



# Judicial Activism To Curb Mob Lynching: An Overview

## Author(s) name(s):

First Author: Dr. Sarika Tyagi, Associate Professor

Co-Author: Ms. Sonal Jain, Assistant Professor

**University/Organization:** Sardar Patel Subharti Institute of Law, Swami Vivekanand Subharti University,  
Meerut, U.P.

## Abstract

Mob Lynching is most often used to characterize informal public executions by a mob in order to punish an alleged transgressor, or to intimidate a group. Mob Lynching is the act which involves a group (or mob) taking collective action. The mob bypasses the legal process, acting as the judge, jury, and executioner. The individual or group being targeted is often accused of a crime or socially condemned action, without substantial proof. The consequences of mob lynching include violence, public disorder, and violation of human rights. Often, mob lynching is motivated by allegations of theft, religious or caste-based discrimination, or personal vengeance. Victims are usually subjected to physical violence, leading to severe injuries or death. A Supreme Court bench, headed by former Chief Justice Deepak Misra, termed incidents of mob lynching in India as 'horrendous acts of mobocracy' and observed that individual citizens cannot take law into their hands. The bench, while directing Parliament to draft a new legislation to effectively deal with incidents of mob lynching, told the Centre and state governments to take preventive measures to control the spread of messages on social media platforms which can incite a mob to lynch. Still a question arises in my mind, can it be controlled in any way?

Key Words- Mob, Lynching, Judicial activism, Punitive Measures.

## INTRODUCTION-

Lynching is a crime of extremism and hatred; and legitimization of the same, no matter for whatsoever causes is very pathetic and unsocial act. It is referred to “extra-legal punishment”, administered by mob and Brande's Dictionary of Science, Literature, and Art (1842) defines "Lynch Law" as “The irregular and revengeful species of justice administered by populace in some parts of the United States”. The term "Lynch Law" is believed to originate from a Virginian farmer named Lynch, who allegedly took justice into his own hands on a particular occasion, by chasing and tying a thief to a tree, and flogging him with his hands. It is to be considered an act of terrorism and punishable by law. Instances of lynching and similar mob violence can be found in every society. Lynchings in India often reflect deeply entrenched ethnic and caste-based tensions. A stark example is the 2006 Khairlanji massacre in Maharashtra's Bhandara district, where four members of a Dalit family were brutally killed by individuals from the dominant Kunbi caste. Initially reported as an instance of caste-based violence, subsequent investigations revealed it to be a case of communal retaliation. The victims had opposed the Eminent Domain seizure of their land, which was intended for a road project that primarily benefited the perpetrators. In a horrifying escalation of violence, the female members of the family were publicly humiliated—paraded naked, mutilated, and murdered<sup>1</sup>.

### ➤ LYNCHING INCIDENTS

Since 2014, India has witnessed numerous lynchings linked to cow vigilante violence, predominantly involving Hindu mobs targeting Muslims and Dalits. Notable instances of such attacks include the following:

- KHERLANJI MASSACRE - 2006

One of the first cases of lynching was reported in 2006, when four people were lynched over a land dispute at Kherlanji in Maharashtra's Bhandara district. On September 29, 2016, a mob of at least 50 villagers stormed into Bhaiyyalal Bhotmange's house and lynched four members of his family. Bhotmange's wife Surekha and their daughter Priyanka were paraded naked in the village and sexually abused before brutally murdering them. The attack was after these women filed a police complaint against 15 villagers who thrashed a relative. Eight out of 11 accused were convicted this January. <sup>2</sup>

There were efforts to normalise the lynching later saying it was a casteist atrocity against Dalits by the politically dominant Kumbi caste.

<sup>1</sup> <https://thewire.in/caste/what-explains-mob-lynchings-becoming-the-new-normal-in-india>

<sup>2</sup> Mob Rule In New India , by Robert Charlles and his fight , IDA B. WELLS BARNET, 1975

- DIMAMPUR LYNCHING - 2015

The next lynching that shocked the nation happened in Nagaland's Dimapur in 2015. In February, a mob of approximately 7,000 to 8,000 individuals stormed Dimapur Central Jail and forcibly removed Syed Farid Khan, a 35-year-old man accused of rape. The mob paraded him naked, subjected him to brutal physical assault—including stoning and thrashing and dragged him for over seven kilometres by tying a rope around his waist and attaching it to a motorcycle.<sup>3</sup> He was ultimately killed, and his body was publicly displayed on a clock tower. While the ostensible reason for the lynching was the alleged rape, the underlying motive appeared to be xenophobic in nature, as the mob believed Khan to be an illegal Bangladeshi migrant. In reality, he was a native of Assam and had been residing in Nagaland for over eight years.

- DADRI LYNCHING - 2015

In September 2015, a 52-year-old Muslim man -- Mohammad Akhlaq and his son Danish, were attacked by a village mob with sticks and bricks, accusing them of stealing and slaughtering a cow calf and storing and consuming beef. Danish was severely injured in the attack. Akhlaq was thrashed till he died. This incident in Uttar Pradesh's Bisara village near Dadri, was the first case of a Muslim lynched by a Hindu mob in the name of cow and beef.

- ALWAR, RAJASTHAN LYNCHING - 2017

Pehlu Khan, a 55-year-old Muslim dairy farmer, along with at least 14 others, was accused of cattle smuggling and violently assaulted by a mob on a national highway in Alwar, Rajasthan. Despite possessing government-issued documents authorizing the transport of the cattle, Khan and his companions were attacked and severely beaten. Khan succumbed to his injuries two days later. In a controversial move, the Rajasthan Police filed charges of cattle smuggling against Khan and the others, disregarding the legitimacy of their documentation.

Rajasthan Home Minister GC Kataria blamed the goons as well as the Muslim men including Khan, who died in the attack, but admitted that his police acted against both the groups.<sup>4</sup>

- JHARKHAND LYNCHING - 2017

Shocking the nation and attracting the attention of western media, seven people were lynched by villagers in different parts of Jharkhand on the same day, over suspicion that they were child lifters.<sup>5</sup> It is a matter of shame that all it took for this kind of violence to erupt were a few WhatsApp messages warning people of some child lifters being active in the Kolkhan area of Jamshedpur.

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<sup>3</sup><https://www.livelaw.in/tag/mob-lynching/>

<sup>4</sup>Beyond The Rope, The impact of lynching on Black and White Culture by KarlosK.Hill 1998

<sup>5</sup>Mob Rule In New India , by Robert Charles and his fight , IDA B. WELLS BARNET, 1975

The right-wingers slammed the media accusing them of not covering the incident since there was no 'cow' involved and since there was no communal angle, but reports said that the region saw communal clashes over child kidnapping, apart from the lynching.

- DELHI LYNCHING - 2017

An e-rickshaw driver Ravindra Kumar was having lunch near the GTB Metro station. He stopped two drunk DU students from urinating in public and faced their wrath the same evening. The two youngsters returned to the spot with a group of at least 20 and lynched him. Ravindra was repeatedly hit with stones and bricks.

- SRINAGAR, JAMMU AND KASHMIR LYNCHING - 2017

On June 22, Srinagar's Deputy Superintendent of Police (DSP) Ayyub Pandith was lynched by an angry Muslim mob outside Nowhatta's Jamia Masjid. Reports said Ayyub had opened fire at a group of people who caught him clicking pictures of people coming out of the mosque. Three people were injured in the firing, reports said.

Before stoning Pandith to death, the enraged mob thrashed him and stripped him naked. Informed sources had a different version of the incident. They said Ayyub Pandith, who was on frisking duty at the Jamia Masjid, was attacked by some people while he was doing his duty and Pandith used his pistol in self-defence.

Speculations were rife that the mob mistook Ayyub's surname Pandith to Pandit and that was the reason he was lynched. But reports said many within the mob knew Ayyub who belonged to Khanyar area.<sup>6</sup>

Two months after a migrant worker from West Bengal was allegedly beaten to death in Haryana on suspicion of consuming beef, police confirmed on October 26, 2024, that laboratory tests had found the meat in question was not beef. On August 27, the accused allegedly lured the victim, Malik, to a shop under the pretence of selling empty plastic bottles and then assaulted him over the suspicion. When bystanders attempted to intervene, the attackers reportedly moved Malik to another location and continued to beat him, according to police reports.

## ➤ REASONS

These hate crimes thrive primarily due to an enabling environment in which hate speech and violence are fostered and legitimized by those in positions of power. This atmosphere emboldens individuals to act on their prejudices, often without fear of consequences. The impunity granted to perpetrators by state authorities further reinforces this trend. In many cases, senior ministers and elected representatives publicly defend the attackers, frequently placing blame on the victims by alleging that they provoked the assaults.

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<sup>6</sup>Mob Rule In New India , by Robert Charlles and his fight , IDA B. WELLS BARNET, 1975

The message conveyed is unambiguous: it is not the lynch mob, but rather the victim—and by extension, the community to which the victim belongs—that is deemed culpable. The current wave of lynchings aligns with what scholars and intellectuals describe as "command hate crimes."

Firstly, this term emphasizes that these are not instances of random mob violence but deliberate acts of hate, predominantly targeting marginalized communities, including religious minorities and disadvantaged castes.

Secondly, it highlights that such crimes are often tacitly condoned, if not openly encouraged, by senior figures within the political establishment. In most of the incidents, the members of the lynch mob videotape the act and upload those tapes. To record one's crimes and display these on the social media reflects a brazen confidence that you will not be punished for your crime, and even if you are nabbed, you will be a hero for the ruling establishment.

- AN ADMINISTRATIVE FAILURE

There is a disturbing and recurring pattern in police responses to lynching incidents. In several cases, police officers are present as the violence unfolds, yet they fail to intervene—later justifying their inaction by claiming they were outnumbered. Frequently, they arrive too late to prevent loss of life, and rather than pursuing justice, they often register criminal cases against the victims themselves. Instead of promptly apprehending the perpetrators, investigations are delayed or diluted.

Post-incident, the police frequently mischaracterize lynchings as cases of cow smuggling, animal cruelty, rash driving, or road rage. Crucially, investigative protocols are routinely disregarded: the crime scene is rarely secured, and even hours after the incident, the area remains exposed, with civilians walking through spaces still stained with blood or bearing signs of violence. Such failures go beyond incompetence—they constitute deliberate and criminal destruction of evidence that could implicate the attackers.

In many instances, law enforcement officials—alongside state home ministers, chief ministers, and senior bureaucrats—publicly condemn not the perpetrators, but the victims and survivors. This institutional complicity contributes to a culture of impunity and emboldens further acts of vigilante violence.

- RISE OF COW VIGILANTE

Even since, Government imposed a ban on the sale and purchase of cattle for slaughter at animal markets across India, under Prevention of Cruelty to Animals statutes, it sparked a new wave of cow vigilante in the country. Though the Supreme Court, suspended the ban on the sale of cattle in its judgment, giving relief to the

multi-billion dollar beef and leather industries and several states where beef is one among the primary foods there was a rise in attacks on Muslims accusing them as beef eaters<sup>7</sup>.

Several dozen innocent Muslims were killed in such mob attack. But human rights experts feel mob lynching is not a right and the apt term description of such violence, they seek to highlight the organisations or group of vicious individuals who are instigating such incidents. These incidents are usually appearing to be sporadic in nature and often a spontaneous response from the Hindus who are generally furious over the reports of cow smuggling and slaughter. But mostly it is not.

- SILENCE OF POLITICAL CLASS

Despite the alarming rise in mob violence, the political class and bureaucracy have largely remained passive spectators. Human rights observers argue that the political establishment bears significant responsibility for the surge in lynchings, as many of those in power have risen and continue to retain power, through a political system marked by aggression and exclusionary rhetoric. Several political leaders have built their careers by propagating narratives that incite hostility against minority communities, thereby creating an environment in which mobs feel emboldened and legitimized.

Beyond issuing routine and often perfunctory condemnations, the political leadership rarely engages with the victims or their surviving families. Their conspicuous absence reinforces a troubling message: that justice, empathy, and accountability are secondary to political expediency.

- RUMOURS OF CHILD LIFTERS

Rumours of child kidnappers proved to be an ignition point for mob violence, where WhatsApp posts were circulated in states like Odisha, Tamil Nadu, Gujarat, Karnataka, Telangana, Tripura and West Bengal. This phenomenon has claimed several lives, including those of domestic travelers and individuals with mental health conditions, and has incited numerous mob attacks. According to various reports, at least 20 persons have been killed and several injured in incidents of mob violence sparked by rumours of child kidnapping in 10 states for the past three months.

Incidents of mob violence, often triggered by rumours of child abductors, are closely linked to a broader lack of public confidence in the police. Common man feels police lack the ability to track down the criminals and recover the kidnapped children.<sup>8</sup>

<sup>7</sup><https://www.livelaw.in/tag/mob-lynching/>

<sup>8</sup>Mob Rule In New India , by Robert Charles and his fight , IDA B. WELLS BARNET, 1975

**JUDICIAL ACTIVISM TO CURB MOB LYNCHING-**

In **Tehseen S. Poonawal Vs. Union Of India**<sup>9</sup> 754/2017 the Supreme Court bench of Chief Justice Dipak Misra, Justice D. Y. Chandrachud and Justice A. M. Khanwilkar on Monday required all states and UTs to comply within one week with the preventive and remedial measures issued by it in its verdict to circumvent the alarming rise in the instances of mob violence and cow vigilantism. Finally, the apex court had required the Central and State Governments to comply, “without wasting any time”, with its direction to broadcast on radio, television and other public platforms that lynching and mob violence of any kind shall invite serious consequences. Supreme Court held that Lynching is horrendous acts of mobocracy.<sup>10</sup>

It has been stated in **Krishnamoorthy V. Sivakumar and Others**<sup>11</sup>, “the law, the mightiest sovereign in a civilized society”. The majesty of law cannot be sullied simply because an individual or a group generate the attitude that they have been empowered by the principles set out in law to take its enforcement into their own hands and gradually become law unto themselves and punish the violator on their own assumption and in the manner in which they deem fit. They forget that the administration of law is conferred on the law enforcing agencies and no one is allowed to take law into his own hands on the fancy of his “shallow spirit of judgment”. No act of a citizen is to be adjudged by any kind of community under the guise of protectors of law. It is the seminal requirement of law that an accused is booked under law and is dealt with in accordance with the procedure without any obstruction so that substantive justice is done.

In **Mohd. Haroon And Others V. Union Of India And Another**<sup>12</sup>, it has been clearly held that it is the responsibility of the State Administration in association with the intelligence agencies both the State and the Centre to prevent recurrence of communal violence in any part of the State. If any officer responsible for maintaining law and order is found negligent, he/she should be brought within the ambit of law. In this context, reference to the authority in **Archbishop Raphael Cheenath S.V.D. v. State of Orissa and another**<sup>13</sup> would be useful.

In **State Of Karnataka And Another V. Dr. Praveen Bhai Thogadia**<sup>14</sup>, stress has been laid on „Unity in Diversity“ treating it as the ideal way of life considering that our nation is a unification of people coming from diverse cultures, religions and races. The Court further went on to say that our nation has the world’s most heterogeneous society having a rich heritage where the Constitution is committed to the high ideas of

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<sup>9</sup> AIR 2018 SC 3354

<sup>10</sup> <https://indiankanoon.org/>

<sup>11</sup> (2011) 7 SCC 547

<sup>12</sup> (2011) 4 SCC 634

<sup>13</sup> (2016) 9 SCC 682

<sup>14</sup> (2009) 2 SCC 527

socialism, secularism and the integrity of the nation and problems, if any, that arise on the path of the nation's progress are mostly solved on the basis of human approaches and harmonious reconciliation of differences.<sup>15</sup>

In terms of the ruling of this Court in **Arumugam Servai V. State Of Tamil Nadu**<sup>16</sup>, the States are directed to take disciplinary action against the concerned officials if it is found that (i) such official(s) did not prevent the incident, despite having prior knowledge of it, or (ii) where the incident has already occurred, such official(s) did not promptly apprehend and institute criminal proceedings against the culprits.

In view of the aforesaid, we proceed to issue the following guidelines<sup>17</sup>:-

### **A. Preventive Measures**

(i) The State Governments shall designate, a senior police officer, not below the rank of Superintendent of Police, as Nodal Officer in each district. Such Nodal Officer shall be assisted by one of the DSP rank officers in the district for taking measures to prevent incidents of mob violence and lynching. They shall constitute a special task force so as to procure intelligence reports about the people who are likely to commit such crimes or who are involved in spreading hate speeches, provocative statements and fake news.

(ii) The State Governments shall forthwith identify Districts, Sub-Divisions and/or Villages where instances of lynching and mob violence have been reported in the recent past, say, in the last five years. The process of identification should be done within a period of three weeks from the date of this judgment, as such time period is sufficient to get the task done in today's fast world of data collection.

(iii) The Secretary, Home Department of the concerned States shall issue directives/advisories to the Nodal Officers of the concerned districts for ensuring that the Officer In-charge of the Police Stations of the identified areas are extra cautious if any instance of mob violence within their jurisdiction comes to their notice.<sup>18</sup>

(iv) The Nodal Officer, so designated, shall hold regular meetings with the local intelligence units in the district along with all Station House Officers of the district so as to identify the existence of the tendencies of vigilantism, mob violence or lynching in the district and take steps to prohibit instances of dissemination of offensive material through different social media platforms or any other means for inciting such tendencies. The Nodal Officer shall also make efforts to eradicate hostile environment against any community or caste which is targeted in such incidents.

(v) The Director General of Police/the Secretary, Home Department of the concerned States shall take regular review meetings (at least once a quarter) with all the Nodal Officers and State Police Intelligence heads. The

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<sup>15</sup> (2004) 4 SCC 684

<sup>16</sup> (2011) 6 SCC 405

<sup>17</sup> Tehseen S. Poonawalla v Union of India and others- WRIT PETITION (CIVIL) NO. 764 OF 2016

WRIT PETITION (CIVIL) NO. 768 OF 2016, WRIT PETITION (CIVIL) NO. 732 OF 2017, WRIT PETITION (CRIMINAL) NO. 122 OF 2017

<sup>18</sup> <https://indiankanoon.org/>

Nodal Officers shall bring to the notice of the DGP any inter-district co-ordination issues for devising a strategy to tackle lynching and mob violence related issues at the State level.

(vi) It shall be the duty of every police officer to cause a mob to disperse, by exercising his power under Section 129 of CrPC, which, in his opinion, has a tendency to cause violence or wreak the havoc of lynching in the disguise of vigilantism or otherwise.

(vii) The Home Department of the Government of India must take initiative and work in co-ordination with the State Governments for sensitizing the law enforcement agencies and by involving all the stake holders to identify the measures for prevention of mob violence and lynching against any caste or community and to implement the constitutional goal of social justice and the Rule of Law.

(viii) The Director General of Police shall issue a circular to the Superintendents of Police with regard to police patrolling in the sensitive areas keeping in view the incidents of the past and the intelligence obtained by the office of the Director General. It singularly means that there should be seriousness in patrolling so that the anti-social elements involved in such crimes are discouraged and remain within the boundaries of law thus fearing to even think of taking the law into their own hands.

(ix) The Central and the State Governments should broadcast on radio and television and other media platforms including the official websites of the Home Department and Police of the States that lynching and mob violence of any kind shall invite serious consequence under the law.

(x) It shall be the duty of the Central Government as well as the State Governments to take steps to curb and stop dissemination of irresponsible and explosive messages, videos and other material on various social media platforms which have a tendency to incite mob violence and lynching of any kind.

(xi) The police shall cause to register FIR under Section 153A of IPC and/or other relevant provisions of law against persons who disseminate irresponsible and explosive messages and videos having content which is likely to incite mob violence and lynching of any kind.

(xii) The Central Government shall also issue appropriate directions/advisories to the State Governments which would reflect the gravity and seriousness of the situation and the measures to be taken.

## **B. Remedial Measures**

(i) Despite the preventive measures taken by the State Police, if it comes to the notice of the local police that an incident of lynching or mob violence has taken place, the jurisdictional police station shall immediately cause to lodge an FIR, without any undue delay, under the relevant provisions of IPC and/or other provisions of law.

(ii) It shall be the duty of the Station House Officer, in whose police station such FIR is registered, to forthwith intimate the Nodal Officer in the district who shall, in turn, ensure that there is no further harassment of the family members of the victim(s).

(iii) Investigation in such offences shall be personally monitored by the Nodal Officer who shall be duty bound to ensure that the investigation is carried out effectively and the charge-sheet in such cases is filed within the statutory period from the date of registration of the FIR or arrest of the accused, as the case may be.

(iv) The State Governments shall prepare a lynching/mob violence victim compensation scheme in the light of the provisions of Section 357A of CrPC within one month from the date of this judgment. In the said scheme for computation of compensation, the State Governments shall give due regard to the nature of bodily injury, psychological injury and loss of earnings including loss of opportunities of employment and education and expenses incurred on account of legal and medical expenses. The said compensation scheme must also have a provision for interim relief to be paid to the victim(s) or to the next of kin of the deceased within a period of thirty days of the incident of mob violence/lynching.

(v) The cases of lynching and mob violence shall be specifically tried by designated court/Fast Track Courts earmarked for that purpose in each district. Such courts shall hold trial of the case on a day to day basis. The trial shall preferably be concluded within six months from the date of taking cognizance. We may hasten to add that this direction shall apply to even pending cases. The District Judge shall assign those cases as far as possible to one jurisdictional court so as to ensure expeditious disposal thereof. It shall be the duty of the State Governments and the Nodal Officers in particular to see that the prosecuting agency strictly carries out its role in appropriate furtherance of the trial.

(vi) To set a stern example in cases of mob violence and lynching, upon conviction of the accused person(s), the trial court must ordinarily award maximum sentence as provided for various offences under the provisions of the IPC.

(vii) The courts trying the cases of mob violence and lynching may, on application by a witness or by the public prosecutor in relation to such witness or on its own motion, take such measures, as it deems fit, for protection and for concealing the identity and address of the witness.<sup>19</sup>

(viii) The victim(s) or the next of kin of the deceased in cases of mob violence and lynching shall be given timely notice of any court proceedings and he/she shall be entitled to be heard at the trial in respect of applications such as bail, discharge, release and parole filed by the accused persons. They shall also have the right to file written submissions on conviction, acquittal or sentencing.

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<sup>19</sup> [www.Indiankanoon.com](http://www.Indiankanoon.com)

(ix) The victim(s) or the next of kin of the deceased in cases of mob violence and lynching shall receive free legal aid if he or she so chooses and engage any advocate of his/her choice from amongst those enrolled in the legal aid panel under the Legal Services Authorities Act, 1987.

### **C. Punitive Measures**

(i) Wherever it is found that a police officer or an officer of the district administration has failed to comply with the aforesaid directions in order to prevent and/or investigate and/or facilitate expeditious trial of any crime of mob violence and lynching, the same shall be considered as an act of deliberate negligence and/or misconduct for which appropriate action must be taken against him/her and not limited to departmental action under the service rules. The departmental action shall be taken to its logical conclusion preferably within six months by the authority of the first instance.

The measures that are directed to be taken have to be carried out within by the Central and the State Governments. Reports of compliance be filed within the said period before the Registry of this Court.

As a result for the first time, new offence of mob lynching has been made punishable in section 103 (2) and section 304 of the Bharatiya Nyaya Sanhita (BNS), 2023. Section 103(2) of BNS provides that when 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 such group shall be punished with death or with imprisonment for life and shall also be liable to fine.

### **CONCLUSION**

The issue of mob lynching in India is a serious concern that demands urgent attention. Mob lynching is a deeply concerning issue in India that challenges the very fabric of democracy and the rule of law. The judiciary has played a proactive role in combating mob lynching, with landmark judgments and preventive measures. However, true change will come when society collectively rejects mob violence and reaffirms faith in the legal process. In light of Indian Judicial approach, this research article has addressed the problem of mob lynching a judicial concern. Mob lynching violates the Indian Constitution's Article 21 guarantee of a person's right to life, liberty, and security. In conclusion, it is clear that mob lynching is a violation of human rights and cannot be tolerated in a democratic society. Although the government has taken initiative by making provisions in BNS 2023 to protect the right to life of all citizens, particularly those who belong to marginalized communities. Let's see that how effectively this Act will remove the problem of mob lynching from the Indian society, then can India truly become a society that respects and upholds rights of every individual.

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