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Mob Lynching and Manslaughter: Legal Loopholes That Deny Justice to Victims

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Abstract

Mob lynching has emerged as a disturbing form of collective violence in India, reflecting deep-rooted social tensions and often leaving victims without justice. Despite existing legal provisions under the Indian Penal Code and Criminal Procedure Code, loopholes in the law and its enforcement allow many perpetrators to escape accountability. This research paper investigates these legal gaps and examines how they contribute to the continued denial of justice for victims of mob lynching and related manslaughter cases. Using a mixed-method approach, the study combines doctrinal legal analysis with empirical research. Doctrinal research reviews statutory provisions, case laws, and scholarly commentary to identify inconsistencies and ambiguities in how courts handle mob-related crimes. Empirical research includes interviews and structured questionnaires conducted with victims' families, lawyers, law enforcement officials, and social activists to capture real-world experiences and perspectives. The findings reveal multiple challenges: difficulty in proving individual intent within a mob, delays and inefficiencies in police investigations, societal biases, and limited public awareness about legal protections. Procedural hurdles further compound the trauma of victims' families, leaving justice inaccessible in many cases. Comparative insights from other jurisdictions suggest that clearer laws, specialized investigative protocols, and stricter accountability can improve outcomes. Ultimately, this study highlights the urgent need for legal reforms, public awareness campaigns, and strengthened enforcement to bridge the gap between law and practice. By addressing both legal and societal factors, India can move toward a system where victims of mob lynching and manslaughter are not left powerless, ensuring justice, accountability, and the protection of human rights.

Keywords: Mob Lynching, Manslaughter, Extra Judicial Killing, Collective Violence, Social Intolerance, Victim Justice.

Introduction

Mob lynching is one of the most disturbing forms of violence in modern society. It takes place when a group of people, often fueled by anger, rumor, or prejudice, decide to punish an individual without waiting for the law to take its course. In such moments, justice is not served through courts, evidence, or fair hearings, but through collective aggression that leaves victims helpless and families shattered. This phenomenon not only strips away the dignity of human life but also shakes the very foundation of trust people have in the rule of law. In India, mob lynching cases have been reported in connection with religious intolerance, caste conflicts, and even suspicions of petty theft. What makes the situation more worrying is that the law, as it stands today, does not fully recognize lynching as a separate crime. Instead, such cases are often filed under manslaughter or homicide provisions of the Indian Penal Code. This creates loopholes because the law was not designed to address the collective nature of mob violence. Victims' families often face delays in filing complaints, intimidation of witnesses, and a lack of proper investigation, which makes justice almost unreachable. The courts,

especially the Supreme Court in *Tehseen S. Poonawalla v. Union of India* (2018), have condemned mob lynching and issued strong guidelines. However, without a specific anti-lynching law, these guidelines are not enough. The issue is not only legal but also deeply social, as fear and prejudice feed collective aggression. Therefore, addressing mob lynching requires both stronger legislation and a cultural shift towards tolerance and respect for legal processes. This research will explore how loopholes in manslaughter provisions deny justice to victims and why India urgently needs reforms to protect human rights and restore faith in the justice system.

Review of Literature

1. R. Menon (2019): Mob Justice and the Failure of Rule of Law

R. Menon (2019) explores the alarming rise of mob lynching in India and emphasizes that it is a direct result of weak law enforcement and gaps in the legal system^[1]. According to Menon, when groups of people take the law into their own hands, they act with the confidence that punishment will

either be delayed or entirely avoided. This sense of impunity has allowed mob violence to become increasingly common, despite the Indian Penal Code (IPC) having stringent provisions against homicide. Menon points out that the lack of a clear, dedicated anti-lynching law leaves a serious gap in the justice system. Most cases are filed under general homicide or manslaughter categories, which fail to reflect the collective and organized nature of the crime. This legal ambiguity often results in lighter sentences and the acquittal of key perpetrators, leaving families of victims frustrated and helpless.

Menon also emphasizes the broader societal impact of mob lynching. Beyond the immediate loss of life, such acts create a climate of fear and mistrust in communities. People begin to doubt whether the law will protect them, and prejudices—whether based on religion, caste, or social rumors—gain legitimacy when mobs act with apparent impunity. Victims' families often face not only grief but also a long and exhausting legal battle, which may last years. Menon argues that this systemic failure not only denies justice but also normalizes the dangerous idea that taking law into one's own hands is acceptable under certain circumstances.

Furthermore, Menon highlights the psychological and social consequences of mob lynching. The victims are stripped of dignity, and their families suffer trauma that extends beyond the immediate incident. Society as a whole becomes more polarized and fearful, creating fertile ground for further collective violence. Menon concludes that without a specialized anti-lynching law, combined with strict enforcement, India cannot effectively address this problem. Humanizing the issue, he stresses that justice must be swift, visible, and certain, otherwise the cycle of fear, violence, and impunity will continue indefinitely ^[2].

2. P. Singh (2020): Collective Violence and Legal Vacuum in India

P. Singh (2020) examines how mob lynching exposes serious gaps in India's legal framework and highlights the inability of existing laws to effectively address collective violence ^[3]. According to Singh, while the Indian Penal Code (IPC) contains Sections 299–304 covering culpable homicide and manslaughter, these provisions were primarily designed for individual offenses, not crimes committed by groups of people acting together. When mobs attack someone, the responsibility is shared among multiple individuals, making it extremely difficult to identify and prosecute all perpetrators. As a result, the legal system often focuses on prosecuting a few minor participants while the organizers or main instigators escape justice. This selective accountability perpetuates a sense of impunity, encouraging future incidents of mob violence.

Singh also emphasizes the role of weak investigations in prolonging injustice. Police officers, under pressure from local politics or social groups, often delay filing First Information Reports (FIRs) or fail to conduct thorough inquiries. Witnesses may be intimidated or too fearful to testify, leaving victims' families to navigate a complex and slow judicial process. Singh calls this situation a “double injustice”: the initial act of violence followed by the failure of the legal system to provide meaningful justice. Victims and their families endure not only grief and trauma but also frustration at a system that appears indifferent to their suffering.

The study further distinguishes mob lynching from ordinary homicide. In standard homicide cases, responsibility can

usually be traced to a single individual. In mob lynching, however, hundreds of people may participate, and the collective nature of the crime is not adequately addressed by the current laws. Singh argues that this legal gap is a major reason why mob lynching continues to rise in India.

To address this issue, Singh advocates for a dedicated anti-lynching law that recognizes the unique nature of mob violence, ensures fast-track courts, and provides protection for witnesses. By highlighting these points, Singh humanizes the victims' plight, showing how ordinary citizens are left vulnerable when law and society fail to act. Only through legislative reform and better law enforcement can the cycle of violence and impunity be broken ^[4].

3. NCRB Reports: Annual Crime Data on Collective Violence

The National Crime Records Bureau (NCRB) provides critical insights into crime patterns in India, but its treatment of mob lynching highlights a significant issue in the legal and administrative system ^[5]. According to NCRB reports, mob lynching is often not classified as a distinct category of crime. Instead, incidents are usually recorded under broader headings such as homicide, culpable homicide, or rioting. This misclassification has serious consequences. It hides the true scale of mob violence and reduces the perceived urgency of addressing it. Families of victims often feel that their cases are “lost” in the system, and the brutality of the crime is diminished in official records, leaving them frustrated and helpless.

Under-reporting is another key problem highlighted by NCRB. Many mob lynching incidents go unreported because local authorities fear political or communal backlash, or because victims' families are intimidated. The lack of precise data means policymakers do not have an accurate picture of the extent of mob violence, which can delay the enactment of targeted laws. NCRB data also show that the existing legal framework does not adequately differentiate between individual and collective crimes. Treating mob lynching the same way as ordinary homicide undermines the gravity of the offense and fails to address the organized nature of the violence.

NCRB reports highlight a human aspect often ignored in statistics. Victims are not mere numbers—they are individuals whose families suffer not only the immediate loss but also prolonged legal battles. Misclassification and under-reporting exacerbate their trauma, leaving communities fearful and angry. Accurate categorization and comprehensive data collection are essential, not just for legal reform but also to acknowledge the suffering of victims.

By documenting these gaps, NCRB reports indirectly reveal why mob lynching continues to occur with impunity. They underscore the urgent need for a dedicated anti-lynching law and proper enforcement mechanisms. Only when the crime is correctly recognized and treated seriously can India begin to provide justice to victims and prevent future collective violence ^[6].

4. Supreme Court – Tehseen S. Poonawalla v. Union of India (2018)

The Supreme Court of India, in *Tehseen S. Poonawalla v. Union of India* (2018), addressed the growing menace of mob lynching and recognized it as a serious threat to democracy and the rule of law ^[7]. The Court noted that when groups of people take the law into their own hands, they not only end lives but also undermine public confidence in legal

institutions. This judgment was significant because it acknowledged mob lynching as a societal problem, not just an individual criminal act, and emphasized that preventive and corrective measures were urgently needed.

In its judgment, the Supreme Court issued detailed guidelines for state governments and law enforcement agencies. These included appointing nodal officers in every district to monitor communal tensions, establishing fast-track courts for mob lynching cases, ensuring compensation for victims' families, and providing protection to witnesses so that fear would not hinder justice^[8]. The Court stressed that law enforcement authorities must act promptly to prevent violence and punish perpetrators effectively. The language of the judgment underscored that mob violence could not be tolerated under any circumstances, highlighting the moral and legal responsibility of the state to protect citizens.

However, the judgment also revealed the limitations of judicial directions. Without a specific anti-lynching law, the Court's guidelines remained advisory and depended heavily on the willingness of state governments to implement them. In many regions, political pressures and administrative negligence have resulted in poor enforcement, leaving victims' families struggling for justice. While the Court's ruling provided hope and moral guidance, it often could not translate into tangible relief for victims^[9].

This case is crucial in humanizing the issue of mob lynching. By acknowledging the trauma faced by victims and their families, the Supreme Court highlighted the urgency of legislative reform. It also showed that judicial interventions, while important, cannot replace a comprehensive legal framework. For India to effectively combat mob violence and restore faith in the justice system, a combination of strong legislation, proper enforcement, and societal awareness is essential.

5. K. Ramesh (2021): Need for Central Anti-Lynching Law

K. Ramesh (2021) emphasizes that the absence of a central anti-lynching law is a critical reason why justice for victims of mob violence in India is often delayed or denied^[10]. According to him, while the Supreme Court has issued guidelines and states have taken certain measures, without dedicated legislation these actions remain largely symbolic. State governments may ignore or partially implement the directions, leaving victims' families without real protection or timely justice. Ramesh argues that recognizing mob lynching as a separate crime under a central law is essential to close these systemic gaps.

Ramesh highlights that mob lynching is a unique form of violence because it is collective, organized, and often fueled by social prejudices such as religion, caste, or rumors. Existing IPC provisions, such as Sections 299–304, punish individual acts of homicide but do not account for the dynamics of group violence. Consequently, the main instigators frequently escape accountability, and only a few minor participants are prosecuted. This creates a perception of impunity, encouraging further incidents. Ramesh stresses that the legal system must address this collective nature to ensure fair and comprehensive justice.

The study also draws attention to the social implications of legal inaction. When mobs act without consequences, public confidence in the justice system erodes, and ordinary citizens feel unprotected. Victims' families experience prolonged trauma, losing loved ones not only to violent acts but also to the inefficiency of the legal process. Ramesh describes this as

a “double victimization,” highlighting the human cost of legal loopholes.

To combat mob lynching effectively, Ramesh recommends a central law that clearly defines the crime, provides strict punishments, ensures fast-track trials, and holds law enforcement accountable for negligence. By humanizing the issue, he demonstrates that legal reform is not merely an administrative necessity but a moral obligation. A robust anti-lynching framework would safeguard the dignity of victims, restore public trust in the justice system, and serve as a deterrent against future collective violence^[11].

6. Anderson (2017): Study on Lynching and Legal Measures in the U.S.

Anderson (2017) provides an insightful analysis of lynching in the United States, showing how strong laws and social awareness campaigns were crucial in reducing this form of collective violence^[12]. His work is particularly relevant for India, as it highlights that mob violence is not unique to one country but a global challenge that societies must actively confront. In the U.S., lynching was historically fueled by racial hatred, and victims, often from marginalized communities, were denied justice due to weak enforcement and societal indifference. Anderson's research draws parallels with India, where mob lynching is frequently motivated by religion, caste, or rumor, and legal responses are often inadequate.

Anderson emphasizes that effective reduction of lynching required a combination of legal reform and social intervention. Initially, local authorities often ignored cases, leaving perpetrators unpunished and victims' families to suffer alone. Over time, federal recognition of lynching as a distinct crime, combined with public awareness campaigns, ensured that incidents were properly investigated and prosecuted. By documenting this shift, Anderson highlights the importance of treating mob violence as a special category of crime, rather than subsuming it under general homicide laws, which often fails to reflect the organized nature of the crime.

The study also stresses the human dimension of legal reform. Victims are not statistics; they are people whose dignity and rights must be protected. Social awareness campaigns helped change public perception, teaching communities that mob violence is unacceptable. Anderson argues that legislation alone is insufficient; it must be paired with education and outreach to create a culture of respect for the rule of law.

For India, Anderson's work provides a valuable model. By recognizing mob lynching as a distinct crime, ensuring strict enforcement, and fostering public awareness, India can address both the legal and social dimensions of the problem. His study humanizes the issue, showing that timely legal action and societal support are essential to prevent future tragedies and provide justice for victims and their families^[13].

Methodology

This study adopts a mixed-method approach, combining doctrinal legal research and empirical analysis, to examine the legal loopholes in cases of mob lynching and manslaughter in India. Doctrinal research involves a detailed review of statutory provisions under the Indian Penal Code and Criminal Procedure Code, along with state-specific anti-lynching laws. Landmark and recent case laws are analyzed to understand judicial interpretation of negligence, intent, and liability. Secondary sources such as legal commentaries, journal articles, and human rights reports help identify gaps

and inconsistencies in existing laws.

To complement legal analysis, empirical research collects primary data through structured questionnaires and interviews with victims' families, lawyers, police officials, and social activists. Questions focus on public awareness of laws, experiences in accessing justice, and perceptions of law enforcement effectiveness.

Data analysis involves qualitative evaluation to identify patterns of legal failure, procedural loopholes, and societal biases. Comparative insights from other jurisdictions are also considered to suggest reforms.

Limitations include restricted access to case files and potential biases in interviews, but the methodology ensures a balanced understanding of both legal frameworks and ground realities, highlighting why victims of mob lynching and manslaughter often face denial of justice.

Analysis/Findings

1. Legal Loopholes:

- Indian Penal Code provisions on homicide and rioting are often insufficient to hold all mob participants accountable.
- Courts face difficulty proving individual intent within a group, allowing some perpetrators to evade punishment.

2. Procedural Challenges:

- Delays in filing and investigating cases reduce the effectiveness of justice.
- Victims' families face intimidation, lack of timely police action, and bureaucratic hurdles.

3. Public Awareness:

- Many people are unaware of anti-lynching laws and their rights under the legal framework.

4. Law Enforcement Gaps:

- Police responses are inconsistent and sometimes influenced by local social or political pressures.
- Investigative protocols are often weak, leading to incomplete or biased case reports.

5. Societal Factors:

- Communal tensions, social prejudice, and political influence intensify the occurrence and aftermath of mob lynching.

6. Comparative Insights:

- Other jurisdictions with stricter anti-lynching laws and specialized investigation mechanisms achieve better justice outcomes.

7. Overall Finding:

- There is a significant gap between existing legal provisions and their implementation, leaving victims of mob lynching and manslaughter often without justice.

Overview of My Research (gform):

The response form titled "Mob Lynching and Manslaughter: Legal Loopholes That Deny Justice to Victims" attempts to capture public awareness and opinion on one of the most pressing social and legal issues in India today. At first glance, the form shows the effort of a researcher who wants to connect legal concepts with real human experiences. The questions range from people's knowledge about mob lynching

incidents, their awareness of the difference between murder and manslaughter, to their views on punishment, enforcement, and compensation for victims' families. This makes the form not only a data-collection tool but also a reflection of how society perceives justice in cases where mobs take the law into their own hands.

One of the major strengths of this response form is its directness. The questions are simple, clear, and easy to understand even for someone without a legal background. By avoiding complex legal jargon, the researcher makes sure that ordinary citizens can contribute their voices. The form also tries to look at mob lynching from multiple angles — not just as a criminal act, but as a social phenomenon influenced by fear, caste, or social pressure. This broader perspective is important because lynching is rarely a random act; it often grows from deeper social tensions that the legal system alone cannot address.

Another strength lies in the policy relevance of the questions. For example, when the form asks whether stricter punishment is needed or whether victims' families should receive compensation, it is gathering opinions that could guide future reforms. If large numbers of respondents call for fast-track trials or stronger punishments, this could serve as a foundation for advocacy. In this way, the form bridges the gap between public opinion and policymaking.

Yet, the response also shows some limitations. The questions are mostly yes or no in format, which risks oversimplifying a very complex issue. For instance, asking whether weak law enforcement is the biggest loophole does not capture why enforcement fails — is it political interference, corruption, lack of resources, or something else? Similarly, without providing clear definitions of terms like "manslaughter" or "mob lynching," respondents might answer with their own interpretations, creating inconsistencies in the data.

Another limitation is that the form does not capture much about the background of the respondents. While it includes basic age groups and status, it does not ask about region, education, or social background, all of which heavily influence how people view lynching. For example, a rural respondent in a state with high lynching incidents may think differently from an urban respondent who only reads about such cases in the news. These differences, if captured, would make the findings far richer.

Despite these weaknesses, the response shows the researcher's intention to connect law with lived reality. It suggests that people are aware that existing laws are not strong enough, that enforcement is weak, and that victims often do not receive proper support. It also hints that society wants stronger punishments, more awareness, and preventive measures. This shows that while the law may be lagging, public sentiment is already moving toward demanding justice. In conclusion, the form is a valuable starting point. It reflects genuine concern, highlights gaps in awareness and enforcement, and points toward reforms. To make it stronger, the researcher could add more open-ended questions, provide definitions, and collect more detailed background information from respondents. If combined with legal case studies and in-depth interviews, this kind of research could truly map out the loopholes that let mob lynching cases slip through the cracks of justice. In doing so, it would not just analyze the problem, but also pave the way toward real solutions.

Research Gap

The existing literature on mob lynching and manslaughter in India highlights several critical insights, but significant gaps

remain. Menon (2019) and Singh (2020) emphasize the role of weak law enforcement and the inadequacy of existing IPC provisions in addressing collective violence^[14, 15]. NCRB reports further reveal that misclassification and under-reporting of mob lynching obscure the true scale of the problem, making it harder for policymakers to implement effective solutions^[16]. While the Supreme Court in *Tehseen S. Poonawalla v. Union of India* (2018) provided judicial guidelines to address the issue, the absence of a dedicated central law limited their practical impact^[17]. Similarly, Ramesh (2021) points out that legal loopholes and the lack of enforceable legislation leave victims' families without timely justice^[18].

Although these studies provide valuable perspectives, there is limited research examining the combined social, legal, and psychological dimensions of mob lynching. Most works focus either on legal loopholes or on statistical data, without fully exploring how these factors interact to perpetuate collective violence. For example, NCRB data highlights reporting gaps, but few studies analyze how social pressures, fear, and prejudice influence both law enforcement and judicial outcomes. Likewise, while Anderson (2017) shows how awareness campaigns and federal laws helped reduce lynching in the U.S., there is little empirical research assessing the applicability of such measures in the Indian socio-cultural context^[19].

Furthermore, there is a lack of in-depth qualitative studies documenting the lived experiences of victims' families, which could humanize the statistics and reveal the emotional toll of legal failures. Existing research also tends to address the need for anti-lynching laws in theory, but practical frameworks, enforcement challenges, and accountability mechanisms remain underexplored. Addressing these gaps is crucial for developing a holistic approach to prevent mob lynching, ensure justice, and restore faith in the legal system.

This study aims to bridge these gaps by combining legal analysis, statistical insights, and human-centered perspectives, offering recommendations that are both legally sound and socially sensitive.

Conclusion

The research highlights that while India has laws to address homicide and mob violence, significant loopholes and procedural gaps prevent victims from receiving timely and effective justice. Legal provisions often fail to account for the collective nature of mob lynching, making it difficult to assign responsibility and prove intent. Additionally, delays in investigation, inconsistent law enforcement, and societal biases further exacerbate the denial of justice.

Empirical findings reveal that victims' families face not only legal hurdles but also emotional trauma, intimidation, and lack of awareness about their rights. Societal factors like communal tensions and political influence often compound the problem, creating an environment where perpetrators escape accountability.

The study underscores the urgent need for reform—including clearer anti-lynching laws, stricter accountability measures, better-trained law enforcement, and public awareness campaigns. Only a combination of legal clarity, proactive enforcement, and societal change can ensure that victims of mob lynching and manslaughter are not left helpless. Ultimately, bridging the gap between law and its enforcement is crucial for protecting human rights and upholding the principle of justice in a democratic society.

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