

## General Studies-2; Topic– Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

### Hate Crimes in India

#### 1) Introduction

- India witnessed over 200 suspected hate crimes, including cow-related lynchings and honour killings in 2018.
- For a demographically diverse country such as India, hate crimes — including crimes of contempt — are a disaster.

#### 2) Recent Incidents

- Two Muslim men beaten by mobs in Jharkhand and Mumbai, demanding they shout 'Jai Shri Ram', one so mercilessly that he died.
- A tribal man was lynched in Tripura on suspicion of being a cattle thief.
- 24 men accused of being cattle smugglers, beaten and made to shout 'Gau Mata ki Jai', in Rajasthan.

#### 3) Present Status

- Studies of hate crimes in India show that they have steadily risen over the past five years.
- Amnesty International India documented 721 such incidents between 2015 and 2018.
- The more common hate crimes, they found, were honour killings and 'cow-related violence', that was rare earlier but has become more frequent over the past five years.
- According to Hate Crime Watch, crimes based on religious identity were in single digits until 2014, when they surged from nine in 2013 to 92 in 2018.
- Rarely did bystanders attempt to stop the violence or police arrive on time to do so.
- In both studies, Uttar Pradesh topped the list of States with the largest number of hate crimes for the third year.
- According to a study, there are at least 45 politicians in our newly elected union legislature who have indulged in hate speech over the past five years.
- Human Rights Watch India pointed out that only some States had complied with the Supreme Court's orders to designate a senior police officer in every district to prevent incidents of mob violence.
- There is also incitement to violence through social media.

#### 4) Concerns / Challenges

- There is a rising tide of concern, both domestically and internationally.
- Internationally, India has begun to feature prominently on a growing list of countries marked by hate crime, including hate speech in electoral campaigns.
- We have a number of sections in the Indian Penal Code that can be used to punish or even prevent hate crime, but they are disparate and few policemen are aware of them.
- Fear to use them in areas whose political leaders mobilise through hate speech.
- Worldwide data show that hate speech encourages or legitimises acts of violence
- In religiously motivated hate crimes, the accused are often released on bail, and the prosecution of suspects can take years.
- The true extent of hate crimes in India is unknown because the law – with some exceptions – does not recognize hate crimes as specific offences.

## 5) Court Directives

- In 2018, the Supreme Court directed Central and State governments to make it widely known that lynching and mob violence would 'invite serious consequence under the law'.

## 6) International Practice

- Germany amended its Criminal Procedure Code, dealing with sentencing in violent crime, to say the sentence must be based on consideration of 'the motives and aims of the offender, particularly where they are of a racist or xenophobic nature.'
- France has a draft Bill to prohibit hate speech, and Germany has already enacted one.

## 7) Way Forward

- The Rajasthan administration is introducing a Bill prohibiting cow vigilantism, but that deals with only one hate crime.
- An omnibus act against all hate crimes, including hate speech, is required across India and should be a priority of the 17th Lok Sabha.
- Home Minister could set benchmarks for policemen and administrators to deal with hate crime.
- Ensure that the police take prompt action, including safety for witnesses
- Set up fast-track courts in such cases; and take action against policemen or officials who failed to comply.
- The legislature and political parties could suspend or dismiss members who are implicated in hate crimes or practise hate speech.
- Legal reforms that enable recording of hate crimes and strengthen accountability must be a priority for the government.
- The electronic and print media could stop showing or publishing hateful comments and threats.
- Priests could preach the values of tolerance and respect that are common to all religions.
- Schools could revitalise courses on the directive principles of our Constitution.