



The Crisis of Mob Justice in India: Legal, Social, and Policy Perspectives on Lynching and Hate Crimes

Vishnu Sarat, Shraddha Yadav

Law Student, Asst. Professor

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Abstract -

Mob lynching has become a serious threat to India's democratic order, human rights commitments, and constitutional governance. Though equipped with a strong legal system, India has experienced a concerning escalation of mob justice crimes, especially against marginalised groups, most notably in the post-2015 era. This paper critically explores the root causes, socio-political consequences, and legal and enforcement failures driving mob lynching in modern India. Taking a doctrinal and case-law approach, this study attempts to fill a very important lacuna in the existing law literature. There is no codified legal definition and approach to lynching as a separate criminal offence. The paper examines whether India's existing legal provisions under the Indian Penal Code and the Constitution are sufficient to dissuade and punish such actions effectively and how legal reforms need to be brought to address the increasing digital incitement and hate-based violence. This paper adds to the body of knowledge by suggesting a new legal framework for classifying lynching cases, incorporating the use of digital platforms in instigating violence as a legally responsible element. It contends that mob lynching should be classified as a distinct offence, with tighter enforcement mechanisms, technological monitoring, and nationwide awareness campaigns to curb this crisis.

Introduction

Mob lynching, characterised by an extra-legal and collective use of violence leading to grievous injury or death, has become a rising and alarming trend in India. It is a symptom of a more significant law enforcement crisis, communal polarisation, and the failure of democratic protections. Lynchings usually stem from religion, caste, or ethnicity-based biases, frequently fueled by rumour-mongering or digitally disseminated misinformation. It is often justified by upholding cultural or moral principles ,e.g., saving cows, opposing interfaith relationships ("love jihad"), or maintaining regional identity.

In the last decade, especially since 2015, India has seen a spike in such cases. The Dadri lynching of Mohammad Akhlaq in 2015¹, the Alwar lynching of Pehlu Khan in 2017², and the Jharkhand lynching of Tabrez Ansari in 2019³ are some of the most prominently reported and reprehensible instances of this violent trend. The attacks have almost exclusively been against minority communities, particularly Muslims and Dalits, and have attracted national and international outrage for their audacity and the seeming impunity with which they are executed.

Notwithstanding this, traditionally, there was no independent law on mob lynching in India. The Indian Penal Code (IPC) was invoked to punish such offences under general provisions such as Section 302 (murder), Sections 147–151 (rioting), and Section 149 (unlawful assembly). However, these sections did not capture the collective and identity-driven motives and online instigation typically present in mob violence.

With the introduction of the Bharatiya Nyaya Sanhita (BNS) in 2023, India has taken a big leap forward. Section 103(2) of the BNS now directly deals with mob lynching by criminalising murder by a group of five or more individuals on the grounds of race, caste, community, sex, place of birth, language, personal belief, or other such grounds. This provision comes with penalties that include life imprisonment up to the death penalty and is a legal acknowledgement of the exceptional nature of the crime. Even with this parliamentary advancement, however, enforcement is still haphazard, and the impunity culture of such violence has not drastically altered.

This paper attempts to critically analyse the systemic, legal, and digital aspects of mob lynching in India. It calls for an urgent need to acknowledge lynching as a separate offence, introduce digital accountability, and enhance legal enforcement through targeted statutes, judicial pronouncements, and policy interventions. The study will critique the doctrinal and case-based shortcomings of the existing system and recommend sweeping reforms based on comparative jurisprudence and constitutional principles.

Objectives of the Study

- To delineate the political, legal, and technological elements that lead to mob lynching.
- To scrutinise the response of the judicial and legislative frameworks to mob justice.
- To identify the role played by social media in instigating and augmenting hate crimes.
- To prescribe policy-level strategies for averting mob violence.

¹ The Hindu Net Desk, Cow Vigilante Attacks since 2015, THE HINDU, Jun. 28, 2017, <https://www.thehindu.com/news/national/prominent-attacks-by-cow-vigilantes-since-2015/article19161871.ece> (last visited Apr 13, 2025).

² 6 Accused In 2017 Mob Killing Of Pehlu Khan Acquitted By Rajasthan Court, www.ndtv.com, <https://www.ndtv.com/india-news/alwar-lynching-all-6-men-accused-of-beating-pehlu-khan-to-death-in-2017-acquitted-2085191> (last visited Apr 13, 2025).

³ Al Jazeera Staff, Ten Jailed in India's Jharkhand for 2019 Lynching of Muslim Man, Al Jazeera, <https://www.aljazeera.com/news/2023/7/6/ten-jailed-in-indias-jharkhand-for-2019-lynching-of-muslim-man> (last visited Apr 13, 2025).

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Legal Framework and Challenges: A System Struggling to Respond

For far too long, India had no dedicated law to address the horror of mob lynching. This vacuum in our legal system meant that countless victims, many targeted simply for who they were, died without justice. Rather than protecting citizens, the legal machinery often failed them through inaction, complacency, or silent complicity. While introducing Section 103(2) in the Bharatiya Nyaya Sanhita in 2023 is a significant move, it acknowledges lynching as a distinct crime, but there's still a long road ahead. The real test lies not in passing laws but in their faithful enforcement.

The Supreme Court, in the Tehseen S. Poonawalla judgment (2018)⁴, gave clear directions to prevent mob lynching. It envisioned special courts, compensation schemes, and proactive administration. But in many parts of the country, these remain only on paper. Victims' families still wait, not just for justice, but often for the system to even acknowledge their pain.

Several states, like Manipur, West Bengal, and Rajasthan, have shown initiative with state-specific antilynching laws. However, the absence of a national, uniform legal framework has created a fragmented response varying in strength, scope, and seriousness.

And where is the police in all this? Too often, they're missing when it matters most. In some cases, FIRs are not even registered. Investigations are lacklustre. Trials drag on for years. In the Pehlu Khan case, all the accused walked free, even with video evidence. The message this sends to both victims and perpetrators is terrifying: that lynching might just be a crime you can get away with.

A Digital Catalyst: The Role of Social Media

We live in an age where misinformation spreads faster than facts, and WhatsApp forwards can kill. From 2015 to 2018, social media has had a significant impact on the spreading of misinformation which has resulted in the killing of innocent people who were branded as cow smugglers or child kidnappers based on nothing more than viral lies.⁵

Platforms like Facebook and WhatsApp have made some efforts to limit forwards and add fact-check labels, but regulation remains weak. The IT Rules 2021, introduced to make platforms more accountable, are a step forward. However, tech companies still operate in a grey area of responsibility, where the harm caused often far exceeds the steps taken to prevent it.

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Commented [2]: Agreed will include the same.

⁴ Digital Supreme Court Reports, https://digiscr.sci.gov.in/view_judgment?id=MjM5Ng== (last visited Apr 14, 2025).

⁵ Malobika Sen, Calpurnia's Dream: The Menace of Mob Lynching in India | OHRH, <https://ohrh.law.ox.ac.uk/calpurnias-dream-the-menace-of-mob-lynching-in-india/> (last visited Sep 19, 2024).

A Nation's Deep Scars: Politics, Prejudice, and Pain

Mob lynching in India is not a random act of violence, the data has shown that it disproportionately affects Muslims and Dalits⁶, reflecting deep-rooted societal prejudices and systemic failures. Often, these attacks are not just about what someone did but about who they are.

What makes it worse is the political climate. When leaders defend such acts or, worse, celebrate the accused, they legitimize hatred. After the Dadri lynching in 2015, the silence from the top was deafening. In other cases, elected representatives have publicly supported the attackers, garlanding them like heroes. This is not just dangerous it is a betrayal of constitutional values.

Sections 153A and 295A of the IPC, which criminalize hate speech and incitement, are rarely invoked against influential figures. And even if they are, consequences are minimal. The result? Hate becomes normal. Violence becomes expected. Justice becomes optional.

The Human Cost: Psychological and Societal Ruptures

Lynching doesn't end with the last blow. Its trauma lingers, haunting families and scarring communities. Children drop out of school. Widows struggle for survival. Entire neighbourhoods live in fear, often isolated and ostracized.

Beyond individual trauma, mob lynching tears at the fabric of our democracy. If people lose faith in the police, the courts, or the state's ability to protect them, they begin to take the law into their own hands. The danger isn't just to individuals it's to the very idea of justice.

Learning From the World: International Lessons

After decades of struggle, the United States passed the Emmett Till Antilynching Act in 2022. It declared lynching a federal hate crime, signalling both a symbolic and legal stance that such violence has no place in modern society. India, too, must recognize that lynching is not merely "murder" it is an attack on identity, dignity, and constitutional equality.

We need a law reflecting that truth, not just for legal clarity but to tell victims that their lives matter.

Erosion of Judicial Trust and the Normalisation of Vigilantism

One of the less-talked-about yet increasingly essential factors behind the rise of mob lynching in India is the widespread erosion of public trust in the justice system. Lynching is usually depicted in the context of communal or caste-based hatred. Still, there is another aspect where some perceive mob justice as a necessary evil to punish those who are felt to be above the law. This story plays a more significant role in high-visibility cases featuring

⁶ Avانش Bhai Patel, Is Mob Lynching a Contemporary Social Problem in India?, 9 International Journal of Criminology and Sociology 315 (2020), <https://lifescienceglobal.com/pms/index.php/ijcs/article/view/7674> (last visited Sep 10, 2024).

accused persons from affluent or influential backgrounds, in which public perception is that the official justice apparatus will ultimately fall short of fulfilling justice.

Recent events like the Pune Porsche accident (2024),⁷ where a teenager from an influential family allegedly killed two individuals while driving drunk, and the Vadodara hit and run case,⁸ where the driver had killed one and injured four others. In both cases, comment threads on news stories and social media websites expressed a sickeningly prevalent view: that mob action was "justified" because the system would allow them to go scot-free. Such responses suggest that for an increasingly large segment of society, mob lynching is not merely a crime, it is a corrective measure born out of frustration with delayed or denied justice.

This intuition, however perilous, is not without foundation in a society where cases drag on for decades, where conviction rates in violent offences are low, and where power, privilege, and money usually protect the accused from serious accountability. Consequently, individuals, especially those from disenfranchised communities, feel betrayed by the institutions designed to safeguard them. This increasing disillusionment with law enforcement and the judiciary opens up a conducive environment for vigilantism, regularising violence as a substitute for legal action.

If mob lynching is to be curbed meaningfully, the focus must also be on rebuilding institutional trust. Justice must not only be delivered swiftly and fairly but must also be seen to be delivered, especially in cases where power dynamics threaten to shield the accused. Otherwise, the line between justice and vengeance will continue to blur in the people's minds.

Though the enactment of Section 103(2)⁹ of the Bharatiya Nyaya Sanhita (BNS), 2023, is a landmark development in identifying mob lynching as a separate and penalisable offence, the provision remains narrow in scope. The legislation, as it stands now, criminalises lynching for reasons like race, caste, community, sex, place of birth, language, personal belief, or other such identity markers. But this limiting definition misses an emerging class of mob violence that is not necessarily driven by identity politics but instead by anger, a sense of entitlement, and vigilante tendencies.

For instance, recent cases of mobs forcing people to use a regional language or adhere to local traditions do not fall within the purview of Section 103(2), even though they were equally coercive and violent. These incidents, typically driven by hyper-local nationalism or linguistic chauvinism, are part of a disturbing trend in which cultural conformity is being enforced through public intimidation and mob violence. While these acts might not be based on religious or caste hatred, they express the same principle of mob-imposed dominance and extra-legal justice.

The Porsche crash case, the Vadodara daylight attack, and cases of language-based coercion indicate that mob justice is transforming beyond the bounds of traditional hate crime parameters. In most such incidents, mobs are acting in the perception that their intervention is warranted to teach a lesson, assert regional identity, or reflect collective anger. However, such acts are not sufficiently covered by the identity-based paradigms in the law, which leaves loopholes to be exploited.

⁷ Prosecution shows proof of document forgery in Porsche crash case in Pune last year, The Times of India, Mar. 27, 2025, <https://timesofindia.indiatimes.com/city/pune/prosecution-shows-proof-of-document-forgery-in-porsche-crash-case-in-pune-last-year/articleshow/119554839.cms> (last visited Apr 14, 2025).

⁸ Vadodara accident: "Drunk" driver kills woman, injures 8 others, screams "another round," The Times of India, Mar. 15, 2025, <https://timesofindia.indiatimes.com/city/vadodara/screams-another-round-drunk-driver-kills-woman-injures-8-others-in-gujarat-thrashed-by-locals/articleshow/119005090.cms> (last visited Apr 14, 2025).

⁹ The Bharatiya Nyaya Sanhita, 2023

The Gujarat case¹⁰, in which police officers openly flogged Muslim men bound to poles for purportedly stoning at a Garba function in Kheda district in October 2022, graphically highlights the breakdown of legal norms and the disturbing normalisation of extrajudicial punishment by law enforcement agencies. Filmed and disseminated widely, this act elicited harsh condemnation from human rights groups and the judiciary. The Supreme Court of India denounced the Gujarat police for this public flogging and asked for the validity of such proceedings, underlining that law enforcers are not superior to the law.

Adding to the problem, reports show that a large percentage of police officers in Gujarat justify mob violence under some conditions. A study found that 51% of Gujarat police officers think mob violence is acceptable to a "great extent" in situations such as cow slaughter. Such a mindset among law enforcement not only erodes the rule of law but also encourages vigilante groups, creating a cycle of violence and impunity.¹¹

These trends highlight a fundamental challenge: when those tasked with upholding the law engage in or tolerate such activities, it undermines public confidence in legal institutions and reinforces a culture in which mob justice is normalised. To address this, it is necessary to reform the law and fundamentally change the attitudes and training of law enforcement officers to uphold the values of justice and accountability.

In addition, inadequate implementation of the available law exacerbates the situation. The application is inconsistent even when offences are squarely within the BNS Section 103(2) mandate. Cases take a long time to investigate, evidence disappears or becomes twisted, and the criminals tend to be politically shielded or socially glamorised. This undermines legal reform's credibility and emboldens mobs to go unpunished.

To deal with mob violence in every shape and form, there has to be an extension of legal definitions that cover not only identity-based lynching but also any such case where a group unlawfully imposes its will through violence, intimidation, or public humiliation. This implies that language-based harassment, moral policing, and social media-led vigilantism must be dealt with as one such perilous continuum. Without this, the law will remain to acknowledge just some victims and ignore others, and the culture of mob justice will continue in new guises.

What Must Be Done: A Path Forward

A comprehensive national antilynching law is no longer just an option but a moral necessity. Such a law must define lynching clearly, mandate strict penalties, punish incitement, and hold even officials accountable for failure to act. The BNS must be bolstered, and state laws must be harmonised to create a cohesive legal strategy.

But the solution goes beyond laws. We need political accountability. Leaders who engage in hate speech must face real consequences, including disqualification, prosecution, and public censure. Media channels that fuel communal anger must be monitored and penalised through an independent body.

Shaping the Police Mindset: The Pivotal Step Forward

Whatever the way forward in addressing hate violence and mob lynching in India must grapple with a very uncomfortable reality: a substantial portion of the issue resides within the very institutions charged with

¹⁰ "Go Enjoy Custody": Supreme Court Raps Gujarat Cops For Public Flogging, [www.ndtv.com](https://www.ndtv.com/india-news/supreme-court-raps-gujarat-cops-for-public-flogging-you-have-authority-to-tie-people-to-pole-beat-them-4917088), <https://www.ndtv.com/india-news/supreme-court-raps-gujarat-cops-for-public-flogging-you-have-authority-to-tie-people-to-pole-beat-them-4917088> (last visited Apr 15, 2025).

¹¹ Get link et al., Gujarat No 1 Here Too? Cops Justify Torture: "Muslims, Dalits, Adivasis Naturally Prone to Crimes," (Mar. 30, 2025), <https://www.counterview.net/2025/03/gujarat-no-1-again-cops-justifying.html> (last visited Apr 15, 2025).

protecting the people. Reforming the law is imperative, but it will be for nought if the guardians of the law, particularly the police, are involved, indifferent, or ideologically on the same side as the mob.

As witnessed in the Gujarat public flogging case, where police officials bound suspected stone-pelters to poles and assaulted them in public, not only is accountability missing, it is reversed. These actions weren't conducted behind closed doors; they were done in the manner of a performance, a chilling display of state-condoned humiliation. Worse still, research has shown that a substantial section of police officials think mob violence is justified, especially in incidents related to suspected cow slaughter or "anti-national" acts. When the attitude inside police officers starts reflecting that of vigilantes, the distinction between justice and revenge disintegrates altogether.

This lethal mindset needs to be tackled at its origin. Police reforms cannot stop at reshuffles in the administration or superior arms equipment—these need to be psychological, pedagogic, and structurally deep. What is required is an immediate thrust towards:

Sensitisation on human rights and anti-bias training, particularly against caste, religion, and region.

Positive guidelines and accountability systems for managing communal tensions and group violence.

Zero tolerance is required for officers who condone or are party to acts of public punishment or custodial brutality.

Incorporation of ethics and constitutional morality as part of routine in-service police training.

Until the men and women in uniform are taught to enforce the Constitution without bias, laws, even the most enlightened, will amount to nothing. You cannot expect people to believe in a system where the enforcers believe in mob justice.

Police reform is not only a policy requirement; it's also a democratic and moral imperative. Without it, India will plummet into an ominous future where mobs control not only the streets but the institutions designed to keep them in check.

Digital platforms must be held to higher standards. Harmful content must be removed swiftly, tools should be deployed for hate detection, maybe like AI, and digital literacy should be promoted in every village and town.

Perhaps most importantly, this battle must be fought in the hearts and minds of people. Education that promotes constitutional values, public awareness campaigns on legal consequences, interfaith dialogues, and youth engagement can help challenge the toxic ideas that normalise violence.

Finally, we must count what matters. The absence of a national hate crime registry is not just an administrative gap it is a denial of reality. Without data, there can be no accountability. Without recognition, there can be no healing.

Conclusion

In 2025, even as India proudly stands as the world's largest democracy, its conscience remains hurt by internal fissures where citizens turn against one another based on religion, language, caste, or belief. A glance at any news feed can provide a chilling reminder: someone beaten because they used a different language, someone lynched

because they wore a different emblem of faith. These are not just stand-alone crimes, they are echoes of a perilously normalised mindset that identifies difference as danger.

Reforms like Section 103(2) of the Bharatiya Nyaya Sanhita are welcome, but legislation alone will not do. Violence flourishes in the absence of accountability. When political leadership stays silent, media reporting reignites hate, and social media spreads misinformation without fact-checking, the law is reduced to a paper tiger.

The struggle against mob lynching is not about punishing crime, it is about restoring trust. Trust that every citizen is treated equally. Trust that justice isn't based on identity. Most importantly, I trust that India will not let hate be the loudest voice in the room.

Connecting accountability at all levels is the only viable option. From leaders to screen dwellers, policymakers to ordinary citizens, it is a collective responsibility. Collective shame must become collective action. Only then can we transition from fear to freedom and broken identities to the dignity of being one.

Indian mob lynching is not merely a law-and-order problem it is a test of our democratic values, secular fabric, and collective conscience. It attacks the very basis of pluralism and the rule of law. This evil cannot be confronted in silos. It needs a composite and immediate response involving legal acceptability of the crime, vigorous enforcement, digital accountability, community sensitisation, and political will.

Defining lynching as a separate and serious offence is only the start. Real justice is not merely punishing mobs but healing communities, rectifying narratives and making sure no Indian feels unsafe in their nation because of who they are, the way they speak, or what they believe.

The longer it takes to finish writing this paper, the more new incidents continue to emerge, each one more horrifying than the last. It's as if the paper is struggling to keep pace with the violence unfolding on the ground. This is a reflection of academic urgency and a grim reminder that India is bleeding in real time, and the law is still trying to catch up.

India has to act firmly before the exceptional becomes the normal. Mob justice cannot be the new normal. Only when institutions, communities, and citizens move beyond apathy and complicity can we recover the ideals upon which our democracy was founded.

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