

Hate Crimes

A Rising Menace

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ABSTRACT:

This paper takes a subjective perspective as how to hate crimes committed against a particular group terrifies the entire community. The fact that prejudice overpowers people to carry on belligerent acts of violence poses a threat to the society. Hate crimes occur when crimes are targeted against an entire community. It involves communal violence where religion plays a key role, ethnic violence, crimes against LGBTQ community, discrimination against scheduled castes and scheduled tribes, taboo violence, hate speeches etc. Hate crimes in India has risen by 41 percent, communal violence is on the rise, the hate speeches have become rampant in the name of free speech, riots and caste discrimination. An April 11 Pew Research Centre analyses of 198 countries listed India as fourth worst in the matter of religious intolerance. To avoid the same in the future and for bringing amelioration, several constitutional provisions were laid down, however, political parties in many instances, have portrayed malice, in order to gain votes from the entire community, just like in Babri Masjid case of Ayodhya. Not only have people become rigid and dogmatic with their stereotypes, they force it by violence others who they find inappropriate for the society. Physical harm is not the only threat faced but also mental assaults done as a part of hate speeches creating a sort of mindset for perpetrators affecting the victim at large and also terrifying the entire community. Creating awareness and well-versed laws is a necessary to stop such aberrant behaviour of people committing hate crimes. This research article aims to provide an overview on the different types of belligerent hate crimes is present in our society.

I. INTRODUCTION TO HATE CRIMES

Hate crimes are the crimes that are motivated and intentionally conducted owing to animosity and acrimony against each other. It is followed by the belligerent acts destroy the society at a very large level. Hate Crimes refers to specific target crime where criminally motivated actions are committed by the perpetrators against a particular committee. It can be against a gender, disability, religion, caste, sexual orientation etc. Such crimes are committed to send a message of hate or resent against a particular community. These hate crimes are often termed as 'bias incidents'. Hate crime incidents may range from hate speeches, physical assault, harassment, bullying, insults, verbal abuse, and damage to property etc. These are generally criminal acts which are motivated by bias agendas against a social group. The human civilization evolved with different communities, regions, religions, beliefs, comforts, race, sex, creed and all the different strata that define that diversity is the rule of nature to maintain the balance of the surroundings. Everyone adhere to their own system of beliefs and viewpoints. It is when the society at large decides the common belief that is stated to be correct by the majority; they seek violence as a measure to impose that over minorities. In return minorities feel deprived and attacked so in retaliation they react again with aggression. This rigidity and dogmatic approach spike the pragmatic

approach which is followed by people performing crimes full of aversion. While any act of crime to anyone is a tragic event, violent crimes based on prejudice have a stronger impact in terrorizing an entire community. The effects of hate crimes are more grievous and deeper than any other serious crimes such as assault or murder. Attack on a particular community, affects its social coherence and stability, affecting a large number of people. A particular hate crime is done to create instability within the community of the victim in order to give a message of prejudice and resent. These crimes manage to create a sense of alien and fear within the entire group. This paper highlights the different forms of hate crimes present in our society and how it affects the masses at large.

II. HATE SPEECH

Hate speech refers to speeches and verbal use to attack a person or a group on the basis of their attributes such as caste, race, religion, nation, ethnic origin, natural origin, gender, sexual orientation etc¹. It refers to target crimes where speech and words are used to send a message of hate, instilling fear in the entire community against whom such speech is intended. These create an intense hostility and aversion deriving from fear or anger of the said group. A particular hate speech terrorizes the entire community creating a sense of injury to that group. Such speeches send a message of hate or prejudice.

Although there is no such specific incident to identify the origin of hate speech, communication has always been present in the human civilization. In every mode of speech there was no such provision to distinguish what can be treated as a hate speech or the ambit within which an individual has to speak which is not incisive or violating the dignity of the other. Also since the beginning, classification of people on numerous bases is also present. Mainly on the basis of haves and have nots. There has always been a person being divided on the basis of caste, gender, religion etc. where one group tries to dominate the other. This is usually done through physical and verbal violence. Then after a long time came laws which governed such actions and imposed sanctions or punishments if crossed the permissible limit of its usage however they were not eccentric towards the speech and its purview.

III. HATE SPEECH AND ITS STATUTE IN INDIA

Hate speech derives its power from within Article 19 of Indian Constitution which entitles every citizen right to freedom of speech and expression which is subject to reasonable restrictions for preserving inter alia “decency, public order or morality”. India prohibits hate speech by various sections of the Code of Criminal Procedure, the Indian Penal Code, and by other laws which put curb around freedom of speech and expression under Article 19. Likewise Section 95 of Code of Criminal Procedure gives an autonomous power to ruling side or

¹ Legal Dictionary.

government to declare certain publications as forfeited, if it appears to be offensive or incise from the perspective of state government to make it punishable under Section 124A or Section 153A or 153B or Section 293 or Section 295A of the Indian Penal Code.

IV. HATE SPEECH IN CONTEMPORARY INDIA

India has been one of the largest victims of hate speech. Political parties have often been seen to deliver hate messages and prejudice to further their political agendas. Election commission is responsible for checking whether a political speech falls under the ambit of hate speech or not. Azam Khan, a senior Samajwadi Party leader was banned from making political speeches. During the elections of 2014, Amit Shah, a senior BJP leader was also banned from delivering political speeches by EC after calling for "revenge" and "to teach a lesson" to people who he said had committed "injustices" in the riot-hit Muzaffarnagar district of northern Uttar Pradesh state. He later apologized to EC and was let-off.

In the famous case of *Pravasi Bhalai Sangathan v. Union Of India & Others*², it was observed that, the petitioner's rights under Articles 14, 15, 19, 21 read with Article 38 of the Constitution, have been violated as the elected representatives of two states Maharashtra and Andhra Pradesh respectively, delivered 'hate speech' and actions were not initiated towards them. This was referred to the alleged hate speeches made by Maharashtra Navnirman Sena Chief Raj Thackeray and All India Majlis-e-Ittehadul Muslim leader Akbaruruddin Owaisi.

However poor implementation of anti-hate speech laws and increasing practice, especially through mass media has made it easier to spread prejudice and hatred. Such messages being spread largely on daily basis creates a basic psychology of people to view such actions as normal and use them without any apprehension in day to day life. The Supreme Court observed that the hate speech should be given a deeper consideration and requested, the Law Commission Of India to examine this issue and if possible to define the expression 'hate speech' and make recommendations to Parliament to strengthen the role Election Commission in order to curb the menace which revolves around the 'hate speeches' whenever made. Consequently on 23rd March 2017, the Law Commission of India recommended, amendments to the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973 by adding new provisions on 'Prohibiting incitement to hatred' following section 153B and 'Causing fear, alarm, or provocation of violence in certain cases' following section 505 IPC, and accordingly amending the First Schedule of the Criminal Procedure Code. These suggestions have been put together in the form of the Commission's Report No.267 titled "Hate Speech", which is enclosed herewith for

²*Pravasi Bhalai Sangathan v. Union of India & Ors*[2014] AIR 2014 SC 1591.

consideration by the Government. With this it introduced The Criminal Law (Amendment) Bill 2017³.

As said by Justice R.M Lodha, we cannot curtail the fundamental rights of people as it is guaranteed by Constitution. When it comes to define what should qualify as hate speech and what should not, it is to be taken into consideration that what was the context of speech and who addressed it. If a political leader says, that 'Hindutva' is the way of life, it should not be implied that all other religions are meaningless or are degraded. It is just an opinion, which necessarily does not reflect that all other religions are worthless. Hate speech falls under the ambit of Article 19(2) which is the reasonable restriction of free speech and strict laws must be imposed to abolish such practice.

V. HATE CRIMES AGAINST LGBT

People perceived as LGBT have been a target to hatred and discrimination for a long time. This orthodox belief goes back to the ancient historical writings which always perceived homosexuality as against the regularity of nature. For a long time it had been considered as criminal so much that many countries still believe it to be. According to an FBI report on hate crimes, hate is not itself the only reason, but bias is considered an added element to it. It has been seen often perpetrators to be consider the victims to be different and inferior to the society. LGBT people are seen with a bias perspective causing attacks on them. A particular hate crime involves sending a message to a community with a motive of instilling a fear in them. Terrorizing an entire community causes a perception making them different from the society. The motive of perpetrators of hate crimes against LGBT community is to send a bias message against them in the society causing an instilled fear in them. Study has shown that these perpetrators suffer from homophobia.

VI. HOMOPHOBIA: THE LEADING FACTOR TOWARDS VIOLENCE

Homophobia circumscribes range of negative attitudes, stereotype and actions against LGBT people. It has been defined as an aversion, contempt, antipathy, hatred or prejudice that is based on an irrational fear against those perceived as lesbian, gay, bisexual or transgender that is often related to religious beliefs. These orthodox believes go back to the ancient period where homosexuality was considered un-natural and sin especially in Islam and Christianity. FBI report of 2010 stated that 19.3% of the hate crimes were homophobic in nature. Actions motivated by psychological diseases like homophobia influenced by cultural and social bias can institute act of violence against the Lesbian, Gay, Bisexual and Transgender (LGBT) people due to the hateful attitudes towards their sexual orientation or gender identity. A hate crime against LGBT community is acts of violence constituted by a group of people towards a particular victim from the community because who the victim is. While any act of violence against any individual is a dreadful thing but a particular hate crime is more

³ Law Commission of India, Hate Speech (Report No. 267,2017) paras 6.1-6.33.

gruesome as it targets a whole community terrorizing and causing an instilled fear in them. Every LGBT person has suffered victimization due to gender identity or sexual orientation ranging from verbal abuse to armed assaults. They face discrimination and sometimes violence in their social environment such as at home, work, schools, colleges or the broader community. Intolerance amongst people including the government officials has created an unsafe and precarious environment making them vulnerable to violence. Violence faced by the LGBT people are of different types such as from state in the form of legal punishment such as Section 377 of The Indian Penal Code 1860 which criminalises homosexual activities stating it being “against the order” or social violence faced against intolerant group of individuals. Youths who came out at an early stage are seen most vulnerable to abuse.

VII. PRESENT SOCIAL STATUS

India has been ignorant about the rise of hate crimes and increasing social taboo against the LGBT community for a long time which has led to an increase in the growing victimization of these people. With the increasing social taboo, LGBT people become one of the most vulnerable to hate crimes. According to the report of FBI, more than 100,000 hate crimes against LGB have been reported since the year 2006. Sexual orientation is considered the third highest reason for hate crime in the world. Ironically, one the main reasons for the increase hate crime rates might have to do with the increasing attitude towards LGBT people nowadays, stated by people who study hate crimes. As the majority of the society has started to become more understanding of the LGBT people, there is still a big population that still believes in the orthodox and more radical ways of functioning in the society.

Finding hate crime statistics against LGBT is challenging, due to various reasons. Victims to such crimes are fearful to come out to their family members, friends, employers or the broader community. With the increasing rate of intolerance in the society these people feel safer when their sexual orientation is kept a secret. According to report in USA 76% of LGB persons have feared to come out in their childhood and teenage. They fear the society and their family member's reaction. 30% of gay youth attempted suicide before the age of 15.39% of homicidal hate crimes are against minority transgender women. According to a separate report of Human Rights campaigns, 2015 had witnessed the most kills of transgender people than in any year. This is supported by the lack of education and training of police persons against hate crimes and LGBT refrains people against reporting hate crimes. Officials are not trained enough for identification and prevalence of hate crimes. In a survey done in nine police departments and local law enforcement agencies, it was often seen that they did not have adequate training to distinguish between hate crimes based on sexual orientation or the gender identity. Many countries such as India that criminalizes homosexual activity have made it inexpedient for the LGB people to come out to the authorities leading to a rise of such crimes. The social taboo of blaming the victim for

the crime is one of the main reasons that such heinous acts are still prevalent. The case of Naaz Foundation v. Govt. of NCT⁴ of Delhi was a landmark Indian case of 2009 decided by two-judge bench of Delhi High Court stating that treating consensual homosexual activity between adults as a crime was against the fundamental rights guaranteed within the Indian constitution making section 377 of Indian Penal code, 1860 unconstitutional. This made the LGBT people more secure in the society, hate crimes were decreased as they could stand for their constitution rights. Later in the case of Suresh Kumar Kaushal v Naaz foundation⁵ in The Supreme Court of India in 2013 recriminalized homosexual activities making section 377 of IPC, 1860 constitutional overturning the judgment made by Delhi High Court. Soon after this judgment many world leaders and UN representatives voiced their disappointments against such judgment. United Nation Human rights Chief Navi Pillay, called it a step backward for the country. Re-criminalization of homosexual activities led to an increase rates of arrest of gay couples, led to an increasing crime rates against homosexual identities etc. Former finance minister of India called for an arrest of two US diplomats on being same-sex couples. Orthodox believes have created a rise of terror within these LGBT people, with a constitutional backing, such as section 377 of IPC, 1860 these crimes have become and more rampant.

VIII. REFORMS – A CHANGED MIND-SET

The first step against fighting these hate crimes is ending the social taboo of homophobia, people need to be educated about LGBT and their rights, the prevalent impression of treating LGBT as a disorder must be changed. Police officials must adequately be trained for dealing with those hate crimes relating to LGBT, this will encourage more people to raise their voices against such acts. Proper training of such officials will make them more potent to challenge such crimes in the society. Though mostly people are sympathetic toward hate crimes, lesbian and gay people are mostly blamed for their attacks. When a person survives a hate crime, it subsequently affects their mental and social well-being leading to increasing suicide rates, drug or alcohol abuse, sexual risks making them vulnerable to HIV and other sexual transmitted diseases. These negative outcomes affect the society as whole making an urgent need for educational forwardness and social sensitivity around sexual orientation and gender identity. Improving our legislation and prosecution training and increase social efforts will send a strong message against these heinous crimes. It must be noted that homosexuality is not a disease, it is a choice, an expression guaranteed within the fundamental rights of a person.

IX. ETHNIC VIOLENCE

Ethnicity or ethnic culture plays a big role in forming a society. It is basically an inherent status given in the society on ethnic belief. Ethnic group or ethnicity refers to a category of people who identify each other or

⁴Naaz foundation v Govt. of NCT of Delhi, 160 Delhi Law Times 277.

⁵ Suresh Kumar Kaushal, CIVIL APPEAL NO. 10972 of 2013.

come into a community based on religious, racial, language etc. ancestry. People in an ethnicity often share cultural heritage, language, origin, myth, homeland, rituals etc. An Ethnic group is not based on a specific ground; it can vary from nationality to homeland. There are more than millions of ethnic group in and around the world, while ethnicity is considered a sacred union where people form communities come together for social and religious purposes, there are some ethnic groups that are treated differently from others, discriminated and attacked due to hatred to such groups. Ethnic violence refers to acts of violence motivated on ethnic hatred or ethnic conflict. It usually includes one ethnic group attacking the other due to some mythological or religious belief hatred and conflict. Ethnic violence is usually triggered by a religious or a social belief against a particular ethnic group which leads to attacks and forms of hatred. The dividing line of different ethnicities leading to violence is usually based on class division rather than religious or social backgrounds. Within every religion or nation, there are numerous races or ethnic groups. Many of these ethnic groups have people having orthodox belief that some of the groups are superior to the other and are intolerant to any activities of such groups which are against their mythological belief.

The study by various reports shows that ethnic violence has taken many forms and exists all over the world. Traditional study depicts that violence focuses on economic disparity, cultural groups of different regions, ethnic atrocities and leadership etc. The basic understanding comes from former Yugoslavia. During world war I, Yugoslavia was formed as amalgamation of smaller states and different cultural groups from there Yugoslavia experienced much economic and political turmoil. In 1980's and 90s it broke apart due to severe ethnic violence. India too has been a classic example of ethnic violence during 1982 and 1995, there were riots between Hindu and Muslim which not only affected the economic growth of the country but brought to a situation of India becoming a Hindu state as country's religious divisions lost their significance. It was also observed that ethnic conflicts became ground for new morality of promoting stability, unity and peace all over the world. There was another example of 2017, of Ethiopia where Somalia's were asked to leave Ethiopian Oromia region. The estimated no. of people who were displaced varied from 20000 to 40000 which proved to be Ethiopia's largest internal displacement from violence⁶.

The present plethora of ethnic violence accords with shrinking economic conditions and political battlement. And there are many causes which came up on side of ethnic conflict, is the relative and perceived sense of economic deprivation by the ethnic group. Moreover the unequal growth of national market, income distribution, and disadvantage to unprivileged group, prosperity and division of labour has given momentum to alienation and conflict formation. In other words slow growth of building prosperity gave rise to sense of relative deprivation. The ethnic violence in Assam attracted late attention where so many people were killed

⁶ <https://www.irishtimes.com/news/world/us/ethiopia-s-ethnic-violence-displaces-up-to-400-000-1.3304619>.

and uprooted from the native place after the partition in 1947 mainly due to conflict between three communities which were mainly the Aasamese, the Bengalis and the Tribes (local community)⁷. Indian democracy is often challenged by communalism, discrimination, riots, casteism, nepotism etc. but for all the challenges pressures and dilemmas to which India is exposed need to have democracy, justice, liberty and equality in this multinational society to overcome the factors encountered.

X. SCHEDULED TRIBES IN INDIA

Tribal community refers to different group of people belonging to different tribal groups across the country. They are given the title of Scheduled Tribes in India which refers to indigenous groups of people whose status are acknowledged to some formal degree by legislation. They reside in different geographical locations ranging from hills, forest etc. usually which are periphery of any city or town. These groups of people are socially and educationally backward with low literacy rate with up to 50% for the past decade. Agriculture is main source of livelihood for the scheduled tribes, however no significant consideration given on their social conditions and educational development. They are still using pre-agriculture level of technology, have extremely low literacy and declining population. Since post-independence, their welfare as a community is on all-time low. The total numbers of groups which are identified as Scheduled Tribes, as of now are 705, in 19 States and Union Territories. The tribal population of the country, as per 2011 census, is 10.4 crores, resulting in 8.6% of the total population of India.

When it comes to statistics, it is to be observed that Rajasthan tops with 3,952 criminal cases against Schedule Tribes, followed by Madhya Pradesh with 2,279 cases and Odisha with 1,259 cases respectively in year 2014. One of the reasons for committing such atrocities is the class system which is into existence and had its origin in the 'Chaturvarna' system. Classifying Schedule Tribes as 'Shudras' and treating them as 'low born' is a deep rooted problem in Indian society.

Despite of having many legal provisions and laws such as the Protection of Civil Rights Act 1955, the SC/ST (Prevention of Atrocities) Act 1989, besides the Indian Penal Code. A total of 13,896 cases of crime against Schedule Tribes were for investigation in the country during 2014. Of these cases, charge-sheets were submitted in 8,589 cases, in 236 cases charge sheets were not laid but final report as true submitted. 2,758 cases were pending for investigation at the end of 2014. Not only that but if seen Disposal of persons arrested for committing crimes against scheduled tribes by courts, total of 68,513 persons (consisting of 52,929 persons under trial at the beginning of the year 2014 and 15,584 persons sent for trial during 2014) were for trial for committing crimes against STs in the country during 2014. The trials were completed in respect of 8,194

⁷ <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/ethnic-and-religious-conflicts-india>.

persons. A total of 3,076 persons (consisting of 2,983 males and 93 females) were convicted and 5,074 persons (consisting of 4,986 males and 88 females) were acquitted. 44 persons were also discharged by special courts for want on evidence or otherwise during 2014. The trial in respect of 44,155 persons remained pending at the end of 2014⁸.

It is because of their social and cultural alienability, community treats them with condescending attitude and they are dealt with prejudice. Their beliefs and practices are different from that of the civilized people. They are fixated towards their customs and traditions. The cultural gap between the civilized and the tribal people is coming in the way of the assimilation and integration of the tribal people into the mainstream of the national life of the country. People listed under Scheduled Tribes have been discriminated on the daily basis because of their social and educational status.

But in the end, education seems to be the only amicable solution to make sure the development of Scheduled Tribes. Reservation policies were introduced for the betterment of Scheduled tribes yet, the bottom line is scheduled castes, scheduled tribes and other backward classes benefit from reservation in higher education, but affirmative action should be carefully implemented, periodically reviewed and adjusted to deliver the best outcomes. The attitude of people towards STs can be changed after they become more aware socially and educationally and they move forward from their custom-cultural bound norms.

XI. CASTE CONFLICT

Origin and Growth of cast system

Varna's originated during Vedic period. Manu introduced four levels of Varna's under Manu Smriti which were the upper level with the Brahmins who were the knowledge imparter. Then the second level Kshatriyas who used to fight on the field, basically the warriors and the administrators. Then the third level, Vaishyas, the merchants and the lowest level, i.e., Shudras who were the service providers or the labourers⁹.

Around 1500 BC, The Aryans' came to India and introduced the caste system. This system was then transformed by various ruling elites in medieval, early-modern, and modern India, especially the British Raj and the Mughal Empire. Casteism basically means discriminating the particular sect. as lower caste set up by the societal norms. Caste system does not confine to straight four castes but there are several sub castes and sub divisions that outlines the whole era of discrimination just by birth. Caste conflicts arise because lower castes remains deprived of all the resources that a human being deserve to use because they are overpowered and

⁸ National Crime Records Bureau, Crimes Against Persons belonging to Scheduled Castes and Scheduled Tribe(NCRB CII,2014) chapter 7.

⁹ L.kenadi, Manusmriti and Caste System, (XVIII, p. 47) 1997

dominated by the norms that they are untouchables and thereby less deserving. Certain sects are also discriminated because the kind of jobs they perform. Every religion contains caste system and therefore this is engulfed in the roots of human civilization.

Casteism is deep rooted and always existing in the society, however it became a major problem when people started committing crimes and violence due to this system. Majorly lower castes, who are termed 'shudras' or 'Untouchables', have been victim to such system. There are many instances in history where people from a dominant caste commit prejudice and violence against other castes and how it is responsible for thousands of death. For example, the 1968 Kilvenmani massacre in Tamil Nadu where a group of 44 striking Dalit villagers were killed by a gang, as they were demanding higher wages. The Ranvir Sena in 1990s is another example where a militia group based amongst high-caste landlords of Bihar commit violence against lower caste people and Naxalites in rural areas.

XII. RESERVATION AND POLICIES

The modern Indian history depicts how B.R. Ambedkar conducted campaigns for the rights of Dalits (lower caste) and urged the evolving constituent assembly to provide equality, equity and justice to the scheduled castes and other backward classes too. New development took place after Independence, when new policy of reservation of jobs on the basis of caste was formalised with lists of Scheduled Castes and Scheduled Tribes. Since 1950s, the country has enacted several laws and policy to improve the socio-economic conditions of the lower caste population. In 1979 Mandal Commission was set up by Janata Dal under the control of Prime Minister Morarji Desai. The report stated 27 percent of reservation for the Scheduled Castes and Other Backward Classes.

The reservation system was taken up just as a reform as to bring equality and equity but certainly became a cause as of why we at times face caste conflicts and due to political patronage the conflicts arises regularly. Also several land reforms that are not defined properly that causes conflicts among the labourers and landlords. Abolishing the caste system is a tedious task but with the defined law and order, reforms and better education system which can change the mind-set with the new generations the world can evolve in a better direction.

XIII. COMMUNAL VIOLENCE

India is said to be a secular state where there are no walls for caste and religion. However, religion has always played a key role as a strong, motivating force in shaping our society, our thoughts and actions. The context of secularism is based on the philosophy of '*sarva dharma sama bhava*' which is a Hindu concept meaning every religion should be treated with equality and share a same destination. India is a pluralistic society. The multi-cultural, multi-linguistic, multi-racial polity is bound to create conflict between different communities

triggering communal violence. Each community promotes their own interests. When such interests of two communities clash, it sparks communal conflicts.

Communalism means a system or theory of government in which the state is seen as a loose federation of self-governing communities¹⁰. In India, communalism has become a political belief. Here communalism is associated with religious communities overpowering the interest of other religion ensuing into communal riots leading in death and destruction of masses. Certainly, it is ideally believed that one community with same religion has common secular interests, thereby having common socio-economic and political interests that result in communalities. Countries like India where there are several religions and casts exist occurring communal riots are run-of-the-mill news we encounter.

XIV. RELIGION AS A REGULATORY ROLE

Political leader play a key role in affecting the communal relations across the country. Where political parties use religion as a key to grab votes propagandizing riots and creating a long time tension between communities. The Madan Commission was constituted to look into the causes of communal riots in Maharashtra in 1970, revealed the primary builder of communal tension to be communalist and politicians. . Looking back to the history, the partition of India that took place after India strove independence in Calcutta and Pakistan was a watershed. The Calcutta riots in 1946 were one of the most deadly riots that took place in India. After India was partitioned into Pakistan which declared it an Islamic state, only 9.8 percent of Muslim was left in India and that made Muslims a minority religion. To engulf more hatred into people against each other after Britishers and to inflate the existing Islam phobia, political parties entered into the picture through democracy with the use of hate speeches.

Babri Masjid case is another example of how political leaders play a key role in religion to trigger group and create communal chaos and violence. “In the 1984 general elections, the BJP still won just four parliamentary seats. It sought a cause and a symbol to rally majority Hindu sentiment. It located it in the Babri Masjid dispute. In 1989, the RSS launched a country-wide Ram Shila programme, in which bricks were collected from villages and towns to send to Ayodhya to build the temple. There was a surge of popular support for this campaign¹¹.” This case outlines how religious sentiments play as a regulatory role.

Another famous case was ‘Kehar Singh and Ors v State’¹² where two Sikh bodyguards, Beant Singh and Satwant Singh, who were deeply affected by Operation Blue Star assassinated Indira Gandhi, the then Prime

¹⁰ Collin’s English Dictionary.

¹¹ Harsh Mander, “Under the rubble of the fallen Mosque lay the idea of India itself”, < <https://thewire.in/203246/under-the-rubble-of-the-fallen-babri-mosque-lay-the-idea-of-india-itself/>> , accessed on 10th December, 2017

¹² 1988 AIR 1883

Minister of India. That ensued communal violence against all the Sikhs of the country as retaliation.

XV. ISLAMOPHOBIA

Islamophobia has become a common trait in today's date. When the terrorism started rising more perpetrators were Muslims. Starting from 9/11 – World Trade Centre attacks to ISIS, the prejudice about Muslims is clear as terrorists and many people around the globe are frightened with the religion. This works when there is *automatic activation of attitudes* take place. "The attitudes characterized by a strong association between the attitude object and an evaluation of that object are capable of being activated from memory automatically upon mere presentation of the attitude object provided the occurrence of an automatic process requires the previously well-learned set of associations or responses"¹³. This was clearly seen after the 9/11 attack after which Muslim religion was most often linked with terrorism.

One can easily see that diversity and different opinions can stimulate the antipathy into different communities and violence is not done by a single person but by a group. This destroys society at large.

XVI. CONCLUSION

Change is constant and the nature is always evolving. With the changing requirements and circumstances we need to challenge the era of Hate crimes because this causes a huge loss to life, resources and time. The effective changes will emerge if these facets are taken care of. We need to have strict law reforms and as well as good moral education system. Criminals are studied with their behaviour so that after knowing the cause we can conclude the effective reforms and this could be done by focusing on all the aspects and by raising the voice against it. Be it majority or minority the violence is leading the humans nowhere and therefore as a recent example Australia has allowed LGBT marriage nationwide and this is an example how evolved mindset can bring change, peace and harmony and this is the ultimate goal to attain the desired results. More accepting nature and understanding the importance of adapted and revamped structure would give society a good head start.

¹³ Russell H. Fazio, David M. Sanbonmatsu, Martha C. Powell, and Frank R. Kardes, "On the Automatic Activation of Attitudes" (1985)