

The Thin Line Between Justice and Chaos: Exploring Mob Justice

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Abstract: Mob justice is seen to be an emerging concern in South Asia recently. In many sensitive cases, we witnessed mob violence specially against political figures. Mob violence is an extraordinary act by a large group of people that disregards the rule of law in an attempt to enforce their own form of justice. This paper explores the complex phenomenon of mob justice, examining its legal, social, and ethical implications. It begins by defining mob justice and its psychological underpinnings, particularly focusing on deindividuation and the loss of personal accountability that often accompany collective actions. The discussion highlights the erosion of the rule of law and the potential for wrongful punishment, alongside the detrimental effects on community trust and the long-term consequences for both victims and perpetrators. Another focusing point of this paper is to investigate whether recourse to mob justice serves a legitimate purpose. Ultimately, it calls for a balanced approach to justice that upholds the rule of law while addressing community grievances, urging policymakers and communities to work collaboratively towards sustainable solutions.

1. Introduction

Mob justice is enacted by community members who deliver immediate, often violent punishment, such as killing or severely beating individuals who have violated the law.¹ This practice is also known as vigilantism, which involves an organized effort by a group of ordinary citizens to enforce societal norms and maintain law and order within their communities, frequently through the use of violence.² Mob justice is a social movement driven by citizens or community members that is inherently reactionary, resulting in premeditated acts of force or the threat of force by autonomous individuals. It emerges as a response to violations of the normative framework that is generally accepted and applicable to all.³ However, the term itself is inherently contradictory. Violence carried out by a mob under the guise of enforcing justice cannot truly be regarded as justice. Therefore, the word "justice" is incompatible with the concept of a "mob."

The primary goal of mob justice is to establish visible policing, safety, and security within communities. However, the question of whether mob justice truly delivers justice while pursuing these security and policing measures is not a central focus in academic discussions.⁴

To guide this investigation, the following research questions are posed:

1. Does mob justice effectively address community grievances, or does it undermine the rule of law and lead to long-term social harm?
2. What psychological and social factors drive communities toward mob justice, and what are the implications for personal accountability within these acts?
3. To what extent can mob justice be considered a legitimate form of justice, and how does it impact community trust in the formal legal system?
4. How can the law enforcement agencies balance addressing community grievances with upholding the rule of law to prevent the rise of mob justice?

2. Research methodology

The research for this project adopts a doctrinal approach, drawing on a diverse array of resources including books, academic journals, and reputable online sources. The study will encompass both national and international perspectives on the topic, incorporating published research and other relevant literature.

¹ CHULEK, Magdalena: Mob justice and everyday life: The case of Nairobi's Kibera and Korogocho slums. *African studies*, 2018/3. 385–402.

² ABRAHAMS, Ray: *What's in a Name? Some Thoughts on the Vocabulary of Vigilantism and Related Forms of 'Informal Criminal Justice'*. In FEENAN, Dermot (ed.): *Informal Criminal Justice*. 1st edition. London, Ashgate, 2002. 25–40.

³ JOHNSTON, Les: What is vigilantism? *The British Journal of Criminology*, 1996/2. 220–236.

⁴ TCHAWOUO MBIADA, Carlos Joel – SITHUGA, Ndivho Percy: Does mob justice fit the conceptual theory of justice? *International Journal of Research In Business and Social Science*, 2023/5. 395–401.

In addition to theoretical frameworks, this project will employ a case study analysis of various past cases pertinent to the issue at hand. This will allow for a deeper understanding of how mob justice has been addressed within different legal contexts.

Furthermore, the research will examine relevant articles, legislation, and amendments to existing laws, considering both domestic laws and those from foreign jurisdictions.

This comparative analysis will provide insight into how different legal systems tackle the issue of mob violence and the effectiveness of their respective responses. By synthesizing this information, the study aims to present a comprehensive overview of the current state of the law regarding mob justice, identify gaps in existing legal frameworks, and propose potential reforms to enhance the rule of law and protect societal order.

3. The Emergence of Mob Justice

Mob justice is inherently flawed. Throughout history, in events such as the French Revolution and other major uprisings, the mob has played a prominent role. Tsuyoshi Hasegawa's work examines both the populist appeal and the darker aspects of such movements.⁵ Mob lynching incidents differ countries to countries. For instance, in the USA, the origins of mob lynching are deeply rooted in racism, whereas the dynamics in Bangladesh may involve different social, political, or cultural factors.⁶ In India, the pattern of mob lynching often involves the exploitation of the conservative majority against minority groups. This reflects a dynamic where the majority's power is wielded to target and oppress minorities, driven by sectarian or communal motivations.⁷

In Bangladesh, mob justice has become a common yet often overlooked form of violence. It is particularly prevalent in rural areas, where awareness of the rule of law is limited, and people frequently resort to mob justice. For instance, when a thief or dacoit is caught, the community may take matters into their own hands. However, the incidents of mob beatings first came to light when six students were killed on the night of Shab-e-Barat in Borodeshi village near Aminbazar in Savar, Dhaka, on July 17, 2011.⁸ Thereafter, a woman was killed by locals on suspicion of being a kidnapper, when she was entering a school in the Badda area of Dhaka.⁹ In 2024, following the dissolution of the government on August 5th, many political leaders of the deposed regime were killed by the masses, primarily through beatings with bare hands and sticks. Subsequently, when some of these leaders were arrested by the police and brought to court, they were again attacked by the mob, with several reportedly suffering severe injuries. However, in more recent times, one

⁵ HASEGAWA, Tsuyoshi: *Crime and Punishment in the Russian Revolution: Mob Justice and Police in Petrograd*. The Belknap Press of Harvard University Press, 2017.

⁶ THURSTON, Robert W.: *Lynching: American Mob Murder in Gglobal Perspective*. London, Routledge, 2011. 147.

⁷ CHANDRA, Rakesh: The Menacing Growth of Mob Lynching: A Study in Indian Legal Perspective. *Journal of Legal Studies and Research*. 2018/4. 134, 135.

⁸ Alarming spike in mob justice. *Dhaka Tribune*, July 22, 2019.

⁹ Ibid.

of the first widely reported instances of mob lynching over bovine-related issues occurred in 2002, when five Dalits from Haryana were lynched by a frenzied mob based on a rumor of cow slaughter.¹⁰ According to Reuters, at least 44 people lost their lives in cow vigilante attacks in India between May 2015 and December 2018. The number of mob lynching cases is increasing, with self-proclaimed cow vigilante groups targeting innocent individuals under the guise of cow protection. In many of these cases, investigations have revealed that the accusations leading to the lynching were baseless, driven by hate propaganda and misinformation.¹¹

In the United States, an accused individual was convicted of murdering an African American citizen and was serving a prison sentence when a mob attacked, took him from custody, and killed him.¹² Several individuals involved in this mob attack were charged, leading to the filing of a habeas corpus petition. While ruling on the petition, Justice Thomas Goode Jones emphasized that this case was not merely about kidnapping and murder—it was far more significant. The mob had unlawfully assumed the sovereign function of punishment, which violated both the rights of the accused and the fundamental purpose of the U.S. Constitution.¹³

4. Factors contributing to mob justice

This is further exacerbated by the failure of the legal system, along with widespread distrust of the police and the ineffectiveness of the criminal justice system. This implies that the primary objective of mob justice is to ensure the safety and security of community members. For mob justice to fulfill its purpose, its policing function is essential. Without this policing aspect, mob justice loses its core objective and essence. It then becomes the means through which community members impose security and social order, effectively replacing the role of the police and courts. In this context, mob justice functions as an instrument of social control.¹⁴

Hence the high level of crime is seen as the primary reason that makes people take the law into their own hands.¹⁵ Vigilantism, derived from the Dutch term *Eigenrichting*, involves taking justice into one's own hands without legal or governmental oversight. Often associated with mass justice, street courts, mob violence, mass anarchism, and mass

¹⁰ BAKSI, Sandipan – NAGARAJAN, Aravindhan: Mob lynchings in India: A look at data and the story behind the numbers. *NewsLaundry*, July 4, 2017.

¹¹ TEWARI, Saswata: Fake news, mob lynching, cow vigilantism: Tehseen S. Poonawalla case. *Ipleaders*, August 30, 2024.

¹² *Riggins v. United States*, (1905) 199 U.S. 547.

¹³ *Riggins v. United States*, (1905) 199 U.S. 547.

¹⁴ COOPER-KNOCK, Sarah-Jane: Policing in intimate crowds: Moving beyond 'the mob' in South Africa. *African Affairs*, 2014/453. 563–582.

¹⁵ BARRON, Patrick John – MADDEN, David: *Violence and conflict resolution in non-conflict regions: The case of Lampung Indonesia*. Jakarta, World Bank, 2004. 12.

brutalism, it frequently leads to rights violations and reflects low legal awareness.¹⁶ Mob justice is inherently unpredictable, dangerous, and unfolds rapidly. Incidents of vigilantism can take various forms, such as beating suspected robbers to death, slashing suspected criminals, stripping alleged offenders naked or constitute bodily attack while even they are under the custody of law enforcement agencies. These acts may also include subjecting alleged criminals to humiliating and degrading treatment, and in some cases, setting them on fire.

Incidents of mob beating are continuing because of lack of punishment for the offenders, and people's lack of confidence in law enforcement ensuring justice, said criminology specialists.¹⁷

Kazi Reazul Haque, former chairman of the National Human Rights Commission (NHRC), said it is a crime for a mob to beat a person to death, even if that person is confirmed to be a criminal.¹⁸

“It was mandatory to investigate all mob beating incidents as no one had the right to take the law into their own hands,” he said.¹⁹

According to section 304 of the penal code,²⁰ if the act by which the death of a person is executed with an intention of causing death, or if such bodily injury is caused that it is likely to cause death, the punishment of such act is life term imprisonment. However, no one has received any such punishment till date.

The former NHRC chief said these murders are the result of a lack of patience and the moral decline in society evidenced by some of the latest disturbing incidents in society.²¹

“People became impatient as these incidents hurt the faith of people in the rule of law in the country, which in the long run may result in lawlessness,” he said.²²

Failure of police to arrest criminals and ensure their punishment, has given rise to lawlessness among people who are taking the law into their own hands.²³

A gist list of the crucial cause of mob justice is discussed below:

1. The inability of formal legal and judicial processes to provide timely or fair justice is a major cause of mob justice. When people lose trust in the judicial system, it highlights the government's failure to ensure justice, as it is their responsibility to uphold it.

¹⁶ Berlian – HENNY SAIDA Flora: Analysis Criminology the Vigilante Act That Led to Death. *Journal of Education and Social Science*, 2021/1. 17.

¹⁷ Alarming spike in mob justice. *Dhaka Tribune*, July 22. 2019.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ The Penal Code of Bangladesh, 1860, Section 304.

²¹ Alarming spike in mob justice. *Dhaka Tribune*, July 22. 2019.

²² Ibid.

²³ Ibid.

2. Societal attitudes or cultural norms that favor or condone informal justice mechanisms. Not all the society shows similar attitudes toward mob justice. Thus, societal attitudes or norms also play a vital role in this regard.
3. Limited understanding or awareness of legal rights and processes among community members often leads them to believe they are administering justice. In reality, their actions may not be sanctioned by law and can themselves constitute a violation of legal principles.
4. Immediate and severe incidents of crime or violence can trigger impulsive and aggressive reactions from the community. For instance, if a community experiences frequent dacoities, members may come to believe that they are justified in using mob violence to enforce justice.
5. Political turmoil or instability that weakens formal institutions can create a vacuum for informal justice mechanisms, though such situations are relatively rare. When a government is overthrown by the masses, or during a revolution or coup, it can lead to a state of lawlessness, referred to as "anomie" in the theory of criminology. In such circumstances, some individuals exploit the chaos to engage in mob lynching.
6. The influence of group behavior and peer pressure can increase the likelihood of mob justice. An intriguing aspect of mob violence is that it can occur due to the dynamics of group behavior, with individuals participating in mob justice even without understanding the underlying reasons.
7. Historical experiences with ineffective or corrupt legal systems can foster a tradition of taking justice into one's own hands.
8. Insufficient or ineffective policing that fails to prevent or address criminal activities, leading communities to take matters into their own hands.

5. Whether recourse to mob justice serves a legitimate purpose

The legitimacy of an action which is to be recognized as lawful, just or rightful.²⁴ The law does not endorse any justice system that is not governed by legal frameworks. For example, a rapist or a murderer must be punished according to the law, and no individual or group has the right to impose punishment on the accused outside the legal system.

Mob justice undermines the rule of law by violating fundamental rights, including the right to life and the right to a fair trial. These rights are protected by international legal instruments such as the Universal Declaration of Human Rights,²⁵ the International Covenant on Civil and Political Rights,²⁶ the African Charter on Human and Peoples' Rights,²⁷ and national constitutions like the Republican Constitution of Ghana 1992.²⁸

²⁴ MORRIS, Christopher W.: *An Essay on the Modern State*. Cambridge, Cambridge University Press, 1998. 102.

²⁵ UDHR 1948, Articles 3, 10, 11.

²⁶ ICCPR 1966, Articles 6, 14.

²⁷ African Charter 1981, Articles 4, 7.

²⁸ Republican Constitution of Ghana 1992, Articles 13, 19.

5.1. Universal Declaration on Human Rights, 1948

The Universal Declaration of Human Rights (UDHR) emphasizes the importance of the rule of law in protecting human rights. Notably, it suggests that individuals have the right to resist tyranny and oppression if their rights are not upheld (UDHR 1948, Preamble 3). Key provisions of the UDHR include Article 3, which guarantees the right to life, liberty, and security; Article 10, which ensures the right to a fair trial; and Article 11, which upholds the presumption of innocence, among others. Mob justice infringes upon these fundamental provisions by violating an individual's right to life, security, and a fair trial, as they may be killed by the mob without due process. The principles of law assert that a person is innocent until proven guilty, and this guilt must be established through a proper judicial process. Mob justice directly contradicts these well-established legal principles.

5.2. International Covenant on Civil and Political Rights (ICCPR), 1966

In addition to the UDHR, the United Nations adopted other human rights conventions, including the International Covenant on Civil and Political Rights (ICCPR) in 1966. The ICCPR was established to further protect civil, political, and human rights. Part III of the ICCPR includes key rights such as Article 6, which guarantees the right to life; Article 14(1), which ensures the right to a fair trial and equality before the courts; and Article 14(2), which safeguards the presumption of innocence, among others.

5.3. Constitutions of several countries

Constitution is the guiding star for a country and a country in no way violates its constitution. All the laws, rules, regulations and any other activities must be in line with the constitution. Article 31 of the Constitution of the People's Republic of Bangladesh guarantees the right to legal protection, while Article 32 ensures the right to life for every individual. Similarly, Article 14 of the Constitution of India ensures equal protection under the law, and Article 21 protects the right to life. These provisions are also found in the constitutions of Pakistan, Nepal, Bhutan, and many other countries.

Mob violence, carried out in the name of justice, directly violates these fundamental constitutional rights and international legal obligations. Mob justice cannot truly be considered justice, as justice must be achieved through lawful processes. Although mob justice may give the appearance of justice to the general public, it does not fulfill any legitimate purpose.

6. State responsibility control mob justice

According to ASK statistics, till 2018, at least 175 people were killed in mob beatings over the last four and a half years in Bangladesh. 51 people were killed in 2016, 50 in 2017, and 39 in 2018. In the first six months of this year, at least 36 people were killed by mob

violence.²⁹ They also confirms that 51 deaths from mob violence were reported between January and December 2023, compared to 36 deaths in 2022 and 28 in 2021 and 32 people killed in the first six months 2024.³⁰

In one case,³¹ the U.S. Supreme Court referenced the Congressional debates surrounding the passage of the Civil Rights Act of 1871. The Supreme Court of India cited a pertinent passage from these debates, highlighting concerns over the lack of adequate action by authorities in America despite a rise in murders, lynching, and whipping. The passage also expressed the unfortunate reality that offenders were evading justice, while law-abiding citizens were left to comb through public records in an attempt to gather evidence to prove the crimes.

6.1. The duty of the State in light with the case Tehseen S. Poonawalla vs. Union of India & Ors.³²

Social activist Tehseen Poonawalla filed a writ petition in the Supreme Court, challenging the validity of animal protection laws in six states that had allowed cow vigilante groups to exploit legal loopholes and take the law into their own hands. In this case, the Supreme Court made significant observations on the state's responsibility to curb such criminal activities, the harmful impact of vigilantism and lynching, and other related issues. The Court also issued directives to both the central and state governments to implement specific measures without delay.

The Supreme Court, in this case, by referencing its own precedents, underscored the crucial role and responsibility of the State in curbing communal violence and related criminal activities. The Court made the following key observations:

1. In addition to emphasizing the proper administration of law by the State, the Court referred to the Supreme Court's observations in *Nandini Sundar and Others vs. State of Chhattisgarh* (2011),³³ which highlighted the State's obligation to collaborate with both state and central intelligence agencies to prevent communal violence. It was also noted that any public official found negligent in this duty would be subject to legal punishment.
2. Furthermore, the Court cited the case of *Archbishop Raphael Cheenath S.V.D. vs. State of Orissa and Another* (2016),³⁴ which addressed the issue of communal violence. The Supreme Court held that the State Government is responsible for investigating the root

²⁹ Alarming spike in mob justice. *Dhaka Tribune*, July 22, 2019.

³⁰ CHAKMA, Prattayee: Mob violence on rise, 32 lynched in 6 months. *New Age*, July 5, 2024.

³¹ *Wilson v. Garcia* (1985) 471 U.S. 261.

³² *Tehseen S. Poonawalla vs. Union of India & Ors.*, AIR 2018 SC 3354, (2018) 9 SCC 501, [2018] 9 SCR 291, 2018 4 AWC 4307 SC, 2018 INSC 617, 2018 (9) SCALE 4, 2019 (3) SCJ 117.

³³ *Nandini Sundar & Ors vs State of Chattisgarh*, AIR 2011 SUPREME COURT 2839, 2011 (7) SCC 547, 2011 AIR SCW 4141, (2011) 6 SCALE 839, (2011) 2 SCALE 37.

³⁴ *Archbishop Raphael Cheenath S.V.D. vs. State of Orissa and Another*, Writ Petition (Civil) No. 404 of 2008.

causes of communal disharmony within its jurisdiction and must take appropriate measures to foster peace and strengthen social unity among its citizens.

The Supreme Court of India further ruled that state governments bear the primary responsibility to prevent vigilantism, whether it be cow vigilantism or any other form, regardless of its cause or intent. The Court emphasized that even if the motive behind vigilantism is deemed noble, it holds no significance under criminal law. Taking the law into one's own hands is unacceptable, and the State is obligated to intervene and punish such actions appropriately. In light of this, the Court provided the following guidelines for the State.³⁵

- The State has a duty to protect all citizens from such offenders, regardless of race, caste, class, or religion, as crime and its victims transcend these categories. If individuals begin to take the law into their own hands, society risks descending into violence and chaos, which would lead to a violation of constitutional values and undermine the institutional framework of the nation.
- The Court further observed that in a nation governed by the rule of law, no individual should presume themselves to be an authority capable of taking extra-judicial actions or serving as a self-appointed punisher.
- Every citizen has the right to approach a police station and report any incidents of lynching or mob violence, but they do not have the right to act as adjudicators or assume the role of law enforcement.
- Anyone accused of such criminal acts is entitled to a fair and speedy trial in a criminal court, in accordance with their constitutional and statutory rights.
- Additionally, the Court emphasized that lynching and hate crimes are direct threats to the rule of law and the constitutional values of the country. The Court warned,

“We may say without any fear of contradiction that lynching by unruly mobs and barbaric violence arising out of incitement and instigation cannot be allowed to become the order of the day... Unless these incidents are controlled, the day is not far when such monstrosity in the name of self-professed morality is likely to assume the shape of a huge cataclysm. It is in direct violation of the quintessential spirit of the Rule of law and of the exalted faiths of tolerance and humanity.”³⁶

There is no doubt that mob justice is contradictory with the idea of justice and as the process can hurt, injured or even cause death to a person, it is also a crime in the eye of law. Even if a mob kills a murderer (convicted by the court), it is a crime. And it is the responsibility of the state to ensure that all no person get killed or injured without the due

³⁵ Tehseen S. Poonawalla vs. Union of India & Ors., AIR 2018 SC 3354, (2018) 9 SCC 501, [2018] 9 SCR 291, 2018 4 AWC 4307 SC, 2018 INSC 617, 2018 (9) SCALE 4, 2019 (3) SCJ 117.

³⁶ Tehseen S. Poonawalla vs. Union of India & Ors., AIR 2018 SC 3354, (2018) 9 SCC 501, [2018] 9 SCR 291, 2018 4 AWC 4307 SC, 2018 INSC 617, 2018 (9) SCALE 4, 2019 (3) SCJ 117.

process of law. As we have already mentioned that the constitutions of many countries ensure the protection of right to life and security, it is the responsibility of the state to follow the constitution and afford what it offers to its citizens. Mob justice can sometimes be predicted and the state should take necessary steps. If a person dies by a mob, the state should be held liable as it fails to ensure the protection of his life and security.

7. Strategies for Eliminating Mob Justice

As discussed in this paper, mob violence under the guise of justice falls outside the realm of the rule of law and instead constitutes criminal behavior and social unrest. Mob justice poses a significant threat to societal stability and the maintenance of law and order. To address and mitigate this issue, the following steps can be taken:

1. **Strengthen Law Enforcement:** At first the state should ensure the police and judicial systems are well-equipped, trained, and efficient in handling cases swiftly to prevent frustration that leads to mob justice.
2. **Raise Public Awareness:** The state, as well as NGOs, INGOs and other stakeholders should conduct public campaigns to educate communities on the rule of law, the dangers of mob justice, and the legal consequences of participating in such acts.
3. **Improve Legal Processes:** One of the key reasons behind mob violence is the lack of trust in the judicial system. Therefore, it is crucial to ensure that the legal system is accessible, transparent, and efficient in delivering justice in a timely manner. This will help restore public confidence in the legal process and discourage individuals from resorting to mob justice as an alternative.
4. **Enforce Strict Punishments:** One of the primary purposes of punishment is to create a deterrent effect, instilling fear to prevent people from committing crimes. Therefore, it is essential to impose strict penalties on those involved in mob violence to deter future incidents and reinforce the rule of law.
5. **Promote Alternative Dispute Resolution:** Establishing or enhancing community-level mechanisms for resolving disputes peacefully and lawfully is another important initiative to eliminate mob justice. These mechanisms can provide an accessible, local platform for conflict resolution, reducing the likelihood of individuals resorting to violence or bypassing the formal legal system.

These initiatives can play a crucial role in curbing mob violence, promoting justice in society, and ensuring citizens' rights to life, security, and legal protection. By addressing the root causes and creating effective legal and community frameworks, these measures help foster trust in the judicial system and uphold the rule of law.

8. Conclusion

In conclusion, mob justice represents a dangerous crossing of the thin line between the pursuit of justice and the descent into chaos. Several interconnected factors contribute to its

prevalence, including distrust in legal and state security authorities, weaknesses within police and legal institutions, and socioeconomic issues such as poverty, unemployment, and discrimination. Frustration and anger, alongside institutional failures, emerge as prominent themes driving this phenomenon. The persistence of mob justice often stems from the perception that the police may fail to adequately investigate crimes or that justice will be elusive or delayed within the criminal justice system. While driven by these frustrations, mob justice undermines fundamental principles of fairness, due process, and human rights. To truly achieve justice, societies must address these root causes by strengthening their legal frameworks, fostering public trust in the rule of law, and rejecting violence as a means of accountability. Only through lawful, transparent, and equitable processes can we maintain order, protect individual rights, and prevent the erosion of justice into chaos.

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