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## PREJUDICES AGAINST ETHNIC AND MINORITY GROUPS IN INDIA AND ATTITUDE TOWARDS PUNISHMENT: A CASE STUDY OF HARYANA

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# Brahmavarta: The Haryana

31.4 million people (3.14 crore), with  
The state's population density is around  
573–667 per km<sup>2</sup>, and it constitutes  
about 2.2% of India's total population

# Research Note

Caste-based prejudice continues to shape the functioning of the criminal justice system in India. Using Haryana as a case study, this presentation demonstrates how systemic discrimination against Scheduled Castes (SCs) and minorities influences crime reporting, investigation, incarceration, and punishment. Supported by empirical data, the study highlights the existence of institutional bias, overrepresentation in prisons, and unequal penal attitudes.

# Introduction

India's constitutional commitment to equality is often undermined by entrenched caste hierarchies. In states like Haryana, traditional social structures continue to influence legal processes, creating disparities in justice delivery.

*How prejudice shapes crime & punishment?*

# Caste-Based Prejudice and Violence

## Empirical Data

According to the National Crime Records Bureau (NCRB):

- Over 50,000 cases of crimes against Scheduled Castes are registered annually in India
- Haryana consistently reports high rates of atrocities relative to its population size
- Conviction rates in such cases remain around 28–35%, significantly lower than general IPC/BNS crimes

# Ground-Level Reality in Haryana

Victims face:

- FIR refusal or delay at police stations
- Compromised or weak investigations
- Social intimidation and pressure to withdraw cases

This reflects institutional bias, where enforcement agencies reproduce social hierarchies rather than challenge them.

# Overrepresentation in Prisons

Data from the National Crime Records Bureau shows:

Category	Population Share	Prison Share
Scheduled Castes	~16–17%	~21–22%
Muslims	~14%	~17–19%

SC Population  (16%)

SC Prison Share  (21%)

Muslim Population  (14%)

Muslim Prison  (18%)

# Overrepresentation in Prisons

Key Insight: Marginalized groups are overrepresented in prisons compared to their population.

## Interpretation

This disparity indicates:

- Biased policing and profiling
- Economic vulnerability (inability to afford legal defense)
- Limited access to justice mechanisms

# Public Shaming as Punishment

In several instances across Haryana, police have adopted public humiliation practices, such as:

- Parading accused individuals
- Public disclosure before conviction

This violates:

- Article 21 (Right to Life and Dignity)
- Principle of presumption of innocence

# Attitude Towards Punishment in Haryana

## (A) Community-Driven Punishment

Traditional institutions like Khap Panchayats impose informal sanctions:

- Social boycott
- Honour-based violence
- Forced or prohibited marriages

Data Insight

Studies indicate:

- Haryana has recorded dozens of honour killing cases annually, though actual numbers are likely underreported
- Conviction rates remain low due to:
  - family involvement
  - community silence

# Attitude Towards Punishment in Haryana

## (B) Selective Harshness in Punishment

A critical pattern emerges:

### **Type of Crime**

Crimes by marginalized groups

Crimes against marginalized groups

### **Treatment**

Strict policing, quicker arrests,  
harsher punishment

Delayed justice, weak prosecution

## Figure 2: Selective Punishment Model

Marginalized as Accused → High Surveillance → Harsh Punishment

Marginalized as Victims → Weak Protection → Low Conviction

# Socio-Legal Analysis

## (1) Labeling Theory

Marginalized communities are often pre-labeled as criminal, leading to:

- Over-policing
- Repeated incarceration

## (2) Conflict Theory

Law reflects dominant caste interests:

- In Haryana, dominant groups influence policing outcomes

## (3) Victimology Perspective

Victims from SC and minority communities:

- Face barriers in accessing justice
- Experience secondary victimization

# Key Issues Identified

- Institutional caste bias in policing → Policing practices are often influenced by caste hierarchies, leading to unequal treatment of marginalized groups
- Underreporting of atrocities → Fear, social pressure, and police reluctance prevent victims from reporting crimes
- Overrepresentation in prisons → Marginalized communities are disproportionately incarcerated compared to their population share

# Key Issues Identified

- Public shaming as extra-legal punishment → Practices like parading accused persons violate dignity and bypass due process
- Parallel justice systems (Khap Panchayats) → Informal caste-based bodies impose punishments outside the legal framework
- Selective harshness in punishment → Crimes by marginalized groups face stricter action, while crimes against them are often diluted

# Recommendations

- Police sensitization → Train officers on caste bias and rights
- Stronger FIR enforcement → Ensure timely and mandatory registration
- Legal aid access → Provide affordable support to marginalized groups
- Regulate Khap Panchayats → Prevent extra-legal punishments
- Awareness & education → Promote equality and legal literacy

# Conclusion

The Haryana case study reveals that punishment in India is not purely legal but deeply social. Caste and community identities shape:

- who is punished
- how punishment is delivered
- whose suffering is recognized

To ensure justice:

- Police reforms must address bias
- Legal aid must be strengthened for marginalized groups
- Extra-legal institutions must be regulated

Only then can the constitutional promise of equality become a lived reality.

**Thank You**

*Questions, Suggestions & Critiques?*

Open to discussion