

VIOLENT VIGILANTE ATTACKS: A STUDY

Prof. Ujwala Shinde¹, Ph. D. & Prof. Aarti A. Tayde²

¹Principal D.Y. Patil Law College, Pune

²Research Scholar, SPPU Pune

Paper Received On: 22 JUNE 2022

Peer Reviewed On: 27 JUNE 2022

Published On: 28 JUNE 2022

Abstract

Vigilante justice, it has/is being practiced in many countries under unsettled conditions. 'whenever informally organized groups have attempted to supplement or replace legal procedures or authorities (legaproceduresre) to fill the void, where institutional justice mostly did not yet exist'. Such conditions commonly give rise to acts of lynching or genocide. Vigilante attacks in India are commonly deviance, which is when there is a non-conformity concerning the well-established social and cultural norms and principles.



Scholarly Research Journal's is licensed Based on a work at www.srjis.com

Introduction: Crime is an illegal act or omission, which amounts to the violation of the law, often taken cognizance and prosecuted by the state and punishable by law. Norms differ from one culture to another. Formal deviance can be described as a crime, which violates laws in a society. Informal deviance is a minor violation that breaks unwritten rules of social life. Norms that have great moral significance are mores. Under informal deviance, a more opposes societal taboos.

Positive Deviance is based on the observation that in every community there are certain individuals or groups whose uncommon behaviors and strategies enable them to find better solutions to problems than their peers while having access to the same resources and facing similar /or worse challenges.

Vindictive act whether to call it deviance? For this, we need to get into and study what is Vigilantism?

What Is Vigilantism?

A vigilante is essentially termed as someone who takes the law into their own hands when they believe that the law authorities are not doing enough to ensure justice. Sometimes, a group of citizens formed to undertake the law enforcement responsibilities of their community, without even having any legal authority, according to their sense of right and wrong.

For example, neighborhood watches (informers) work with local police, but they have no authority to make arrests or take action, as that is typically reserved for police officers. Thus, when a neighborhood watch takes matters into its own hands, instead of sharing information with local police officers, it may be considered an act of vigilantism.

Vigilantism can also be described as a general state of chaos or lawlessness, when competing groups of people, such as opposing gangs, all claim to enforce the law in a given area affected by that lawlessness.

Most vigilantism is motivated by the feeling that the vigilante needs to step in to obtain justice. Some other motivations include:

- A personal agenda to protest existing laws that the vigilante finds unacceptable or a hindrance to justice;
- Enforcing existing laws more efficiently, such as harsher punishments for those that the vigilante feels should be more harshly punished;
- Calling attention to one's belief of a higher law; or
- Calling attention to a perceived failure by the government.

Many vigilantes have good intentions and believe they are bettering their communities by protecting those vulnerable to legal exploitation. However, that is not always the case. Some vigilante efforts include targeting the poor, minorities, and other disenfranchised groups that the vigilante believes should not exist in their ideal society. This is why all vigilantism is generally considered to be dangerous. Although being a vigilante is not technically illegal, nearly every aspect of vigilantism is.

Vigilantism: It has been a label placed on so many different situations over the centuries that no precise definition can capture all its elements, and arguments inevitably arise over the appropriateness of categorizing some group or event as an example of vigilantism. The essential defining elements of vigilantism are that it embodies the following: a social reaction to crime; actions taken by civilians (whether as individuals, or as members of clandestine groups, large crowds, or mass movements) as opposed to government officials; a response

that involves violence that exceeds the legitimate use of force in self-defense; an intent to inflict punishment and pain to avenge a previous wrong or to deter future misconduct or to incapacitate dangerous persons; a belief that the resort to force is necessary and justifiable because government agents cannot or will not provide protection or enforce the law; and a recognition that the remedies undertaken are illegal since governments claim a monopoly over the legitimate use of force in the form of police and military action

Vigilantism is many times discussed as behavior or a practice or an attitude or ideology or specific identity. It may be either habitual or sporadically. It is often found to be a combination with other tactics. There is a thin line between breaking laws and serving the public for their betterment. Regardless of the intent of the vigilante, vigilantism is always illegal. It is generally understood that an act of vigilantism is mostly committed in the name of avenge or revenge, aggravated revenge and so considered as worse offenses than committing an act with no reason. Retaliation and taking the law in hand will not justify the act of the vigilante.

Origin

A word of Spanish origin meaning: “watchman” or “guard.” The Latin root is a vigil, which means to be awake or to be observant. Today, when an individual takes the law into his or her hands, he or she is said to be partaking in vigilante activities, or vigilantism. The phrase “taking the law into your own hands” describes what some refer to as a “secret police force.” Vigilantes appear in the real world and the virtual world. Like that of North Carolina Wesleyan College. Vigilantism, Vigilante Justice, and Victim Self-help.

All though vigilantes sometimes solve problems when states cannot, vigilantism is prone to opportunism and can generate violence, corruption, and social Othering. Vigilantes often operate in weak states that cannot provide security and services to citizens, and legitimacy among their populace.

While observing American vigilantism it originally arose as a frontier response to the apprehension and dark realities of crime. The deep-south and old west areas were not protected by the so called criminal justice system. There is lack of law enforcing authorities, no regular court setups, no prisons or jails nearby for custody for law breaches. Vast areas are available to which offenders could escape from their victims and victim protectors. In the absence of a proper legal system, grievance redressal mechanism, correctional facilities, the

victims and their close ones or allies were compelled to track them and round them up by outlaw methods¹.

Vigilance committees were formed, they were voluntary associations, and women rarely use to be part of it. These committee members use to work together to combat also sort of dangers even imagined dangers, to their community related to property, family, privileges, or undue exercise of powers. These were short-lived groups or organizations that usually had hierarchies and use to strictly adhere to the commands, which were defined chains of commands as good as that of parliamentary rituals. The leaders usually belonged to an elite front, like off merchants, local business persons, professionals, and big landowners. These vigilantes use to punish their victims with harassment, by blacklisting, by banishing, and by tarring, flogging, mutilating, killing, or feathering them.

Theories related to Vigilantism

Brutal and undisciplined mob or crowd is the identity of the vigilante as to the belief of many theorists. The theory developed by Les Johnson describes it in four ways². 1) Vigilantism for social movements, which is generally is a premeditated act to threaten by use of force and violence. 2) activities to transgress relatively well-established norms or institutions. 3) Activities that focus more on crime by supporting the crime committers by providing security to them. 4) Group of people who constitute parallel laws as to the actual legal system.

In a study conducted by Rosenbaum & Sederberg they had classified acts of vigilantism of different organizations in various forms like death squads or also known to be suicide bombers, illustratively we can take example in India of LTTE where had bombed the former Prime minister Rajiv Gandhi where these people presume them to be revolutionaries. And the Para military and defense units who establish violence and are generally supported and supplemented by elements who are working against the state, illustratively we can take example of militant's like Jaise Mohammad go out for jihad or Mauwadi or also for that matter Naxalites who presume themselves to be freedom fighters, in case of India.

In mid 1980s in Africa the concept of Vigilantism was generally use as in same way as popular justice or extra-legal justice or informal policing for justice taken outside the ambit of state or state authorities³. Primarily it was not taken as negative as the state justice was at the infantry stage.

¹ Madison; Brown

² Les Johnson (1996 & 2001)

³ Seekings (2001)

Vigilantism in India: India has witnessed an escalation in mob lynchings targeting minority communities, primarily Muslims and Dalits. On 28 September 2015, Mohammad Akhlaq, a resident of the Bisara village near Dadri in the Indian state of Uttar Pradesh was brutally lynched and his 22-year-old son severely injured by an angry mob that believed he had slaughtered a cow and was in possession of beef. When people retrieved meat from his house and claimed it was beef, Akhlaq and his family tried to explain that it was mutton but they would not listen.

Lynching as vigilante activity

The Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act prohibits transport of cattle across the state without a certificate from collector. For farmers, this paperwork is tedious, and so they take the risk of transporting cattle across to Haryana without requisite papers.⁴ Dairy farmers and traders hire small pickup trucks or use their own to ferry the cattle bought at the mela. They transport these to Alwar or to Haryana and sell them at a profit to the locals. “The rate of gaurakshaks and police is fixed. It can range from Rs 500 per vehicle per trip to Rs 1,000. So per trip we end up paying Rs 10-11, 000,”⁵

Thirty-five year old Munna is sipping his midmorning cup of tea with his uncle Ali Mohammed at Sharma dhaba. This resident of Doha village in Nuh district of Haryana has just wrapped up the day at Jaipur’s weekly Hatwara pashu mela (cattle fair) buying 10 buffaloes for himself. He has reason to be vigilant as he prepares for the evening journey across the border.

He had the papers but that doesn’t stop anyone from harassing them. Every police Gypsy, every gaurakshak (cow vigilante) picket needs to be paid from here till Nuh

Communal lynching is also a form of hate crime

Following incidences broadly show Lynching as vigilant activity on communal grounds:

1st July 2016 Gujarat A group of six men attacked four Dalit men after finding them skinning a dead cow. The four were chained to a car, stripped, and beaten with iron rods.

17th July 2016 Karnataka 4 dalits including a physically challenged person were beaten up by Bajrang Dal activists in Chikkamagalur district of Karnataka on suspicion of eating beef

⁴ https://economictimes.indiatimes.com/news/politics-and-nation/checkpoints-in-mewat-pay-more-keep-paying-till-cows-come-home/articleshow/65191448.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cpost

⁵ Information provided by Ali Mohammed, who has been coming to this fair for over 25 years.

5th April 2017 Rajasthan In the Alwar lynching, Pehlu Khan, a dairy farmer from Nuh district of Haryana, was murdered by a group of 200 cow vigilantes affiliated with right-wing Hindutva groups in Alwar, Rajasthan, India. Six others who were with Pehlu Khan were also beaten by the cow vigilantes. The state government initially charged the victims with "cruelty to animals" under the state law prohibiting cattle slaughter

20th April 2017 Assam Two men, in their 20s, were allegedly killed by a mob of cow vigilantes, after being accused of trying to steal cows for slaughter

24th April 2017 Jammu & Kashmir, A family of five, including a 9-year-old girl, were attacked and injured; police arrested 11 so-called cow vigilantes in connection with the attack. A video of the attack showed the assailants demolishing the shelter of the family; policemen were visible in the video, apparently unable to intervene

13th June 2018 Sirabuddin Ansari (35) and Murtaza Ansari (30) lynched in Jharkhand over alleged cattle theft

14th June Bareilly Uttar Pradesh Meat Seller Thrashed by UP Police for 'Cow Slaughter' Dies in AIIMS

20th June 2018 Hapur, Uttar Pradesh 45-year-old Qasim lynched in UP over cow slaughter rumor, this incident was at the center of a sting operation conducted by NDTV. The Chief Justice of India agreed to hear the case based on the sting operation footage

20th July 2018 Rajasthan 31 year old Rakbar Khan was lynched by a mob on allegation of cattle smuggling in Alwar, Rajasthan. A police officer was suspended for delaying medical treatment to the victim as he tried to arrange shelter for the cows before taking injured Rakbar to the hospital

7th April 2019 Bishwanath Chariyal, Assam A Muslim man was harassed, humiliated, insulted and beaten by the mobs over beef. The mob suspected 68-year-old Shaukat Ali of selling beef and cornered him, thrashed him, and proceeded to force-feed him pork

11th April 2019 Gumla, Jharkhand A 50-year-old Christian man was killed and three other were brutally assaulted and beaten when mobs attacked them

16th May 2019 Bhandarwah, Jammu and Kashmir A Muslim man, Nayeem Ahmed Shah, 50, was shot in the head and died on the spot while another, Yasin Hussain, was injured by "cow vigilantes" over cow-smuggling while families of both denied any animal was carried out by any of them. Soon after the killings protests erupted, with protesters demanding justice while damaging five vehicles, setting a fire a three-wheeler. Police used batons, tear gas and

imposed curfew to prevent the religious riots. Police arrested two people in connection with the arson incident and 7 were being detained for questioning

22nd May 2019 Seoni, Madhya Pradesh A couple and two men were thrashed by a group of vigilantes for allegedly carrying beef in an auto-rickshaw at a village in Madhya Pradesh. In a video of the incident shot by an eyewitness on a mobile phone, the assailants also forced one of the men to beat up the woman accompanying them. The woman was seen being hit repeatedly with a slipper on the head and covered with a piece of cloth, as she curled up on the gravel and endured the blows in silence from the attacker The police came to know about the incident after "two" days that was also only because of viral videos on Twitter and other social media sites. Police arrested both suspects and victims as according to police, victims did not sustain any "serious" injuries and the cow vigilantes had informed them that victims were allegedly carrying 150 kg of red meat in an auto rickshaw and a two-wheeler from Khairi village, police seized the meat, the three-wheeler and the scooter and sent them to Judicial Custody for Allegedly Carrying Red Meat as possession, transportation or sale of beef is illegal in Madhya Pradesh. Five suspects were also arrested under IPC Sections 143, 148, 149, 341, 294, 323 and 506 and also Section 25 of the Arms Act. The incident and the behavior of the police faced wide condemnation and backlash by some Indian politicians and people.

23rd September 2019 Khunti, Jharkhand Three tribal men were beaten by Bajrang dal people on the suspicion of selling beef in Khunti. Among three one was dead

21st November 2019 Cooch Behar Thirteen persons have been arrested for their alleged involvement in the lynching of two men on suspicion of cattle smuggling in West Bengal's Cooch Behar district

23rd May 2021 Moradabad, Uttar Pradesh Mohammad Shakir was allegedly transporting buffalo meat on a scooter when a group stopped him and demanded 50,000 from him. Afterwards, he was beaten with sticks. The police later filed an FIR against the victim

4th June 2021 Mathura, Uttar Pradesh A 50-year-old truck driver, identified as Mohammad Shera, was shot dead and his seven associates assaulted by a mob alleging that the victims were smuggling cows

12th June 2021 Tinsukia, Assam 28-year-old Sarat Moran was tied in an open field and killed by a mob which suspected him of attempting to steal a cow from a cowshed

14th June 2021 Chittorgarh, Rajasthan Babu Bheel and his associate were carrying bulls in a truck and were assaulted by suspected cow vigilantes with sticks and other weapons. According to preliminary investigation, the bulls were purchased for farm use

Incidents statistics by year			
S.no	Year	Incidents	Total number killed
	2012	1	2
	2013	2	35
	2014	5	13
	2015	6	8
	2016	5	2
	Jan 2017–June 2017	11	18
	2010–June 2017 Reuters report	63	28
	29 June 2017–December 2017	2	2
	2018	6	7
	2019	10	6
	2020	1	0
	Total	82	43

Are there Any Punishments for Vigilantism?

The punishment for vigilantism greatly depends on the actual act. For example, if a person believes that a suspected murderer is not being punished appropriately, and they take matters into their own hands and murder the murderer, the vigilante would be charged with murder themselves. However, in general, liability for retaliating, or taking the law into one's own hands, is just as severe as any other illegal activities.

It is almost a certainty that the state will prosecute the vigilante. Although the vigilante may have had good intentions, and although their actions may have led to the apprehension of a much more serious crime, the fact remains that the vigilante broke the law and must face the consequences.

There are, of course, some exceptions that could mitigate the outcome of the punishment. The circumstances of the situation will come into play if the jury, or even the judge, are sympathetic to the cause. A very good example of this is if a parent seeks justice for their murdered child by killing their child's murderer. The judge and/or the jury would probably be more sympathetic to the intentions of the parent of the murdered child. This could result in a lesser sentence, as the "heat of passion" may reduce the sentence from murder to manslaughter.

Another aspect is public outcry. If the public is protesting that the vigilante was justified in their actions, and should not receive punishment to the fullest extent of the law, a

prosecutor might be pushed into agreeing to a plea bargain, rather than having a public trial. This may also result in a lesser sentence. We can illustratively take the case of Akku Yadav in Nagpur, where Akku was several cases of extortion, molestation, Rape etc... The people in the area used to feel insecure till the time he was alive. He uses to exploit women of any age. The outburst was firmly seen in this incident.

There is a very thin line between serving the public and breaking the law. Regardless of your intention, vigilantism is illegal. Further, it is generally understood that acts of vigilantism are committed in the name of revenge. Revenge means that the act was aggravated, and is therefore considered to be a worse offense than committing the act for no reason.

Thus, as previously mentioned, although vigilantism itself is not illegal, nearly everything related to being a vigilante is. Vigilante: a member of a group of people who try to prevent crime or punish criminals in a community, especially because they believe the police are not doing this

Sometimes, vigilantes belong to brutal and undisciplined "mobs" or "crowds" that consist mainly of men (though not invariably) with no clearly defined social or political identity such as membership in known political organizations. Events seem to have been fast-paced, emotionally charged and relatively spontaneous — all in all, descriptions distinctly prone to public excesses of reification, which are not helpful when trying to understand a phenomenon as complex as vigilantism

Conclusion

There is a drastic change we can witness in the justice system in every part of world. The Avenge and revenge system had taken over by the state. The vengeance is exercised by state on behalf of the victims of offence; the same is to avoid breach of rule established by law, which is to preserve human existence. No doubt survival of fittest is nature's say. The normative science is developed to provide possible protection to ever human. The weak vulnerable and victim are now heard and represented by state authority.

Suggestions and Recommendations

While acknowledging the unique circumstances of various cases of mob violence, this research article analyses the general pattern observed in such crimes and feel the need for a codified law defining mob lynching and the punishment for it

If the law implementing authorities hold tight with their powers to be used, then, there will be less scope for the vigilantes.