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LAW AND VENGEANCE: A SOCIO-LEGAL STUDY

AUTHORED BY - B. SUDARSHANA

“When the law fails to serve us, we must serve as the law.”

— **Kenneth Eade, Paladine**

Morality and Legality, both have since ages remained as conflicting terminologies. Rejoicing in what is ‘right’ often clashes with our ‘duty’. The legal field has always had to face the debate of what is justice. The Law and Order of any nation functions with decided guidelines and regulations required to ensure a monitored and fair means of delivering justice.

The word "vigilante" originates from Spanish and is derived from the term "vigilante," which means "watchman" or "guard." It traces back to the Latin word "vigilante," which means "watchful" or "alert."

The concept of vigilantism has historical roots in various cultures and societies, but the term "vigilante" gained prominence during the mid-19th century in the United States, particularly during the California Gold Rush era. In response to lawlessness and perceived inadequacies in law enforcement, groups of citizens organized themselves into vigilance committees to address crime and maintain order in their communities.

These early vigilance committees often operated outside the established legal system and sometimes resorted to extrajudicial actions, including lynching and mob violence, to punish suspected criminals. While their actions were initially motivated by a desire for justice and security, vigilance committees eventually fell out of favour as they became associated with abuses of power and violations of civil liberties.

Since then, the term "vigilante" has been used more broadly to refer to individuals or groups who take the law into their own hands to enforce their own version of justice, often without regard for legal procedures or due process.

Vigilante justice refers to the practice of individuals or groups taking the law into their own hands to enforce perceived justice or address grievances outside the established legal system. Instead of relying on law enforcement or judicial authorities, vigilantes act independently to punish perceived wrongdoers, often through extrajudicial means such as violence, intimidation, or coercion.

The motivations behind vigilante justice can vary widely and may include a sense of frustration

with the perceived inefficiencies or corruption within the legal system, a desire for swift and decisive action, or adherence to personal or ideological beliefs. However, vigilantism undermines the rule of law and can lead to abuses of power, violations of human rights, and social instability. While vigilante actions may sometimes result in the apprehension of criminals or the resolution of disputes, they often result in further violence, injustice, and the erosion of trust in official institutions. Therefore, vigilante justice is generally viewed as illegitimate and incompatible with principles of democracy, due process, and the rule of law.

Vigilante justice, where individuals take the law into their own hands outside of the established legal system, can be a complex and controversial issue in any country, including India. In India, instances of vigilante justice have occurred in various forms, ranging from mob violence to individual acts of retribution.

Vigilantism in India has taken various forms and has occurred in different contexts over the years.

Following are a few notable instances:

1. Mob Violence and Lynching: One of the most concerning forms of vigilantism in India is mob violence and lynching, often fueled by rumours or accusations of child abduction, theft, or cattle smuggling. These incidents have targeted individuals from marginalized communities, such as Muslims and Dalits. The victims are often beaten to death or severely injured by mobs before law enforcement authorities can intervene.

2. Cow Vigilantism: As previously mentioned, cow vigilantism involves self-appointed groups taking action against those suspected of slaughtering or consuming cows. These groups, motivated by religious and cultural beliefs, have engaged in violence and harassment against individuals involved in the cattle trade or those belonging to minority communities who consume beef.

3. Community Policing: In some instances, communities in India have formed their own vigilante groups to address local issues, such as crime or disputes. While these groups may initially emerge out of a perceived need for security or justice, they can sometimes resort to extrajudicial actions or violence, leading to concerns about the erosion of the rule of law.

4. Moral Policing: Vigilante groups, often associated with conservative ideologies or religious fundamentalism, have been known to engage in moral policing by enforcing perceived social norms and restrictions on behaviour. These groups may target individuals engaging in activities deemed immoral or "un-Indian" according to their standards, such as couples displaying affection in public or women wearing "provocative" clothing.

5. Anti-Corruption Vigilantism: Some individuals or groups in India have taken it upon themselves to combat corruption by exposing or confronting allegedly corrupt officials or

individuals. While the intentions behind such actions may be to promote accountability and transparency, they can sometimes lead to vigilantism if carried out outside the legal framework. Instances of vigilantism in India highlight complex social, cultural, and political dynamics, including issues related to identity, religion, caste, and governance. Addressing vigilantism requires a multifaceted approach that includes strengthening the rule of law, promoting social cohesion, and addressing underlying grievances and inequalities within society.

One notable example is the rise of "cow vigilantism" in recent years, where self-appointed groups take action against those suspected of slaughtering or consuming cows, which are considered sacred by many Hindus. These actions have sometimes led to violence, including lynching and assault, against individuals perceived to be involved in cow slaughter or beef consumption.

While some argue that such vigilantism is a result of frustration with perceived inefficiencies or corruption in the legal system, others condemn it as a dangerous erosion of the rule of law and a threat to individual rights and freedoms. The Indian government and law enforcement agencies have faced criticism for not doing enough to prevent or address instances of vigilante violence and for failing to hold perpetrators accountable.

Cow vigilantism in India refers to acts of violence and intimidation carried out by self-appointed groups, often affiliated with right-wing Hindu nationalist ideologies, against those suspected of slaughtering or consuming cows. Cows are considered sacred in Hinduism, and the protection of cows has been a longstanding cultural and religious practice in India.

Instances of cow vigilantism gained significant attention in recent years, particularly since the early 2010s. These groups, often referred to as "cow protection" or "gau raksha" groups, claim to be defending Hindu religious beliefs and traditions by targeting individuals involved in the slaughter or trade of cows, as well as those suspected of consuming beef.

The actions of cow vigilante groups have sometimes resulted in violent attacks, including lynching, assault, and harassment, against people from minority communities, particularly Muslims and Dalits (formerly known as untouchables), who are often involved in the cattle trade or consume beef as part of their dietary practices.

Cow vigilantism has sparked widespread condemnation from human rights organizations, civil society groups, and political leaders both within India and internationally. Critics argue that these actions not only violate the rule of law and undermine India's secular principles but also contribute to communal tensions and threaten the safety and rights of minority communities.

The Indian government has faced criticism for not doing enough to prevent or address instances of cow vigilantism and for failing to hold perpetrators accountable. While there have been some efforts to crack down on vigilante groups and strengthen laws against mob violence, challenges

remain in enforcing these measures effectively and addressing the underlying social, economic, and political factors that contribute to vigilantism.

The lynching of Pehlu Khan was a tragic incident that occurred in April 2017 in the state of Rajasthan, India. Pehlu Khan, a 55-year-old Muslim dairy farmer, was attacked by a mob of cow vigilantes while he was transporting cattle he had legally purchased for his dairy farm.

Khan and several others were brutally assaulted by the mob, resulting in Khan's death and injuries to others. The attackers accused Khan and his companions of smuggling cows for slaughter, despite Khan producing documents to prove that the cattle were legally purchased for dairy farming.

The incident sparked widespread outrage and condemnation, both within India and internationally. It highlighted concerns about the rise of cow vigilantism and religiously motivated violence in India, as well as the dangers faced by individuals from minority communities.

Despite video evidence of the attack and eyewitness testimonies, the legal proceedings related to the case faced numerous challenges. Several of the accused were acquitted by the lower court in 2019, leading to further criticism of the handling of the case and concerns about justice for the victims.

The lynching of Pehlu Khan underscored the need for measures to address vigilantism, protect minority rights, and uphold the rule of law in India. It prompted calls for stronger legal protections against mob violence, improved enforcement of laws related to cow protection, and efforts to promote tolerance and communal harmony in society.

The granting of bail to individuals accused of involvement in cow vigilantism has been a contentious issue in India, raising questions about the judicial system's approach to addressing vigilantism and ensuring accountability for acts of violence.

In some cases, individuals accused of participating in cow vigilantism have been granted bail by the courts, often citing various legal considerations such as lack of evidence, procedural irregularities, or doubts about the accused's involvement in the crime. Critics argue that such decisions may undermine efforts to hold perpetrators accountable and deter future incidents of vigilantism.

The granting of bail to cow vigilantes has sparked criticism from civil society groups, human rights organizations, and minority communities, who argue that it sends a message of impunity and emboldens those who engage in violence in the name of cow protection. They argue that stricter measures, including denying bail to those accused of participating in vigilantism and ensuring swift and fair trials, are necessary to prevent further violence and uphold the rule of law.

At the same time, supporters of the accused individuals often argue that bail is a legal right and should be granted based on established legal principles, regardless of the nature of the crime or the public outcry surrounding the case. They emphasize the importance of due process and the presumption of innocence until proven guilty.

The issue of bail for cow vigilantes remains a complex and contentious one, highlighting broader challenges related to the enforcement of laws, protection of minority rights, and the need for judicial reform in India. It underscores the importance of balancing the principles of justice, accountability, and human rights in addressing vigilantism and ensuring the rule of law.

Efforts to address vigilante justice in India require a multi-faceted approach, including improving the effectiveness and accountability of law enforcement, promoting social cohesion and tolerance, and addressing underlying social, economic, and political factors that contribute to vigilantism. Additionally, fostering a culture of respect for the rule of law and ensuring swift and fair justice for all individuals, regardless of their circumstances, is essential in preventing vigilantism from taking hold.

Courts play a crucial role in adjudicating cases involving vigilantes and determining the legal consequences for their actions. When cases related to vigilantism come before the courts, judges are tasked with applying the law impartially, ensuring due process, and delivering justice based on the evidence presented.

Courts may approach cases involving vigilantes with a focus on upholding the rule of law, protecting individual rights, and deterring extrajudicial violence. They typically assess the facts of the case, consider relevant legal statutes and precedents, and weigh the arguments presented by both the prosecution and the defense.

In cases where vigilantes are accused of committing crimes, such as assault, murder, or other offenses, courts have the authority to hear the case, determine guilt or innocence, and impose appropriate penalties if the accused are found guilty. This process involves ensuring that the accused receive a fair trial, including the right to legal representation, the opportunity to present evidence and witnesses, and the presumption of innocence until proven guilty.

Courts may also play a role in interpreting and applying laws related to vigilantism, including laws governing citizen's arrests, self-defense, and defense of others. They may clarify the boundaries of permissible conduct and establish legal precedents to guide future cases involving vigilantism.

In some cases, courts may issue rulings or judgments that have broader implications for society, such as affirming the importance of respecting the rule of law, condemning vigilantism, or calling for reforms to address underlying social, economic, or political factors that contribute to

vigilantism.

Overall, courts serve as important institutions for upholding the principles of justice, ensuring accountability for vigilante actions, and promoting the rule of law in society. Their decisions can have significant consequences for individuals involved in vigilantism, as well as for the broader legal and social framework in which vigilantism occurs.

Vigilante justice is dangerous for several reasons:

1. **No Due process:** Vigilante justice bypasses the prison machine designed to ensure fairness and justice for anybody. without due technique, harmless human beings can be accused, convicted or punished.
2. **severe Vigilance:** Lawless paintings regularly involves bodily attacks, pressure, or threats which can result in violence and bring about harm or loss of life. Violence leads to more violence, developing a cycle of revenge and warfare. Undermining the guideline of regulation: Vigilante justice undermines the authority of the criminal device and erodes recognize for the rule of thumb of law. whilst human beings take subjects into their very own fingers, this undermines the legitimacy of criminal institutions and undermines the social contract that binds people collectively.
3. **No Crime:** Vigilantes are not held to the equal standards as cops or judges. they'll now not be criminal, accountable or answerable for their moves, that may cause abuse of power and human rights violations.
4. **Vigilante hazard:** Vigilante justice can cause the increase of vigilante groups and self-monitors, growing a tradition of lawlessness and injustice. this will in addition destabilize communities and create limitations to preserving peace and order.
5. **Injustice and discrimination:** unlawful actions might also arise from bias, prejudice or non-public anger, main to unfair treatment and discrimination in opposition to positive individuals or corporations. this will lead to social inequality and increase social tensions.

Overall, vigilante justice is dangerous because it subverts the principles of fairness, justice, and accountability that form the foundation of a functioning legal system. Instead of promoting justice, it often results in further injustice, violence, and social disorder.

Preventing vigilante behaviour requires a combination of strategies aimed at addressing underlying grievances, strengthening the rule of law, and promoting community trust in official institutions. Following are several approaches:

1. Strengthen law enforcement: Improving the capacity, effectiveness and responsiveness of law enforcement agencies can help deter vigilantism by providing a credible and accessible

avenue for resolving complaints and pursuing justice through legal means. This includes measures such as increasing the police presence in communities, improving police training and improving coordination between different agencies.

2. Promote legal awareness and access to justice: Educating the public about their legal rights and ways to obtain redress can help reduce the likelihood of vigilante actions. Providing information on how to report crimes, how to access legal aid services and how to engage with the formal justice system can empower individuals to resolve disputes and seek justice through legal means.

3. Addressing Socio-Economic Inequalities: Many cases of vigilantism are caused by underlying social and economic factors such as poverty, unemployment and marginalization. Addressing these root causes through policies that promote economic development, social well-being, and equal opportunity: can help reduce the sense of frustration and disenfranchisement that can lead to vigilantism.

4. Combating discrimination and prejudice: Vigilance often targets marginalized or vulnerable groups such as ethnic minorities, religious minorities or immigrants. Promoting tolerance, diversity and inclusion through education, public awareness campaigns and anti-discrimination laws can help reduce the scapegoating and stigmatization of these communities, thereby mitigating the risk of vigilante violence.

5. Holding perpetrators accountable: It is essential to hold individuals responsible for engaging in vigilantism accountable for their actions. This includes investigating and prosecuting acts of vigilantism to the full extent of the law, sending a clear message that extrajudicial violence will not be tolerated, and providing support to victims of vigilantism.

6. Engage communities: Building trust and cooperation between communities and law enforcement can help prevent vigilantism by fostering a sense of shared responsibility for public safety and justice. Community policing initiatives, neighbourhood watch programs, and discussion forums can facilitate communication and cooperation between residents and authorities, reducing the likelihood of vigilante actions.

7. Promote conflict resolution and mediation: Providing accessible and effective mechanisms for peaceful resolution of disputes and conflicts can help prevent situations from escalating to the point where precautionary action is necessary. Investing in alternative dispute resolution mechanisms such as mediation and arbitration can help ease tensions and promote reconciliation. By addressing the underlying factors that contribute to vigilantism and promoting a culture of respect for the rule of law and due process, societies can work towards preventing vigilante behaviour and ensuring that justice is pursued through legitimate and lawful means.

In conclusion, while vigilante justice may arise from a sense of frustration with perceived failures in the legal system or a desire for swift resolution of grievances, it ultimately undermines the rule of law and poses significant risks to societal stability and individual rights. Vigilantism often leads to further violence, injustice, and the erosion of trust in official institutions.

Preventing vigilante justice requires a multifaceted approach that addresses underlying social, economic, and political factors while strengthening the rule of law and promoting community trust in legal institutions. This includes measures such as improving law enforcement effectiveness, promoting legal awareness and access to justice, addressing socioeconomic inequalities, combating discrimination, holding perpetrators accountable, engaging communities, and promoting peaceful conflict resolution.

By addressing these root causes and promoting a culture of respect for due process and the rule of law, societies can work towards preventing vigilante behaviour and ensuring that justice is pursued through legitimate and lawful means, thereby upholding the principles of democracy, human rights, and social cohesion.

