

CONCEPTUALIZING HATE CRIME IN THE INDIAN CONTEXT: CASTE - BASED HATE CRIMES AND THE QUEST FOR JUSTICE

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ABSTRACT

The concept of hate crime is now being increasingly used to understand and address violence in India that stems from prejudice and biasness against certain members of our society. Many nations in the world have adopted the concept of hate crime into their criminal laws and criminal justice system to end acts of atrocities motivated by hate. In India, the issue of hate crime is not a new issue and has been prevalent in the country due to the entrenched social divide emanating from religious, cultural, ethnic and linguistic differences. But the concept of 'hate crime' as a tool to curb and stringently address all forms of atrocities based on 'hate' has been a less explored one in the Indian law. Thus, the term "hate crime" has not been explicitly defined in any enforced law in India. However, there are several laws and legislations that address the various forms and nature of hate crimes. One of the forms of hate crimes prevalent in the country is caste- based hate crimes. This paper tries to explore the various facets of the concept of hate crime and how it is applicable to the caste-based hate crimes in the Indian scenario. The issue of caste- based hate crimes is a social problem that should not only be mitigated, but rather, it is one that should be eradicated by applying the conceptual meaning of 'hate crime' to stringently deter any perpetual practice of it.

Keywords: Hate crime, caste- based, backward classes, scheduled castes, scheduled tribes.

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1. INTRODUCTION

In the last few years, as the number of hate crimes and hate speech has taken a dramatic rise against Indians all over the world, social media has played a key role in highlighting this surging issue. Spectators on the internet have rightly criticized the rising hate crimes against Indians and have read travel advisories to help protect travelers. While on the one hand, a lambasting reaction has erupted against such hate-motivated violence, but on the other hand caste-based hate crimes, which has been a recurrent social evil in India, has seemed to become a beaten-up topic or a normalized background noise. In the analysis of the hate crime concept and its applicability to caste-based crimes it is imperative to understand the meaning of the term hate crime.

The term '**hate crime**' has been defined in several ways by various organizations. According to United Nations Office on Drugs and Crime (UNODC), "hate crime" is used to refer to a variety of unlawful behaviours in which the offender is hostile or acts in an unlawful way while being motivated by hostility or animosity against the victim's sexual orientation, gender identity, race, religion, or disability. Hate crimes encompass a range of criminal behaviours such as intimidating and threatening acts or behaviour, verbal abuse, harassment, bullying, homicide, assault, causing damage to property.² According to the Encyclopaedia Britannica, hate crime refers to acts of harassment and of intimidating behaviours, or assault that are driven by prejudice against the victim's traits that are seen as essential to his/her social identity, such as religion, race or ethnicity.³ In broad terms, one can say that hate crime is the commission of a criminal act against another individual while being motivated by hostility or deep-rooted hatred towards any distinct characteristic or trait of the victim and in addition, in this day and age, also against one's political ideologies or affiliations. In the case Tehseen Poonawala v. Union of India, 2018, the Supreme Court of India stated that, "hate crime is a product of the degradation or absence of tolerance, a sense of dominance of one's ideologies over another's, and a prejudicial mindset."⁴ There is no specific definition of hate crime under the Indian law.

² United Nations Office on Drugs and Crime (UNODC), "Key Terms", <https://www.unodc.org/e4j/zh/crime-prevention-criminal-justice/module-10/key-issues/key.terms.html#:~:text=The%20term%20%22hate%20crime%22%20can,well%20as%20damage%20to%20property.>, (10th October, 2025).

³ Valerie Jenness, Encyclopaedia Britannica, "Hate Crime", <https://www.britannica.com/topic/hate-crime>, (10th October, 2025).

⁴Tahseen Poonawala v. Union of India, 2018, Writ Petition (Civil) No. 754 of 2016, https://www.scobserver.in/wp-content/uploads/2021/10/27263_2016_Judgement_17-Jul-2018.pdf,(10th October, 2025).

However, the above-mentioned judgement has given a clear description of what hate crime means and what it can pertain to.

In the mentioned judgement, the Supreme Court has stated that it is its duty to deal with the targeted commission of acts of violence and offences by people who have taken a self-proclaimed and self-bestowed status of authority to commit hate crimes in the name of protecting the law or their religion and social identity.⁵ In India, the concept of hate crime is still a more theoretically explored concept than one that can be practically implemented. India has a number of laws that address different forms of hate crimes since the acts of hate crimes are quite multifaceted in nature and manifests in various offences. However, a straight-jacket formula in the form of an exhaustive and all-inclusive legislation has yet to be passed and enforced. This could be due to the diversified and plural demographic of India. This means that the law must find a balance between sustaining the beauty of India's diverse social culture and putting limitations on detestable and unjustified believes and practices that violates another individual's fundamental rights.

Another reason is the several hurdles in the collection of official data on various forms of hate crimes that can supplement the implementation of a law that addresses all forms of hate crimes. When one looks at casteism or caste-based hate crimes, one can easily agree that the long-embedded fear in the minds of the victims, owing to their unspoken innate acceptance of being seen and treated as one with lesser dignity, has led to the perpetuation of the issue. Thus, rather than trying to mitigate the long list of hate crimes in India, there is an even greater need to apply the hate crime concept in the Indian criminal justice system to eradicate the incessant numbers of hate crimes such as caste-based hate crimes. While India is still in the nascent stage of applying this concept in its criminal justice system, several other countries in the west have been doing so for many decades now. In the United States of America hate crimes were recognised as federal crimes investigated by the Federal Bureau of Investigation (FBI) since the 1960's and 1970's.⁶ The collection of data for hate crimes was officially done since the 1990's with the implementation of the Hate Crimes Statistics Act, 1990 (HCSA)⁷. According to the Federal Bureau of Investigation (FBI), hate crime is understood as a traditional offence or any punishable act like arson, vandalism or murder, but committed with a prejudicial

⁵ Id.

⁶ Federal Bureau of Investigation (FBI), "What We Investigate: Hate Crimes", <https://www.fbi.gov/investigate/civil-rights/hate-crimes>, (10th October, 2025).

⁷ Federal Bureau of Investigation (FBI), "Hate Crimes Statistics", <https://ucr.fbi.gov/hate-crime/2017/resource-pages/hate-crime-statistics-act>, (10th October, 2025).

mindset towards the victim's race, creed, sex, ethnic background, disability and gender identity. Thus, what differentiates hate crime from any other crime is the added factor of biasness or hate.⁸

One can see the commonality of prejudicial elements in the hate crime concept when applied in the west and as understood in caste-based crimes in India. It is, however, noteworthy that in the Indian context caste-based crimes emanates from the bosom of various religious ideologies. This means that the successful application of the hate crime concept to tackle the sectarian violence in India would require a stringent penalty for religiously motivated hate speech and identity politics. There is a need to not only punish the act of caste-based crimes but also identify all sources of such deep-rooted hatred and document them in the form of data. Furthermore, there is an urgent need to collect data on various forms of caste-based crimes while also identifying the ways and variations in which they are committed. For instance, caste-based crimes are often committed not only through physical violence such as assault or homicide. But also, through hate-speech in person and online, identity politics, deprivation of the right to have access to all public and religious places and abuse of laws against the victims.

2. LEGAL RESPONSE TO CASTE- BASED HATE CRIMES IN INDIA

In the book, “The Social Basis of Law”, Cormack and Brickey have stated that “[L]aw can be said to have distinctly social basis; it both shapes- and is shaped by- the society in which it operates.”⁹ Therefore, this raises questions as to what social forces have led to the perceptions that law has of hate crimes, and specifically, caste-based hate crimes. The discourse against sectarian conflict in India is, unfortunately, still a relevant and perhaps seemingly an undying one. In India, caste distinction and hate crimes are interwoven so intricately forming a complex drapery of history, culture, religion and rapacity for power. As one can see in the National Crime Records Bureau Report (NCRB) 2023, there is an appalling rise in the numbers of crimes against the Scheduled Castes and Scheduled Tribes individuals. The number of atrocities against SC's recorded in the NCRB report 2023 is 57,789 which shows a staggering rise from 2022.¹⁰ In 2022 the number of recorded cases were 57,582 which highlights an increase of 28.7

⁸ Federal Bureau of Investigation (FBI), “What We Investigate: Hate Crimes”, <https://www.fbi.gov/investigate/civil-rights/hate-crimes>, (10th October, 2025).

⁹ Stephen Brickey, Elizabeth Comack, “The Social Basis of Law: Critical Readings in the Sociology of Law” (Garamond Press, 2nd ed., 1991).

¹⁰ National Crime Records Bureau (NCRB), Ministry of Home Affairs, “Crime in India Statistics, Vol. 1, 2023”, <https://www.ncrb.gov.in/uploads/files/1CrimeinIndia2023PartI.pdf>, (11th October, 2025).

per cent in 2023.¹¹ The statistics in the past for the same offence records the cases being 50,900 in 2021 as against 50,291 in 2020.¹² Likewise, the number of atrocities against ST's recorded in the NCRB report 2023 is 12,960 as against 10,067 in 2022, showing a rise in cases by 12.4 per cent in 2023.¹³ The recorded numbers of cases for the same in 2021 were 8,802 as against 7,570 in 2020.¹⁴

The only piece of legislation that extensively deals with caste-based hate crimes in India and provides rehabilitation to victims is the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The mentioned law not only provides justice in the form of punitive sections against the perpetrators, but it also provides rehabilitation and relief mechanisms to the victims in the form of pecuniary help and removal of a person(s) from an area who is likely to commit atrocities against any member of the SC's and ST's. While the mentioned law has been implemented for the last thirty-six years, there is still an ever-increasing pattern in the number of such atrocities. Thus, the question arise as to what has rendered the law at hand almost inefficient in reducing such caste-based hate crimes. Is the law inefficient or is the enforcement and conviction rate under the law the issue. One of the reasons for such a disheartening pattern is the unique vulnerability of members of the SC's and ST's communities. Poverty, lack of education, illiteracy and the inability to break away from the religiously-sanctioned defeatist attitude has led to the members of such communities to be rendered voiceless and almost invisible in the eyes of law. The Office of the United Nations High Commissioner for Human Rights (OHCHR), in the report called "Guidance Tool on Descent-Based Discrimination: Key Challenges and Strategic Approaches to Combat Caste Based and Analogous Form of Discrimination" published by the United Nations Network on Racial Discrimination and Protection of Minorities has stated that the most affected community of caste- based hate crimes and discrimination in South Asia are the Dalits.¹⁵

¹¹ Id.

¹² National crime Records Bureau (NCRB), Ministry of Home Affairs, "Crime in India Statistics, Vol. 1, 2020), <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/post/16959885631653645869CII2020Volume1.pdf>, (11th October, 2025).

¹³ Id.

¹⁴ Id.

¹⁵ The Office of the United Nations High Commissioner for Human Rights (OHCHR), The United Nations Network on Racial Discrimination and Protection of Minorities, "Guidance Tool on Descent-Based Discrimination: Key Challenges and Strategic Approaches to Combat Caste Based and Analogous Form of Discrimination", <https://www.ohchr.org/sites/default/files/Documents/Issues/Minorities/GuidanceToolDiscrimination.pdf>, (11th October, 2025).

The Report of the Special Rapporteur on Minority Issues states that the word “caste” describes a hierarchical social structure that is frequently founded on the ideas of purity and contamination, where those at the bottom of such social strata experience violence, discrimination and exclusion in a variety of circumstances.¹⁶ Thus one can conclude that caste- based crimes are not only religiously- sanctioned and justified but also culturally accepted as fate or destiny. Any individual who tries to rise above such deep-rooted social divide is seen as one deserving of punishment for such act of transgression or rebellion. Such targeted acts of violence are “message crimes”¹⁷ to the subordinate members of the entrenched social strata under the garb of preservation of religion or social identity. The quest for India to combat and eradicate the issues of hate crime has been an unfinished one despite the implementation of the mentioned laws.

Another reason for the difficulty seen in effectively tackling the caste- based hate crimes in India is the lack of trust and understanding in the police officials who should respond and investigate to the complaints. A suspicion of the presence of a sense of apathy in the police officials who record the complaints and a feeling of the lack of adequate sensitisation at the end of the officials about the issue at hand equally contributes to the obstacles faced in the enforcement of the law. Such a harsh and unequal social structure that has its grip as deep as in the religious beliefs and divisive mindset of the people calls for an intervention that disrupts this practice by bringing in a third- party as a watchdog at the time of filing of the First Information Report. In simple terms, the illiterate, uniformed, fearful, uneducated, voiceless, down-trodden and generationally- suppressed victims require assistance right from the beginning of their demand for justice. Non- Governmental Organisations and activists or any trusted social work organisations that are abreast with the issues at hand and that have worked in an area for many years should be given the permission to monitor how an investigation is being carried out and prepare reports on the same. Caste-based hate crimes are committed by the members of the higher castes against the lower castes; hence, it is violence inflicted by the elite and powerful members of society against the lowly and powerless members of that society. This undoubtedly makes it an uphill battle for the victim to fight the whole system and carry through courageously until justice is won. There is a need for the law to recognise the unique vulnerabilities that exists in such cases for the victims and come up with a solution to aid them

¹⁶ United Nations General Assembly, “The Report on Special Rapporteur on Minority Issues”, <https://docs.un.org/en/A/HRC/31/56>, (11th October, 2025).

¹⁷ M.M. Alam Bhat, Niel Chakraborty, “Lost in Translation? Applying the Hate Crime Concept to an Indian Context”, <https://pmc.ncbi.nlm.nih.gov/articles/PMC11318216/>, (10th October, 2025).

in the aftermath of a caste-based hate crime. The hate crime concept can be implemented as an exhaustive and all-inclusive response to all forms of discrimination inflicted on the basis of caste. Thus, a law that recognise caste-based atrocities as a social issue, which can be tackled along with other forms and nature of hate crimes, can contribute a more refined approach where importance can be given not just in drafting an efficient law but in proper enforcement of it to achieve complete deterrence of the issue.

3. NEED FOR A BETTER RESPONSE FOR CASTE-BASED HATE CRIMES IN HIGHER EDUCATIONAL INSTITUTIONS

The University Grants Commission (Promotion of Equity in Higher Educational Institutions) Regulations, 2012, lays down regulations for all universities and all higher educational institutions to implement for curbing and eradicating the issue of caste-based discrimination. However, irrespective of the last thirteen years of passing of such regulations, higher educational institutions in India are still plagued with news of caste- based hate crimes on campuses. In January 2016, a twenty five years old Ph.D. scholar, named Rohith Vemula, enrolled in a university in Hyderabad committed suicide on campus due to caste- based harassment.¹⁸ A year later, that is, in March 2017, another twenty six years old Ph.D. scholar who was enrolled in a university in Delhi committed suicide by hanging at a friend's house due to caste- based atrocities and harassment on campus.¹⁹ In 2019, a twenty six years old doctor, named Payal Tadvi, who was pursuing her master's degree in medical studies in Mumbai committed suicide due to on-going harassment by her three senior doctor colleagues over her social identity status of being a scheduled tribe individual.²⁰

¹⁸ Omer Farooq, BBC, "Rohith Vemula: The student who dies for Dalit rights", <https://www.bbc.com/news/world-asia-india-35349790>, (17th October, 2025).

¹⁹ Hindustan Times, "JNU Dalit scholar Muthukrishnan's body brought home, slipper hurled at Union Minister", https://www.hindustantimes.com/india-news/slipper-hurled-at-union-minister-at-home-of-jnu-dalit-scholar-who-committed-suicide.e/story-L60j15mTlzeZk9L140y4O.html#google_vignette, (17th October, 2025).

²⁰ BBC, "The bullying that led to this doctor to take her own life", <https://www.bbc.com/news/world-asia-india-48430392>, (17th October, 2025).

In a Lok Sabha sitting in 2021, the Union Education Minister, Shri Dharmendra Pradhan, stated that from 2018 to 2021 there have been 122 suicides of students out of which 68 were that of students belonging to SC's, ST's and several other backward classes.²¹ Furthermore, in 2023, member of the Rajya Sabha and senior congress leader, Shri. K.C. Venugopal, urged the union government to take firm and effective steps towards addressing the issue of high dropout rates amongst students hailing from the SC's, ST's and several other backward communities.²² He stated that, 13,626 students hailing from the above- mentioned communities have dropped out from Indian Institutes of Technology (IIT's), Indian Institutes of Management (IIM's) and several Central Universities from 2018 and 2023.²³ Out of the mentioned numbers of students who dropped out of Central Universities, 2,424 belong to the scheduled caste groups, 4,596 students belong to the scheduled tribe groups and 4,596 belong to the other backward classes.²⁴ Amongst the dropouts from IIM's, 188 candidates were from the Scheduled Caste communities, 91 candidates were from the Scheduled Tribe communities and 163 candidates belonging to the other backward classes.²⁵ Additionally, amongst the ones who dropped out of the IIT's, 1,068 dropouts were from the SC's communities, 408 dropouts were from the ST's and 2,066 were from the OBC's communities.²⁶

Thus, through a critical analysis of the above- stated numbers of suicides and dropouts from premier educational institutions and central government- sanctioned educational institutions, one can conclude that equality, equity and inclusivity of individuals hailing from the so- called lower strata of society is still a distant dream. Higher educational institutions are places that must nurture minds that are thoughtful, courageous, keen to learn, teachable and even questioning minds. They must be the safest place for all learners, and such environments must be devoid of all caste- based hate and prejudice. However, even as students who are admitted in higher educational institutions and are considered more educated that most people of the country, changing their casteist and prejudicial behaviours still seems to be a challenge. The people of the SC's, ST's and OBC's communities are ragged, bullied, harassed, called with

²¹ Rajya Sabha, Parliamentary Debates, Official Report (Floor Version) (Part II), "Alleged prevalence of casteism and discriminatory practices in Central Universities, IITs and IIMs", vol. no. 262. pp. 28-29, (December 2023), <https://cms.rajyasabha.nic.in/UploadedFiles/Debates/OfficialDebatesDatewise/Floor/262/8122023/08122023.pdf>, (17th October, 2025).

²² Id.

²³ Id.

²⁴ Id.

²⁵ Id.

²⁶ Id.

various racially and ethnic derogatory names and are often made to feel that they do not deserve to be educated alongside their classmates.

The University Grants Commission, in its anti-ragging regulations, did not recognise caste-based harassment on campus as one of the menaces that needs to be specifically mentioned in the definition for the term ‘ragging’.²⁷ It was only until 2016 in the “Curbing the menace of Ragging in Higher Educational Institutions (Third Amendment), Regulations, 2016”²⁸ that discrimination and harassment based on any artificial grounds such as race, caste, creed, skin colour, ethnic background, gender, sexual orientation, linguistic identity, physical appearance, birthplace, residence and economic background were also explicitly mentioned and are considered as ragging.²⁹ While one may say that such discrimination is finally being addressed by the UGC through such inclusion in the definition of “ragging”, but what one must note that all forms of caste-based harassment is a socially entrenched evil and it is not simply an act of ragging or bullying but a hate crime. Such acts on campuses do not simply stem from the feeling of being a senior on campus. They stem from a deep-rooted hatred and biasness that is dangerously sanctioned by casteist mindset stemming from one’s way of having been nurtured. The ingredients of a hate crimes are two-fold: firstly, the commission of an act that is criminally punishable as an offence under a country’s prescribed law; and secondly, that the act is motivated by hate or prejudice against the victim’s unique individual characteristics that paints him/her as a target. If such a discrimination is punishable under the various laws, then they must not be mislabelled as acts of ‘ragging’ and water-down the graveness of the violation of the rights of the victims and the impacts and psychological damage to the mental health of the victims. There is a need to provide for a stern and stringent response and means of redressal to assist in the eradication of caste-based hate crimes from higher educational institutions and invoke a change of mindset of students on campus.

²⁷ University Grants Commission Act, 1956 (3 of 1956), “UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009”, para 3, <https://svuniversity.edu.in/storage/2023/08/UGC-ragging-regulations.pdf>, (18th October, 2025).

²⁸ University Grants Commission Act, 1956 (3 of 1956), “Curbing the menace of Ragging in Higher Educational Institutions (third amendment), Regulations, 2016”, para 3(j), https://www.ugc.gov.in/pdfnews/7823260_Anti-Ragging-3rd-Amendment.pdf, (18th October, 2025).

²⁹ Id.

4. OVERCOMING THE HURDLES IN THE APPLICATION OF THE HATE CRIME CONCEPT IN INDIA

In the effort to overcome the hurdles in applying the hate crime concept to acts of atrocities against targeted groups in India one has to first recognise what those gaps and challenges are. Firstly, there is a lack of a proper data collection mechanism in the country for hate crimes cases due to the absence of a settled definition and enforced legislation to address all acts of hate crimes. Secondly, the introduction of the concept of hate crime in the Indian scenario requires the state governments' collaboration in studying and documenting the vulnerable sections of different states in India and the history of a state's demographic owing to the diverse and unique culture in every state of the country. Lastly, deciding the appropriate penalty of an offence when it is committed with a motive of hate and targeted prejudice.

In countries like the United States of America (USA), the issue of what a hate crime is, has been a settled one. They have a codified and legally accepted definition of the term 'hate crime' and it would not be wrong to suggest that the right place to start is to come up with an applicable definition of the term while keeping in mind the Indian demographic. In the USA a research body called the United States Commission on Civil Rights established by the Civil Rights Act of 1957 was formed as an independent, fact- finding federal agency to study, document and cater to the efforts for a better realisation of civil rights nationwide.³⁰ This body has played a vital role in aiding the federal government not just in appropriate data collection but in better implementation of existing policies and appropriate changes in the policies to address the hate crime issue in the USA. Analysing India, there is a need for a body to study the rising issues of atrocities in the country and document them. However, what would serve the Indian needs better in this area is having state-centric bodies that are independent and multipartisan to play the role of a fact- finder and a watchdog in the implementation of existing hate crimes law. India's struggle against hate crimes is quite different from other countries. In India, every state has its own language, history, demographic, a melting pot of different religions with some being minority religious groups and ethnic identities. With such diversity comes the need to understand a state through the lenses of the locals or natives rather than having a bird's eye view through one single central body. The above-suggested option can be viable in tackling

³⁰ U.S. Commission of Civil Rights, 1957, <https://www.usccr.gov/about/mission>, (12th October, 2025).

the data collection issue while striking the right balance between respecting the diverse cultures and religions and combating various hate- crimes issues.

Furthermore, when analysing the legal way to deter hate crimes, appropriate laws and legally sanctioned punishments is the strongest way to do so. It is a settled notion of civil societies that if an act causes damage to any member of the society it must be punished by law. According to various hate crimes laws enforced in several of states of the United States of America, an additional punishment or enhanced sentencing is given to the accused when the prosecutors plead and prove beyond all reasonable doubt that the crime committed was with a bias or hateful motive and that the act is targeted based on discrimination on artificial grounds.³¹ In the Indian scenario such an approach is an possibility and can be a strong censure against all types of hate crimes without making the application of the hate crime concept a cumbersome and confusing one. On analysing the SC's and ST's Prevention of Atrocities Act, 1989, one can see that the act is limited in the way in which it addresses harm committed against an SC's or ST's dignity online. One of the indicators of the efficacy of the law is its timely modification in a way that it can address the issue when the commission of it has evolved. This means that in the yester years caste-based hate crimes were limited to being committed in person but today, with the advent of technology and social media, they are being committed online. The intention and the act are the same, but the means has changed. Today, online abuse, insults, and degrading words that harm the dignity of the SC and ST communities is very much on a rise. While one can argue that the SC's and ST's Prevention of Atrocities Act, 1989, addresses such hate speech, there is a need to recognise that the invisibility that the internet gives to the perpetrators has made casteist people to find comfort in the commission of a crime online without the fear of facing any consequences. The victims are victims in this situation due to their characteristics or traits or social identity which is unchangeable.³² This causes a psychological harm in them since there is little to nothing that they can do to remove themselves from the category of targeted groups of people. Thus, the change has to come through active efforts to eradicate the evil and regressive mindset of the perpetrators by sending a strong message that the law is always with the victims, and the actions of the perpetrators can never be excused.

³¹ California Rules of Court, Rule 4.427.(c) Hate Crimes, https://courts.ca.gov/cms/rules/index/four/rule4_427, (11th October, 2025).

³² Joseph Pelletier, "Hate Crimes in the United States", p.no. 6 (Nova Science Publisher, Inc., New York, 2021).

5. CONCLUSION AND SUGGESTIONS

The above paragraphs have defined the term ‘hate crime’ and have elaborately discussed how the issue is not a new phenomenon in India. While India has witnessed the perpetual acts of targeted violence against the marginalised and minority groups in different parts of the country, it is yet to incorporate the conceptual understanding of “hate crime” into its laws. One may say that India has various laws that address various forms of hate crimes that are prevalent in the country, but the scattered laws provide a loophole to the perpetrators by not holding them accountable for their crimes that emanate out of deep-rooted prejudice. Such loopholes fail to make the perpetrators see and understand that their acts of violence are a “message crime” to the entire community that the victim identifies with. The act of targeted violence widens and deepens the social, religious and cultural differences amongst the members of society. Caste-based hate crimes tears and destroys the social fabric of India by deepening the social differences that exist in the India society. The concept of hate crime, when applied to the Indian scenario, must be done in such a way that fits the demographic structure of the country. While the United States of America has had hate crime laws in place that one can study and learn from when it comes to the applicability of it in the criminal justice system, but one must recognise that India suffers from hate crimes that are very different from the ones in the US. Caste- based atrocities in India stems from religious sanctions and, therefore, needs a unique application of the hate crime concept to deter this social evil.

The hate crime concept offers a new perspective in the punishment of the act. As discussed above, hate crimes are crimes or offences that are motivated by hate or prejudice or intolerance towards any unique characteristic of the victims. Therefore, an enhanced punishment which is justified through the application of the hate crime concept will play a pivotal role in deterring caste- based hate crimes, such as hate speech (in person or online), acts of targeted violence on university campuses, discrimination on any artificial grounds, lynching, vigilantism, hate motivated sexual violence and such. The imposition of enhanced punishment, when the motive of hate for a crime is pleaded and proved in the court, will convey a clear message to all members of the society that the law will not turn a blind eye or tolerate any kind of hate crime. Since, hate crimes are crimes that convey a message of hate, the enhanced punishment will convey that targeted acts of violence emanating from prejudice will not be tolerated. Therefore, there is an urgent need for a law that not only defines hate crime in a way that is applicable to the Indian society but will also uniformly address all forms of hate crimes. A specific legislation on hate crimes will not only address and punish the act of solely the offender but

will lay down the foundation to uproot the underlying believes and practices that encourage the feeling of prejudice and hate. It will also enable the law to strike the right balance between curbing, addressing and eradicating hate crimes while also not hurting the cultural, religious, ethnic and linguistic sentiments of the diverse social structure of the country.

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22. U.S. Commission of Civil Rights, 1957.