highest number of Child Trafficking cases. In 2017 Rajiv Bhattacharya a Senior Journalist has said that Assam has reported 1494 cases out of 1539 cases in the whole country. In the same year 1552 persons were arrested in 365 cases. Therefore Assam has to go long way to check the cases of Human Trafficking in spite of existing 14 Anti-Human Trafficking Units (AHTU) and the NCRB reported 1317 cases of Human Trafficking in Assam.

According to the Social Scientist, Uddipta Dutta, there is complete failure of Criminal Justice System to control Violence like Mob Lynching and there is an urgent need of Anti- Mob Lynching Mob Violence to remove and bring to end of such kind of social evils .This is very strange to know that in most of the Mob Lynching cases, people those who were involved in the Mob Violence found them from the well educated section of the community. Which showed that only increasing literacy rate through bookish knowledge is not enough for the holistic development of Individual, Community, Society, States as well as the Nations as a whole? The Education system should be prepared to provide real education to the young generation through which they learn the value education and value of humanity, morality, non-violence, self discipline, integrity, fraternity, rationality. This will help them to live a healthy life with human dignity, rational thinking without believing any kind of blind faiths, rumours, propaganda and makes a healthy community without the existence of any kind of fear psychosis, hatred and communal feelings, tendency of breaking laws and mislead the young generation of the society. Thus, the laws passed by the legislatures is not enough for the eradication of the evils of the society like Mob Lynching, Mob Violence, Child Trafficking, Human Trafficking, Witch Hunting etc. but the society as a whole should be aware and alert, development of consciousness among the people against such social evils and proper execution of the laws passed by the legislatures in the true sense.

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