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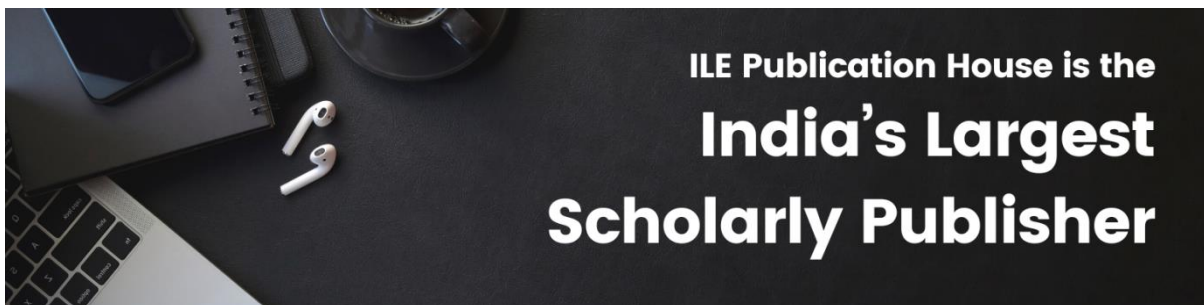
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HATE CRIMES: AN OVERVIEW

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ABSTRACT

Detest crimes are cruel expressions of narrow-mindedness and have a significant negative impact on the victim as well as the group they identify with. They've an impact on social stability and group cohesiveness. thus, a strong response is essential for both individual and collaborative security. Detest crimes are separated from other types of crime by the perpetrator's provocation. Since the perpetrator's provocation is constantly inapplicable to proving the crucial rudiments of a crime, it's infrequently completely delved to uncover the true cause of the crime. However, the motive isn't conceded as a pivotal element of the offence, and the presence of hate crimes remains unnoticeable, If a felonious justice system doesn't fete the term hate crime. Although several state laws have been enforced to address hate crimes, these crimes still do and have a significant impact on the victim as well as the community in which they passed. The detriment done by hate crimes can be reduced if law enforcement, prosecutors, and judges are duly trained to fete and address these crimes. Further investigation is needed, but current hate violence incidents appear to follow these patterns. Most of the reported incidents involved targeted attacks against individuals rather than large-scale violence. But they still fit into, and often serve, the political ecosystem. This paper deals with the general overview of the concept of hate crimes in India.

I. INTRODUCTION:

The term "hate crime" can be found in a variety of jurisdictions, disciplines, and even contexts. Digging into the interpretation of terms, I am amazed at the lack of uniform understanding.

For certain reasons, scientists, policy makers, and even legislators often disagree when discussing this topic. From one perspective, hate crimes are a phenomenon that cuts across the spectrum of hostility that manifests against minority communities, ranging from what is generally considered a criminal act to discrimination, hate speech, and even microaggressions. For others, the term hate crime is a narrow concept that applies only in the context of criminal activity. For scientists, policymakers and analysts, this is a unique problem. There is usually broad agreement in academia and in all policy departments about what the terms mean in relation to the various manifestations of crime. While there may be differences in legal definitions of what constitutes rape between jurisdictions, there are agreed definitional boundaries for what the term means in different contexts. Discipline and jurisdictional scholars can study and problematize concepts, and policymakers and analysts can understand phenomena across jurisdictions. This will allow comparison of data and learnings across jurisdictions on how best to address this social disease. The same cannot be said for hate crimes. There is no internationally accepted definition of hate crime by organizations such as the United Nations, the Council of Europe and the European Union. Furthermore, there is no definition of the term that is generally accepted in all jurisdictions.

Recently, there has been a surge in hate crimes in India. Incidents, broadly speaking, include horde atrocities against individuals or groups, specific groups, and serious problems that inherently cause conflict in the general fabric of



society. Inspired by disrespect and a one-sided mentality, Disdain Injury regularly aims to impress, scare, and speak up for a particular group of society. In determining whether a crime is a hate crime or a crime of bigotry, the motive of the crime must be considered. Hate crimes are always motivated by one individual or social group's prejudice or hatred of another person or social group due to differences in race, religion, ethnicity, customs, customs, etc. It has far-reaching psychological and emotional consequences, well beyond the victim. Such prejudice-motivated attacks also endanger individual rights as native Indian citizens. In short, hate crimes can be defined as attacks on the rights of those entrusted to them, and in a great many ways, not only by affecting themselves but also on the whole social structure. making everything more atrocious. other crimes.

II. CONCEPT OF HATE CRIMES:

According to the Organization for Security and Cooperation in Europe (OSCE)⁸⁰, hate crimes are criminal acts based on prejudice. Also known as "crime based on prejudice" or "crime of bigotry," it is defined not as a criminal act but as a concept that occurs when criminals target victims of a particular social group.

Hate crimes refer to criminal acts motivated by prejudice against individuals or social groups, especially due to differences in religious customs and customs. In modern usage, it refers to offensive, derogatory, or violent speech in addition to lynching, discrimination, and abusive speech. All this disturbs the harmony and order of society as a whole. It has a devastating effect on the victim, both mentally and physically, resulting in mental and physical devastation.

In determining whether a crime is a hate crime or a crime of bigotry, the motive of the crime must be considered. Hate crimes are always motivated by one individual's or social group's prejudice or hatred of another person or social

group due to differences such as race, religion, ethnicity, customs and customs. It has far-reaching psychological and emotional consequences, well beyond the victim. Such prejudice-motivated attacks also endanger individual rights as native Indian citizens. A hate crime can therefore be defined as an attack on a person's entrusted rights that affects not only oneself but the entire social structure, making it more heinous than many other crimes.

III. HISTORICAL BACKGROUND:

The term "hate crime" first appeared in the United States in the late 1970s, but such crimes existed long before that, with the persecution of Christians by Rome and the genocide of Jews by the Nazis, two recent examples. Historically, hate crimes have been committed against members of oppressed groups and motivated by prejudice against other communities, making them distinctly different and more dangerous than other types of crime. Increase Lynchings of African Americans in South America and Chinese in the West are recent examples of hate crimes, as are attacks on the LGBTQ community and xenophobic responses to various ethnic minority groups. The concept was officially recognized in 2003 when the term "hate crime" was first used by his OSCE (Council of Ministers).

Hate crimes are not a new concept. There have been incidents of such crimes since the establishment of the state, which is largely based on religion. Besides religiously biased crimes, there are also caste- and gender-based violence, which gave rise to hate crimes in India. I can't pinpoint what happened. According to the NCRB report, India has the highest rate of caste- and religion-based hate crimes, followed by sexism, which is growing at alarming rates. Hate crimes such as lynchings and hate speech in India not only hit victims, they alienate entire communities.

According to April 2019 report for Hate Crime Watch, there were 282 hate crimes and 100 deaths. Muslims were the most common victims of such crimes, accounting for 57% of all

⁸⁰ OSCE Ministerial Council Decision No. 9/09, op.cit., note 1.



incidents, followed by Christians (15%) and Hindus (13%). All these statistics show how often such crimes occur with alarming frequency and how ingrained they are in society.

IV. THE NATURE AND CHARACTERISTICS OF HATE CRIME:

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In fact, the terms "hate crime" or "hate motive" can be misleading. There are several hate crimes that are not labelled as hate crimes. Murder, for example, is often motivated by hate, but is not a "hate crime" unless the victim is

selected on the basis of protected characteristics.

On the other hand, cheating in which the perpetrator does not feel "hate" towards a particular unfortunate victim can still be considered hate cheating. Hate is a very specific and very passionate state that the majority of hate crimes may not accurately represent.

Hate crimes are perpetrated for a number of causes, including:

- Abusers may be affected for a variety of reasons, including hatred, jealousy, and a need for peer approval.
- The perpetrator may have no feelings or attraction towards the individual target of the crime, but may have threatening thoughts or feelings towards the group to which the target belongs.
- Perpetrators may be hostile to everyone outside the group they identify, or to anyone who does not belong to that group. again
- At a more abstract level, targets can simply represent ideas such as immigration that the perpetrator rejects.

V. HATE CRIMES IN INDIA AND THE LAWS THAT APPLY TO THEM:

a. Hate speech:

According to Black's Law Dictionary, "hate speech" is "speech that has no meaning other than an expression of hatred against a group." against certain races, especially in situations where the communication may provoke violence⁸¹." Simply put, hate speech is disrespectful remarks directed at a particular individual or community. Given the current situation in India, it is a serious concern as it could lead to widespread conflict. The most common reasons for hate speech are race, ethnicity, religion, or social class. With its rich diversity of languages, castes, races, religions, cultures and beliefs, India is a unique case for regulating hate speech. In India, hate speech is

⁸¹ BLACK'S LAW DICTIONARY (9th ed, 2009).



expressed in relation to the harm inflicted on the community as a whole rather than in relation to an individual's right to freedom of expression or the harm caused by hate speech. Hate speech based on religion, ethnicity, culture and race is illegal in India. The term is not mentioned in any law, but its various forms are specified in law. Sections 153A, 153B, 295A, 298, 505(1), and 505(2) of the Indian Penal Code provides for disharmony, hatred or insult based on religion, ethnicity or culture, language or region, whether spoken or written. declares words that encourage, caste, community, race, etc. will be punished.

In a slightly related context, the Act of Parliament, the Information Technology Act, the Anti-Treatment Act, and other similar laws contain provisions on hate speech and its prevention. Incidents of hate speech are on the rise in India and current laws are not particularly effective in this regard. Therefore, it is important not only to regulate hate speech, but also to implement practices that can mitigate the damage caused by hate speech.

b. Lynching and mob violence:

Lynching was defined by the Hon'ble Supreme Court in the case of the Tahseen S. Poonawalla v Union of India⁸² as "violence affecting the human body and directed against property and people". Across India, these are all cases in which a group of people allegedly killed someone for a crime, usually based on rumours. In that case, an illegal act by the mob occurs. According to a 2018 report, states such as Uttar Pradesh, Karnataka, Haryana, Gujarat, Delhi, Rajasthan and Madhya Pradesh have the highest levels of lynching and mob violence.

There are currently no laws prohibiting lynching in India. However, various legal provisions deal with lynching and mob violence, including Section 223(a) of the Code of Criminal Procedure 1973 made it possible for a person to be prosecuted for gang violence against another person. Similarly, IPC provisions such as

Sections 302, 304, 307, 323 and 325⁸³ indirectly address hate crimes. Lynching generally refers to assaults, groping, assaults, gang rapes, etc. which lead to murder or attempt of murder. Therefore, the above provisions of the IPC may apply in cases of lynching or mob violence.

VI. IMPORTANT CONSIDERATION FOR LEGISLATORS:

- Hate crime laws should take into account the fact that the victim can be a person or property.
- Hate crime laws should have been applied in a balanced manner.
- They should be considered as evidence of intent by the courts.
- Courts should be compelled to state reasons for imposing or not imposing increased penalties on files so that motives can be established.
- States should consider a combination of serious crimes and increased sentences.
- Hate crime laws must include characteristics that are constant or fundamental to an individual's personality.
- Certainly, hate crime laws should be recognized as well as historical and social prejudices.
- Hate crime laws must contain features that are obvious or readily recognizable to offenders.
- Hate crime laws should avoid vague or unclear language.
- To be broadly applicable, hate crime laws should use terms such as "race," "ethnicity," "nationality," and "nationality" in combination.
- Why hate crime laws should be limited to a single emotional state such as 'hate' or 'hostility'.
- Why victims associated with or associated with individuals or groups with protected characteristics should be protected by hate crime laws.

⁸² Tehseen S. Poonawala v Union of India, (2018) 6 SC 72.

⁸³ Indian penal code, 1860



- Hate crime laws should include crimes in which the perpetrator was unaware of the identity of the victim.
- Hate crime laws must take into account the fact that offenders may have different motives for their actions.

VII. CONCLUSION:

The main problem is that even when criminal charges are filed, the motives for hate must be recognized and explicitly rejected. When a case of hate crime is reported, the motives for selecting the victim (eg, the victim's "race," nationality, or ethnic background) are never mentioned. When this happens, the opportunity and potential to discipline the perpetrator and be a deterrent to others is lost. The danger is that victims and perpetrators are informed that the state is not fully aware of the hatred that has led to the crime.

Given the current social upheaval, hate crimes are at an all-time high in India. Countless cases are reported every day, giving cause for concern. The bigotry and discrimination that underlie such violence do not foster our diverse culture. Against this backdrop, clear laws and strong enforcement processes are urgently needed to combat prejudiced hate crimes. Hate crime regulations such as Manav Suraksha Kanoon should be enforced and severe penalties should be imposed if violations are found. It is important to emphasize that these crimes are fundamentally different from other types of criminal activity and should be considered in a different light. Only by taking these measures can the disease of hate crime be eradicated from society.

VIII. Reference :

1. OSCE Ministerial Council Decision No. 9/09, op.cit., note 1.
2. BLACK'S LAW DICTIONARY (9th ed, 2009).
3. Tehseen S. Poonawala v Union of India, (2018) 6 SC 72.
4. Indian penal code, 1860.
5. <https://www.scconline.com>