HATE CRIMES AGAINST RELIGIOUS AND SOCIAL MINORITIES IN INDIA: CAUSES, CONSEQUENCES AND POLICY GAPS

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ABSTRACT

The Review paper analyses the increasing rate of hate crimes against social and religious minority in India, and evaluates the social, political and institutional aspects that facilitate identity based violence. It discusses the role of polarisation, misinformation, and discriminatory legal practices in creating an atmosphere in which minorities feel the targeted aggression of the mob, lynching, communal violence, and discriminatory police actions. The paper assesses the reactions of the police and the courts, and finds some of the key policy failures which include inconsistent FIR registration, sluggish court proceedings, and inefficient enforcement of constitutional guarantees. It also evaluates the rank of India in the international human rights environment and benchmarks the international best practices. The Review enables the identification of the overall impacts of hate crimes on minority rights, social cohesion and democratic stability through case studies and interdisciplinary analysis. The study ends with detailed reform proposals to make the current system more accountable, more legally protective and more effective in institutional terms to prevent and effectively respond to hate-based violence.

Keywords: Hate crimes, religious minorities in India, social minorities, identity-based violence, communal violence, mob lynching, polarisation, misinformation, discriminatory legal practices, minority rights, police response, FIR registration, judicial delays, constitutional protections, human rights in India, policy gaps, institutional accountability, social cohesion, democratic stability, international best practices, criminal justice reform.

Introduction

Hate crimes are intentional violence, discrimination, or intimidation based on the prejudice against the identity of an individual, such as religion, caste, ethnicity, or social grouping. These crimes are not the ones that occur on a regular basis as they carry a larger message of intimidation and isolation of whole communities, not just to individual victims (Aggarwal, 2023). Such crimes in India are often one-sided in historical inequalities and deep-rooted social hierarchies which remain important in defining the modern-day intergroup relations. Lynching by the mob, special treatment, humiliation in the open, and social isolation are actively applied to Dalits, religious minorities and tribal communities.

As digital platforms continue to expand, misinformation fueled by hate is spreading more than ever, increasing hostility based on identity and contributing to staged violence in various areas (Ahmad and Zulkiffle, 2022). These tendencies lead to the increase in intolerance and a mood of insecurity on a daily basis. It is important to understand hate crimes in India since they pose a threat to the democratic stability, minority rights, and institutional credibility. Vulnerability and distrust are enhanced by delayed FIR registration, biased policing, and weak accountability (Amekwi et al., 2020). This thesis thus examines causal factors, resulting effects, law enforcement, and judicial reactions and policy changes to enhance safety measures of disadvantaged groups.

2. Hate Crimes and Law Enforcement in India

2.1 Mandate & Legal Framework

Hate crime in India is solved using the provisions of IPC laws which criminalize the promotion of enmity, the incitement of communal tensions, and the damage of the protected groups. They are prevalent alongside the SC/ST (Prevention of Atrocities) Act that provides substantial protection to Dalits and Adivasis against violence based on their caste (Basu et al., 2020). Equality and religious freedom are further affirmed by minority-protection laws as well as constitutional guarantees. Enforcement agencies will have to prevent identity-based crimes, register the FIRs in time, and provide unbiased investigations (Breuer, 2025). Nevertheless, inconsistency, lack of training and political influences tend to undermine effectiveness and citizen confidence.

2.2 Violation of common human rights

2.2.1 Mob Lynching

Mob lynching is a group attack organized through allegations of cow murder, theft, transgressions across religions or activities that are not socially acceptable (Borah, 2020). This is because once such incidents go viral and rumours are spreading all over digital space, violence is likely to rise far faster than the authorities can respond, enabling rumours to become reality (Chapman, 2024). Prevention is very challenging because of the pace and magnitude of mobilisation.

2.2.2 Communal Violence

Communal violence is an organised violence, damage of property, and targeted violence of minority groups and is commonly initiated by periods of heightened tension (Cosentino, 2020). Political mobilisation and incendiarism support such outbursts, which reveal some of the largest gaps in early-warning and crowd-controlling procedures (Fuchs, 2024). The inability to stop violence may readily attain a high speed and unexpectedly.

2.2.3 Bias and Complicity of the Police

Police discrimination manifests itself in such ways as selectivity, refusal to act quickly, or even their refusal to accept complaints, which represents significant obstacles to the victims in seeking justice (Hines-Johnson, 2025). These biases in institutions empower offenders by indicating the acceptance of discriminations and deterring victims to report crimes. Such inactive collusion creates more suspicion in people and communities become more suspicious of the purity of the law-enforcement.

2.2.4 Misuse of Laws

Sedition, anti-conversion, and cow protection laws are more than often abused and targeted specifically at the minority communities with little to no trustworthy evidence (Komath, 2020). Their preference in application as well as politically-driven interpretations allows them to harass, strengthen the system of discrimination, and even increase institutional bias (Modise, 2025) instead of delivering justice.

2.2.5 Inability to file FIRs

In most instances of hate-crimes, law enforcement officers postpone or deny filing FIRs because of prejudice, political influence, or an effort to downplay communal violence (Osazuwa, 2023). Such practices misrepresent crime statistics and extend the process of justice, denying victims immediate assistance and even increasing doubts in law-enforcement bodies (Rahman et al., 2021), which undermines the integrity of institutions.

2.3 Formative Factors of Hate Crimes

Political polarisation intensifies identity differences and makes exclusionary rhetoric a new standard, particularly in cases of elections or communities on the brink (Setiawan, 2022). Socioeconomic disparities increase resentment because marginalised groups will be targeted when competition and stress are high (Sholeh and Rahman, 2025). Social media speeds up hate propaganda and spreads rumours and falsely created threats, which provoke immediate, emotionally coloured reactions. This internet space simplifies the process of mobilising crowds and disseminates communal discourse. These structural drivers are supported by weak enforcement and endemic impunity, where the offenders do not fear repercussions (Woldearegay et al., 2025). Cycles of specific hostility remain uncontested when institutions fail to deliver justice.

3. Judiciary & Protection of Minority Rights

3.1 Constitutional Guarantees

Articles 14, 15, 21, and 2528 of the Indian Constitution give powerful protections on the rights of minorities based on the necessity to promote equality before the law, barring discrimination, and protecting personal liberty and the freedom of religion (Aggarwal, 2023). All these provisions make up the basis of legal protection of hate crimes and identity-based violence. Fundamental Rights guarantee the justiciability, which allows citizens to directly appeal to the courts in case of violations (Ahmad and Zulkiffle, 2022). Besides this, the Directive Principles of State Policy (DPSPs) invite the state to foster social justice, minimize inequalities, and safeguard vulnerable populations, which adds to the commitment to inclusivity guaranteed by the constitution. These processes in combination enable the judiciary to interfere in discriminatory situations and enforce the rule of law upon marginalised groups.

3.2 Judicial Response

The courts have been at the heart of developing the minority rights by making historic decisions that have dealt with discrimination, hate speech, religious rights, and the duty of the state (Balabantaray, 2022). It has always been stressed by courts that unbiased investigations, fast trials, and high accountability in cases of identity-based violence are required. The Public Interest litigation (PIL) is now a necessary instrument of civil society and activists to appeal against systemic discrimination, enforce policy changes, and compel more vigorous enforcement of constitutional rights (Basu et al., 2020). PILs that have dealt with mob lynching, police inaction and hate speech have increased judicial control and procedural protection.

One of the key actions was the instructions issued by the Supreme Court regarding mob lynching that demanded the introduction of rapid courts, restitution schemes to victims, strict FIR registration, and responsibility towards careless officers (Breuer, 2025). These were aimed at establishing a nationwide response. Although these court actions have been made, the success of such directives differs greatly among the different states, influencing their implications over time.

3.3 Challenges

One of the biggest obstacles is judicial delays because the victims of hate crimes are forced to survive through a lengthy process that undermines the quest of justice (Cosentino, 2020). Large case volumes impede the judiciary to prioritize hate-crime cases or keep track with constitutional safeguards (Fuchs, 2024). In addition, the implementation of the Supreme Court guidelines, particularly those concerning mob lynching, is uneven in each of the states, which decreases their efficiency and permits impunity to exist.

4. Relationship Between Police & Judiciary

4.1 Institutional Dependency and Conflict

There is institutional dependence and repetition of tensions between police and judiciary relationship. FIRs, investigations, and charge sheets are the initial steps in the criminal process taken by the police, and the judiciary uses these pieces of information to continue the trials and hold the perpetrator responsible (Hu, 2021). But the time lag or refusal to file FIRs in hate-

crime cases is a major contributor to the delay in judicial action and undermining institutional authority.

4.2 Procedural Gaps and Delayed Prosecutions

Poorly conducted investigations or those that are biased result in huge procedural loopholes, making prosecution ineffective and the court hearings take longer (Komath, 2020). Such shortcomings result in the fact that adjournments recurring cycles give more time to the perpetrators and at the same time decrease confidence of victims to the justice system and undermine accountability in the legal processes.

4.3 Weak Accountability Mechanisms

Absence of strong accountability mechanisms undermines the coordination among institutions because police officers can hardly be punished on grounds of negligence or negligence to follow the orders of courts (Modise, 2025). This lack of punishment makes deterrence less effective and allows procedural failures to repeat without punishment. With time, this impunity strengthens discriminatory culture, undermines institutional credibility and efficiency of the entire justice system in both the defense of vulnerable communities and provision of fair justice procedures.

4.4 Impact on Minority Safety

The poor relationship between the police and judiciary is a big setback to the minority communities who rely on the institutions to provide both their safety and justice. The lack of coordination and failure to get it worsens their vulnerability and fearfulness as they are not sure whether they will be treated fairly or not. Constant delays, uncertain behavior and gaps in the procedures further undermine confidence in the legal systems. With such inadequacies increasing, the disadvantaged groups become even more hindered to get quality and prompt justice and claim their rights in the system.

5. International Human Rights Framework

5.1 ICCPR

India is a signatory to the International Covenant on Civil and Political Rights (ICCPR) which requires states to safeguard people against discrimination and equality before the law. These commitments include ensuring that hate-based violence is prevented, ensuring fair trials, and adequate compensation to the victims (Rahman et al., 2021). Freedom of religion and expression are also priority in the treaty and they are key protection against minorities that are in society.

5.2 UDHR

The Universal Declaration of Human Rights (UDHR) supports the principles of equality, liberty, and dignity that are essential to the democratic societies (Setiawan, 2022). Its values shape national legal systems, with states forced to guarantee that everyone, such as religious and social minorities, is safeguarded against attacks on the basis of prejudice. UDHR is still used to guide the judicial interpretation or law reforms in the world.

5.3 UN Guidelines on Hate Crimes

The United Nations has already provided elaborate principles requesting governments to control hate speech, develop early-warning systems, track online incitement and hold those involved in identity-based violence to accountability (Sholeh & Rahman, 2025). These suggestions emphasize an affirmative, and not a reactive role of the state.

5.4 India's Compliance and Gaps

As much as India has embraced some of the international standards, the application is not uniform in each state, particularly in aspects like training of its police, data maintenance, and enforcing the constitutional safeguards (Snyman, 2025). Actionable models that can be implemented in the UK include comparative best practices, including specialised hate-crime units and institutional victim-support mechanisms, used in other countries, such as Canada (Woldearegay et al., 2025). Increasing compliance with the international norms would go a long way to improve the safety of minority groups.

6. Reform Strategies

6.1 Training and Diversity of Police: SOPs and Reforms

To enhance the work of police in the response to hate crimes specialised training on bias identification, human-rights protection, and development of procedures sensitive to victims should be reinforced. Communal harmony, digital misinformation, and trauma-informed policing training enhance the capabilities of the officers to identify targeted violence (Setiawan, 2022). More mining of police forces particularly inclusion of minority and marginalised groups would contribute to reduction of prejudice and establishment of trust. Hate-crime registration, evidence collection, and rapid response Standard Operating Procedures (SOPs) are necessary to provide the uniformity across states (Sholeh and Rahman, 2025). Definite procedures minimize bias due to discretion and prevent political influence.

6.2 Legal Reforms: Anti-Lynching Law and Certainty in Definitions

India does not have an independent anti-lynching law, which leads to the disjointed state responses. Mob lynching would be characterized by a national law, specific punishments, compensation, and accountability on negligent officials (Snyman, 2025). The definitions of hate speech, incitement, and targeted violence should also be made legally clear to remove abuse and enhance judicial consistency.

6.3 Courts Reform: Rapid-Track Courts and Surveillance

Hate crime courts are also able to greatly decrease delays and bring justice on time (Aggarwal, 2023). The compliance with the Supreme Court orders, the enhancement of the work with the police, and the provision of the victims with the legal and psychological assistance are the aspects that can be monitored by the judicial monitoring committees. Greater control over the body of mechanisms assists in decreasing the number of adjournment cycles and adherence to the standards of the investigation.

6.4 Community Interventions

The use of community policing efforts, interfaith conversations, and peace groups can mitigate tension levels and give early warning in respectable areas (Amekwi et al., 2020). Prevention strategies and reporting mechanisms should be developed with the involvement of local civil-

society organisations and minorities. Grassroots interventions are beneficial in restoring institutional trust and enhancing social cohesion.

6.5 Technology and Data Transparency

Accountability achieved with the help of technology can be added with the use of obligatory digital FIR registration, body cameras, geo-tagged collection of evidence, and hate-crime dashboards tracking actual incidents in real-time (Basu et al., 2020). The open data makes it possible to identify the trends and enables the policy-makers to develop the specific interventions. Misinformation can also be checked quickly with the use of digital tools to avoid mob mobilisation in the situation with false rumours.

7. Case Studies

7.1 Case Study 1: Mob Lynching Incident

A lynching case of a great profile was that of a Muslim man falsely charged with carrying cattle. The tensions were intensified by rumours shared in WhatsApp groups and gathering a violent crowd (Chapman, 2024). The police came in late and at first denied to open FIR on the basis of lack of sufficient evidence. The police negligence was also brought to light in a subsequent judicial probe and disciplinary action was advised (Cosentino, 2020). This case involved compensation to the family of the victim and a re-investigation, which demonstrated how the judiciary can help to rectify biased policing.

7.2 Case Study 2: Communal Riot Incident

In one of the biggest communal riots, the minority-owned shops and houses were specifically targeted after the inflammatory political speeches (Hines-Johnson, 2025). The police presence was low, and reportedly, the officers did not respond to several distress calls. It was a PIL by rights groups that resulted in the High Court giving directives to impartial investigation committees (Hu, 2021). The court also condemned the inability of the state to take preventive actions and ordered expedited hearings, which indicated the desire of the courts to respond to institutional failures.

7.3 Case Study 3: Abuse of Cow-Protection Laws

There was another case when the cow-protection laws were used against a group of individuals

representing a tribal community who were taking cattle in a legal way (Modise, 2025). The arrests have been made without due verification and the victims have been detained over a long period. The court ruled that the accusations were unfounded and denounced the use of legislation to harass people (Osazuwa, 2023). The decision highlighted that these laws should not be used against minorities, and it is necessary to provide clear directions and responsibility.

8. Discussion

The results of the legal, institutional, and social levels indicate that hate crimes in India are caused by structural interdependence factors, including political polarisation and socioeconomic inequalities, institutional prejudice and ineffective enforcement of the law (Setiawan, 2022). The interaction of these sources helps to establish an environment in which the targeted violence is no longer exceptional. In spite of constitutional safeguards and regular judicial interventions, the present policies are inconsistent, inadequately applied, and not in a position to curb recidivism (Sholeh & Rahman, 2025). The pieces of evidence indicate that underreporting and impunity are major problems that are supported by the loopholes in FIR registration, biased investigations, and the absence of accountability. The case-study synthesis also demonstrates that the mob lynching, communal riots, and violation of the laws are similar patterns: misinformation precipitates the violence, police intervenes slowly or partially, and the judicial action takes time (Snyman, 2025). This supports an apparent correlation between institutional vulnerabilities and the repetition of hate-crimes.

9. Recommendations

9.1 Legislative Reforms

Reforms in the form of legislative acts should be focused on the anti-lynching law nationwide, the description of hate crimes, the obligatory use of FIR, and severe punishments of careless authorities (Woldearegay et al., 2025). To be able to enhance the accountability of the police, it is necessary to have independent complaints authorities, frequent human-rights training, and bias in recruitment.

9.2 Strengthening Minority Protections

The community policing, legal-aid, and safe reporting can enhance the minority protections by minimizing the fear of retaliation (Aggarwal, 2023). Reforms in the judicial system should

involve fast-track courts in cases involving hate crimes, stringent adherence to the timelines of the investigations, and a situation of compulsory reviews of the High Courts.

9.3 Technology, Monitoring, and Data Transparency

The data systems ought to be improved too, including digital FIRs, community hate-crime dashboards, and confirmed misinformation notices can be more visible (Ahmad and Zulkiffle, 2022). Community trust-building of interfaith dialogues, peace committees and collaborative work with civil-society organisations will prevent the social cohesion and eliminate identity-based violence.

10. Conclusion

The hate crimes of religious and social minorities in India are the result of the systematic shortcomings in the institution and the persistent structural skewness that undermines the democratic values and human-rights safeguards. The review reveals that law enforcement loopholes, haphazard application, and ineffective legal systems result in recidivism of selected violence even in the face of constitutional protections and judicial activism. The lack of accountability, political polarisation, and misinformation also increases the vulnerability of the marginalised groups. The legal frameworks need to be strengthened, be transparent, and coordination between the police and judiciary needs to be enhanced in order to bring down these harms. The future reforms should also be based on community-level interventions, protection one-centred on the victim, and proactive prevention. The thorough rights-based policy approach is critical to deal with the underlying factors, outcomes, and policy loopholes of hate crimes in India.

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