

**Article Title: “Fifty shades of grey: We sometimes condone vigilantism due to system breakdown, but that’s a slippery slope”**

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The recent incident where four Dalit men were stripped, tied and beaten for skinning a dead cow was condemnable. And condemned it was all round, in the media, in drawing room and tea stall conversations, and in Parliament. Thankfully, with one sorry exception, not even habitual foot-in-mouth experts tried to defend the indefensible.

Yet the discourse was partisan, as is now the norm for almost every issue in these contentious times. Allegations flew back and forth about whether what is being called “cow vigilantism” was happening more in certain states or around the country, irrespective of the party in government. So did statistics, on the string of such incidents in recent months versus the voluminous data of unrelenting Dalit atrocities for decades.

Heinous and commonplace as Dalit atrocities continue to be, vigilantism is a wider phenomenon. For it is not just limited to attacks on people of any one caste or religion. And its underlying causes bring into question the belief in our systems of governance that is the glue binding us together as a nation.

The unceasing vigilante incidents routinely reported in the media are a varied lot. Most often, they involve people taking the law into their own hands to deliver instant justice to alleged robbers and rapists. But there is also vigilantism to enforce cultural mores that are not enshrined in the law, such as rulings by Khap panchayats, fatwas by clerics, and atavistic ideas of family honour.

Both kinds of vigilantism – whether to “speed up” the consequences of breaking the law or to enforce ideas not supported by law – are illegal and unacceptable. That is because of the principle of due process, hard earned over centuries of evolving civilisations.

All democracies guarantee some form of due process, which assures that no matter how terrible a crime someone is accused of, he or she cannot be punished arbitrarily or summarily. Instead, the accused is presumed innocent until proven guilty in court. India’s Constitution, too, guarantees that “No person shall be deprived of his life or personal liberty except according to procedure established by law.”

Of course, even now there are autocracies where due process is either non-existent or a mere formality. Who hasn’t heard of swift, and brutal, punishments delivered in non-democratic countries around the world, like Saudi Arabia and China? They do have some advantages, such as far lower crime rates.

Some Indians yearn for that safety, and even say they would not mind giving up some of the freedoms we take for granted. But that kind of blithe wish for a “benevolent dictatorship” does not recognise that such dispensations often turn out to be far from benevolent. Moreover, we Indians are much too individualistic to give up many freedoms

for long. And most importantly, it is actually many democracies – like Japan, Norway and South Korea – which dominate the ranks of low-crime nations.

To overcome vigilantism, it is worth trying to understand what motivates it. Listen to Sampat Pal Devi, former leader of the UP-based Gulabi Gang, a pink-sari wearing, lathi-wielding group of women fighting against gender violence, sometimes described as the largest female vigilante group in the world. “This country is ruled by men ... It’s no use asking them for help. We women must fight our own battles ourselves.”

So, is vigilante justice ever legally or morally justified? According to US academic Hillel Gray, “Certainly, yes. In the absence of a legal order, or when legal authorities are blatantly unjust, it can be ethically appropriate to act without authorisation of the law.”

In a week that has seen another horrific gang rape, of a mother and her minor daughter whose family was waylaid on a highway, who among us can ignore the plight of victims and their families? The apathy, cruelty and enormous delays of our criminal justice system are simply unconscionable. When justice is frustrated more often than it is delivered, it is natural for faith in the rule of law to erode.

No wonder, then, that there is so much impunity among criminals. Equally, we should not be surprised by incidents like that in March last year, when a mob of thousands broke into Dimapur’s central jail, dragged out an alleged rapist who had been arrested, and beat him to death.

Our collective outrage at the state of affairs has by now reached a crucial fork in the road. One turn, where we begin to tolerate vigilantism because of the visible breakdown of the system, can yield a temporary sense of, somehow, “justice” having been done. But this is a slippery slope, with ever diminishing returns, towards total anarchy.

The other choice is the far more difficult one, of facing up to the enormous challenges of setting right what is still, of course, salvageable. But there are no glib answers or quick solutions. It will take lakhs of crores of rupees to bring about the necessary judicial, police and prosecution reforms. And even that, though desperately needed, will take years to yield results.

Meanwhile, the appeal of vigilantism must be countered by the very real risk that, without the checks and balances of due process, it will inevitably be misused. Even Gulabi Gang has reportedly removed Sampat Devi, allegedly for offering its services on hire as mercenaries