UNDERSTANDING 'MOB LYNCHING'- FALLIBILITY IN LEGISLATION OR LAXITY OF ADMINISTRATION?

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ABSTRACT

The social undercurrent of our country has entered into a precarious phase of growing insecurities, charged by the prejudices of bullish ideologies. The outbreak in the series of incidents of mob violence has set a dangerous precedence of usurpation of democratic values. This article purports to search the 'casus belli', further aiming to comprehend the social, political and cultural factors behind the growing menace. The subject is approached at by logically evaluating the vogue, substantive and procedural laws, their intricacies and deficiencies, to establish the importance of structural spill over. This raises the need to extensively critique the much discussed MASUKA bill draft along with Hon'ble Supreme Court's recent verdict in the petition filed by the activist, Tehseen S. Poonawalla and the novel concerns it hoists. Moving away from the hyped rhetoric, that there is no requirement of an anti-lynching legislation, is a prerequisite for proper assessment of the matter. The article steps beyond the viewpoint of judiciary and legalities, and sketches out the continually dynamic popular interests and contemporary trends. Complexities in the nature of problem entails for diving into the facets of demographics, scrutinizing literacy, digital awareness, bystander apathy, need for reformation of police department including want of crucial amendments to the present laws. The article concludes by furnishing the imperative that looms over the political class to come out of the state of policy languor; the positing of austerity as well as a sense of 'savoir faire' into the law enforcement agencies for mature handling of cases. Lastly, the chief responsibility of citizenry to develop 'content in character' that would allow for creation of a harmonious ethos through analytical debates.

INTRODUCTION

Rule of law or supremacy of laws is an indoctrination of the French maxim *le principe de legalite* meaning that the government is based on the principle of law, not on fancies of men, and 'procedure established by law' stems from this premise. The rule of law is a fundamental tenet of the Constitution of India. This very component has been able to

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preserve the pluralistic ethos of our society. Our Constitution postulates the rule of law in the sense of 'supremacy of the laws' as opposed to arbitrariness. As is laid down in the watershed judgment of *Kesavananda Bharati v State of Kerala*,[1] the Constitution is the absolute sovereign, by virtue of being permanent in nature, or the standing expression of what may be called the primary law of the political association; and the law and rule-making body is the immediate sovereign. Both of them derive their authority supplementary and cannot sustain if quarantined from each other. Every society, to be qualified as a civilisation, must therefore undertake to fortify the standard principles of natural justice. Denotation of Article 21 in the Constitution of India thus ascribes the guarantee that no person shall be deprived of his life except according to procedure established by law and that natural justice is implicit in Article 21 as reiterated in *Olga Tellis v Bombay Municipal Corporation*.[2] No individual or group can circumvent the supremacy of these cardinal principles. Of late however, there has been a humongous spate in incidents of mob violence, which seem to spring up in numerous parts of the country, entirely denigrating the spirit of the cornerstone values enshrined in the Constitution of India. A frenzied segment of assemblage or mob, misguided by ideologies and misinformation, turning heretical, self-assuming powers and inflicting petrifying crimes has become commonplace. According to the Rule of Law Index 2017-18, India has climbed up four ranks and stands at 62 out of 113 nations, which are judged on criterions like justness of laws, accountability, corruption levels and stronghold of fundamental rights.[3] Thus, there is a long way to go from 'flawed democracy' to one with stronger civil and political rights: a picture that seems unattainable in the light of increasing hate crimes in the country. As aptly put by Dwight D. Eisenhower, "The clearest way to show what the rule of law means to us in everyday life is to recall what has happened when there is no rule of law". Early sociologists like Auguste Comte and Emile Durkheim believed that a refined civilisation could take birth only on the synthesis of 'social consensus and cooperation' as propounded in the postulate of functionalism. The bulwark of sound functioning of a democratic society rests on its capability to coalesce all iconoclastic ideas, which furthers the objective of building a tolerant culture. Article 19 of the Constitution of India protects this right to object through free speech and expression. Article 10 of the European Convention on Human Rights also acknowledges and bestows the right to freedom of expression and information, in a manner however, that is 'in accordance with law' and deems it 'necessary in a democratic society'.[4] The intent behind incorporation of reasonable restrictions is not to curtail of the pith and core of the right, but to manoeuvre the approach of broadcasting

[1] *Kesavananda Bharati v State of Kerala* AIR 1973 SC 1461.

[2] *Olga Tellis v Bombay Municipal Corporation* AIR 1986 SC 180.

[3] *World Justice Project Rule of Law Index 2017-18* (World Justice Project 2018).

[4] Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR) art 10.

disagreement, ensuring that it does not hamper the anatomy of society. At no juncture, should there be a transgression of the supremacy of ideals embodied in the Constitution of India, especially Article 21, of the right to a dignified life and liberty. The jurisprudence behind the right to a dignified life avers that its sine qua non is the 'worthiness' of every individual, which takes us away from the Hobbesian 'state of primitive and barbaric nature' to one which is cultured and enlightened. Only the State or the legal sovereign is sanctioned to take away this basic human right and even then in strict accordance with due process established by law.

ORIGIN AND HOMOLOGY

Ironically, the phrase 'lynching' took birth in the Occidental world contemplated often as the flag bearer of 'neoteric' ideals. During the post-Civil War period, in the late 19th century, racial strife grew throughout the United States especially in the Southern parts. From 1882-1968, 4743 cases of lynching occurred and out of these the people that were subjected to mob violence, 3,446 were black.[5] The origin of the terms 'lynching' and 'lynch law' can be traced back to the American Revolution, when Colonel Charles Lynch of Bedford County, Virginia, presided over extra-legal courts claiming to fight lawlessness amongst the populace which in fact was a facade to hide oppression against loyalist conspiracies. The term 'lynching' spread across the entire United States in the nineteenth century and was used to refer to mobs and vigilante groups that punished suspected criminals without legal sanction.[6] This eventually led to the creation of the lambasting essay 'The United States of Lyncherdom' by Mark Twain. Historically, the lynch law was perpetuated through institutions like the medieval *Fehmic Courts/Fehmgerichte/Vehmgerichte* (secret tribunals which propped up to stop the Saxons from adopting Paganism) of Germany which originated in Westphalia, during the 12th century or through the 'Pogroms', (persecution by way of looting of homes and businesses; the germ of anti-Semitic violence) aimed against Jews in the Russian territory during late 19th century.[7] Lynchings and acts of mob savagery are a common practice today in countries of Latin America like Bolivia and Guatemala where numbers are far too high. The indigenous people of this region have lost faith in the judicial machinery and the police system, and therefore recourse is sought on the lines of retributive justice or 'an eye for an eye'. For this, the unevenness of state institutions, particularly the failure of endeavour in making justice indispensable are to be blamed. These are the

[5] 'History of Lynchings' (*National Association for the Advancement of Colored People*) <https://naacp.org/history-of-lynchings/> accessed 4 September 2018.

[6] Arnold HT Sangma, 'Mob Lynching: An Uprising Offence Needed to be Strenuous under the Indian Legal System' (2017) 2(4) Int J Acad Res Dev 30.

[7] Geoffrey Abbott, 'Lynching Mob Violence' (*Encyclopaedia Britannica*, 9 August 2007) <https://britannica.com/topic/lynching> accessed 4 September 2018.

nations, which are completely asphyxiated by crimes, where most criminals are never apprehended, and those that are caught hold of, routinely find their way out through the loopholes. Consequently, the common citizenry believes it obligatory to serve law themselves as *justicia popular*, arising out of trepidation and insecurity due to inattentive law enforcement mechanisms.[8]

Material to discussion is that both regions, i.e., Latin American countries and the Indian subcontinent fall in similar timelines in terms of the demographic transition model. The 'window of opportunity' or 'demographic dividend' is the point of concurrence, which makes them younger nations with colossal potential but incapacitated to come up with mature solutions. Therefore, there is an immediate demand to save them from turning into a 'demographic disaster'. In India specifically, the root lies in the ingrained orthodox ideologies, which when glorified, take the form of cow vigilantism or the seeding of suspicion in minds of people by circulation of hoax news and explosive 'forwards'. *According to the Ministry of Home Affairs, between 2014 and March 2018, 45 people were killed in a series of mob lynchings across nine states in India.*[9] *Let us glance over some cases that have come to light recently:*

1. 16 year old Hafiz Junaid, set out from his home in a village in Haryana, with his elder brother Hashim (19 years old), with ₹ 1,500 in his pocket to buy new clothes and shoes for Eid. He was subjected to mockery by fellow passengers and was brutally killed on the Delhi-Mathura bound train.[10]
2. 52 year old Mohammad Akhlaq was dragged out of his home by a bloodthirsty mob and was beaten to death in the village of Bishara, near Dadri in Uttar Pradesh. His crime being that he was falsely accused of consuming beef.[11]

[8] Simeon Tegel, 'Lynching is Still a Common Practice across Latin America' (*GlobalPost*, 24 January 2014) <https://pri.org/stories/2014-01-24/lynching-still-common-practice-across-latin-america> accessed 4 September 2018.

[9] Manish Kumar, 'Anatomy of Lynching: Hapur Violence exposes Police Failure in Controlling Mobs; Tightening Intel, Raising Awareness are Key' (*Firstpost*, 22 July 2018) <https://firstpost.com/india/hapur-lynching-exposes-failure-of-police-to-control-mob-violence-tightening-intelligence-raising-awareness-is-key-say-experts-4740251.html> accessed 4 September 2018.

[10] Rashida Bhagat, 'Not in My Name- At Long Last' (*BusinessLine*, 3 July 2017) <https://thehindubusinessline.com/opinion/columns/rasheeda-bhagat/not-in-my-name-at-long-last/article9747184.ece> accessed 4 September 2018.

[11] Apoorv Anand, 'What is Behind India's Epidemic of Mob Lynching?' (*Al Jazeera*, 6 July 2017) <https://aljazeera.com/indepth/opinion/2017/07/india-epidemic-mob-lynching-170706113733914.html> accessed 4 September 2018.

3. 7 members of a Dalit family in Gujarat were beaten up by the infamous group of 'gau rakshaks' for allegedly skinning a dead cow. After inflicting beatings, they paraded the victims and flogged them publicly all the way to the police station.[12]

4. Abhijit Nath (30 years old) a businessman, and Nilotpal Das (29 years old) a musician, hailing from Guwahati, were battered to death in Panjuri Kachari a village in the Karbi Anglong district, after the locals suspected the duo of being 'child abductors'. The incident sparked outrage and the State witnessed a series of demonstrations demanding justice for the two.[13]

5. Five people were lynched by a mob in the tribal belt of Rainpada in Maharashtra's Dhule district over suspicion of being a part of a gang of 'child lifters'. The cause that wreaked havoc was the circulation of sham hearsay on WhatsApp.[14]

The analogy of all incidents can be understood in a simplistic fashion. Surpassing eras and boundaries, the genesis of mob violence has remained closely connected to first, the presence of clusters of strong religious, racial or ethnic groups; second, the laxity in working of law enforcement agencies and third, higher rate of crimes in the region which aggrandizes panic in populace resulting in loss of credence towards the existing apparatus responsible for delivery of justice. This serves as a fodder to the schismatic groups, giving them leverage to take matters into their own hands entirely assassinating the axiom *nemo judex in sua causa*. At the receiving end of this arbitrary, corporal retribution are individuals, stigmatized on manifold grounds, who are denied not only acceptability but also foundational rights.

LAWS IN EXISTENCE

At the time when the Indian Penal Code, 1860 was envisaged by lawmakers, the complexities which arose in the society and the cases of delinquencies that surfaced were considerably different in character than those of contemporary times. Ergo, the Indian Penal Code has time and again, been the target of academicians and legal jurists

[12] Gopal B Kateshiya, 'Gujarat: 7 of Dalit Family beaten up for Skinning Dead Cow' *The Indian Express* (Ahmedabad, 20 July 2016) <https://indianexpress.com/article/india/india-news-india/gujarat-7-of-dalit-family-beaten-up-for-skinning-dead-cow-2910054/> accessed 12 September 2018.

[13] Abhishek Saha, 'Karbi Anglong Lynching Case: Chargesheet filed Against 48 accused in Assam' *The Indian Express* (Guwahati, 2 September 2018) <https://indianexpress.com/article/north-east-india/assam/karbi-anglong-lynching-case-chargesheet-filed-against-48-accused-in-assam-5335608/> accessed 4 September 2018.

[14] '5 Lynched in Maharashtra on Suspicion of Being Child Lifters, 15 Held' *The Tribune* (Mumbai, 1 July 2018) <https://tribuneindia.com/news/nation/5-lynched-in-maharashtra-on-suspicion-of-being-child-lifters-15-held/613374.html> accessed 4 September 2018.

as a parochial piece of legislation that could not incorporate the shift in paradigm. Manifestation of 'mobocracy' by way of 'lynchings' which is more relevant today, was perceived with a set of different objectives then, which is a plausible explanation to why 'lynching' has not been distinctly defined. This however does not imply that the laws are completely silent or devoid on the subject. In cases that have come up so far, the perpetrators of crime have been charged on various grounds mentioned in the Indian Penal Code, essentially pivotal grounds being, (Chapter VIII- Of Offences Against the Public Tranquillity) sections 149-151 (on unlawful assembly), section 153 (wantonly giving provocation with intent to cause riot), section 153A (promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony), (Chapter VA- Criminal Conspiracy) sections 120A and 120B (on criminal conspiracy) and section 34 (Acts done by several persons in furtherance of common intention).

Depending on the nature and gravity of the offence the above mentioned charges are ordinarily coupled with section 295A (deliberate and malicious acts intended to outrage religious feelings of any class, by insulting its religion or religious beliefs), section 302 (Punishment for murder), section 307 (attempt to murder), section 308 (attempt to commit culpable homicide), section 323 (punishment for causing hurt), section 325 (punishment for voluntarily causing grievous hurt), section 334 and section 335 (voluntarily causing hurt/ grievous hurt on provocation).

The adjective law, the Code of Criminal Procedure, 1973 is also laden with the required procedure as under section 154 (First Information Report in cognizable cases), section 129 (Dispersal of assembly by use of civil force), section 41 (When police may arrest without a warrant), along with provisions that extensively deal with the technique of trials, which furnishes authority over the police and the courts to take appropriate action and commence investigation.

Should this then lead us to the conjecture that there is no requirement for a new legislation? That would simply mean a blatant negation of the actuality that indeed the law is deficient and silent about ably handling the problem. Evidently, this has led to a huge outcry for the evolution of a new law.

ALTERNATIVES

A draft law termed as Maanav Suraksha Kanoon (hereinafter MASUKA) or The Protection from Lynching Bill, 2017 has been proposed by the National Campaign against Mob Lynching (consisting of activists, legal experts, academicians and lawyers) as a response to the growing torrent of horrendous lynching cases. The objective of the draft bill, which has been presented in the Rajya Sabha, is to bring all provisions

scattered under different legislations under one consolidated legislation which distinctly elucidates terms like 'lynching' (shall mean any act or series of acts of violence or aiding, abetting or attempting an act of violence, whether spontaneous or planned, by a mob on the grounds of religion, race, caste, sex, place of birth, language, dietary practices, sexual orientation, political affiliation, ethnicity or any other related grounds), 'mob' (shall mean a group of two or more individuals, assembled with an intention of lynching- which would be a revision to 'five or more' as prescribed in Section 141 of the Indian Penal Code dealing with 'unlawful assembly'; that would bring all perpetrators of crime in the ambit, eliminating any probability of escaping) and 'offensive material' (shall mean any material that can be reasonably construed to have been made to incite a mob to lynch a person and shall include material promoting lynching on the grounds of religion, race, culture or any other ground).[15] Proper codification will lead to easy identification and apportioning of stringent punishment to the lawbreakers. The draft law attempts to make the offence non-bailable to ensure that the security of victim(s) and witnesses is not jeopardised and there is ease for prosecution to investigate sans intimidation. Predominantly in all cases, the slackness on the part of police has come to the foreground, which is often met with little or no sanction. Sections 11 and 12 of the draft legislation put police accountability into place by clearly defining dereliction of duties by the concerned police officer and provide for its punishment. One of the critical provisions in the draft is section 25, in which the duty to provide compensation to the victims has been posited on the State Government. This directly flows as an addendum to section 357A of the Code of Criminal Procedure wherein the Central and State Government are to prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation. Reliance can be placed in this regard on *Smti Glotilda Syiem v Union of India*,[16] which prescribes that the award of compensation is an effective remedy for redress of infraction of the fundamental right under Article 21. The compensation is in the nature of 'exemplary damages' awarded against the wrongdoer for the breach of its public law duty and is independent of the rights available to the aggrieved party to claim compensation.[17] The draft law emphasises on due regard to be given to bodily injury, psychological injury, material injury and the loss of earnings including loss of opportunity of employment and education, expenses incurred on medical and legal assistance, while computing the compensation. *Lex dilationes abhorret* and thus MASUKA endeavours to invigorate and make efficacious the slow administration of justice.

[15] The Protection from Lynching Bill 2017, s 2.

[16] *Glotilda Syiem v Union of India* AIR 2015 Megh 12.

[17] ibid.

The recent verdict of the Hon'ble Supreme Court of India, in the case of *Tehseen S Poonawalla v Union of India*,[18] has come as a beacon of hope. The obligation for sketching out a rigorous law is planted on the Parliament for which the Apex Court has laid down discrete guidelines.

The Apex Court has reiterated that it is the responsibility of the State Administration in association with the intelligence agencies of both State and Centre to prevent such recurrences of communal violence in any part of the State as has been laid down in *Mohd Haroon v Union of India*.[19] It has made it clear that the officers responsible for maintaining law and order, if found negligent, should be brought under the ambit of law irrespective of their status. The verdict has enlisted preventive, remedial and punitive measures. As under preventive action, the following measures have been broadly advanced:

1. The appointment of Nodal Officers (not below the rank of Superintendent of Police) in each district assisted by a special task force to collect intelligence about people involved in dissemination of hate speech, fake news or offensive material;
2. Identification of districts, divisions, villages where incidents of lynching have occurred in the past;
3. Discernment of existence of vigilantism tendencies and modus operandi of delinquents;
4. Prohibition of circulation of provocative information through social media platforms coupled with police patrolling and surveillance;
5. The Director General of Police, the Nodal Officer, the Home Department of the State concerned to hold meetings and work jointly to review cases and further the effective sensitisation of law enforcement agencies and;
6. The police to register FIR under Section 153A of the Indian Penal Code against persons who are responsible for transmitting inflammatory material.

The remedial measures may be grouped as follows:

1. No undue delay should occur by the concerned police station authorities in filing of First Information Report and ensuring that there is no harassment of family members of victim(s);

[18] *Tehseen S Poonawalla v Union of India* (2018) 9 SCC 501.

[19] *Mohammad Haroon v Union of India* (2014) 5 SCC 252.

2. The State Governments shall prepare mob violence 'victim compensation scheme' as is provided under Section 357A of the Code of Criminal Procedure and while computing of compensation assess the nature and extent of physical, mental and pecuniary loss as well as costs incurred on medical treatment and legal aid;
3. Cases to be tried by designated Fast Track Courts in each district for concluding the cases, as far as possible, within six months from the date of cognizance;
4. Trial courts to award maximum sentence as prescribed for various offences under the Indian Penal Code;
5. Due care to be taken for protection and concealment of identity of the witness;
6. The victim(s) or next of kin of the deceased entitled to receive free legal aid.

Under the punitive measures onerous duty has been cast on concerned police officers to work efficiently, the failure of which will be treated as an act of deliberate negligence and would attract departmental action within six months. In *Prakash Singh v Union of India*[20], it has been rightly pointed out that the crux of the police reform is to secure professional independence for the police to function truly and efficiently as an impartial agent of the law of the land and at the same time, to enable the Government to oversee the police performance to ensure its conformity with the law. The Hon'ble Supreme Court has also sternly directed respective governments of the 29 States and 7 Union Territories to submit compliance reports based on the parameters set out in the verdict, failure of which shall lead to want of justification by personal appearance of the respective Home Secretaries of defaulting States. Currently, 11 States have conveyed their reports.

Furore over the matter also led to the formation of an empowered Group of Ministers (hereinafter GoM) by Central Government under leadership of Union Home Minister, Rajnath Singh and a high-level committee headed by Union Home Secretary, Rajiv Gauba. The Gauba committee was to recommend a substantive legal framework to the GoM. According to the report submitted to the GoM, it has been pointed out that there is a pressing need for amending the Information Technology Act, 2000 with regard to the growing reach of smartphones to remote parts of the country as against the prevalent digital illiteracy and lack of awareness among the masses. The motive is to make the intermediary social media platforms more responsive to blocking offensive material being circulated on their forum. Section 79(2)(c) of the said Act states that the intermediary is to observe due diligence while discharging duties and to abide by such other guidelines as the Central Government may prescribe in this behalf. Section 69 of the said Act authorises the Central or State Government to issue directions for monitoring

[20] *Prakash Singh v Union of India* (2008) 8 SCC 1.

information through any computer source when it is necessary to do so for preventing incitement to the commission of any cognizable offence; and confers duty on the subscriber or intermediary or any other person so involved to extend facilities and technical support.

WAY FORWARD

Centrality towards understanding the rocketing of instances of horde violence, which appear to emerge *eo instante* (at the moment) out of inconspicuousness and turn belligerent, lies in understanding the convoluted problems arising as a product of intricately woven heterogeneous society. A fraternity, which is opulent with strong identities, is frequently prone to becoming a casualty of radical polarisation. Ideological predispositions, exploitation of minority and backward communities, abominable and regressive use of the so-called 'advanced' communication services, all point towards a grim canvas of a rudimentary India which is an oxymoron, considering that this civilisation has thrived since aeons as a mixture of differing set of races, religions and ethnicities. Furthermore, what comes to the forefront is the rising distrust in administrative institutions, something the law enforcement agencies have failed to ameliorate, a condition more destructive than the state of outright lawlessness. In addition, deliberation is required to educate the masses who are exposed to the omnipresent, cheaply accessible technology at all times when literacy levels are not at par. There is an urgency to create stratagems for digital literacy and awareness, which is now a desideratum. On one hand, the MASUKA or the Indian Anti-Lynching Bill draft can be envisioned as an embryonic substantive law, and on the other, the Apex Court's fresh judgment can be seen predominantly touching upon the rectification and reformation of procedural aspects like that of police infrastructure, better identification of sensitive areas (vulnerability mapping) and fixing the encumbrance of victim's compensation and rehabilitation on the government. The onus rests on the Parliament, at the behest of this judgment, to further moot, consolidate and refine these propositions and come up with an exhaustive piece of legislation. In this regard, it is important to mention that Article 256 of the Constitution of India, in course of regulating the relations between the Centre and States, enunciates obligation on part of the States to ensure effective realization of laws for proper functioning of the unitary federation. It is accurately stated, in the case of *Nandini Sundar v State of Chattisgarh*,[21] that the primary task of the State is the provision of security to all its citizens, without violating human dignity and to strive perpetually for the realisation of true fraternity amongst all factions. The new developments will bring in the quintessential structural spill over onto the existing laws. Statesmen must abandon the approach of perceiving all societal and

[21] *Nandini Sundar v State of Chattisgarh* (2011) 7 SCC 547.

political issues through one lens and look beyond the binaries of ideological skirmishes and party interests. Nevertheless, the civil society must also strive with congruent zest to preserve the values of forbearance for comfortable coexistence. Light needs to be thrown in this regard on the plight of bystander apathy which has become a regular phenomenon in a populous country like India; firstly, because there is diffusion of responsibility when there is a multitude of people and secondly, the spectators are psychologically conditioned into mirroring the 'socially acceptable' way of behaviour like that of the other mute spectators. This can be dealt with in the short run, by using the tactic of calling out to an individual, personalising the request, and in the long-run by sensitising people. Sporadic bouts of 'collective action' resorted to by groups of extremists is the most draconian form of expression of objection which has the potential to destroy the social fabric of societies. In *Krishnamoorthy v Sivakumar*,[22] Justice Dipak Misra has rightly pointed out, "*When criminality enters into the grass-root level as well as at the higher levels there is a feeling that 'monstrosity' is likely to wither away the multitude and eventually usher in a dreadful fear that would rule supreme creating an incurable chasm in the spine of the whole citizenry*". It would be wise for us to take a lesson from the American narrative where recourse to anti-lynching law was not sought and ultimately, in 2005, the American Senate had to promulgate an official apology for their marred history of 'blaxploitation' (the exploitation of black people due to stereotypes). No association must be allowed to wield command as to supersede the due procedure established by law or run a parallel system of public trial challenging internal sovereignty. Certain level of judicial deference has paved the way for the legislators need to take concerted efforts for weaving the ripped fabric of culture through peace building measures. Therefore, the infirmity of vigilantism and mobocracy must be alleviated by addressing the inconsistency in administration and by bringing scattered, evasive regulations under one blanket law. An imperative to the inception of a congenial, ethical and licit environment lies in looking beyond conflicting indictments towards the true content of character.

[22] *Krishnamoorthy v Sivakumar* (2015) 3 SCC 467.