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Mob Lynching in West Bengal: A Socio-Legal Analysis of Emerging Challenges, Criminal Justice and The Need for Legal Reforms

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Abstract

Mob lynching has emerged as a serious challenge to the rule of law, constitutional governance, and the protection of human dignity in India. It represents a form of collective violence in which individuals are subjected to physical assault, sometimes resulting in death, on the basis of suspicion, rumours, prejudice, identity-based hostility, or allegations of criminal conduct. West Bengal has witnessed several disturbing incidents of mob violence, particularly those associated with rumours of child kidnapping, mobile phone theft, and alleged criminal activities. The problem raises important questions concerning the effectiveness of police administration, criminal investigation, public awareness, and the protection of fundamental rights.

This paper examines the phenomenon of mob lynching in West Bengal from socio-legal and constitutional perspectives. It analyses the factors contributing to mob violence, the role of rumours and digital communication, the responsibility of state authorities, and the adequacy of the existing criminal justice framework. Particular attention is given to the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Sakshya Adhiniyam, 2023. The paper also examines the significance of the Supreme Court's directions in Tehseen S. Poonawalla v. Union of India (2018). It argues that although the introduction of specific provisions concerning group-based murder under the BNS represents an important legislative development, effective prevention of mob lynching requires stronger institutional accountability, speedy investigation, protection of victims and witnesses, responsible digital communication, and sustained social awareness.

Keywords: Mob Lynching, West Bengal, Vigilantism, Rule of Law, Constitutional Rights, BNS 2023, Criminal Justice, Legal Reforms.

1. Introduction

A democratic society is founded upon the supremacy of law, constitutional morality, equality, and respect for individual dignity. The criminal justice system exists to ensure that allegations of wrongdoing are examined through lawful procedures and that punishment is imposed only by competent judicial authorities. However, mob lynching represents a direct departure from these fundamental principles. It

occurs when a group of individuals assumes the authority to investigate, accuse, punish, or even execute a person without following any established legal procedure.

Mob lynching is not simply an incident of physical violence committed by several individuals. It is a manifestation of collective aggression in which individual reasoning is frequently replaced by group emotions, suspicion, prejudice, and hostility. The victim is often deprived of the opportunity to explain or defend themselves, while members of the mob assume the role of complainant, investigator, judge, and executioner. Such conduct undermines the basic distinction between lawful punishment and unlawful retaliation.

The phenomenon has acquired particular significance in India because incidents of mob violence have been reported in different regions for reasons ranging from allegations of cattle transportation and child kidnapping to religious identity, caste-related hostility, theft, and rumours circulated through social media. These incidents reveal that mob lynching may arise from different social circumstances, but its fundamental character remains the same: the substitution of public violence for the authority of law.

West Bengal provides an important context for examining this phenomenon. The state has witnessed incidents in which innocent individuals were attacked on suspicion of being child kidnappers or mobile thieves. The incidents reported during June and July 2024, particularly in and around Kolkata and adjoining districts, brought renewed attention to the relationship between misinformation, public anxiety, and collective violence. The reported attacks also demonstrated that vulnerable individuals, including women, persons with disabilities, and economically disadvantaged persons, may become targets of mob aggression.

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The issue assumes greater importance from a constitutional perspective. Article 14 of the Constitution guarantees equality before the law and equal protection of the laws, while Article 21 protects life and personal liberty. The constitutional protection of an individual cannot depend upon the opinion, suspicion, or collective anger of a group. Every person, irrespective of social identity, economic position, religion, or alleged involvement in an offence, is entitled to the protection of law.

The present study therefore examines mob lynching in West Bengal as a socio-legal problem rather than treating it merely as an ordinary criminal offence. It seeks to understand the causes and patterns of mob violence, assess the responsibilities of law enforcement institutions, examine the existing legal framework, and identify measures necessary to prevent such incidents.

1.1 Objectives of the Study

The principal objectives of this research are:

1. To examine the nature and emerging patterns of mob lynching in West Bengal.
2. To identify the social, psychological, political, and technological factors contributing to mob violence.
3. To analyse the impact of rumours and misinformation on incidents of mob lynching.

4. To examine the constitutional implications of mob violence, particularly concerning Articles 14 and 21.
5. To analyse the relevant provisions of the new criminal laws and judicial directions concerning mob lynching.
6. To suggest appropriate legal, administrative, and social reforms for preventing mob violence.

1.2 Research Methodology

The present paper follows a doctrinal and descriptive research methodology. It relies upon constitutional provisions, statutory enactments, judicial decisions, government publications, and secondary sources, including newspaper reports and fact-checking investigations concerning incidents in West Bengal. The discussion of individual incidents is based on publicly reported information and is not intended to substitute for judicial findings regarding criminal liability.

2. The Rise of Mob Lynching in India

Mob lynching has developed into a significant challenge to the Indian criminal justice system. Although collective violence is not new to Indian society, the nature and circumstances of contemporary mob lynching have changed considerably. Earlier incidents of collective violence were frequently associated with local disputes, caste conflicts, communal tensions, or allegations of criminal conduct. In recent years, however, the circulation of unverified information through digital communication platforms has created additional opportunities for organised and spontaneous mob aggression.

The rise of mob lynching can be understood through the interaction of social prejudice, collective psychology, misinformation, institutional weaknesses, and the declining willingness of certain individuals to respect established legal procedures.

2.1 Rumours and Misinformation as Catalysts of Mob Violence

One of the significant factors contributing to mob lynching is the circulation of false or unverified information. Messages concerning child kidnapping, organ trafficking, cattle transportation, religious offences, or theft may spread rapidly through WhatsApp, Facebook, and other digital platforms. Such information can generate fear and suspicion, particularly in localities where people have limited access to verified information.

A serious concern arises when individuals treat forwarded messages, photographs, and videos as conclusive evidence of criminal activity. In many instances, the person accused by a mob has no actual connection with the alleged offence. Nevertheless, collective suspicion may develop into physical violence before the truth can be established.

The problem is not limited to the creation of false information. The speed at which rumours are circulated, combined with the emotional reaction of recipients, can transform an isolated incident into widespread public panic. This demonstrates that digital misinformation is not merely a communication-related problem; under certain circumstances, it can become a direct threat to life and public order.

2.2 Collective Psychology and Mob Mentality

Mob behaviour is often influenced by the psychological tendency of individuals to follow the actions of a group. When individuals become part of a crowd, their personal sense of responsibility may weaken, while the emotional atmosphere of the group may influence their decisions.

The presence of several individuals participating in an assault may create an impression that the action is socially justified. Individuals who might hesitate to commit violence independently may become willing participants when surrounded by an aggressive crowd.

This phenomenon becomes particularly dangerous when accusations are made publicly and individuals are encouraged to participate in the punishment of an alleged offender. The result is the replacement of independent judgment with collective aggression.

2.3 Communal Prejudice, Social Divisions and Political Influence

Mob lynching may also be influenced by religious hostility, caste-based discrimination, regional prejudice, and political mobilisation. In certain circumstances, the identity of the victim becomes more important to the attackers than the actual allegation against that person.

Social divisions can create an environment in which individuals belonging to particular communities become vulnerable to suspicion and hostility. Political propaganda and provocative statements may further intensify these divisions when they encourage intolerance or portray particular groups as threats to society.

However, it is important not to attribute every incident of mob lynching to political or communal motives. Some incidents arise from ordinary allegations of theft, personal disputes, or rumours. A proper understanding of the phenomenon requires examination of the specific circumstances of each incident.

2.4 Weak Law Enforcement and the Culture of Vigilantism

Another important factor contributing to mob violence is the tendency of certain individuals to take the law into their own hands. When members of society believe that they possess the authority to punish suspected offenders, the institutional authority of police and courts is undermined.

Vigilantism becomes particularly dangerous when the mob refuses to cooperate with law enforcement authorities or attacks police personnel attempting to rescue a victim. The existence of criminal laws alone cannot prevent such behaviour unless they are supported by effective policing, timely intervention, and appropriate prosecution.

The prevention of mob lynching therefore requires both deterrent legal measures and a clear public understanding that no individual or group has the authority to impose punishment outside the judicial process.

3. West Bengal and the Problem of Mob Lynching

West Bengal presents an important case for examining the changing character of mob violence in India. The state has experienced incidents of mob assault and lynching arising from rumours, suspicion of theft, allegations of child kidnapping, and other local disputes. These incidents have affected different districts

and have exposed weaknesses in public awareness, police response, and the protection of vulnerable individuals.

The reported incidents of June and July 2024 are particularly significant because they demonstrate how rumours can spread across neighbouring districts and create an atmosphere of fear and suspicion.

3.1 The 2024 Wave of Mob Violence in West Bengal

During June 2024, several incidents of mob assault were reported in different parts of West Bengal. According to an investigation published by The Indian Express in July 2024, four people had been killed and several others injured in a series of incidents associated with rumours of child kidnapping and mobile phone theft. The affected areas included North 24 Parganas, South 24 Parganas, Hooghly, Purba Bardhaman, and Paschim Medinipur.

Kolkata News - The Indian Express+1

The incidents were not confined to one particular locality. They reflected a wider pattern in which individuals were suspected of criminal activity without proper verification and subsequently subjected to physical assault.

A particularly disturbing aspect was that even persons with disabilities and individuals unfamiliar to the locality became targets of mob aggression. The incidents demonstrated that vulnerability, social isolation, and the inability to defend oneself could increase the risk of becoming a victim.

The following reported incidents illustrate the seriousness of the problem:

3.2 Major Incidents Illustrating Mob Lynching in Bengal

(A) Barasat and North 24 Parganas: Rumours of Child Kidnapping

In June 2024, rumours concerning child kidnapping and alleged organ trafficking circulated in and around Barasat. These rumours reportedly intensified following the discovery of the body of an eleven-year-old boy who had been missing from the locality.

Subsequently, several individuals were attacked on suspicion of being child kidnappers. According to an investigation published by Alt News on 29 June 2024, the police had identified numerous misleading social media posts and taken steps to remove them. The then Superintendent of Police also clarified that the circulating claims regarding child kidnappings were false.

This incident demonstrates how an actual criminal investigation can be accompanied by a completely separate wave of violence against innocent persons because of misinformation.

The important legal concern is that suspicion cannot become a substitute for evidence. Even when a genuine offence has occurred, members of the public cannot assume the authority to identify and punish alleged offenders.

(B) Jhargram: Assault on Suspicion of Mobile Theft

Another serious incident occurred in the Jamboni area of Jhargram district on 22 June 2024. A 23-year-old man, Sourav Sau, and his friend were allegedly attacked by local residents on suspicion of mobile

phone theft. Sourav subsequently died from his injuries, while his friend was reported to be in critical condition.

The incident attracted attention because the victims were subjected to severe violence on the basis of suspicion rather than a judicial determination of guilt. Police initiated an investigation and reportedly detained suspects in connection with the assault.

The incident highlights the danger of allowing allegations of theft to develop into collective punishment. The proper response to suspected theft is to report the matter to the police and allow the criminal justice system to investigate it.

(C) Bowbazar, Kolkata: Mob Assault on Suspicion of Mobile Theft

In another disturbing incident in June 2024, a television repair worker, Irshad Alam, was allegedly assaulted inside a student hostel in the Bowbazar area of Kolkata on suspicion of mobile phone theft.

The victim was rescued and taken to hospital but subsequently died. Reports indicated that several students were arrested in connection with the incident.

This incident raises serious questions regarding the responsibility of educational institutions, hostel authorities, and individuals in preventing collective violence.

Educational institutions are expected to promote discipline, constitutional values, and respect for legal procedures. The involvement of individuals in a collective assault within an institutional setting makes the incident particularly concerning.

(D) Hooghly: Mob Violence Following a Local Dispute

In June 2024, Ashish Baul Das was reportedly assaulted following an altercation involving motorcycles in the Pandua area of Hooghly district. He later died from his injuries.

This incident demonstrates that mob violence does not always originate from communal hostility or misinformation. Personal disagreements and local disputes may also escalate into collective aggression when individuals abandon lawful methods of resolving conflicts.

3.3 The Role of Social Media in Bengal's Mob Violence

The incidents reported in West Bengal during 2024 demonstrate the significant influence of digital communication on public behaviour.

Rumours relating to child kidnapping reportedly spread through WhatsApp and Facebook, creating fear among residents of different localities. Information was circulated without verification, and photographs and messages were shared as warnings to others.

The investigation conducted by Alt News documented the identification of 55 Facebook posts associated with the rumours by the Barasat police. It also reported that 51 of those posts had been taken down. The report further described police action against individuals involved in circulating misleading information.

This episode highlights the need for responsible digital communication and effective monitoring of information that may provoke violence.

However, restrictions on online expression must also respect constitutional freedoms. The objective should be to prevent incitement, deliberate misinformation, and unlawful conduct without unnecessarily restricting legitimate speech or criticism.

3.4 Police Administration and the Responsibility of the State

The responsibility of preventing mob lynching primarily rests upon the State through its law enforcement institutions. The police are expected to act promptly when information regarding an impending mob attack is received.

The West Bengal incidents reveal the importance of early intervention, public announcements, intelligence gathering, and coordination between local police stations. In 2024, the state authorities reportedly initiated awareness campaigns and used public announcements and social media communications to warn residents against taking the law into their own hands.

Nevertheless, preventive action should not remain limited to announcements after incidents have already occurred. Police administration must identify vulnerable localities, monitor the spread of dangerous rumours, respond immediately to reports of crowd mobilisation, and ensure the safety of persons facing threats.

The State also has an obligation to ensure that investigations are impartial and that all persons involved in an unlawful assault are brought before the competent court.

3.5 Socio-Legal Significance of Mob Lynching in Bengal

The incidents in West Bengal demonstrate that mob lynching is not merely an issue of criminal law. It reflects deeper concerns involving public trust, social behaviour, digital literacy, institutional accountability, and constitutional protection.

The victim of mob violence may be a migrant worker, an unfamiliar person, a person with a disability, or someone who is unable to communicate effectively with an aggressive crowd. Such circumstances make the protection of vulnerable sections particularly important.

The problem also affects the families of victims. Loss of an earning member, medical expenses, social insecurity, and psychological trauma may create long-term consequences.

Therefore, the legal response must extend beyond punishment of the immediate offenders and include victim compensation, rehabilitation, witness protection, and institutional accountability.

4. Legal Scenario of Mob Lynching in India with Special Reference to West Bengal

The legal framework concerning mob lynching in India has developed through constitutional principles, judicial directions, criminal statutes, and legislative reforms. Although the earlier Indian Penal Code did not contain a separate provision expressly addressing mob lynching as a distinct offence, the conduct involved could attract provisions concerning murder, culpable homicide, hurt, unlawful assembly, rioting, and common intention.

The introduction of the new criminal laws in 2023 brought an important change by expressly providing for punishment in certain cases of group-based murder.

4.1 Constitutional Protection Against Mob Lynching

The Constitution of India provides the fundamental legal foundation for protecting individuals against mob violence.

Article 14 – Equality Before Law

Article 14 guarantees equality before the law and equal protection of the laws. Mob lynching directly challenges this principle because the victim is subjected to punishment by private individuals without lawful authority or due process.

The protection of Article 14 extends to every person and cannot be denied on the basis of religion, caste, community, language, or other personal characteristics.

Article 19 – Protection of Certain Freedoms

Article 19 protects specified freedoms, including freedom of speech and expression, subject to constitutionally permitted restrictions. Mob violence may create an atmosphere of intimidation in which individuals are unable to express their views, participate in public life, or exercise their freedoms without fear.

The right to freedom of expression does not, however, protect incitement to violence or other unlawful conduct.

Article 21 – Right to Life and Personal Liberty

Article 21 provides that no person shall be deprived of life or personal liberty except according to procedure established by law.

Mob lynching represents one of the gravest violations of this constitutional guarantee. When an individual is killed or physically assaulted by a crowd, the victim is deprived of the protection of lawful procedure and human dignity.

The State has a positive obligation to protect life and take reasonable steps to prevent foreseeable violence.

Article 25 – Freedom of Religion

Article 25 guarantees freedom of conscience and the right freely to profess, practise, and propagate religion, subject to constitutional limitations.

Where mob violence is motivated by religious hostility or discrimination, it also raises concerns regarding the protection of religious freedom and the constitutional commitment to secularism.

4.2 Judicial Approach: Tehseen S. Poonawalla v. Union of India (2018)

One of the most important judicial developments concerning mob lynching is the Supreme Court's decision in Tehseen S. Poonawalla v. Union of India, decided on 17 July 2018.

The Supreme Court recognised that mob violence and vigilantism undermine constitutional governance and the rule of law. It emphasised that the responsibility for maintaining public order rests with the State and that no individual or group can assume the authority to punish another person outside the legal system.

The Court prescribed preventive, remedial, and punitive measures to address incidents of mob violence.

The important directions included:

1. Preventive Measures

- Appointment of a senior police officer, not below the rank of Superintendent of Police, as a nodal officer in every district.
- Identification of areas where incidents of mob violence and lynching had occurred.
- Establishment of special task forces to obtain intelligence concerning persons likely to commit such offences.
- Monitoring of hate speech, provocative statements, and the circulation of false information.
- Prompt action to prevent the gathering of crowds likely to engage in violence.

2. Remedial Measures

- Immediate registration of criminal cases.
- Prompt steps to ensure the safety and security of victims.
- Effective investigation and appropriate legal assistance.
- Measures for compensation and rehabilitation of victims or their families.

3. Punitive Measures

- Appropriate departmental action against police officers who neglect their duties.
- Prosecution of individuals responsible for mob violence.
- Judicial monitoring and accountability where required.
- Appropriate action against officials who fail to implement preventive and remedial directions.

The judgment is significant because it established that mob lynching is not simply a matter of individual criminal conduct. It is also a failure of public order when authorities do not take reasonable measures to prevent foreseeable violence.

The Court additionally recommended that Parliament consider creating a separate offence of lynching with adequate.

4.3 The Bharatiya Nyaya Sanhita, 2023 and Mob Lynching

The Bharatiya Nyaya Sanhita, 2023 (BNS), which came into force on 1 July 2024, introduced an express provision addressing murder committed by a group of persons on specified discriminatory grounds.

Section 103(2) provides that where a group of five or more persons acting in concert commits murder on the ground of race, caste or community, sex, place of birth, language, personal belief, or any other similar ground, each member of the group shall be punished with death or imprisonment for life and shall also be liable to fine.

This provision represents an important legislative development because it expressly recognises the aggravated nature of murder committed by a group on specified grounds.

However, a critical legal distinction must be maintained. Section 103(2) does not create an all-encompassing offence covering every incident commonly described as mob lynching. Its application requires the statutory elements to be established, including murder by a group of at least five persons acting in concert and the specified discriminatory grounds.

Consequently, incidents involving mob assault, grievous hurt, or other forms of collective violence that do not satisfy the requirements of Section 103(2) must be addressed through the other applicable provisions of criminal law.

This distinction is particularly relevant to West Bengal, where reported incidents have involved allegations of theft, child kidnapping, personal disputes, and other circumstances. The facts and evidence of each incident must determine the applicable statutory provisions.

4.4 Bharatiya Nagarik Suraksha Sanhita, 2023: Procedural Protection

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) provides the procedural framework governing criminal investigation, inquiry, and trial.

Its relevance to mob lynching cases lies in the effective implementation of criminal procedure. Prompt registration of information, impartial investigation, preservation of evidence, and timely judicial proceedings are essential for ensuring accountability.

In cases involving mob violence, investigation may be particularly challenging because several individuals may participate in the assault. Some may directly cause injuries, while others may encourage the attack, facilitate the gathering of the mob, or assist in concealing evidence.

The investigation must therefore identify individual roles and establish criminal liability on the basis of evidence rather than assuming that every person present at the location has identical responsibility.

The procedural framework must also be implemented in a victim-sensitive manner. Medical assistance, protection from intimidation, access to information concerning proceedings, and appropriate compensation are important elements of an effective justice system.

4.5 Bharatiya Sakshya Adhiniyam, 2023: The Importance of Electronic Evidence

The Bharatiya Sakshya Adhiniyam, 2023 (BSA), governs the admissibility and evaluation of evidence in judicial proceedings.

Its relevance to mob lynching cases is particularly important because such incidents are frequently recorded through mobile phones, CCTV cameras, and other electronic devices.

Digital evidence may assist investigators in identifying participants, reconstructing the sequence of events, establishing the presence of individuals, and determining the circumstances of an assault.

However, the mere availability of a video recording does not automatically establish the guilt of every person visible in it. The authenticity, integrity, relevance, and admissibility of electronic evidence must be examined in accordance with the applicable legal requirements.

Proper preservation of original recordings, examination of metadata where relevant, forensic verification, and maintenance of the chain of custody are essential to prevent manipulation or misuse of digital evidence.

The BSA therefore has an important role in strengthening the evidentiary framework through which mob lynching cases may be investigated and adjudicated.

4.6 The Need for a Comprehensive Anti-Lynching Law

Although Section 103(2) of the BNS is a significant development, certain aspects of mob violence may require further legislative attention.

A comprehensive anti-lynching framework could address the following matters:

1. **Clear statutory definition:** A precise definition identifying the circumstances constituting mob lynching and distinguishing it from other forms of collective violence.

2. **Different categories of offences:** Appropriate treatment of mob assault, grievous hurt, murder, incitement, and other forms of participation, according to their respective legal ingredients.

3. **Individual accountability:** Clear mechanisms for determining the criminal responsibility of persons who organise, encourage, participate in, or facilitate mob violence.

4. **Victim compensation:** A structured mechanism for providing financial assistance, medical treatment, rehabilitation, and support to victims and their families.

5. **Witness protection:** Effective measures to protect witnesses from threats, intimidation, and pressure during investigation and trial.

6. **Police accountability:** Clear responsibility for preventing foreseeable incidents and taking immediate action when information concerning mob mobilisation is received.

7. **Speedy investigation and trial:** Institutional arrangements to reduce unnecessary delays and ensure effective prosecution.

8. **Prevention of misinformation:** Appropriate legal and administrative responses to deliberate dissemination of false information intended to provoke violence, consistent with constitutional freedoms.

For West Bengal, such measures would be particularly relevant in localities where rumours, public panic, and incidents of vigilante violence have been reported.

5. Challenges in Preventing Mob Lynching in West Bengal

Despite the existence of criminal laws and judicial directions, the prevention of mob lynching continues to present practical difficulties. The experience of West Bengal indicates that legal intervention must be supported by effective administrative and social measures.

5.1 Delay in Police Intervention

One of the most serious challenges is the possibility that police may receive information only after an assault has already begun. In mob situations, even a short delay can result in serious injury or death.

Preventive policing, local intelligence, emergency communication systems, and rapid response mechanisms must therefore be strengthened.

5.2 Difficulty in Identifying Offenders

Mob violence frequently involves several participants. Some individuals may directly assault the victim, while others may encourage violence or prevent rescue attempts.

Identification becomes more difficult where witnesses are unwilling to cooperate or where digital recordings are incomplete. Investigators must use scientific methods of evidence collection and establish individual responsibility.

5.3 Fear and Intimidation of Witnesses

Witnesses may hesitate to provide statements against members of their own locality or influential individuals. Fear of retaliation can weaken the prosecution and adversely affect the delivery of justice.

Effective witness protection and confidential reporting mechanisms are therefore necessary.

5.4 Lack of Public Legal Awareness

A significant social problem is the absence of awareness regarding the distinction between suspicion and proof of guilt.

Members of the public must understand that even where a person is suspected of committing a crime, the appropriate response is to inform the police. No person has the authority to impose punishment through physical violence.

5.5 Vulnerability of Marginalised Individuals

Persons belonging to economically weaker sections, migrant communities, and socially vulnerable groups may face additional risks because they lack access to immediate legal assistance and social support.

The State must ensure that protection against mob violence is equally available to every individual.

6. Suggestions and Recommendations for Legal and Institutional Reforms

In view of the incidents reported in West Bengal and the challenges identified above, the following measures may be considered:

1. Strengthening Preventive Policing

The directions issued in Tehseen S. Poonawalla should be implemented effectively. District-level nodal officers must actively monitor vulnerable areas, coordinate intelligence, and respond promptly to reports of possible mob violence.

2. Public Awareness Campaigns

State authorities should organise awareness programmes through schools, colleges, local administrative bodies, community organisations, and digital platforms. These programmes should explain the legal consequences of mob violence and the importance of verifying information before circulating it.

3. Digital Literacy and Responsible Communication

Citizens should be encouraged to verify messages before forwarding them. Police authorities should issue prompt factual clarifications whenever rumours create public panic.

4. Strengthening Investigation

Specialised training should be provided to investigating officers concerning the collection of electronic evidence, identification of multiple offenders, forensic examination, and preservation of digital recordings.

5. Victim and Witness Protection

Victims and witnesses should receive appropriate protection against intimidation. Compensation, medical assistance, counselling, and rehabilitation should be provided in accordance with applicable legal provisions and schemes.

6. Institutional Accountability

Failure to prevent or properly investigate mob violence should be examined through appropriate departmental and legal mechanisms. Public officials must be held accountable where neglect of duty or deliberate inaction is established.

7. Judicial Efficiency

Appropriate measures should be taken to ensure timely investigation and trial. Unnecessary procedural delays should be reduced while preserving the accused person's right to a fair trial.

8. Community Participation

Local bodies, educational institutions, civil society organisations, and community leaders should actively promote constitutional values, tolerance, and peaceful dispute resolution.

7. Conclusion

Mob lynching represents a serious challenge to the constitutional and democratic foundations of India. It undermines the authority of law, threatens individual liberty, and creates an atmosphere in which collective suspicion and aggression may replace established judicial procedures. The incidents reported in West Bengal demonstrate that mob violence may emerge from different circumstances, including rumours of child kidnapping, allegations of mobile theft, local disputes, and social prejudice. However, the underlying concern remains the same: individuals are subjected to violence without the protection of lawful investigation and judicial determination.

The incidents reported during June and July 2024 are particularly significant because they reveal the relationship between digital misinformation and physical violence. The spread of rumours through social media created fear in several localities and resulted in attacks against individuals who were suspected of criminal activities without verification. These incidents demonstrate that misinformation can have consequences extending beyond the digital environment and may directly threaten human life.

From a constitutional perspective, mob lynching violates the fundamental principles of equality, dignity, liberty, and the rule of law. Articles 14 and 21 of the Constitution impose important obligations upon the State to ensure that every individual receives equal protection and is not deprived of life or personal liberty except through lawful procedure. The Supreme Court's decision in Tehseen S. Poonawalla v. Union of India further establishes the responsibility of state authorities to prevent, investigate, and punish incidents of mob violence.

The introduction of Section 103(2) of the Bharatiya Nyaya Sanhita, 2023, is an important legislative development because it expressly addresses murder committed by a group of five or more persons acting in concert on specified discriminatory grounds. Nevertheless, the provision does not cover every form of mob violence, and other applicable criminal provisions remain necessary for addressing assaults and other offences that do not satisfy its statutory requirements.

The effectiveness of criminal legislation ultimately depends upon its proper implementation. A legal provision, however stringent, cannot independently eliminate mob lynching unless it is supported by effective policing, impartial investigation, speedy trials, victim protection, and public cooperation. The State must ensure that no individual or group is permitted to assume the authority of the criminal justice system.

In the context of West Bengal, there is a particular need to strengthen district-level preventive mechanisms, improve digital awareness, establish effective communication between police authorities and local communities, and ensure immediate intervention whenever mob mobilisation is reported. Educational institutions and civil society organisations must also contribute towards promoting constitutional morality and respect for human dignity.

Ultimately, mob lynching must be addressed as both a criminal and a socio-legal problem. The solution does not lie exclusively in creating stricter punishments but in developing a society that respects the supremacy of law and rejects violence as a method of resolving disputes. The protection of every individual’s life, irrespective of social, economic, religious, or regional identity, must remain the central objective of the Indian criminal justice system. Only through the combined efforts of legislative institutions, police administration, judiciary, and society can the constitutional promise of justice, equality, liberty, and fraternity be meaningfully protected.

References and Bibliography

A. Statutory Materials

1. The Constitution of India, 1950.
2. The Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023).
3. The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023).
4. The Bharatiya Sakshya Adhiniyam, 2023 (Act No. 47 of 2023).

B. Judicial Decisions

1. Tehseen S. Poonawalla v. Union of India, (2018) 9 SCC 501; 2018 INSC 617.

C. Government Publications

1. Ministry of Home Affairs, Government of India, “Mob Lynching and Snatching Related Provisions in New Criminal Laws”, Press Information Bureau, 4 December 2024.
2. Ministry of Home Affairs, Government of India, Lok Sabha Unstarred Question No. 650, “Mob Lynching Crime”, 3 February 2026.

D. Newspaper Reports and Investigative Sources

1. Ravik Bhattacharya and Joyprakash Das, “I Begged Them to Stop — How Rumours of Bachha Chor, Mobile Chor Led to Spate of Mob Lynchings in Bengal”, The Indian Express, 5 July 2024.
2. Indradeep Bhattacharyya, “Child-Kidnapping Rumours Trigger Panic in Bengal Towns After Missing 11-Year-Old Boy Found Dead”, Alt News, 29 June 2024.
3. “Man Lynched on Mobile Theft Suspicion in West Bengal’s Jhargram: Police", The Indian Express, 1 July 2024.
4. Rajesh Saha, “West Bengal: Man Beaten to Death, 12 Cases of Mob Violence in a Week”, India Today, 1 July 2024.
5. “Bengal Mob Lynches Man on Suspicion of Child-Lifting”, The Indian Express, 15 June 2018.