

## DECLARATION

I, Bismita Saikia, do hereby declare that the dissertation entitled “**Hate Crimes and Human Rights - Prevention, Prohibition and Regulation of Hate Crime in Pre & Post Covid-19 Era: A Comparative Study of Laws in India and USA**” is a bona fide record of original work carried out under the supervision and guidance of Dr. Priya Ranjan Kumar, Associate Professor, Department of Law, TU. The work is submitted to the Law Department, Tezpur University in partial fulfilment of the requirement for the award of the Degree of Master of Laws (LL.M.). This dissertation work has not been submitted in part or full for award of any other Degree or Diploma in any University or Institution.

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Place: Tezpur University

**Bismita Saikia**  
**LL.M. 4<sup>th</sup> Semester**  
Roll no: LAM21012  
Session: 2021-2023



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**(A Central University established under an Act of Parliament)**

**P.O. – Napaam, District: Sonitpur, Assam, India**

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**CERTIFICATE BY SUPERVISOR**

This is to certify that the dissertation entitled “**Hate Crimes and Human Rights - Prevention, Prohibition and Regulation of Hate Crime in Pre & Post Covid-19 Era: A Comparative Study of Laws in India and USA**” submitted to the Department of Law, School of Humanities and Social Sciences, Tezpur University in partial fulfilment for the award of the degree of Master of Laws (LL.M.) is a record of research work carried out by **Bismita Saikia** bearing Roll No- LAM21012 under my supervision and guidance.

All help received by her from various sources have been duly acknowledged. No part of this dissertation has been submitted elsewhere for award of any other degree/diploma.

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Associate Professor  
Department of Law



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**CERTIFICATE BY HEAD OF THE DEPARTMENT**

This is to certify that the dissertation entitled “**Hate Crimes and Human Rights - Prevention, Prohibition and Regulation of Hate Crime in Pre & Post Covid-19 Era: A Comparative Study of Laws in India and USA**” submitted to the Department of Law, Tezpur University in partial fulfilment of the degree of Master of Laws (LL.M.) is a record of research work carried out by Bismita Saikia bearing Roll No- LAM21012 under the supervision and guidance of Dr. Priya Ranjan Kumar, Associate Professor, Department of Law, School of Humanities and Social Sciences, Tezpur University and that neither this dissertation nor any part of this dissertation has been submitted elsewhere for award of any other degree/diploma.

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## **Abbreviations**

AAPI- Asian American and Pacific Islander

CAA- Citizenship Amendment Act

CERD- Committee on the Elimination of Racial Discrimination

FBI- Federal Bureau of Investigation

ICCPR- International Covenant on Civil and Political Rights

ICESCR- International Covenant on Economic, Social and Cultural Rights

IHR Emergency Committee- International Health Regulations Emergency Committee

IPC- Indian Penal Code

MERS- CoV - Middle East respiratory syndrome coronavirus

NASA- National Aeronautics and Space Administration

NDMA- National Disaster Management Authority

ODIHR- Office for Democratic Institutions and Human Rights

OSCE- Organization for Security and Cooperation in Europe

R2P- Responsibility to Protect

SARS- CoV-2 - Severe Acute Respiratory Syndrome Coronavirus 2.

SARS- Severe Acute Respiratory Syndrome

SCC- Supreme Court Cases

SNS- Social Networking Site

UN- United Nations

UNESCO- United Nations Educational, Scientific and Cultural Organization

WHO- World Health Organisation



## List of Cases

1. *Amish Devgan v. Union of India*, (2021) 1 SCC 1.
2. *Anoop Baranwal v. Union of India* (SCC 226).
3. *Arnab Ranjan Goswami v. Union of India and Others*, (2020) 14 SCC 12.
4. *Balwant Singh v. State of Punjab* (1995) 3 SCC 214.
5. *Brown v. Board of Education*, 347 U.S. 483 (1954).
6. *Cooper v. Aaron* 358 U.S. 1 (1958).
7. *Fields v. Commonwealth*, 2021 73 Va. App. 652 (Va. Ct. App. 2021).
8. *Fletcher v. Peck*, 10 U.S. 87 (1810).
9. *Green v. School Board*, 391 U.S. 430, 88 S. Ct. 1689 (1968).
10. *HDFC Bank Ltd. and Others v. Union of India and Others*, 2022 SCC OnLine SC 1337.
11. *Hussainara Kharoon v. Home Secretary, Bihar*, (1980) 1 SCC 81 : AIR 1973 SC 1461.
12. *Khalid Jabara v. Vernon Stanley Majors & Stephen A. Schmauss*, CJ- 2017- 00716.
13. *Khatri v. State of Bihar* 1981 SCR (2) 408, 1981 SCC (1) 627.
14. *Manzar Sayyed Khan v. State of Maharashtra* (2007) 5 SCC 1.
15. *Marbury v. Madison*, 5 U.S. 137 (1803).
16. *Melcher v. Holland*, 2014 2014 U.S. Dist. LEXIS 591; 2014 WL 31359.
17. *Miranda v. Arizona* 348 U.S. 436 (1966).
18. *People v. Clemena*, 2011 2011 Cal. App. Unpub. LEXIS 5087; 2011 WL 2803390.
19. *Plessy v. Ferguson* 163 U.S. 537 (1896).
20. *Rupa Ashok Hurra v. Ashok Hurra And Another* (2002) 4 SCC 388.
21. *State v. Street*, 2021 633 S.W. 3d 468; 2021 Mo. App. LEXIS 852; 2021 WL 4163495.
22. *State v. Yang*, 2003 2003 WI App 134; 2003 Wins. App. LEXIS 420; 265 Wis. 2d 937; 664 N.W. 2d 683.
23. *Sunaina Holey v. State of Maharashtra and Others*, 2021 (2021) 2 AIR Bom R (Cri) 674.
24. *Supreme Court Advocates-on-Record Association and another v. Union of India*, (1993) 4 SCC 441.
25. *United States District Court v. Jose Gomez III* MO: 22-CR-26.
26. *United States v. Genco*
27. *United States v. Howald*, CR-21-04-H-BMM
28. *Wisconsin v. Mitchell* 508 U.S. 47 (1993).

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IN USA AS PER THE DATA OF 2021.**