TRACKING DISCRIMINATION
UNDERSTANDING AND LOCATING HATE CRIMES IN INDIA

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Nahia Hussain

In collaboration with IMRC
INDIAN MUSLIM RELIEF & CHARITIES

WORKING PAPER SERIES
ISSUE - 06 | JUNE - 2021

CDPP

CENTRE FOR
DEVELOPMENT
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ABSTRACT

A march in Delhi organised to protest against colonial-era laws in favour of a uniform civil code became the conduit of hate sloganeering directed towards Muslims. The protestors in Jantar Mantar flouted COVID guidelines by assembling in massive numbers and incited genocide against the Muslim community in close proximity to the parliament. Earlier in the week, a congregation organised in Dwarka to protest against the construction of Haj House in the area also became the hotbed of communally insensitive hate speech. The propagation of hate and bigotry has not garnered severity in deterrence or even contempt by the higher echelons of power. Hate speeches triggered the Delhi violence in 2020, yet they are allowed to flourish with impunity. While the Indian Penal Code picks up the debris of the storm created by hate, the larger socio-political climate continues to normalise it.

At present, the world all over is seeing an unprecedented rise in hate crimes. While hate crimes may seem like a law and order problem, intolerance is the by-product of the larger socio-economic and political rubric. Penal laws can punish transgression and provide deterrence to some extent, but prejudices do not exist in a vacuum; hence correcting the prevailing insular atmosphere is a necessity. The rising intolerance and disregard for the rule of law have created strains in the vibrant, pluralistic ethos of the country. The rise of right-wing politics has been accompanied by the growth of fringe groups that propagate hate and extremism. A socio-political climate taut with parochial ideas allows for normalising hate.

I.   INTRODUCTION

The F.B.I. has defined a hate crime as a *"criminal offence against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity[i]."* The Office for Democratic Institutions and Human Rights (ODIHR) describes hate crimes as *'criminal acts committed with a bias motive. It refers to acts where the victim is targeted deliberately because of a particular 'protected characteristic . . . shared by a group, such as "race", language, religion, ethnicity, nationality, or any other similar common factor'* (Perry,2009).

Hate has different manifestations across the world. Distinct lineages and asymmetrical historical perspectives have shaped intolerance and hate differently in different parts of the world.In Germany, hate crimes are dealt with as politically motivated offences because they are perceived as threats to democracy and the country's human rights landscape (Glet,2009). Hate crimes target the whole community rather than just an individual. Hates crimes, unlike regular crimes, impact society at large. The attack on an individual of a particular community because of their membership to that community, intimidates and terrorises the entire community.

Hate crimes are not new. They have historical underpinnings in the Nazi oppression of the Jews, the Roman persecution of Christians and the violence against Ahmediyas in Pakistan. White men used lynching as a tool to terrorise members of the black community. Lynch mobs tormented the black Americans physically, sometimes were even aided by law enforcement agencies. An estimate pegs a total of 4084 racially motivated lynchings in the 12 southern states of the U.S between 1877 and 1950 (Lartley & Morris, 2018).

During the last few years, these attacks have acquired a severity and audacity in ideology and execution that is hair-raising. The rise in hate crimes globally has been unprecedented, especially in the election years for some countries. The surge in right-wing populist and nationalist rhetoric coupled with social

media's widespread outreach seems to have normalised hate, and in some cases glorified it. The socio-political atmosphere around elections in most countries spews vitriol on the members of a particular community, ethnicity, race, gender or orientation. The inflammatory content delivered via speeches, social media trends, and unfiltered content is often enough to fan xenophobia, religious animosity, racism and fear among the population.

The wave of right-wing governments worldwide has also coincided with hate crimes attributed to the right-wing fringe groups. Right-wing populism has been associated with sentiments of anti-immigration, Islamophobia, anti-globalisation, homophobia and protectionism. Such ideas propagate a fertile breeding ground for right-wing fringe outfits taking to violence and selectively attacking members of a particular minority group, sex or race. The electioneering campaigns denigrating one particular group by a right-wing leader have become relatively common in politics.

II.   HATE CRIMES IN INDIA: OVERVIEW

India, too, has witnessed a sharp increase in hate crimes. Records maintained by the platform 'Documentation of the Oppressed' indicate that between January 2014 and June 2021 ,there were 1216 incidents of hate involving 23,067 victims. Among these victims, a whopping 21000 victims belonged to the Muslim community, and about 1200 were members of the Christian community. While the former was targeted chiefly on allegations of inter-faith relationships and cow-slaughter, the latter on accusations of forced conversions. Not surprisingly, a significant proportion of the violence has been against religious identity, and the perpetrators have been mainly right-wing vigilantes in a vast proportion of these cases. Uttar Pradesh, Karnataka and Delhi reported the highest levels of hate crime-related violence. Religious identity and cow-related violence were the major drivers of hate in the country. The perpetrators were largely right-wing extremists, and the incidents occurred largely in B.J.P. ruled states.

In incidents involving attacks against work, ideology and activism, the victims included a relatively higher proportion of Christians. The perpetrators were right-wing fringe elements in a majority of the acts. In Cow-related violence, Muslims were the main targets. These incidents were fairly common in B.J.P. run states, and the alleged suspects belonged to right-wing groups. In the incidents where hate crime stemmed from religious identity, a mammoth majority of the victims identified themselves as Muslims. About less than a majority of the violence came from right-wing groups; a significant proportion of such crimes happened in BJP-governed areas.

A sizeable number of hate crimes occurs in B.J.P. ruled regions. Out of the 586 incidents reported in such states, 452 involved Muslim victims. Right-wing outfits committed about 195 of these. Crimes against Muslim identity and cow-related vigilantism were fairly high. In regions governed by the Indian National Congress, about 93 out 135 reported incidents targeted Muslims. Right-wing extremists allegedly committed about 50 per cent of these crimes. Among A.A.P. and Samajwadi Party ruled states as well , Muslims were the major victims (Documentation of the Oppressed, n.d.). . Regardless of the party in power, right-wing fringe elements continue to flourish, and crimes against the minorities continue unchecked.
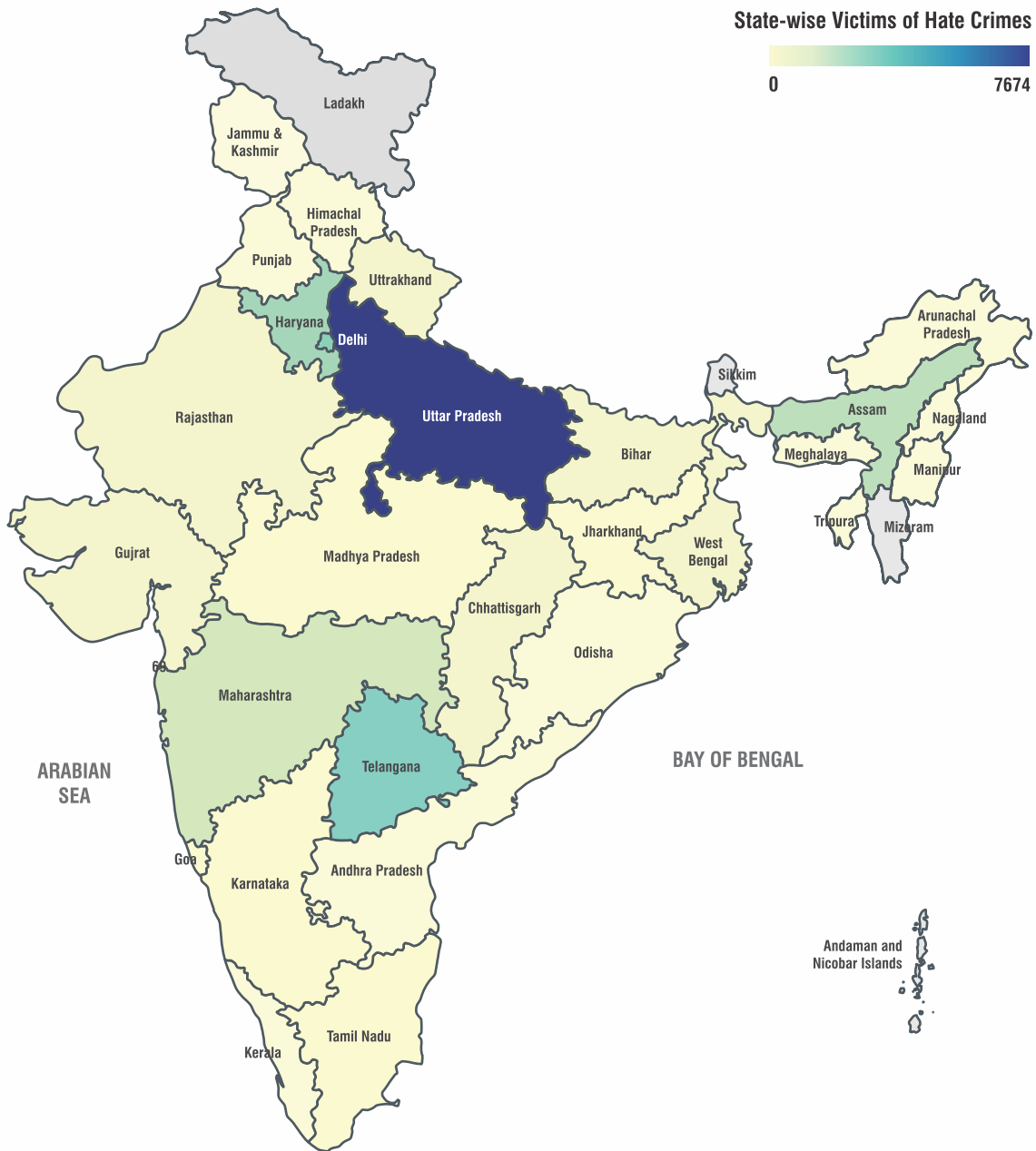
In the figure below, regions marked in dark blue depict the highest level of hate crimes in the country; the lighter coloured regions indicate relatively lower levels of hate crimes. The darker the colour intensity, the higher the incidence of hate crimes. The grey region indicates an absence of data. Uttar Pradesh reported the highest incidence of hate crimes between 2014-21. Followed by Karnataka and Delhi , which also saw considerably high instances of hate crimes. Bihar, Haryana, Madhya Pradesh, Maharashtra and Jharkhand also saw a fair share of hate crimes in the same period. Andhra Pradesh and parts of North-East have relatively lower levels of hate crimes.

Figure 1: State-wise Hate Crimes
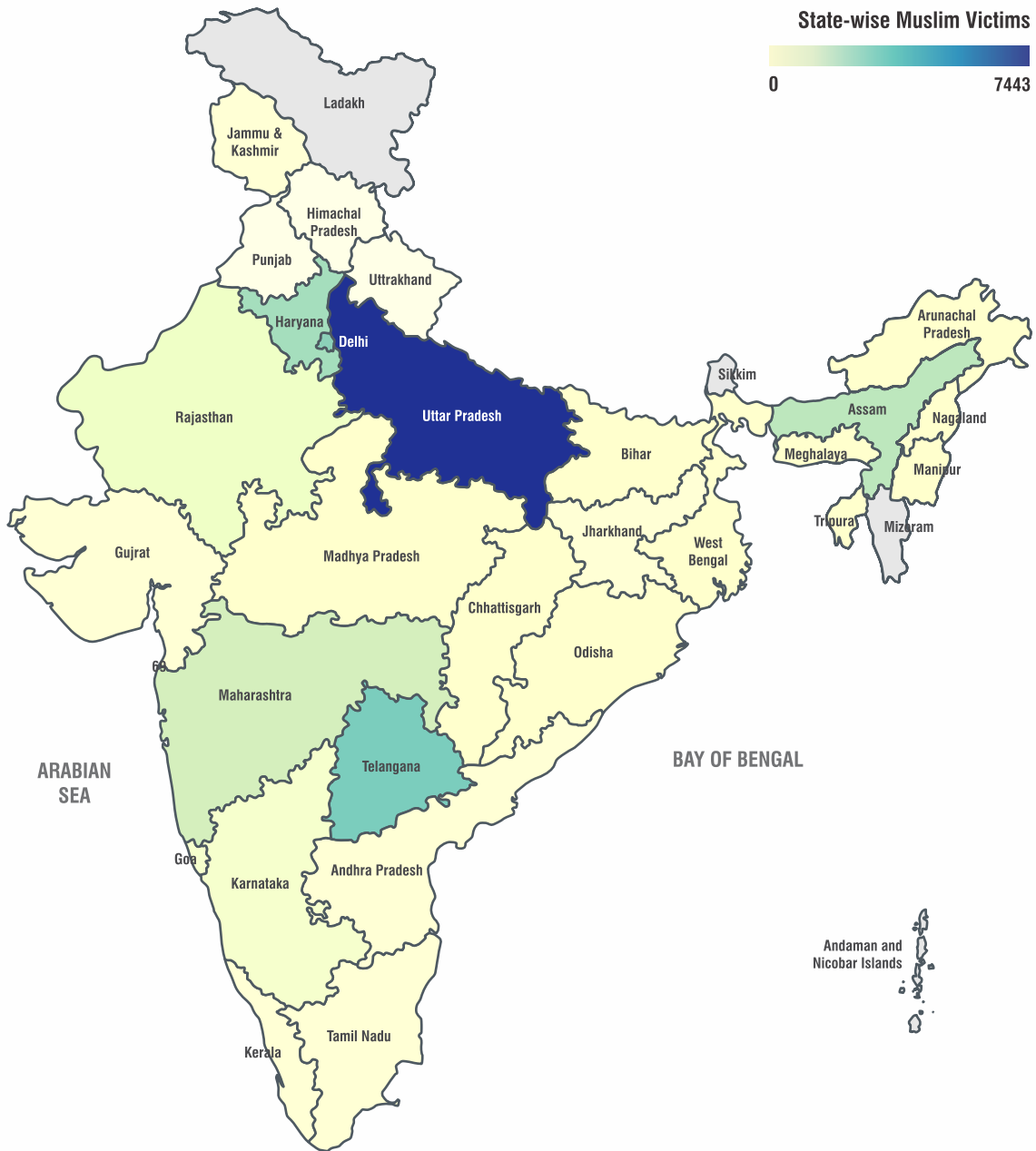*Source: Compiled with data from (Documentation of the Oppressed, n.d.)*

In the figure below, regions marked in dark blue depict the highest number of victims for hate crimes in the country; the lighter coloured regions indicate a relatively lower proportion of victims. The darker the colour intensity, the higher the number of victims. The Grey region indicates an absence of data. Given that Uttar Pradesh reports the highest levels of hate crimes, the number of victims in UP is also as high. Even though with relatively lower incidents of hate crimes, Telangana had a significantly higher number of victims, implying a greater severity of hate crimes. In a total of 33 instances between 2014-2021, the number of victims was 3086. In Assam, about 16 incidents of hate were reported; however, the number of victims amounted to 1843. In Haryana, 67 incidents claimed 2366 victims.

Figure 2: State-wise victims of Hate Crime
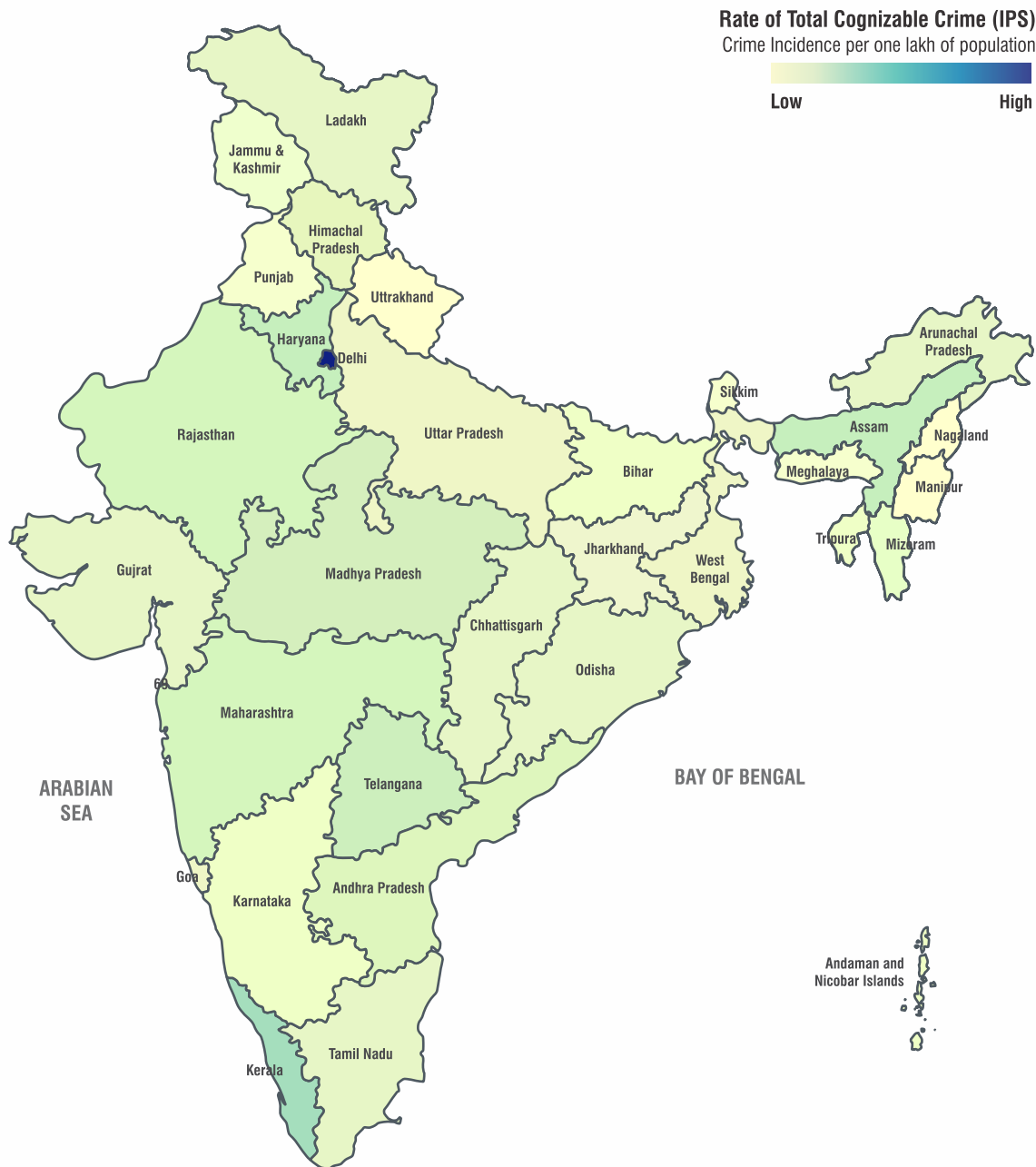*Source: Compiled with data from (Documentation of the Oppressed, n.d.)*

Crimes against Muslims are concentrated in UP, Telangana, Assam, Maharashtra, Karnataka and Haryana. These regions also constitute hotspots for a majority of hate crimes in the country. Regions such as M.P., Chattisgarh, Odisha and Jharkhand have higher crimes against the Christian community. In the figure below, regions marked in dark blue depict the highest number of Muslim victims for hate crimes in the country, the lighter coloured regions indicate a relatively lower proportion of Muslim victims. The darker the colour intensity, the higher the number of victims. The Grey region indicates an absence of data.

Figure 3: Muslim victims in Hate Crimes
Source: Compiled with data from (Documentation of the Oppressed, n.d.)

In the figure below, regions marked in dark blue depict the highest rate of cognisable crimes in the country, the lighter coloured regions indicate a relatively lower rate of cognisable crimes. The darker the colour intensity, the higher the incidence of I.P.C. crimes. Delhi reports an extremely high rate of cognisable crimes (I.P.C.), amounting to an incidence of 1500 crimes per one lakh population. Kerala, Assam and Haryana also reported high rates of cognisable crimes in the year 2019. Rajasthan, MP, Maharashtra and Telangana also have moderate rates of cognisable crimes (National Crime Records Bureau, 2019).


Figure 4: Rate of Cognizable Crime
Source: Compiled with data from (Documentation of the Oppressed, n.d.)

Assam had the highest rate of violent crimes in the country, of 83 violent crimes per lakh of population. Followed by Delhi , Tripura and Orissa, averaging at 53 violent crimes per lakh population. Nagaland reports the lowest rate of violent crime in the country (National Crime Records Bureau, 2019). In the figure below, regions marked in dark blue depict the highest rate of violent crimes in the country; the lighter coloured regions indicate a relatively lower rate of violent crimes. The darker the colour intensity , the higher the incidence of violent crimes.
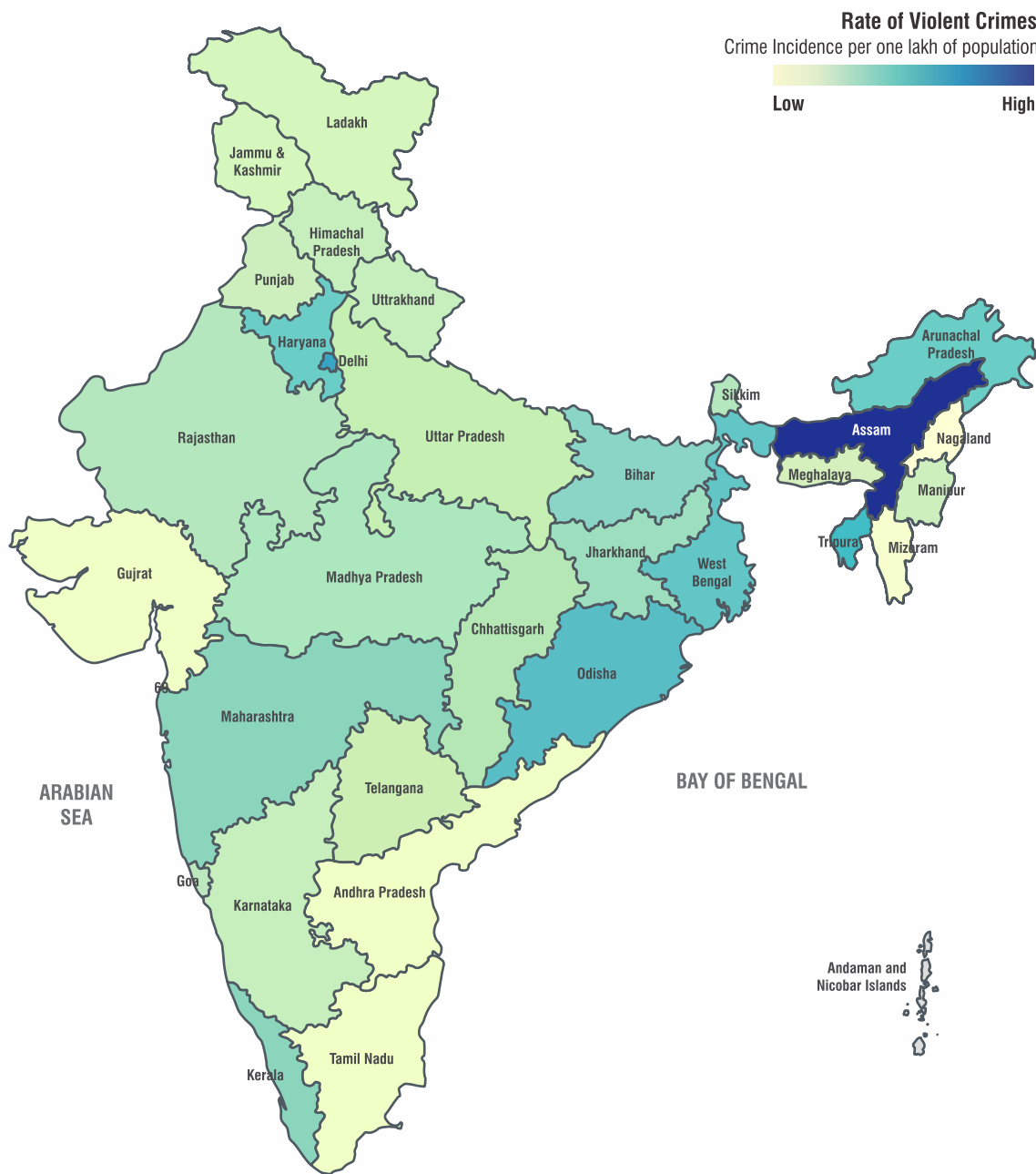
National Crime Records Bureau, 2019 | Created with Datawraper

Figure 5: Rate of Violent Crimes
Source: Compiled with data from (Documentation of the Oppressed, n.d.)

Of all the hate crimes committed, physical assault was the most common form of crime. Harassment and communal violence were other common bias crimes committed. There were 248 instances of hate speech and 127 cases of Mob Lynching between 2014- 2021.
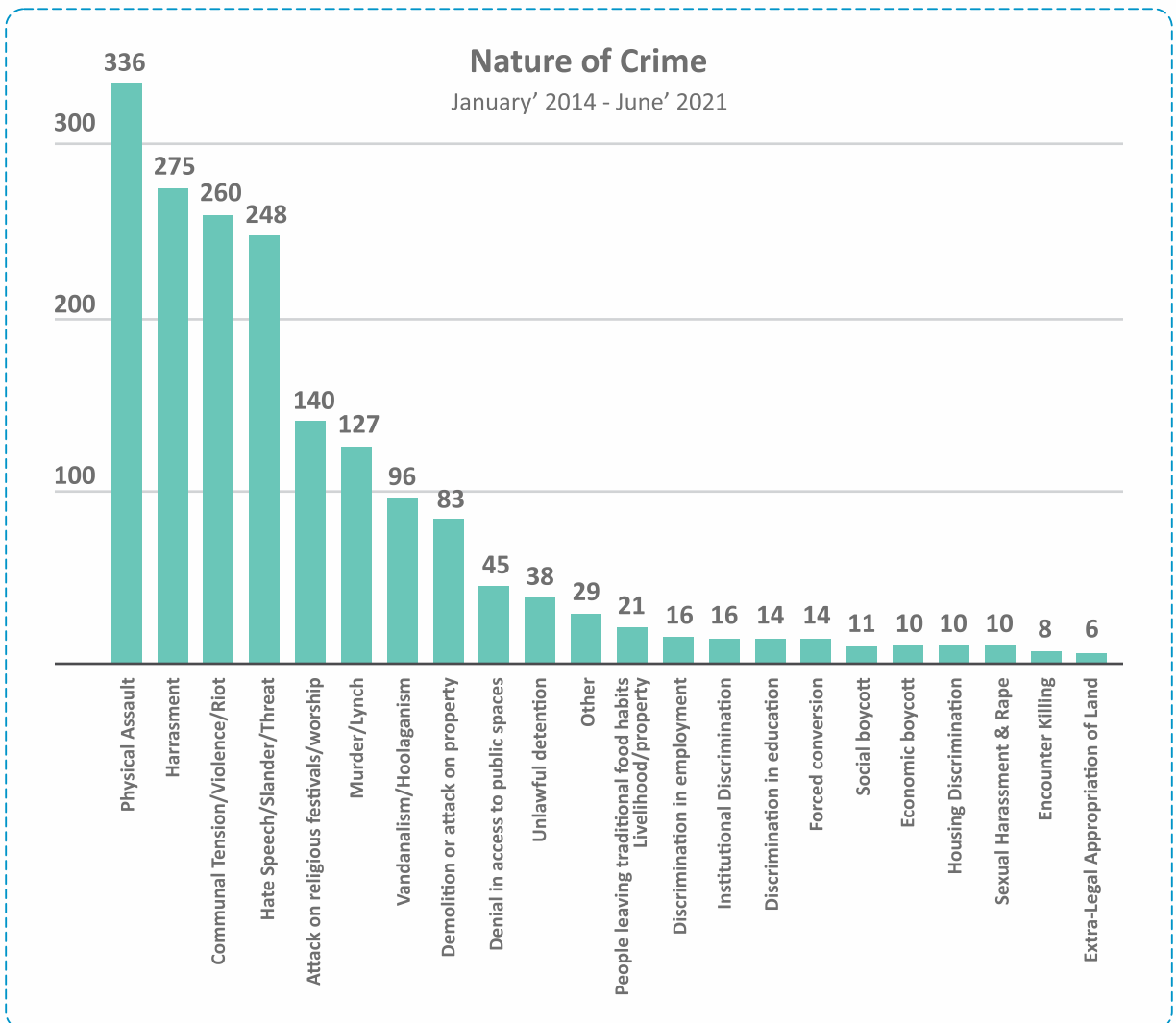
Nature of Crime
January' 2014 - June' 2021

Category	Value
Physical Assault	336
Harrasment	275
Communal Tension/Violence/Riot	260
Hate Speech/Slander/Threat	248
Attack on religious festivals/worship	140
Murder/Lynch	127
Vandanalism/Hoolaganism	96
Demolition or attack on property	83
Denial in access to public spaces	45
Unlawful detention	38
Other	29
People leaving traditional food habits Livelihood/property	21
Discrimination in employment	16
Institutional Discrimination	16
Discrimination in education	14
Forced conversion	14
Social boycott	11
Economic boycott	10
Housing Discrimination	10
Sexual Harassment & Rape	10
Encounter Killing	8
Extra-Legal Appropriation of Land	6

Figure 6: Nature of Hate Crimes between 2014-21
Source: Compiled with data from (Documentation of the Oppressed, n.d.)

III. HOTSPOTS OF HATE

a)   Uttar Pradesh

The map below depicts a concentration of hate-related incidents in Uttar Pradesh. The darker regions indicate greater incidents of hate crimes; the lighter regions indicate relatively fewer incidents.

A majority of the incidents involving hate and discrimination are seen across Meerut, Muzaffarnagar and Aligarh in the region. Followed closely by Shamli, Saharanpur and Gautam Buddha Nagar. Agra , Bulandshahr and Bijnor also have higher instances of hate crimes than the rest of UP. In the rest of UP , cities like Lucknow, Kanpur and Bharaich have also reported a higher tendency for crimes of religion and caste.

Hotspots of Hate

Low — High
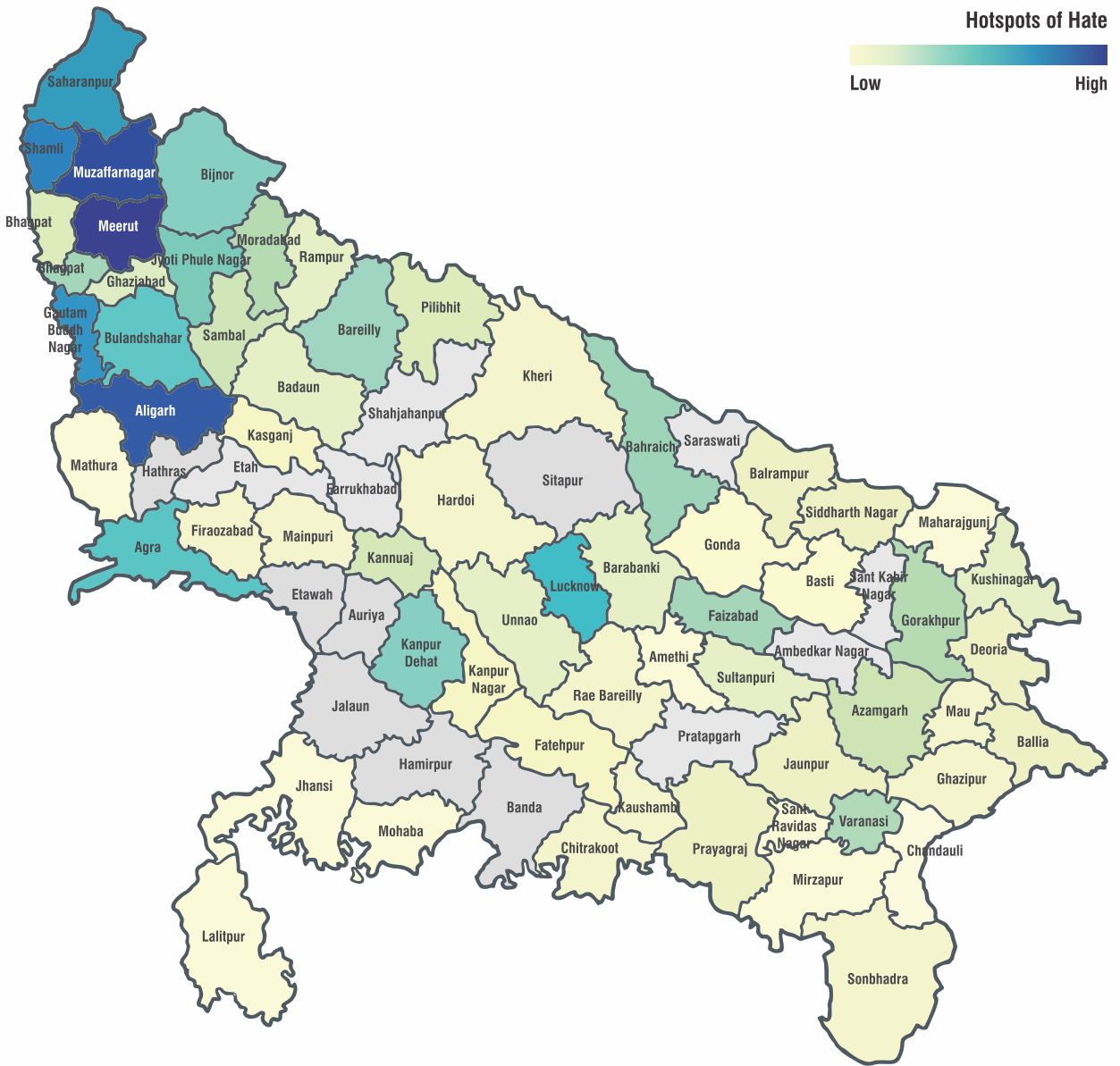
Quill Foundation | Map Data © OSM - Created with Datawraper

Figure 7: Uttar Pradesh
Source: Compiled with data from (Documentation of the Oppressed, n.d.)

Western UP sees a greater concentration of bias crimes in the state. A wide disparity exists between Western UP and other parts of the state on several socio-economic indicators. Western UP accounts for 51.71% of state G.D.P., while the Bundelkhand region (Mahoba, Banda, Jhansi, Hamirpur, Lalitpur, Chitrakoot) regions account for only 5% of the state G.D.P. Agriculturally speaking, the western region is still the most prosperous region, despite catching up by other regions in the 1970s and 1980s. Food grain yield per acre in the eastern and central regions is only 80% of the yield in the western region. Moreover, the west-to-east gap widens when one considers all crops: the west has witnessed greater diversification of output and has more area under high-value commercial crops (Chaturvedi,2015). The more impoverished Bundelkhand region also has a relatively lower proportion of hate-related violence.

Western UP has a significantly larger Muslim population than regions in the state and even the rest of India. Shamli, Saharanpur, Jyotiba Phule Nagar, Moradabad, Muzaffarnagar, Bijnor and Baghpat all have a Muslim population of as high as 40% of their total population. Other districts such as Aligarh, Hapur and Bareilly also record a substantially higher Muslim population. While some other troubled spots in the rest of UP such as Varanasi, Lucknow , Kanpur, have Muslims' in Minority[ii]. Western UP is also home to a significant Jat population as well.

Overall , UP has a meagre literacy rate of 67%. Some districts such as Moradabad , Bareilly and Bahraich which have high hate-crimes, record 50% literacy. In western UP , except for Gautam Buddha Nagar District, most districts are below national literacy levels[iii]. In UP, an average of 42% population is languishing in multidimensional poverty. The inequity in income and poverty is evident between the west and the rest of UP. Districts such as Gautam Buddha Nagar, Lucknow, Kanpur, Meerut and Ghaziabad have less than 20% of their population affected by multidimensional poverty. In contrast, districts with no or lesser reports on hate crimes, such as Shrawasti and Bahraich, have 75% and 71% of their population, respectively, facing multidimensional poverty (Oxford Poverty and Human Development Initiative and UNDP, 2018).

Despite the prosperity of the Western region, hate-related politics and crimes have become synonymous with the region. The Muzzafarnagar riots in 2013 resulted in deaths of both Muslims and Hindus and large scale displacements of Muslims. The carnage was so intense that the army had to be deployed in the state for first the time in 20 years. The Supreme Court held the ruling government Samajwadi Party guilty of negligence in averting the riots and blamed the Centre for its inability to provide timely intelligence support to the state machinery[iv]. The court also ordered all those guilty of violence to be arrested irrespective of their party affiliation; however, in 2021, the local court allowed the government to withdraw a case of inciting violence against 12 Bharatiya Janata Party (B.J.P.) leaders[v]. The riots set a climate for normalising hate, violence, and intolerance in the region. The violence preceded the 2014 general elections and was prophetic of the times ahead. Between 2014-21 UP has recorded 335 instances of hate and discrimination, with about 7700 victims, the highest in India (Documentation of the Oppressed, n.d.).

The state has become infamous for its radical law and order policy. As per the data, the state sponsored 3,896 encounters and arrested 8,904 accused in the process. About 76 criminals were killed in these shootouts and 1,154 others were injured[vi]. The police brutality during the anti-CAA protests and the conviction of Former M.L.A.s in rape cases points towards growing lawlessness.Encounters in Muzaffarnagar and Meerut districts of Western UP show contempt for the rule of law. The legitimacy given by the state to extremism and the utter indifference to human rights allows hate crimes to fit in the natural order of things.

b) Maharashtra

The map below depicts hate-related incidents in Maharashtra. The darker regions indicate greater incidents of hate crimes; the lighter regions indicate relatively fewer incidents. A very high proportion of Maharashtra's hate crimes are confined to Mumbai and Pune. A significant intensity of crimes are also seen in Ahmednagar, Aurangabad, Dhule, Jalgaon and Nanded. The areas marked in light green also report a substantial degree of such crimes.
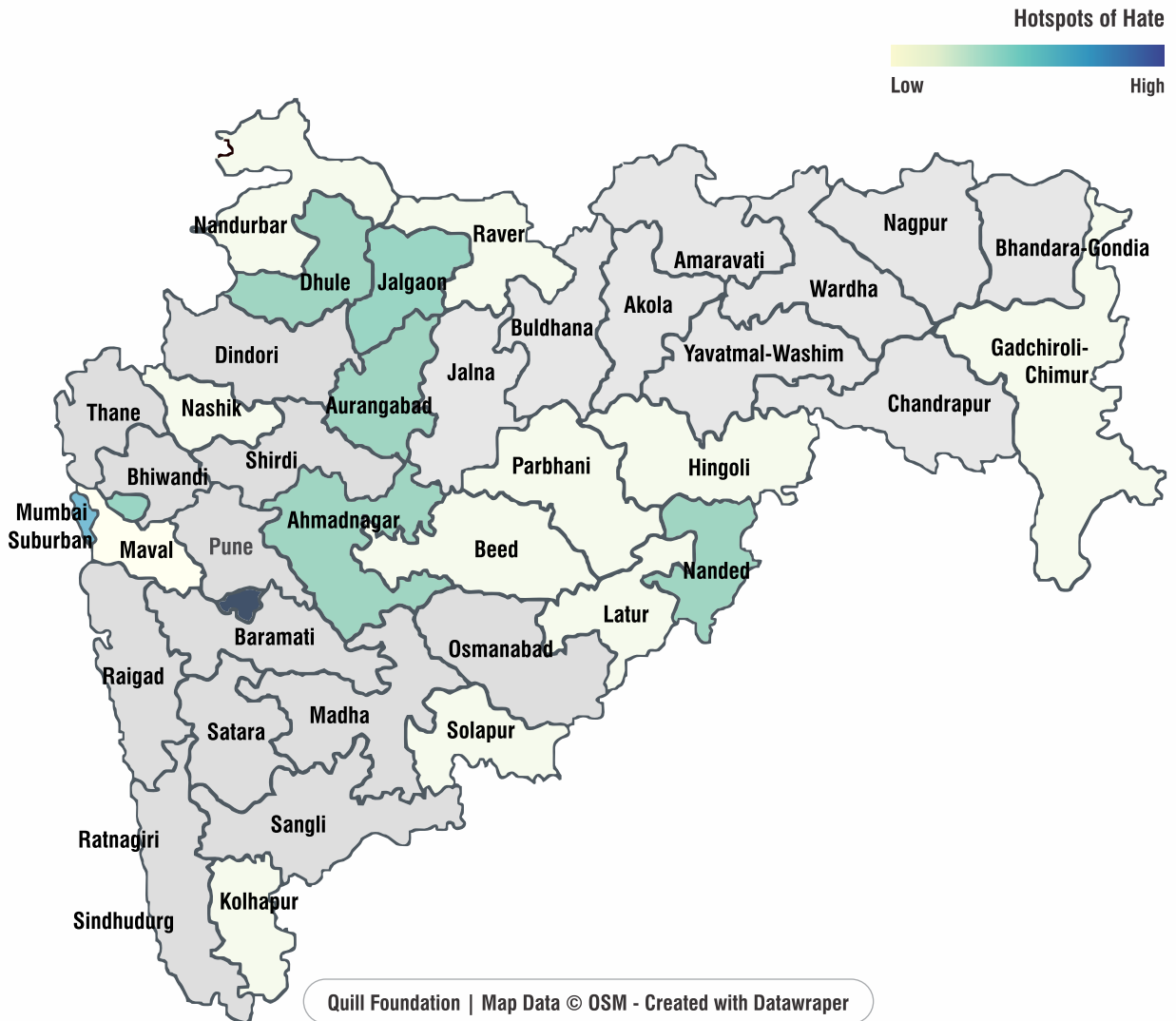

Figure 8: Maharashtra
Source: Compiled with data from (Documentation of the Oppressed, n.d.)

The Konkan region, including Mumbai and Thane, accounts for 41% of Maharashtra's GSDP. It is one of the most populous and prosperous regions. Thane has one of the highest per capita incomes in the country. On the other hand, Vidharba, which includes Nagpur and Gadchiroli districts, contributes 14.8% to Maharashtra's GSDP. The region is largely agrarian and reports the highest number of farmer suicides in the country. Gadchiroli is one of the most backward districts in India and is overrun by Maoist insurgency. As in western UP, western Maharashtra, despite its relative affluence, is home to a greater proportion of hate crimes.

Nashik, Dhule, Nandurbar, Jalgaon and Ahmednagar account for 11.6% of Maharashtra's GSDP. Marthwada, Aurangabad, Jalna, Parbhani, Hingoli, Beed, Nanded, and Osmanabad contribute to 9.3% of Maharashtra's GSDP. Marathwada is a drought-prone region, infamous for farmer suicides. The Pune region, including Solapur and Kolhapur, accounts for 22.4% of Maharashtra's GSDP (IndiaSpend , 2016). The Pune region also sees a considerable degree of bias crimes.

About 20% of Maharashtra's Population faces multiple deprivations. Mumbai and Suburban Mumbai have only 6.5% of the population under multidimensional poverty, while Nandurbhar has 60% of the population, facing multiple levels of impoverishment. Dhule, Nanded and Gadchiroli have around 30% of their population facing multidimensional poverty (Oxford Poverty and Human Development Initiative and UNDP, 2018).

Mumbai has 20% Muslims, 3% Christians, and 4% Buddhists. Aurangabad has 21% Muslims and 8% of Buddhists, Jalgaon and Nanded have about 14% Muslims. These districts have a Muslim population much higher than the national average. However, districts like Pune, Dhule and Ahmednagar have Muslims in a much lower proportion of about 7-8%[vii] . The presence of a heterogeneous population may impact the communal sensitivity of the region.

The districts under consideration have considerably higher levels of literacy when compared to average literacy levels in India. Except for Dhule and Nandurbar, most districts exhibit relatively high literacy rates[viii]. As per DOTO, Maharashtra reported 53 incidents claiming 1277 victims between 2014-21 (Documentation of the Oppressed, n.d.).

Mumbai in Maharashtra has a historical precedence of communal violence. The Bombay riots in December 1992 were largely prompted by the escalations of conflict after large scale protests by Muslims in reaction to the Babri Masjid Demolition. The riots claimed 900 lives and left 2,036 persons injured. However, the seeds of communal discord were continuously being sown among the people by the inflammatory writings on the pages of Saamana since July 1992. Post the riots, the Congress government in Maharashtra, on January 25, 1993, constituted a Commission of Inquiry under Justice B N Srikrishna to investigate the causes of the riots and to find if any group of individuals or organisations were responsible. Srikrishna Commission highlighted the anger and alienation caused by the targeted violence in December 1992 and January 1993. The report identified the Shiv Sena (S.S.), its chief Bal Thackeray and their political allies and the Bharatiya Janata Party (B.J.P.), as those responsible for the conspiracy to commit violence, specifically naming 31 police officers guilty of criminal negligence. Though the S.S.-B.J.P. Government was voted out of power in 1999 in Maharashtra, the recommendations of the Commission remained largely overlooked (Setalvad, 2018).

The riots have allowed communal disharmony to seep into the city's fabric. Post the 1992 riots, Mumbai is no longer the same. Insecurity among communities has caused spatial shifts resulting in ghettoisation and the alienation of Muslims from electoral politics.

In 2008, clashes between Samajwadi Party and Maharashtra Navnirman Sena party workers eventually developed into An altercation centred around regional politics. Raj Thackeray's provocative statements against migrants allowed the simmering of anti-immigrant sentiments in Maharashtra. Thackeray's arrest resulted in aggression against North Indians. Mumbai, Pune, Aurangabad, Beed, Nashik, Amravati, Jalna, and Latur were affected. The period saw the exodus of migrants in massive numbers[ix]. The initial hesitancy in the arrest of Raj Thackeray and his continued tirade against North Indian migrants has popularised the belief that minorities can be targeted with impunity.

In 2018, violence erupted between Dalits and Marathas near Pune, post the Elgar Parishad. The event was organised to commemorate the Battle of Bhima Koregaon (between the East India Company and the Peshwa faction of the Maratha Confederacy in 1818). Dalits had fought bravely in the British Army against the Marathas. The Pune police booked two Hindutva activists for allegedly inciting violence. However,the Supreme court granted bail to one, and the police never arrested the other. The Pune Police arrested ten activists in connection with the incident, apparently having links with the now-banned Communist Party of India (Maoist). The Pune Police chargesheet also contended that a letter recovered from one of those accused had revealed an "assassination conspiracy" against Prime Minister Narendra Modi[x]. Most of these activists are still in jail. The absence of retribution in episodes of violence whilst penalising those who raise their voices allows the space for prejudices to grow while strengthening the 'otherisation' narrative.

Hate crimes in socio-economically well-off and literate regions of Maharastra direct concerns towards the political climate that can ruffle pervasive prejudices with ease to unleash intolerance and hate. As a first in the State, Maharashtra has issued guidelines to deal with lynching and mob violence. The police have been authorised to shut down websites found propagating hate crimes and fake news. Superintendents of police (S.P.s) have been appointed as the nodal officers in districts and deputy commissioners of police (D.C.Ps) in the cities to keep track of incidents and to take action under Section 153 (A) of the Indian Penal Code for promoting enmity between different groups on the grounds of religion, race, place of birth, residence, language, etc.[xi]

c)   Assam

The map below depicts hate-related incidents in Assam. The darker regions indicate a higher frequency of hate crimes; the lighter regions indicate relatively fewer incidents.
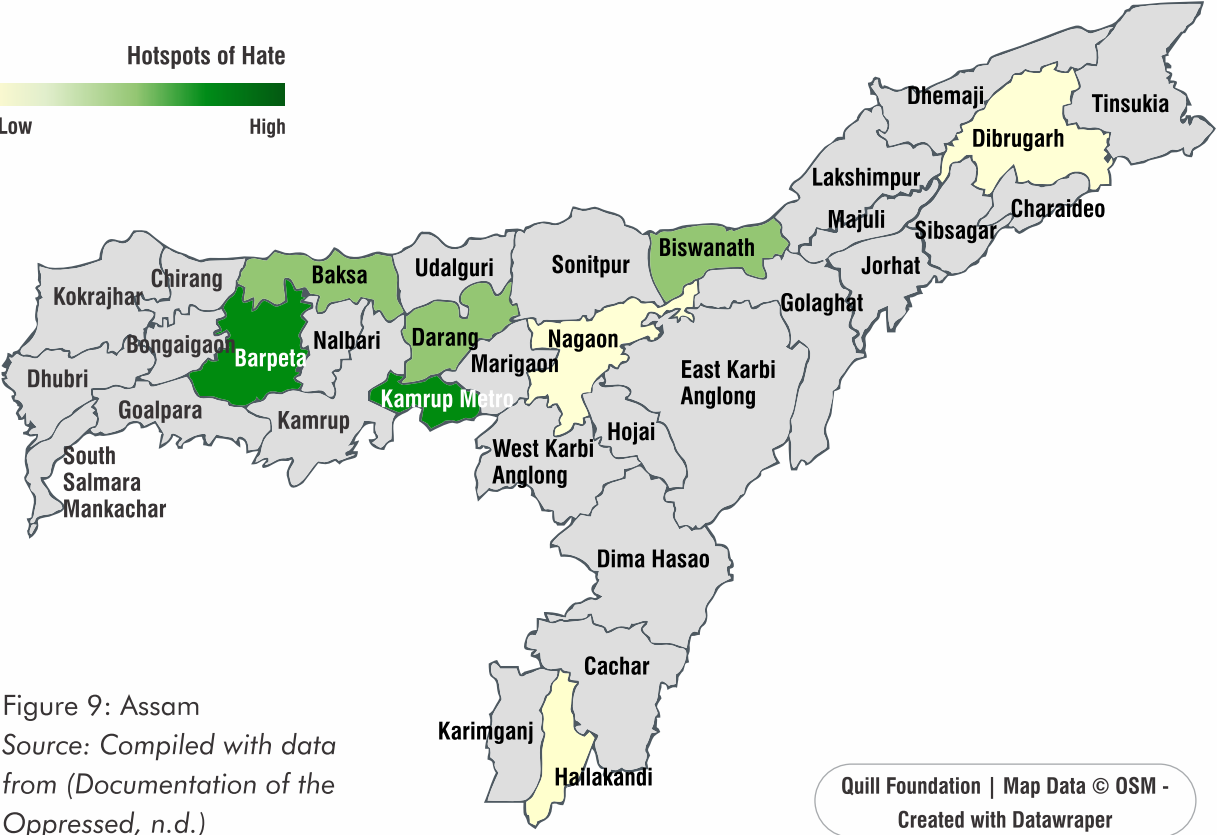

Figure 9: Assam
Source: Compiled with data from (Documentation of the Oppressed, n.d.)

Quill Foundation | Map Data © OSM - Created with Datawraper

Barpeta and Kamrup Metropolitan show the highest incidence of hate crimes. Baksa and Bishwanath. Nagaon, Hailakandi and Dibrugarh have also reported relatively high hate crimes.

Muslims encompass more than 35 per cent of Assam's population of about 30 million, giving the state the second-highest concentration of Muslims in India. Among the districts under consideration Barpeta, Darrang, Nagaon, and Hailakandi are Muslim majority districts. About 21% of Barpeta's Population is Muslim. While Dibrugarh has only 5% of Muslims, Baksa and Kamprup Metropolitan have about 12-14% Muslims in their population[xii]. The districts of Baksa are not only home to Bodos but also to Muslims, O.B.C.s and other groups. The perceived rapid growth of Muslims is believed to cause insecurity among the ethnic Bodos as these groups have now become a minority in the region.

Assam has one of the lowest per capita incomes in the country. Poverty is endemic given the geographical inaccessibility, flood proneness and insurgency in the region. Baksa, Barpeta, Darrang , Hailakandi , Bishwanath and Nagaon report extremely high rates of poverty (Bhandari & Chakraborty, 2014). Darrang , Barpeta and Baksa report low levels of literacy. Most of these districts except Kamrup Metropolitan have lower than national literacy average[xiii].

In Assam, about 35% of the population is under multidimensional poverty. Hailakanda has 57% of its population facing multiple levels of deprivation. Darrang and Barpeta have 40% of their population in multidimensional poverty. Kamprup metropolitan had 13% of the population facing multiple levels of poverty (Oxford Poverty and Human Development Initiative and UNDP, 2018).

Assam witnessed horrific violence in the year 1983. The incident known as the Nellie Massacre killed about 3000 people in a short span of a few hours. The villages spread across the Nagaon district were inhabited by Muslims of Bengali Origin. Bengali Muslims and Hindus from Bangladesh had been coming into Assam post-independence. The xenophobia generated by the ethnocentric political parties in Assam allowed sectarian discontent to brew. All Assam Students Union had been leading violent agitation since 1979, demanding Bengali speaking outsiders be thrown out of Assam. The enquiry commission set up after the violence did not release a report in the public domain. The report blamed police for negligence, but none from All Assam Student Union(AASU) were punished despite eyewitness accounts of their involvement in the massacre. Not a single person has been prosecuted for this bloodbath (Wahab, 2021). The Assam Accord signed between the Indian government and the leaders of Assam in 1985 included a clause to review criminal offences, except heinous offences. However, even murder and rape were not included in the clause, and survivors received minimal compensation.

Nellie massacre had set the trend for state-sanctioned violence and also made ethnic cleansing episodes routine in Assam. Ethnic violence between Bodos and Non-Bodos in Assam have been a regular part of its landscape. In 1993, Bengali Muslims were killed, and their homes were looted in Kokrajhar and Bongaigaon districts. In 1994, violence again coloured Assam. In 1996-7, Santhalis were attacked, and three lakhs of them were displaced. In 2000, Muslims were attacked and yet again displaced from their official refugee camps (Mander, 2012). In 2008, Bodos-minority community violence killed 100 people and displaced nearly 2,00,000. Violence broke out between indigenous Bodos and Bengali Muslims again in 2012, leaving 4 Lakh people displaced. In 2014, militants entered a village in Baksa district and opened fire , setting ablaze at least 40 Muslim homes. The perception of massive illegal migration has generated the concern among Bodos that their ancestral lands will be illegally taken away by the migrants. The absence of any reliable data on migration only adds fuel to the fire. The contestation for Assam over the fear of demographic changes and loss of land is worsened by political parties trying to seize power in Assam. The existence of armed groups such as

the NDFB-S and the Bisra Commando Force representing the Santhals, makes Assam a tinder-box ready to turn into an inferno[xiv]. Harsh Mandar describes Assam as,

> "… near-fatally imploded with the politics of competing persecutions, as oppressed groups arm and organise themselves to violently drive away other wretched and deprived people, in pursuit of dangerous, impossible (and unconstitutional) aspirations of ethnically cleansed homelands. Their plight is aggravated by bankrupt and opportunistic politics and State policy, and equivocal rationalisations by civilian observers. In battles between indigenous inhabitants and settlers, many of the region's poorest people are living out their lives in fear, confined to camps, people who no one wants and who have nowhere to go" (Mander, 2012)

As per the NCRB data, Assam has consistently reported the highest rates of crimes against women in India for the last three years. The rate of crimes against women in Assam was nearly thrice the Indian average in 2019 (National Crime Records Bureau, 2019). As per Census 2011, Assam has less than 3% of India's female population, but its share of crimes in 2019 was about 7.4%. Darrang district in north Assam has a crime rate (against women) of 338 while the state average stands at 177. Hailakandi, Dhubri, Barpeta and the former Kamrup district reported crime rates higher than the state average[xv].

The chronic violence and endemic xenophobia contribute to a state of perpetual insecurity in the region. The constant anti-immigration rhetoric has allowed prejudices to be strengthened. The climate of unabated insurgency coupled with rampant brutality centred around ethnic cleansing tends to legitimise violence. Poverty only adds to the insecurity and uncertainty of the Assamese people. Hate crimes in Assam are a consequence of the prevailing deep-seated social backwardness and political biases.

d) Delhi

The map below depicts hate-related incidents in Delhi. The darker regions indicate greater incidents of hate crimes; the lighter regions indicate relatively fewer incidents.
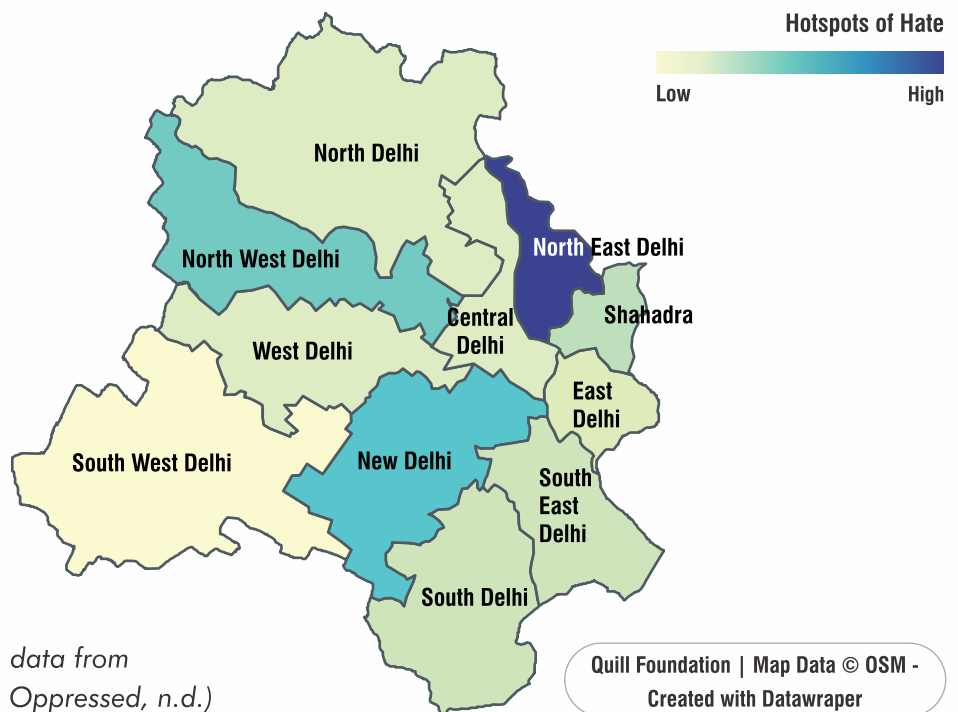

Figure 10: Delhi
Source: Compiled with data from (Documentation of the Oppressed, n.d.)

North East Delhi is the most affected by hate crimes, followed closely by New Delhi and North West Delhi. South West Delhi reports relatively lesser incidents of hate crimes.

Between 2014-21 , there were 108 incidents of hate claiming about 3000 victims (Documentation of the Oppressed, n.d.). Delhi reports the highest rate of cognisable crimes in the country, averaging 1500 IPC-related crimes per 1 Lakh population. The rate of violent crimes in Delhi is also one of the highest in the country (58.2 crime incidents per 1 lakh population) (National Crime Records Bureau, 2019).

North East Delhi had about 6.6% of its population facing multidimensional poverty, the highest in the district. New Delhi and North-West Delhi had 5.8% and 4.8% of their respective populations facing multiple levels of deprivation. South West Delhi fares better than all regions, with only 2% of their population facing multiple levels of deprivation (Oxford Poverty and Human Development Initiative and UNDP, 2018). North-East and Central Delhi have 30% Muslims in their respective populations. West Delhi and New Delhi have a minuscule Muslim population[xvi]. Muslim-dominated areas in Delhi are relatively poorer than other parts of Delhi.

As opposed to Maharashtra and Uttar Pradesh, the districts with poor socio-economic indicators also report higher instances of hate crimes. In a departure from other states, districts with relatively lower literacy rates, such as North-East and North-West Delhi, witness increased hate crimes.

The partition in 1947 led to devastating communal violence killing near 25000 Muslims and resulting in the migration of 3.3 Lakh Indians. Several localities, which were predominantly Muslim, such as Chandni Chowk, Khari Baoli and Karol Bagh were emptied out to a great extent with the emigration of Muslims and were replaced with Punjabi Hindus and Sikhs. In the aftermath of the violence, mixed areas were no longer safe and Muslims were shifted to predominantly Muslim localities. These supposed safe havens eventually morphed into communally sensitive zones.

Post the 1990s, Muslim migrants from Bihar, Uttar Pradesh and the rest of north India started coming and settling in the localities in the North East Delhi and Shahdara and formed the belt of largely Muslim localities in 'trans Yamuna areas (Parveen, 2021) .

The emigration and migration aided the process of ghetthoisation in Delhi. The trajectory of urbanisation and the developments post-partition, have ensured that religious identity is an explicable part of Delhi's past, present and future. Thereby, contentions and politics around religion are inevitable. Moreover, the inequities in income and society are glaringly obvious across Delhi. The pockets with poor socio-economic indicators are also the hotspots of hate led violence.

e) Haryana

The map below depicts hate-related incidents in Haryana. The darker regions indicate greater incidents of hate crimes; the lighter regions indicate relatively fewer incidents. Grey regions indicate no data available.
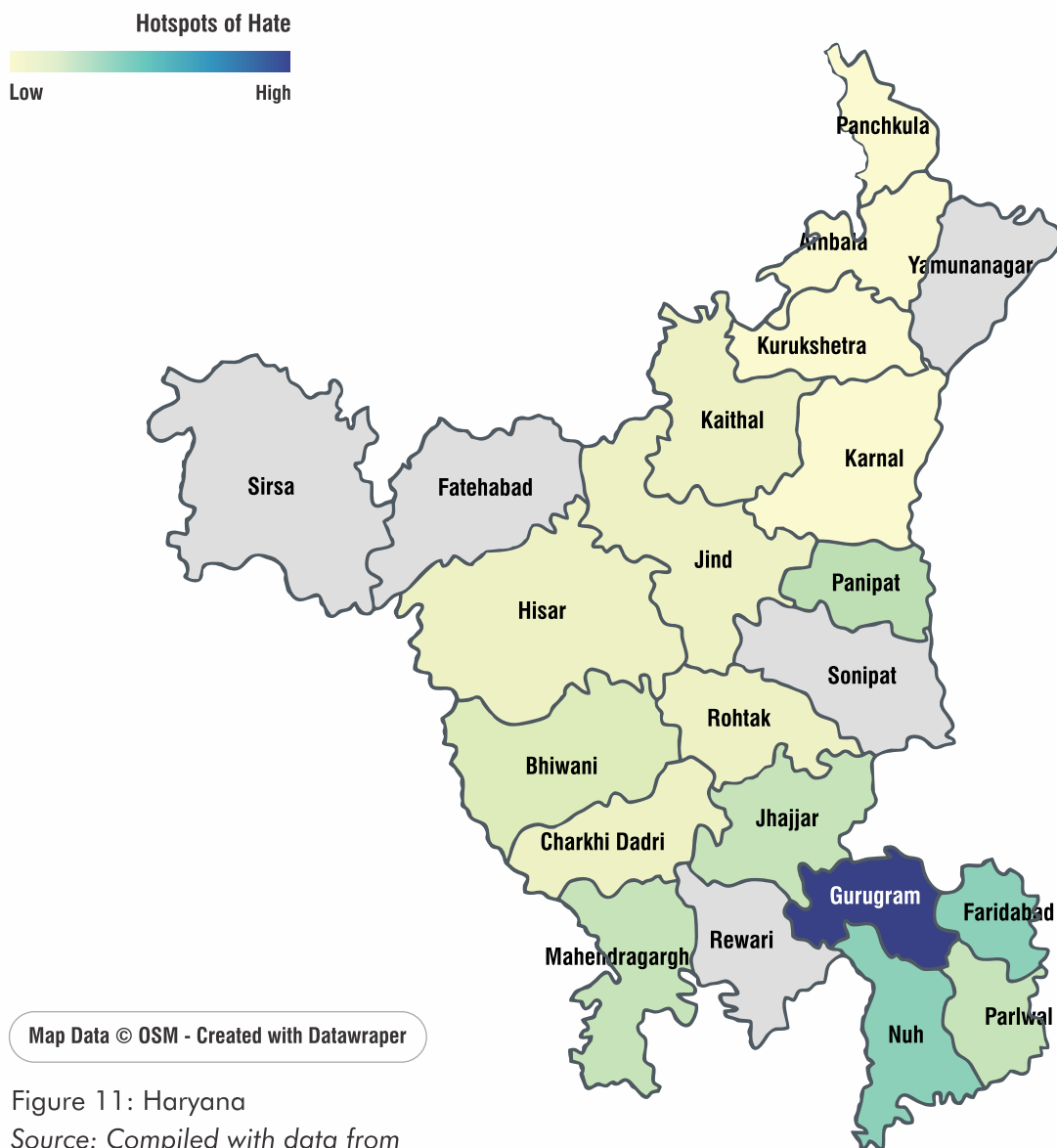
Figure 11: Haryana
Source: Compiled with data from
(Documentation of the Oppressed, n.d.)

Between 2014-21, Haryana recorded 69 incidents of hate with about 2400 victims (Documentation of the Oppressed, n.d.). Despite the prosperity and an 85% literate rate population[xvii], Gurugram records the highest instances of hate-driven violence. Followed by other districts such as Mahendragarh, Nuh , Palwal, Jhajjar, Panipat and Faridabad. In general, cases in Haryana were more in the nature of directed vigilante attacks, by Gau Rakshak Dals of cattle traders on main national and state highways. Pehlu Khan, a resident of Nuh District, was lynched to death in Alwar , Rajasthan. Alwar shares a border with Nuh.

Nuh is the only Muslim majority[xviii] district in Haryana. All others, except Palwal, have a marginal proportion of Muslims. Nuh is one of the worst-ranked districts in health, education, agriculture, financial inclusion and infrastructure. It is an agrarian district with the lowest per capita income in the state. The literacy levels are abysmal at about 50%. According to the 'Lynching Without End' report, inter-state cases of bovine-related violence primarily affected victims from the Nuh district of Mewat region in Haryana. The report observes that

"in the inter-state cases of bovine violence, since the incident of violence takes place in provinces outside the victim's own, it poses additional challenges for survivors or victim's families in their efforts to obtain justice – anyways an uphill task for poor, unconnected and devastated families" (Citizens Against Hate, 2017).

Inter-district inequity in Haryana is alarming. Haryana had a per capita income of ₹ 1.33 Lakh in 2013-14, much higher than the country's average per capita of about ₹ 74,600. The prosperity of Haryana came from Gurgaon (₹ 4.46 Lakh), Rewari (₹ 11 Lakh), Panipat , Ambala , Faridabad and Panchkula. Mewat (present-day Nuh) had the lowest per capita income of ₹ 45,934, and Mahendergarh reported a per capita income of ₹ 54,385 in F.Y. 2011-12[xix].

Only 11% of Haryana faces multiple levels of deprivation. However, while Mewat (present-day Nuh) has 58% of the population affected by multidimensional poverty, Gurugram has about 8%. Thus, the disparity in deprivation across districts is also high (Oxford Poverty and Human Development Initiative and UNDP, 2018) . Despite its inherent prosperity and cosmopolitanism, Gurugram continues to be a hotbed of hate crimes. Haryana has one of the highest rates of violent crimes in the country, accounting for 44.5 incidents of violent crimes per 1 Lakh. The state also has a comparatively higher rate of cognisable crimes (National Crime Records Bureau, 2019).

Haryana passed the Gauvansh Sanrakshan and Gausamvardhan Act for cow protection in 2015. Section 16 of this law authorises the police or any other designated person to enter, stop and search any vehicle used or intended to be used for exporting cows. The authorities are empowered to seize the vehicle as well as the cows. Section 17 authorises the confiscation of vehicles. The law has not been able to curb cow vigilantism in the state. On the other hand, vigilante groups under the garb of cow protection violate the law blatantly and deliver merciless treatment to alleged cow smugglers in the name of justice (Citizens Against Hate, 2017).

f)   Karnataka

The map below depicts hate-related incidents in Karnataka. The darker regions indicate greater incidents of hate crimes; the lighter regions indicate relatively fewer incidents. Grey regions indicate no data available. Dakshin Kannada reported the highest intensity of hate crimes in the state. Followed by Udupi and Bangalore Urban. In total, Karnataka reported 105 incidents claiming 16 victims between 2014 and 2021 (Documentation of the Oppressed, n.d.).

Hotspots of Hate

Low ──── High
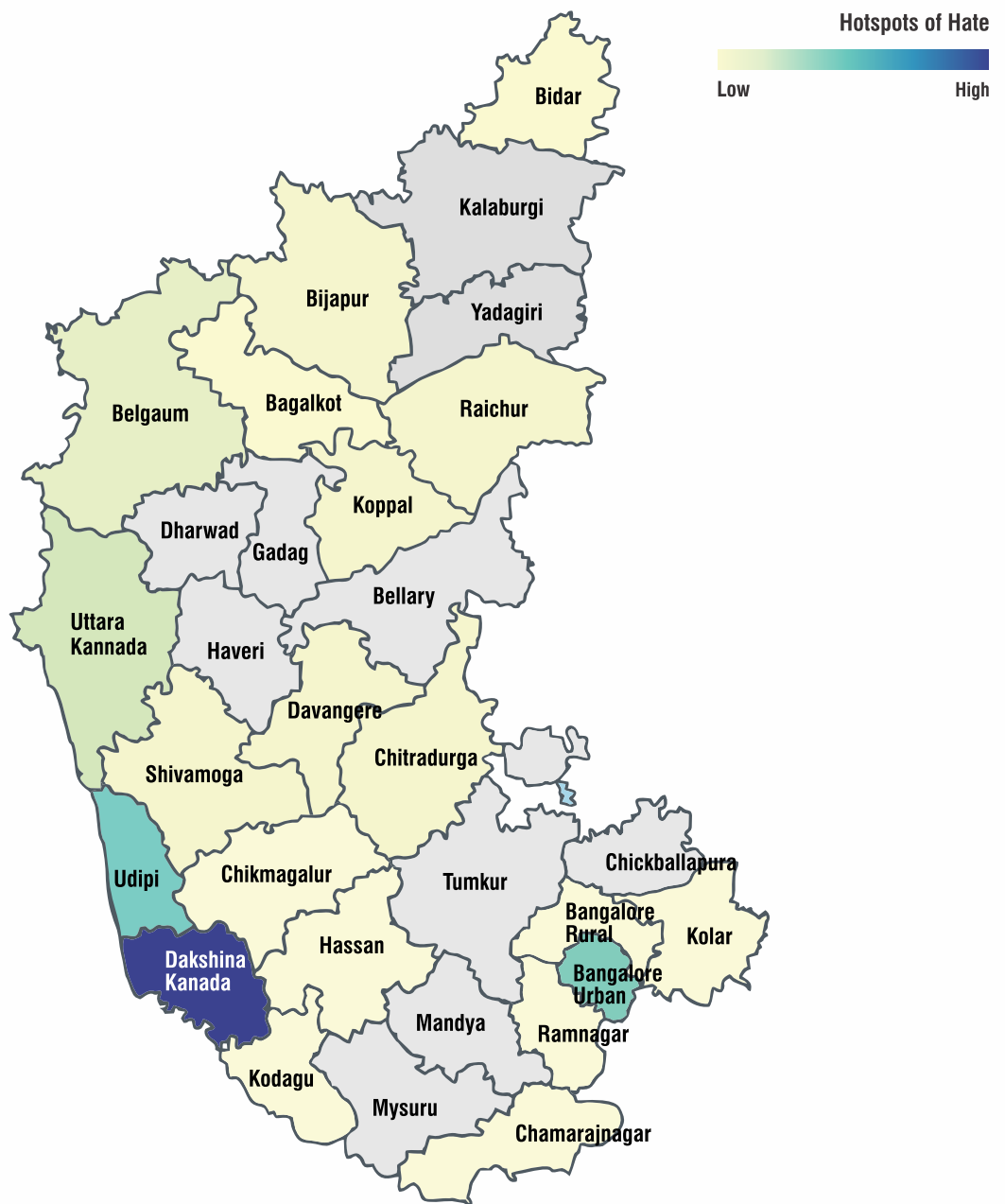
Quill Foundation | Map Data © OSM - Created with Datawraper

Figure 12: Karnataka
Source: Compiled with data from (Documentation of the Oppressed, n.d.)

Dakshin Kannada has 24% of Muslims in their total population, the highest in the state. Dharwad and Bidar comprise 20% Muslims[xx]. Dakshin Kannada and Bangalore, despite higher literacy levels and prosperity, seem to be the worst affected by hate crimes[xxi]. Bengaluru Urban tops the list of high-income districts, followed by two coastal districts of Dakshina Kannada and Udupi. Chikkamagaluru and Shivamogga are also relatively well-off districts. Belgavi and Bidar of Northern Karnataka have lower income levels[xxii].

Dakshin Kannada is a communally sensitive district. According to People's Union of Civil liberties data, between 2005 and 2015, 911 incidents of communal violence were reported in the district. Communal riots broke out in Dakshina Kannada in December 1992. The riots penetrated the social and political structure of the district. The insecurity generated by the riot created fissures that fringe outfits continue to exploit even today. The violence led to the mushrooming of both Hindu and Muslim extremist groups that continue to polarise the populace.

For instance, the Karnataka Forum for Dignity – which started as a forum to protect the minorities, Dalits and other marginalised communities – soon became the Popular Front of India. The organisation has been associated with violence targeting Hindus and moral policing. Muslim extremist groups in Dakshina Kannada have also exploited the narrative of the revenge killings and cashed in on the perception of victimisation within the Muslim community to achieve its ends. Political parties continue to secure electoral gains by exploiting Hindu-Muslim insecurity. Rumour-mongering and incitement of violence by different religious factions make Dakshina Kannada an intolerant society[xxiii].

In the highly polarised coastal Kannada, where disharmony advances political causes, peace may be a distant dream. Hate crimes keep alive the communal tension. With fringe groups continuing to sow the seeds of insecurity and hatred among different religious groups, hate crimes will continue to occur. Bangalore, too, has been gripped with several major riots since 1986. Despite being cosmopolitan, Bangalore seems to be afflicted by hate and intolerance. The exodus of north-eastern migrants over the fear of attacks, the riots post the Cauvery water judgement and violence over the use of the Prophets name in the title of a fictional publication[xxiv] all point to a fragile edifice of coexistence. In Karnataka , too, the relatively well-off regions report higher instances of hate.

A glance at the crime statistics of the states under consideration reveals that these states have higher than the national average rate of violent crimes and cognisable crimes(I.P.C.) . They also are the states which have a history of violence and a consistent record of leaving the guilty unpunished.

IV.   LAW AND JUSTICE IN HATE CRIMES

The laws in India either deal with hate speech or the violence emanating from a hate crime. The narrative of jurisprudence has been around 'public order' and 'freedom of speech' whilst condemning hate speeches. The attacks, riots, lynching, harassment, murder and physical aggression have largely been dealt with in the Criminal Procedure Code and the Indian Penal Code. The existing legal framework, however, is directed towards deterrence and retribution.

There is no separate legislation in India that deals with hate crimes. Individual laws target different transgressions that amount to such a crime.The Indian Penal Code (I.P.C.)under Sections 153A, 153B, 295A, 298, 505(1) and 505(2)25 declares that words, spoken or written that promotes disharmony, hatred, or insults based on religion, ethnicity, culture, language, region, caste, community, race etc. are punishable under law.

On a similar note, The Representation of People Act, Information Technology Act, Unlawful Activities (Prevention) Act, 1967, and the like also contain provisions concerning hate speech and its prevention. Provisions under I.P.C. such as Section 302, Section 304, Section 307, Section 323, Section 325 and the like deal indirectly with the cases of hate crimes[xxv]. A look at some of the I.P.C. crimes committed under the umbrella of hate crimes reveals low conviction rates and a high backlog of cases. Moreover, the conviction rates for some of these categories have fallen since the year 2017.

In 2019, I.P.C. crimes such as those causing voluntary simple and grievous hurt by dangerous weapons recorded meagre conviction rates of 18% and 17%, respectively. The conviction rate for simple hurt by dangerous weapons has fallen from 22% and 18% in 2017. Voluntary causing grievous hurt by dangerous weapons also records a very high pendency rate of 95% at the court level. Chargesheeting rate was as high as 91% and 88% respectively for voluntary simple and grievous hurt by dangerous weapons in 2019. Pendency at the police level for these crimes is also extremely low. So while a significant proportion of these cases reach the court, conviction is abysmally low. The inadvertent errors in filing charge sheets probably lead to lower convictions. The lack of evidence and improperly framed charges also lead to lower conviction rates.

Chart 1: I.P.C. Crime - Voluntary causing simple/grievous hurt by dangerous weapons

Crime	Year	Chargesheeting Rate	Pendency at the Police Stage	Conviction Rate	Pendency at the Court
IPC 324 Voluntary causing simple hurt by dangerous weapons	2017	92%	27%	22%	83%
	2019	91%	20%	18%	87%
IPC 326 Voluntary causing grievous hurt by dangerous weapons	2017	86%	36%	18%	94%
	2019	88%	34%	17%	95%

Source: (National Crime Records Bureau, 2019)

The chargesheeting rate of 79% in unlawful assembly indicates that a good majority of cases do reach the court. The crime recorded a 44% conviction rate in 2019, up from 33% in 2016. The pendency in courts remains at a whopping 90%. Thus , while the cases of unlawful assembly do reach courts, justice is marred with low conviction rates and high pendency at the courts.

Chart 2: I.P.C. Crime - Unlawful Assembly

Crime	Year	Chargesheeting Rate	Pendency at the Police Stage	Conviction Rate	Pendency at the Court
Unlawful Assembly	2016	76%	30%	33%	91%
	2019	79%	40%	44%	90%

Source: (National Crime Records Bureau, 2019)

Communal riots in India record an exceptionally low conviction rate; in fact, conviction rates fell by five percentage points in 2019. Moreover, the riot cases have 95% pendency at the court level. The slow disposal of riot cases continues even with caste-based riot cases, which record 95% pendency. The conviction rates fell from 31% in 2017 to 18% in 2019.

Chart 3: I.P.C. Crime - Riots

Crime	Year	Chargesheeting Rate	Pendency at the Police Stage	Conviction Rate	Pendency at the Court
Communal Riots	2017	88%	46%	25%	95%
	2019	85%	48%	20%	95%
Cast Riots	2017	85%	41%	31%	93%
	2019	90%	47%	18%	95%

Offences Promoting Enmity Between Different Groups record extremely low conviction rates and high court level pendency. The offence of promoting enmity between groups has recorded a conviction rate of 26% in 2019, up from 12% in 2017. The chargesheeting rate for these crimes was lower than other crimes. A significant proportion of such cases remained stuck at the police level.

Chart 4: I.P.C. Crime - Enmity Between Groups

Crime	Year	Chargesheeting Rate	Pendency at the Police Stage	Conviction Rate	Pendency at the Court
IPC 153A Promoting Enmity Between Groups	2017	67%	60%	12%	91%
	2019	67%	51%	26%	93%
IPC 153B Imputation, Assertions Prejudicial to National Integration	2017	60%	41%	0%	100%
	2019	75%	60%	33%	94%

Source: (National Crime Records Bureau, 2019)

Offences relating to religion recorded a conviction rate of 37% in 2019 up from 22% in 2017. The pendency at the court level remained high at about 90% through the years for religion-related offences. In 2019, most of such crimes remained pending at the police level.

Chart 5: I.P.C. Crime - Offences relating to religion

Crime	Year	Chargesheeting Rate	Pendency at the Police Stage	Conviction Rate	Pendency at the Court
Offences relating to Religion	2016	*Data Unavailable*	*Data Unavailable*	22%	90%
	2019	68%	51%	37%	91%

Source: (National Crime Records Bureau, 2019)

Circulation of Fake news and disinformation is attributed to be a major trigger of hate crimes. The NCRB data shows that conviction rates for this crime have fallen from 73% in 2017 to 33% in 2019. The pendency at the court level has also gone up from 48% to 94% in the same period. Though chargesheeting rates remain reasonably high, they fell from 83% in 2017 to 76% in 2019.

Chart 6: I.P.C. Crime - Fake News

Crime	Year	Chargesheeting Rate	Pendency at the Police Stage	Conviction Rate	Pendency at the Court
Circulate False/Fake News/Rumours	2017	83%	27%	73%	48%
	2019	76%	46%	33%	94%

Source: (National Crime Records Bureau, 2019)

The Sedition law is a draconian colonial concept. Today it is being used without restraint to arrest activists and journalists for silencing dissent and free speech. In 2019, there were 93 cases of sedition compared to 2016, when there were only 35. The conviction rate was a mere 3% in cases of sedition in 2019, and chargesheeting remained fairly low at about 57%. The chargesheeting rate has fallen from 71% in 2017.

The law is prone to misuse by the executive bodies. Justice N.V Ramana has remarked that, "the use of sedition is like giving a saw to the carpenter to cut a piece of wood, and he uses it to the cut the entire forest for itself[xxvi]."

Chart 7: I.P.C. Crime - Sedition

Crime	Year	Chargesheeting Rate	Pendency at the Police Stage	Conviction Rate	Pendency at the Court
Sedition	2017	71%	75%	-	100%
	2019	57%	69%	3.3%	74%

Source: (National Crime Records Bureau, 2019)

Unlawful Activities (Prevention) Act (UAPA) has a meagre 43% chargesheeting rate and a 78% pendency at the police level. The I.T. Act, has a 37% chargesheeting rate and 68% pendency at the police level.

Chart 8: Special and Local Laws (S.L.L) Crimes

SLL Crimes	Chargesheeting Rate	Pendency at the Police Stage
Unlawful Activities (Prevention) Act	43%	78%
The Information Technology (IT) Act	37%	68%

Source: (National Crime Records Bureau, 2019)

Crimes registered against UAPA led to 1948 arrests in 2019, out of which in 1141 cases, charges were framed. However, only 34 persons were convicted—thus, a measly 1.7% of the cases ended in conviction.

Crimes registered against the I.T. Act led to 8515 arrests in 2019, out of which 8557 cases were chargesheeted. However, only 379 persons were convict, about 4.4% of the cases ended in conviction.

Chart 9: Special and Local Laws (S.L.L) Crimes

SLL Crimes	Arrested	Chargesheeted	Convicted
Unlawful Activities (Prevention) Act	1948	1141	34
The Information Technology (IT) Act	8515	8557	379

Source: (National Crime Records Bureau, 2019)

Status of Cases reported under I.T. Act

Of the 34,607 cases pending under the I.T. Act in 2019,10256 were pending for more than 1 to 3 years. About 5852 chargesheets were filed under the I.T. Act in 2019, out of which only 1049 were filed within two months. From the 9908 final reports submitted, only 104 final reports were submitted within two months.

Status of Cases reported under UAPA Act

From the 3993 UAPA cases pending in 2019 , 1583 were pending for more than three years. Around 485 cases chargesheeted under UAPA in 2019, but only 16 chargesheets were filed within two months. About 650 final reports were submitted, of which 379 final reports took more than two years to be submitted (National Crime Records Bureau, 2019).

a. Status of hate crimes in India

Mohammed Akhlaq attacked on September 25 2015, and an F.I.R. was registered on September 29, 2015. A chargesheet was filed by the police on December 23, 2015. On September 8, 2017 all suspects were granted bail by the court[xxvii]. A fast track court framed charges against all 13 suspects in March 2021[xxviii].

Pehlu Khan succumbed to injuries on April 3, 2017, after being attacked by cow vigilantes. An F.I.R. was filed on April 5. The investigation was shifted to C.I.D. Crime Branch in Rajasthan in July and in September, the police gave a clean chit to the six accused named by Pehlu Khan. Two years later, the court acquitted the six accused for lack of evidence[xxix].The Juvenile Justice Board sentenced the two juveniles involved in the case to a 3-year remand in a safe home in the year 2020[xxx].

A mob lynched *Tabrez Ansari* on June 17,2019, and the 11 accused were arrested on June 25 2019. Early September, the police dropped charges citing the autopsy report. On September 18, the police reinstated the charges based on a new medical report. December 6, the court granted bail to the six arrested on grounds of lack of evidence indicating their involvement in the crime[xxxi].

Payal Tadvi committed suicide on May 22, 2019. Tadvi was a Scheduled Tribe belonging to the Bhil Muslim community. On May 29, the accused were arrested for abetment to suicide under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and the Maharashtra Prohibition of Ragging Act. On August 9 ,2019 the three accused were granted bail. In February 2020, the accused plea to return to college was denied by the Bombay HC. However, on October 8, 2020 Supreme Court allowed the accused to resume their medical colleges. In February 2020, the Bombay High Court set a time constraint of 10 months on the special court to complete the trial[xxxii] .

A look at some episodes of lynching reveals that in some cases, F.I.R.s were not registered. In some lynching cases, F.I.R.s were only registered only after intervention by a High Court or after protests by the family. This was especially common in UP and Haryana. In some cases, even if F.I.R.s were filed, they were without the application of section 302 of I.P.C. ;thereby, police records implied that no murder had taken place.

F.I.R.s also omitted other I.P.C. crimes that occurred along with murder, such as those of hate speech or crimes against harmony between different religious, racial, language or regional groups or castes or communities, and which disturb public tranquillity. Cross cases were also filed against victims on charges of cow slaughter, animal cruelty, possession of arms and rash driving. The police have been extremely lax in cases of vigilantism, the arrest have been slow and bails have been granted even in the case of heinous crimes. Chargesheets have not been filed even after the 90 day period. Even in cases where chargesheet has been filed , there were several omissions in the investigation by the law enforcement agency.

The delay in trials by the accused by moving multiple applications, seeking additional documents, medical exams have all caused major impediments in the trial. Compensation has either not been given nor has it been commensurate to the intensity of the damage.However, the state of Jharkhand has been consistent with its compensation policy.Moreover , the pepetrators in a significant number of cases were juvenile delinquents (Citizens Against Hate, 2017).

V.   GLOBAL TRENDS IN HATE CRIMES

The F.B.I. Uniform Crime Report indicated 7013 incidents in the U.S. in the year 2019. About 56% of these crimes were motivated by a race, ethnicity or ancestry bias. 21% of the incidents resulted from a religious bias, and 16% stemmed from a sexual orientation bias. Of those crimes related to race, a majority had an anti-Black bias. Within crimes related to religion – a majority had an anti-Jewish sentiment (U.S. Department of Justice—Federal Bureau of Investigation, 2019).

In 2019, the United Kingdom reported 1,06,672 hate-related offences. A whopping 76% of these offences were race-related. There has been a notable increase in crimes with a sexual orientation motive. The period of the E.U. referendum and a terrorist attack in 2017 resulted in increased hate crimes in the U.K. Among crimes related to religion, most crimes were directed towards Muslims.

Among 2670 incidents of hate in 2019 in France, most of them had a bias of racism and xenophobia. In most cases of hate, the crime was targeted towards damaging property. Crimes motivated by biases against sexual orientation occupied a prominent space in hate led crimes in France. Among crimes targeting religion, those against Christians were significantly higher than others. In anti-Christianity crimes, property attacks were more common, while in anti-Semitism cases, the violence was directed towards individuals.

Germany recorded 8585 hate-motivated crimes in 2019. Crimes involving racism and xenophobia occupied a major proportion of the bias motives. These crimes involved violent attacks on individuals. Anti-Semitism, Gender and Sexual orientation were other prominent bias motives in Germany. Islamophobia was also on the rise, as evident from the violent attacks on Mosques.Racism and xenophobia were the primary bias motives for Italy and Spain and involved violent attacks on individuals (OSCE Office for Democratic Institutions and Human Rights , 2021).

The Canadian police in 2019 reported 1,946 incidents of hate. About 62% of the hate crimes were directed towards Arabs, West Asians and Blacks, reflecting a racial and ethnic bias. A significant 32% of the crimes were against Muslims and Jews. In Canada, most of the hate was non-violent and was aimed mainly at creating general mischief. However, 82% of the cases between 2013-18 were reported to the police, but no charges were laid (Moreau, 2019).

In 2019, Finland recorded 900 crimes of hate, a significant reduction from 1704 in 2015. Most of the crimes reported to the police were race and xenophobia related. Netherland also saw a fall in hate crimes reported, from 5288 in 2015 to 2016 in 2019. Most crimes in Netherland were motivated by race and xenophobia. A significant proportion of crimes were directed towards the gender and sexual orientation of the victim. Norway also witnessed a rise in hate crimes from 341 in 2015 to 761 in 2019. Most crimes were confined to race and xenophobia or stem from sexual orientation and gender bias.

Poland recorded 972 instances of hate crimes up from 263 in 2015. While Racism and Xenophobia are primary drivers of hate, in Poland, anti-Semitism directed crimes are also significant. Sweden recorded 5858 crimes in 2019. Belgium has witnessed 1568 hate-related incidents in 2019, up from 881 in 2015 (OSCE Office for Democratic Institutions and Human Rights , 2021).In Brazil, 12098 hate induced crimes were reported in 2019. A significant 70% of such crimes were against race. About 18% constituted crimes against gender and sexual orientation (Buarque & Cretton, 2019).

With the countries under consideration, racism and xenophobia are major drivers of hate crimes. Sexual orientation and Gender biases occupy the second most prominent place in motivating hate among citizens of these countries. The refugee crisis and the politics around it provides a fertile ground for hate and prejudices to simmer.

Right-wing politics in some of these countries and their hardline anti-immigration stance has infiltrated popular opinion. Whether it was Donald Trumps anti-immigration and often xenophobic opinions or Bolsnaro's racist, xenophobic, misogynistic and homophobic rhetoric in Brazil, they have all but contributed to creating a climate of intolerance. Contemporary global politics has witnessed a surge in right-wing populism. The right-wing movements and parties across the world have displayed a common propensity towards authoritarianism , anti-elitist ideas , xenophobic and nationalistic philosophies. The far-right has been known for their scant regard for minorities and the rule of law. The use of radical language has been become the mainstay of political discourse and inflammatory speeches no longer invite censorship.

HATE CRIME DATA

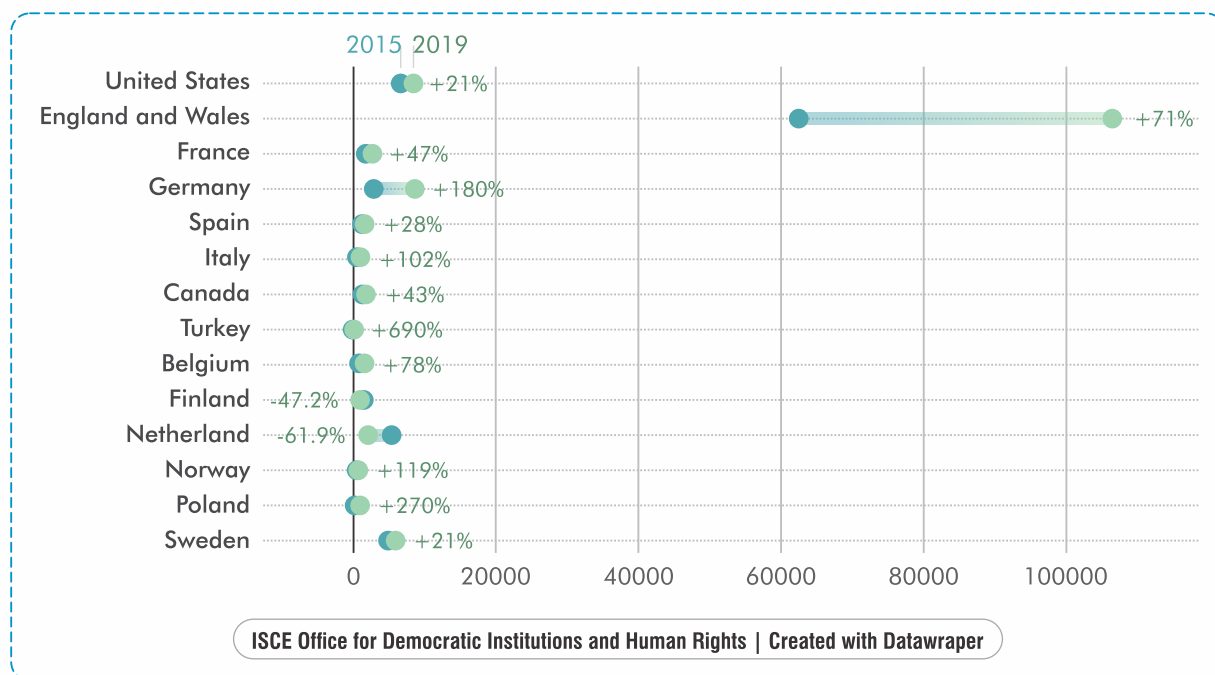Growth in Hate Crimes between 2015 - 2019

Figure 13: Growth in Hate Crimes
Source: (OSCE Office for Democratic Institutions and Human Rights , 2021)

Across Europe, the surge in right-wing populism has been accompanied by the growth of parochial ideas and rise in intolerance against the marginalised. Vlaams Belang leads the opposition in the Belgian Parliament; the party has an anti-immigration sentiment with particular opposition to Muslim immigration. It rallies for adoption of Flemish culture by immigrants if they wish to stay in the country and also demonstrates a pro-Israel stance in opposition to Islam. Vlaams Belang (V.B.) has risen from 248,843 votes in 2014 to 783,977 votes in 2019 (Cerulus, 2019). Belgium has seen a 78% increase in hate-related incidents between 2015 to 2019.

In Italy, Lega Nord, a right-wing populist party, gained popularity after the financial crisis and the influx of refugees from North Africa in 2016. The former Deputy PM of Italy, belonging to Lega Nord, is known for his infamous anti-immigration policy and Eurosceptic reputation. Italy has witnessed a 102% increase in hate crimes between 2015 to 2019.

In Spain, the Far-right party Vox made significant gains in 2018. The party believes in the eviction of all illegal migrants and repealing laws against gender violence. Sweden Democrats which had substantial wins in 2018 , opposes multiculturalism and immigration. Spain and Sweden have seen an increase of +21% and +28%, respectively, in hate-related incidents post 2015. In Finland, the far-right Finns part claimed second place in 2019. Its popularity is attributed to its opposition to immigration (BBC, 2019).

The Law and Justice Party (PiS) in Poland gained a majority in Parliament in 2015 . The Law and Justice Party is closely tied to the church and catholic belief. The conservative catholic values are often the foundation of policy decisions, leading to discrimination of minorities in the country. President Duda of PiS , condemns the LGBT ideology, by alleging it to be more destructive than communism. LGBTQ groups continue to face discrimination. Several parts of Poland have declared themselves to be LGBTQ-free zones. Anti-LGBT legislation has also gained traction.

The Supreme Court in Poland passed anti-abortion legislation, prohibiting all abortions even in the event of fetal defects. As the Polish government builds their identity around religion and nationalist populism, alienation of other groups is inevitable (Yingst, 2020). The hate-related incidents in Belgium have grown by 270% since 2015.

In Norway , the Progress party, formed the Norwegian government in coalition with the Conservative party in 2013. The Progress Party's has had an anti-immigration and anti-Muslim stance since 1987. The members of the Norwegian government popularise the idea of "stealth Islamisation" and crusades against Muslims. They also released the rhetoric of simply letting the migrants and refugees drown in the Mediterranean. Norway has witnessed a 119% rise in incidents of hate (Bangstad, 2019) .

a.   Legal Mechanisms for dealing with Hate Crimes

Brazil

Brazil under Law No. 7716 of 1989 criminalises and punishes discrimination based on race, colour, ethnicity, religion or nationality. Law 9459/97 of 1997 established a three-year penalty and fine for crimes that practice, induce, or incite prejudice based on race, colour, ethnicity, religion, or national origin. The 1988 constitution in Brazil recognised racism as a crime of public nature targeted against society. A public prosecutor handles all cases involving racism (Buarque & Cretton, 2019).

Canada

The Criminal Code of Canada in section 319(1) deals with the offence of inciting hatred. Section 319(2) of the Criminal Code criminalises those intentionally promoting hatred against an identifiable group. The Canadian court criminalises inciting genocide under section 318 of the code. Under section 718(2) of the code, offences based on bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or gender identity or expression, or on any other similar aspect while pronouncing the sentence in the court. Hence, the provision allows increasing the intensity of the sentence.

Belgium

The Criminal Code in Belgium orders that in case of offences such as indecent assault and rape, manslaughter, intentional injury, non-assistance to persons, arson, libel and destruction of personal possessions, the minimum punishment be either doubled or increased by two years if the crime is motivated by a person's race, colour, descent, national or ethnic origin, sex, sexual orientation, marital status, birth, fortune, age, religion or belief, current and future state of health, a disability or physical characteristic. Belgium law thus lists specific offences that can be tried as hate crimes. The code also encompasses a wide range of bias motivations and prejudices.

U.K.

The Crime and Disorder Act 1998 listed specific offences of racially aggravated crime, such as wounding, assault, damage, harassment and threatening/abusive behaviour. Section 145 of the Criminal Justice Act 2003 , prescribes an increase in sentence for offences motivated by racial and religious prejudices. Section 146 of the act imposes a duty upon the court to intensify a sentence if the offender demonstrates hostility towards a victim based on their sexual orientation.

United States

Hate Crime Statistic Act,1990 requires the Attorney General to collect data on crimes committed because of the victim's race, religion, disability, sexual orientation, or ethnicity. Hate Crime Sentencing Enhancement Act,1994 allows the U.S. Sentencing Commission to enhance penalties for hate crime

convictions. Hate Crimes Prevention Act of 2009, allows federal criminal prosecution of hate crimes motivated by the victim's actual or perceived race, colour, religion, or national origin.

Germany

Section 46 of the Criminal Code of Germany, in its principles of sentencing, requires the court to give consideration to the xenophobic and racist motives and aims of the offender, particularly if it shows contempt for human dignity.Section 130 of the Criminal Code on Incitement of people punishes those disturbing public peace by inciting hatred or spreading malicious content against a national, racial, religious group or a group of individuals belonging to one of the aforementioned segments. In France , the Criminal Code allows the court to increase the maximum custodial sentences for crimes accompanied or preceded by actions that are offensive to the honour of the victim belong to a particular race, ethnic group, nation or religion.

In Finland , the chapter on sentencing in the Criminal Code provides that crimes motivated by race, colour, national or ethnic origin, religion or beliefs, sexual orientation or disability be grounds for increasing punishment.The Netherland Criminal Code deals with incitement to violence. Under incitement to hatred or discrimination or violence against a person or property on the basis of their race, religion, gender , belief or sexual orientation is a punishable offence.Norway's Criminal Code deals treat offences motivated by a person's religion or life stance, colour, national or ethnic origin, sexual orientation, disability as aggravating circumstances. In cases of assault and vandalism, Norway can enhance punishments for the same in the face of aggravating circumstances. The Poland Criminal Code treats violence and unlawful threats to individuals or groups because of their national, ethnic, racial, political or religious affiliation or their lack of religious beliefs as a punishable offence. Publicly insulting a group or an individual because of their distinct national, ethnic, race or religious affiliation or lack of any religious faith is also a punishable offence.The Criminal Code of Sweden mandates that offences against individuals or groups motivated by race, skin colour, national or ethnic origin, creed, sexual orientation, gender, or other similar circumstances be considered aggravating factors when assessing the penal value of a crime (OSCE Office for Democratic Institutions and Human Rights, n.d.).

In most countries, laws targeting hate crimes have been appended to the Criminal Code . The courts of these countries look at offences motivated by gender , sexual orientation , religion , ethnicity , colour , race as aggravating circumstances and consequently awards harsher sentences. Incitement against an individual or a group belonging to one of the aforementioned categories is also viewed as a penal offence. The laws in most European countries incorporate a vast range of prejudices such as race, colour, national or ethnic origin, gender, sexual orientation, religion or belief and disability as probable motivating factors. The codification of the crime is a crucial step in bringing security among the vulnerable groups.

CONCLUSION

While penal laws can only offer deterrence and punishment, the growing intolerance and bigotry require the policy to be subsuming the larger narrative of social harmony and non-discrimination. Rehabilitation of victims of such crimes also needs to be accorded priority.The rise of fringe extremism is also a culmination of horizontal inequalities, poverty, and unemployment, which must be addressed. The state and civil society must take cognisance of socio-political exclusions, mistreatment of minorities and strengthen the institutional mandate of dealing with disharmony. The ripples of global politics and regional insecurity may further intensify such hate crimes. A nation hence must step to provide security to all its citizens. It is this climate of safety and protection from harm that fosters a society that can innovate, develop and grow into a superpower.

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1. G. Sudhir is a former IAS officer. He was Chairman of the Commission of Inquiry to study the Socio-economic and Educational conditions of Muslims in Telangana.

2. Amir Ullah Khan is Research Director at CDPP and a Development Economist. He teaches at ISB, IIFT, NALSAR, MCRHRDI and TISS.

3. Neelima Khetan headed the CSR division for companies like Coca-Cola, the Vedanta Group and Hindustan Zinc Limited. She is now visiting fellow at Brookings India

4. Amitabh Kundu has been chairperson of the Post-Sachar Evaluation Committee set up by Ministry of Minority Affairs. Currently, he is chairs a Committee for Swachh Bharat Mission at the Ministry of Drinking Water and Sanitation.

5. Aalok Wadhwa is a management professional with more than three decades of experience working in FMCG, online and social media content, publishing, and retail businesses.

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1. G. Sudhir is Chairman of the Research Team at CDPP, and a former IAS officer.

2. Amir Ullah Khan, Research Director at CDPP, is a former Civil Servant. He has worked with Encyclopedia Britannica, India Development Foundation and the Bill and Melinda Gates Foundation.

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4. Nahia Hussain, Vice President (Policy Affairs) at CDPP, has worked on diverse issues like Gender Rights, Sustainability, Foreign Policy, and Criminal Justice.

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7. Samia Farheen is research intern at CDPP. She has a triple major in Psychology, Economics and Sociology from Mount Carmel College, Bangalore.

8. Syed Salman Uddin is research assistant at CDPP. He has a degree in mechanical engineering from JNTU.

9. Syed Moin Afroz is Lead Graphic Designer at CDPP. He has been a part of the design industry for a decade now.

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