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Dealing with Hate Crimes

Why in news?

The first week of the second term of the present government has been marked by more hate crimes in Jharkhand, Tripura, Rajasthan, etc.

What is the reaction to the crimes?

- **Domestically** - There have been a number of editorials, OpEds and talk shows calling for action.
- **Internationally** - India has begun to feature prominently on a growing list of countries marked by hate crime.

What do the studies say?

- **Amnesty International India** - Documented 721 hate crime incidents between 2015 and 2018, with 218 incidents last year alone.
- The more common hate crimes were honour killings and then cow-related violence (more frequent over the past five years).
- **Hate Crime Watch** - Says crimes based on religious identity were in single digits until 2014.
- They surged from 9 in 2013 to 92 in 2018.
- **In both studies** - Uttar Pradesh topped the list for the third year, followed by Gujarat, Rajasthan, Tamil Nadu and Bihar.
- Show that they have steadily risen over the past five years.

What do these facts mean?

- These are striking enough to concern any government.
- The Rajasthan administration is introducing a Bill prohibiting cow vigilantism i.e. dealing with only one hate crime.
- An omnibus act against all hate crimes is required across India and should be a priority of the 17th Lok Sabha.

What are legislations in other countries?

- France has a draft Bill to prohibit hate speech.
- Germany amended Section 46 of its Criminal Procedure Code, dealing with sentencing in violent crime (Sentence must be based on consideration of the motives and aims of the offender).

What is the current situation in India?

- We have a number of sections in the IPC that can be used to punish or even prevent hate crime.
- But they are disparate and few policemen are aware of them.
- Those that are, fear to use them in areas whose political leaders mobilise through hate speech.

What is the Court directive?

- **Tehseen S. Poonawalla v. Union of India, 2018** - The Supreme Court (SC) directed Central and State governments to make it widely known that lynching and mob violence would invite serious consequence under the law.
- Then the government had formed a panel to suggest measures to tackle mob violence.
- But, the panel's recommendations are not in the public domain.

What does the Human Rights Watch India's report say?

- Only some States had complied with the SC's orders,
 - a. To designate a senior police officer in every district to prevent incidents of mob violence and
 - b. To ensure that the police take prompt action,
 - c. To set up fast-track courts in such cases and
 - d. To take action against policemen or officials who failed to comply.
- Those State governments that did comply did so only partially.
- In several instances, the police obstructed investigations.

What are the concerns?

- Whether it is political hate speech or police bias on the ground, there is little doubt that national bar against hate crime has been lowered.
- The commentary of hate speech and videos of lynching in TV is critical, repeated iterations normalise the hateful.
- The print media too is failing in dealing with these issues.
- Criticism of blatantly communal government actions has grown increasingly muted.

What are the key steps needed?

- The issue of dealing with incitement to violence through social media. But the focus is on hate in relation to terrorism.
- **Parliament** - Could enact an omnibus act against hate crime.
- **Home Minister** - Could set benchmarks for policemen and administrators to deal with hate crime.
- **Legislature and political parties** - Could suspend or dismiss members who are implicated in hate crimes or practise hate speech.
- **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.

Source: The Hindu



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