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A STUDY ON HATE SPEECH WITH SPECIAL REFERENCE TO CRIMINAL JURISPRUDENCE- CONTEMPORARY BOTH NATIONAL AND INTERNATIONAL LEGAL ISSUE

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ABSTRACT

This research is principally a study of hate speech with special reference to criminal jurisprudence. It is a contemporary study of legal issues at the national level. Hate Speech could a dangerous weapon against kindness and generosity. Sometimes words could break millions of hearts into trillion pieces or mend broken pieces together like never been broken in the past. Words can bring life back into existence and sometimes take the soul out of life. In my very own perspective, words could be anything and take any desirable form the person could be a creator for a while when he significantly uses the words of his choice. The ideology of nonviolence could solve most of the criminal behavior in our society. In this study, the deep-rooted violence in the form of hate speech shall be thoroughly discussed with the contrary solution of nonviolence and tackling real-life problems without hate speech. India has cultural integration at a very large scale, deep somewhere in its heart it believes in integrity and diversity. It has from a long-generation emphasis to celebrating the enduring privilege of outrageous support young minds cherishing integrity. Though the envy of hate speech somehow throws the new generation into well-equipped tools of modern

hate speech entirely justify them by the chilling effect it's deeply becoming engaging where it is justifiable that the fact is very persuasive. That roast and trolls have become millennial entertainment and not hate speech though it has purely hatred speech with violence, it took a comical or ironical shield these days.

This study will discuss hate speech and its triggering effect on society. It is a deep-rooted discussion where unpredictable consequences could emerge through instigating violence and spreading communal hatred among the public at the larger societal level. These attributes could gently derogate the community peace and well-being of the entire community or the generation.

Keywords: Hate speech, criminology, Blasphemy law, restrictive free speech, public disclosures, Civil Liberties.

I. INTRODUCTION

The formal classification is barely based on the proper management and discovery of various theoretic thoughts about hate speech. Before understanding the whole narrative of hate speech, it is important to the whole range of understanding what hate speech often targets, so it is better to understand that people humiliate and victimize other distinctive people identified which ascriptive characteristics¹. These ascriptive characteristics are entirely based on the distinctive features each individual holds those connected to race, ethnicity, nationality, citizenship, the origin of birth, war record, religion, sexual orientation, gender or transgender identity, disability, age, and physical appearance which is basically out of individual own control though chained with him for entire life.² Targeting such thin sensitive thread could rise as a threat to entire genes of the group or class in particular. Every distinctive feature of an individual with specified traits of members of a specific class or group of the

¹ Brown, A., 2015. *Hate speech law: A philosophical examination*. Taylor & Francis.
² Brown, A., 2015. *Hate speech law: A philosophical examination*. Taylor & Francis.



above-mentioned ascriptive character, the speech often tries to disintegrate the people out of the community, it often tries to spread communal hate against them to destroy their ethnicity completely from the all-embracing existence. The whole colorful picture of unity in diversity is displayed without any effective notion of considerable hate speech. The hate speech is a doomed condolence for the happiness, well-being, and prosperity of the livelihood in a particular region. Hate speech predominately derogates two essences of basic rights that every individual holds under natural justice itself: the speech of expression and the right to equality factor. In the light of judicial examination, I pecuniarily shed light upon some important aspects of legal conductive decisions that could better picture the outrageous effects of hate speech and the criminology behind the such narrative of humiliation hatred speech³. Defamation has always been the scrunchy story that has been part of hate speech, weaponizing hate speech has been a part of our darkest historical triggering situations or incidents. It is uneasy to solidify the entire statement that it is hard to associate the offset of the graphical subjectification of political thought with hate speech. Sometimes it happens to be that hate speech could trigger massive aggression in people that usually end up creating life-threatening unimaginable mass cruelty, violence, and genocides too. defamation has a serious effort on anyone, individual own pride, and reputation as a precious life-saving accessory. The stereotypical conversation or message passed by typical hate speech is very brutal on society⁴. The tendency of people to understand the cooperative adjoining stipulation that is breaded with communal hatred is destruction and misery that never typically stops. The featured narration though maybe typically inspired by some narratives but again the matter of fact that in our day-to-day life, we see an enormous number of ongoing debates that may unintentionally use to

weaponize hate speech to attain ulterior motives, incidents that typically through my very own understanding the whole concept and agenda of spreading other religious hatred is specifically intense in India. Secularism is there in Indian land; everyone is well aware of the fact that it hasn't attained the stage of attaining the uniform civil code yet due to the only mere fact that it is diversified and glorified with religious ideologies every single individual has their personal belief in religious values. Hurting religious sentiment in our nation could be very offensive, surely to mention every religion has its protection from our constitution. Though our legal system supports and respects the glorified version of unity in diversity by protecting and giving us the right to protect our religious ideologies. Our society is submissive towards the spreading of hatred while propagating religious values. I feel that laws and order could never reach the stage of a uniform civil code because religious ideology has so much to say about the upraising effect of unbearable circumstances that may cause variation in the entire system of diversity. Religion has been a deeply debatable and sensitive topic in the Indian scenario it is well effective to have an ideal picture that many religions and mythological cultures, in India do have and it is undeniable that it constitutes Hinduism, Islam, Christianity, Sikhism, Buddhism, and Jainism even there could many within hidden in the inner crust, sensitive and engaging topic that has many eyes upon to talk out loud, the such typical contributory statement could be reasons of many public disclosures. The problem is never been with public gatherings or public disclosures but with assigning and glorifying that hate speech as part of public disclosures. In India live every other nation walks another street you could find entirely new individuals with differences of all kinds of ascriptive characteristics and traits. I am supportive of the positive fact that downtown or in every place there are always some change-makers, revolutionaries, social reformers, activists, and social workers engaged in bringing out changes

³ NAVO, D.S.B.S., Post New Message.

⁴ Howard, J.W., 2019. Free speech and hate speech. *Annual Review of Political Science*, 22, pp.93-109.



that could embrace equality and justice⁵. Though the contradictory fact is undeniable some individuals have a deep belief in the agenda of dominance and support ideologies such as racism, sexism, classism, ableism, antisemitism, and even ageism, so more the contrary agenda the more violent hate speech some groups or class have to go through on daily basis. The peculiarities of the digital media environment contribute to the dissemination of divisive ideas while making it challenging to establish platforms for controlled material, discussion, or agreement, thus it altogether amplifies the chances of spreading hate. Public disclosure involves a great amount of substantive inner-conscious confidence, coming out and addressing yourself or others requires courageous belief, though it's not specifically good to not easily forgot the fact there is the poor unrecognized act of hate speech in some cases joined together. There must be a movement against the records it will be more impressive if there is some way to make a conscious that public disclosure could be advantageous without any legal interference with individuals excluding hate speech that targets the specific group or class of individuals with certain ascriptive character. The inhumane widespread crime against a particular group of people broadly occurs due to conflict of interest among the groups. The exploitation of freedom of speech and expression can be seen in many occasions of life-threatening situations to the entire societal existence of common individuals. If we just take the outrageous attack against humanity all are closely connected to the massive hate speech. Leaders, organizations, and certain particular group of society tends to destabilize the peace and harmony of society through the gluttonous effort of these agenda base instigators who are miserable.

Each religion in India has a glorified conquerable glow that can steal any individual attention. Individuals keep deep faith in their

almighty, paradoxically, public disclosure has never been against social and religious belief. It is necessary to understand the whole conceptual world of "unity in diversity" which is a long lane to run and typically the hardest to achieve too. the political motive of any person or agenda of keeping up the pace with society and the well-undignified job of putting fuel to the fire to worsen the entire systematical governance, hate speech is the ultimate tool to dig a bit deeper, traumatize the targets and derogate the next person reput. The perpetrators or the offender of hate speech do lately realize that they are a threat to civic dignity. Legal aspects have always been rightly pointed out that many laws across the nation "Of India" try to regulate hate speech about any offensive act that revolts against the public order of society. The Report of 267th law commission of India⁶ with reference to hate speech stated that "liberty and equality are contemporary and not antithetical to each other. The intention of having the freedom of speech is not to disregard the weaker section of society but to give them the liberty to speak for themselves. The intent of equality is not to restrain the liberty of others but to balance it with the necessities of a multicultural and plural world.

A. STATEMENT OF RESEARCH PROBLEM

Whether the depiction of hate speech under criminal jurisprudence is working effectively?

B. RESEARCH OBJECTIVES

These are the main objectives behind the study are as follows:

- to understand the narrative concerning the whole criminology behind hate speech.
- to analyze the data concerning hate speech, there is subjective growth in the recent era
- to interpret the necessity of restriction on hate speech and its brutal negative connotation in society.

⁵ Garza, A., 2020. *The purpose of power: How we come together when we fall apart.* One World.

⁶ 267th law commission report on hate speech of India.



- To have an idealistic approach that basically diversifies the constructive public disclosure in the main subjugation.

C. RESEARCH METHODOLOGY

1. METHOD OF DATA COLLECTION: the research study fundamentally and inclusively adopted the methodology of doctrinal research which involves a thorough examination of the criminology behind the narrative of hate speech. Mixed methods of qualitative and quantitative research have been undertaken. Both primary and secondary data have been collected. A research survey was conducted to understand the typical knowledge and psychology or awareness among common individuals about hate speech crime, the mode in which the survey took is through online interference, with the help of google Forms about 102 members submitted their responses. The survey was conducted in bilingual languages i.e., Hindi, English, and Tamil to reach various social groups in online. Furthermore, with the statistical data available the Indian scenario and the data collection on the cases pertaining to hate speech across India are studied.

SOURCES OF DATA: various books, journals, research papers, graphical statistical data, websites, and points of view of the general public through online google form surveys were taken. Contemporary books on Indian penal laws and criminology were examined to understand the clear picture of hate speech

II. LITERATURE REVIEW

The basic examination of various cooperative works to understand the current evolution of the criminology behind hate speech. The hate speech laws are broadly classified into clusters

of rules/ laws/ regulation into seven remarkable clusters this classification specifically generalize the basic outlet of hate speech some of them were very relatable to modernized situations that amplify the structural approach of identification.

1. Religious Freedom and Blasphemy Law in a Global Context: The Concept of Religious Defamation by Mirjam van Schaik.

In this, the author explains Freedom of religion is a fundamental human right, but there are places in the world where strict measures to restrict this right have been taken. In many Western countries, freedom of religion or belief is incorporated in the constitutions of many Western states and is also a classical human right⁷.

2. Hate Speech Law a Philosophical Examination by Alexander Brown

The author argues that hate speech law can be effective, necessary, and limited in its chilling effects. He argues that it can avert damage to people's health (psychological and physiological), safeguard autonomy (substantive, if not formal), reduce insecurity (objective and subjective), and underpin human dignity. It would be a serious error to presume that those who reject hate speech law do so exclusively on the grounds of principle. On the contrary, there are principled arguments on both sides of the debate. Much comes down to which key principles are being used to attack or defend which hate speech laws and in relation to which contextual circumstances⁸.

3. Hate Speech and Polarization in Participatory Society Edited by Marta Pérez-Escobar and José Manuel Nogueira-Vivo

⁷ van Schaik, M., 2016. Religious Freedom and Blasphemy Law in a Global Context: The Concept of Religious Defamation. In *The Fall and Rise of Blasphemy Law* (pp. 177-208). Leiden University Press.

⁸ Brown, A., 2015. *Hate speech law: A philosophical examination*. Taylor & Francis.



According to the authors, lying makes individuals more polarized and causes them to become isolated in different bubble cyber-ghettos depending on the topic at hand. The authors come to the conclusion that falsified content encourages the diversity of viewpoints since people only see reality through a skewed lens that segregates them into several divided groups.

4. hate in the machine: anti-black and anti-Muslimism social media posts as predictors of offline racially and religiously aggravated crime by Matthew I. Williams the author tries to explain that Hate incidents peak simultaneously online and offline, independent of 'trigger' events such as political elections and terror attacks. In the digital age, the findings renew our understanding of hate crime as a process rather than a discrete event. This study uses Computational Criminology to link police crime, census, and Twitter data to establish a link between online hate speech and offline hate crimes⁹.

5. Blasphemy, Offence, and Hate Speech: Response to Henk Vroom by Oddbjørn Leirvik

In the case of blasphemy and offense, the author discusses the relationship between legal restrictions and moral responsibility. The author examines some historical developments in relevant legislation, with a focus on Norway. Two "humanizing moves" were identified: the protection of groups and the protection of vulnerable individuals.¹⁰

6. Racism, Hate Speech, and social media: A Systematic Review and Critique by Ariadne Matamoros-Fernández and Johan Farkas

The author maps and discusses recent developments in the study of racism and hates speech online. Systematically

examining 104 articles, we address three research questions. There is a need for more thorough interrogations of how user practices and platform politics co-shape contemporary racism. the author finds a lack of geographical and platform diversity and little engagement with critical race perspectives¹¹.

7. Hate Speech - The United States Versus the Rest of the World? By Kevin Boyle

The author attempts to demonstrate the tendency to believe that suppression is the answer to revealing his own views—at least where it is not linked to positive action to build equality through education and other measures—which is incorrect. The United States should be chastised not for violating the First Amendment, but for failing to do more to reverse the effects of past discrimination. For example, in the most recent national survey on housing discrimination, the Department of Housing and Urban Development (HUD) discovered that African-Americans face discrimination more than half of the time when attempting to buy or rent a home¹².

8. A Survey on Hate Speech Detection using Natural Language Processing

by Anna Schmidt
The author presented a survey on the automatic detection of hate speech in this paper. Typically, this task is framed as a supervised learning problem. Generic features, such as a bag of words or embeddings, consistently produce acceptable classification performance. Approaches at the character level outperform approaches at the token level. Lexical resources, such as a list of slurs, can aid in classification, but only

⁹ *The British Journal of Criminology*, 60(1), pp.93-117.

¹⁰ Leirvik, O., 2011. Blasphemy, offence, and hate speech: Response to Henk Vroom. *Ars Disputandi Supplement Series*, 5, pp.95-106.

¹¹ Matamoros-Fernández, A. and Farkas, J., 2021. Racism, hate speech, and social media: A systematic review and critique. *Television & New Media*, 22(2), pp.205-224.

¹² Boyle, K., 2001. Hate speech--the United States versus the rest of the world. *Me. L. Rev.*, 53, p.487



when combined with other types of features¹³.

9. Hate Speech through social media in Indonesia: Based on Space Transition Theory in Cyber Criminology by Efrizal Harun Sharief

the author represented Hate speech, which is a feeling expression or a belief expressed in cyberspace, is not a cybercrime. As a result, a normative expression as an ignoble deed is unable to monologue based on power. Because hate speech determination in social media networks is a legitimate feeling in certain people groups, the dialogist process is the only way to solve hate speech. Space Transition Theory will be more compatible with physical actions in the virtual world that resulted in bodily harm. In contrast to hate speech, Space Transition Theory will find obstacles to causality in expressions based on legitimate feelings¹⁴.

10. Antisemitism on Twitter: Collective Efficacy and the Role of Community Organisations in Challenging Online Hate Speech by Sefa Ozalp

The authors used big social media data from Twitter to reveal patterns of perpetration at the source using a supervised learning classifier. The production and spread of cyberhate on social media sites such as Twitter, Facebook, and other platforms is closely linked to anti-Semitism in the U.S. and can cause severe offense when it is not removed. Our findings suggest that counter-speech posted by credible organizations¹⁵ can effectively prevent harmful narratives, such as online anti-Semitic propaganda.

11. Cyber Crime Hate Speech Criminological Review in 2018-2019 (Case Study in Salaita City) by Putra Sang Faja El Harryl and others.

the author tries to explain the most common factors that cause perpetrators to commit hate speech are internal factors, namely psychological or psychological actors, namely high emotional power, in addition to the factors of facilities, facilities, and technological advances. Efforts to counter hate speech in social media consists of penal and nonpenal measures¹⁶.

12. social media, terrorist content prohibitions, and the rule of law, by Stuart Macdonald.

the author examines the importance of social media companies' regulation of extremist content on their platforms. It argues that a steadfast public-private distinction is difficult to maintain in the realm of counterterrorism¹⁷.

13. Regulating hate speech online by Dr. James Banks

The author explains how the Internet's exponential growth has resulted in an increase in far-right and extremist websites, as well as hate-based activity in cyberspace. States have attempted to regulate the Internet domain using the traditional strategy of national law. However, the Internet's multi-jurisdictional nature has undermined states' efforts to draw geographical boundaries¹⁸.

14. Hate Speech and Double Standards by Thomas M. Keck, According to the author, many European countries prohibit the public expression of hateful speech directed at racial and religious minorities, and an increasing number also prohibit

¹³ In *Proceedings of the fifth international workshop on natural language processing for social media* (pp. 1-10)

¹⁴ Sharief, E.H., Hawasara, W. and Sinaulan, R.L., 2021, December. Hate Speech Through Social Media in Indonesia: Based on Space Transition Theory in Cyber Criminology. In *Proceeding* (pp. 337-345).

¹⁵ Ozalp, S., Williams, M.L., Burnap, P., Liu, H. and Mostafa, M., 2020. Antisemitism on Twitter: Collective efficacy and the role of community organizations in challenging online hate speech. *Social Media+ Society*, 6(2),

¹⁶ El Harry, P. and Riswadi, R., 2021, May. Cyber Crime Hate Speech Criminological Review in 2018-2019 (Case Study in Salatiga City).

¹⁷ Macdonald, S., 2019. Social Media, Terrorist Content Prohibitions and the Rule of Law.

¹⁸ Banks, J., 2010. Regulating hate speech online. *International Review of Law, Computers & Technology*, 24(3), pp.233-239.



anti-gay speech. These laws have been the subject of numerous legal, philosophical, and empirical studies, but this paper focuses on one potential cost that has not been addressed¹⁹.

15. The Harm in Hate Speech
Jeremy Waldron

The author tries to explain Hate speech is designed to undermine a person's dignity—not dignity in the sense of any particular level of honor or esteem (or self-esteem), but dignity as a basic entitlement to be regarded as a member of society. That is what hate speech attacks, and that is what laws aimed at protecting hate speech aim to protect. But he argue that offense, however strongly felt, is not a proper object of legislative concern²⁰.

16. The Right to Political Speech and The Ban on Hate Speech by Tamás Szigeti²¹

In this Thesis, the author argues that political hate speech should be an exception from an otherwise legitimate ban on hate speech in liberal democracies. It argues for a richer understanding of what should count as political speech and gives more weight to the political circumstances than to the content of speech. The argument challenges the prohibitionist arguments that hate speech incites against, vilify or vilify vulnerable groups and harms democracy.

17. Is There a Right to Freedom of Expression?
By Larry Alexander²²

The author provides a skeptic's assessment of the assertion that the right to free speech is a human right in this interesting book. He looks at the numerous situations in which a right to freedom of expression might be claimed, and he comes to the conclusion that

none of these situations allow for the assertion of such a right. He contends that while some type of legal protection for freedom of expression is undoubtedly desirable, it is not an issue of human rights and that the form such protection would take will depend on historical and cultural contexts.

18. Does Freedom of Speech Include Hate Speech? By Caleb Yong²³

The author proposes to disaggregate hate speech into various categories which are analyzed in turn. Categories include targeted vilification, political advocacy for exclusionary and/or eliminationist policies, and other assertions of fact or value that constitute an adverse judgment on an identifiable racial or religious group.

19. Hate Speech in Constitutional Jurisprudence: A Comparative Analysis
By Michel Rosenfeld²⁴

The author tries to explain Hate speech as speech that promotes hatred on the basis of race, religion, ethnicity, or national origin. In the United States, hate speech is given wide constitutional protection while under international human rights covenants, it is largely prohibited and subject to criminal sanctions in other Western democracies.

20. Hate me, hate me not: Hate speech detection on Facebook by Fabio Del Vigna and others. The author explains Social Network Sites are increasingly used to launch harmful campaigns against specific groups and individuals. Cyberbullying, incitement to self-harm practices, and sexual predation are just some of the severe effects of massive online offensives. Attacks can be carried

¹⁹ Keck, T.M., 2016. Hate speech and double standards. *Const. Stud.*, 1, p.95.

²⁰ Waldron, J., 2012. *The harm in hate speech*. Harvard University Press.

²¹ Szigeti, T., 2017. *The right to political speech and the ban on hate speech* (Doctoral dissertation, University of Oxford).

²² Alexander, L., 2005. *Is there a right of freedom of expression?*. Cambridge University Press.

²³ Yong, C., 2011. Does freedom of speech include hate speech?. *Res Publica*, 17, pp.385-403.

²⁴ Rosenfeld, M., 2002. Hate speech in constitutional jurisprudence: a comparative analysis. *Cardozo L. Rev.*, 24, p.1523.



out against groups of victims and can degenerate into physical violence²⁵.

21. SURVEY

This is phycological data collected from common individuals, 102 members in total to understand their points of view(opinions) on hate speech.

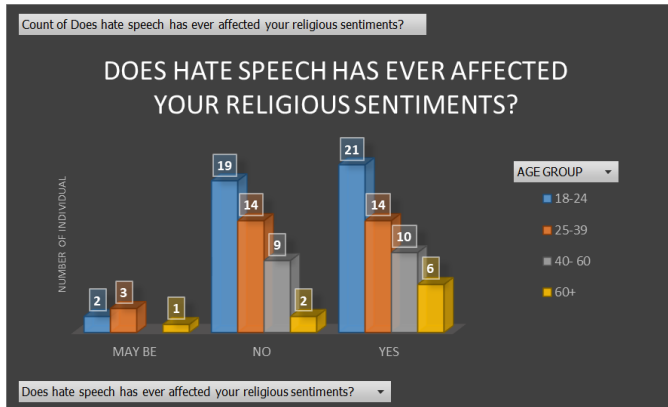


Figure 1. ONLINE SURVEY REPORT COLLECTED FROM 102 MEMBERS.

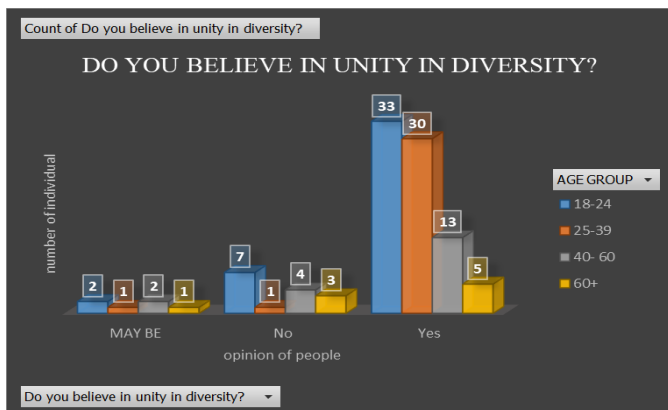


Figure 2. ONLINE SURVEY REPORT COLLECTED FROM 102 MEMBERS

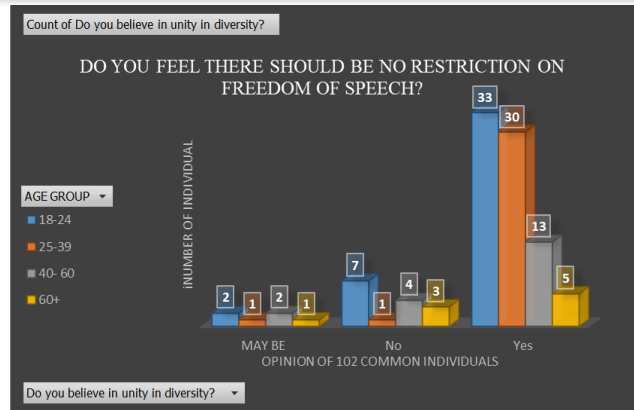


Figure 3 ONLINE SURVEY REPORT COLLECTED FROM 102 MEMBERS

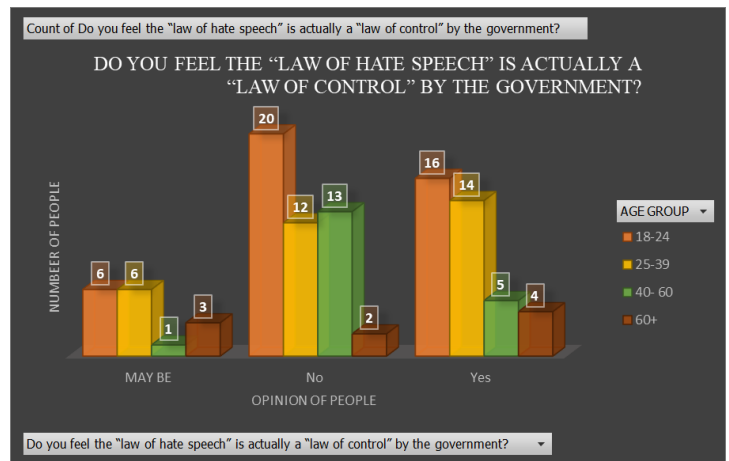


Figure 4 ONLINE SURVEY REPORT COLLECTED FROM 102 MEMBERS

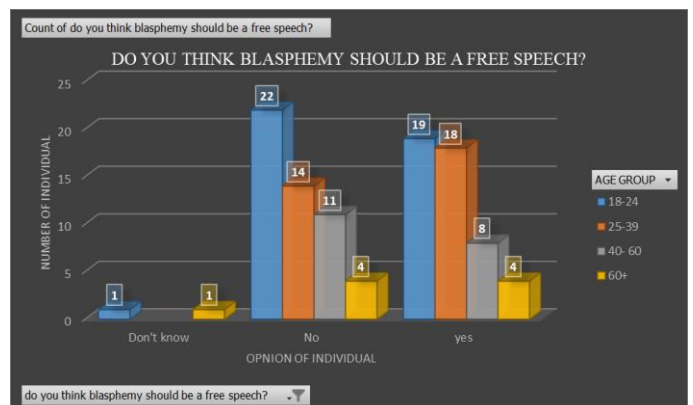


Figure 5 ONLINE SURVEY REPORT COLLECTED FROM 102 MEMBER

²⁵ Del Vigna¹², F., Cimino²³, A., Dell'Orletta, F., Petrocchi, M. and Tesconi, M., 2017, January. Hate me, hate me not: Hate speech detection on facebook. In *Proceedings of the first Italian conference on cybersecurity (ITASEC17)* (pp. 86-95).

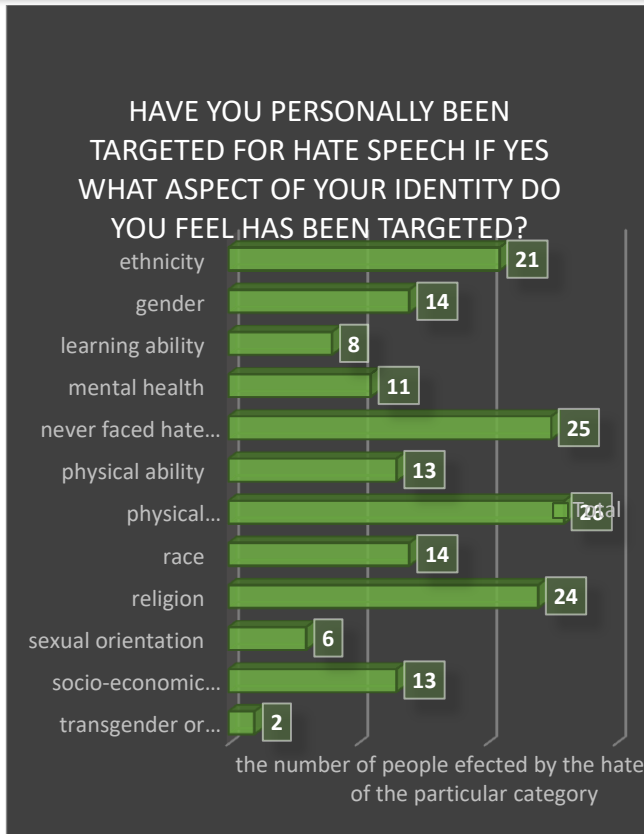


Figure 6 ONLINE SURVEY REPORT COLLECTED FROM 102 MEMBER

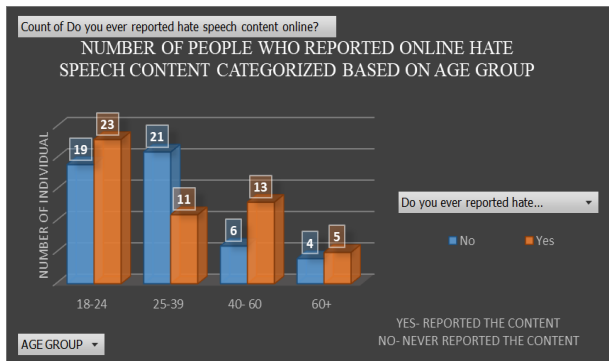


Figure 7. ONLINE SURVEY REPORT COLLECTED FROM 102 MEMBERS

FIG.8

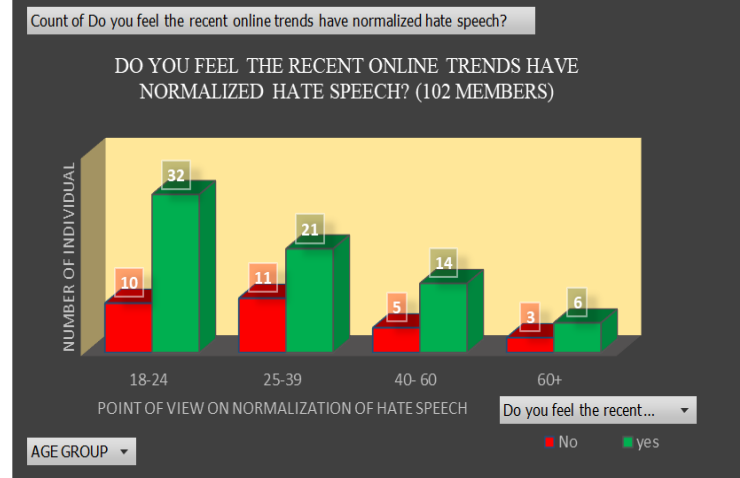


Figure 8. ONLINE SURVEY REPORT COLLECTED FROM 102 MEMBERS

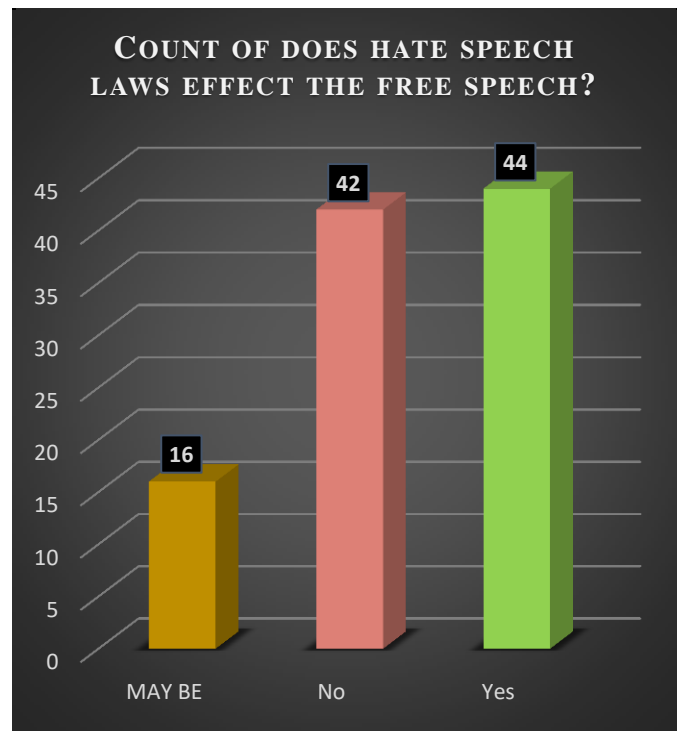


Figure 9. ONLINE SURVEY REPORT COLLECTED FROM 102 MEMBERS

Figure 1. Illustrates that 50% of people believe that hate speech has affected their religious sentiments, and about 44% believe that hate speech never affected their religious sentiments. The responses were mostly given by young adult categories. Religious sentiments were the domain and self-explanatory that the conditions are well-equipped and motivated to



ensure that cultural hate speech concerning religion is moderately affected.

Figure 2. Depicts the belief in unity in diversity, the main subject matter that has been aroused in the relation to the conditions which are effectively related to the matters relating to the conservative ideology of agenda-based discrimination. People believe in the concept of about 79% of individuals but the rest of them have a contrary and probable opinion.

Figure 3. Describes that ideally, most individuals prefer that the freedom of speech must have no restriction as a whole. 63% of people out of 102 members feel there should be no restriction on the freedom of speech. The other 26% of people believe that the restriction may maintain public order and peace.

Figure 4. Explains blasphemy, As a matter of fact, 50% of people believe that blasphemy should never, in any case, be considered free speech, and the other half believes contrary to the subject associated.

Figure 5. shows that the blasphemy laws have safeguarded the laws in relation to religious sentiments. The graph represents that most of the people in the survey believe that blasphemy should not be included under hate speech.

Figure 6 represents the categorization of various ascriptive characters that can be most affected in the matter of concern the indication shows various principles of laws that can be channelized to understand the narrative behind the publication of the study. In accordance with the data available, 26% of people believe that their physical appearance has been targeted about 25% of people and after that, the second most targeted identity is the religion of the person. 20.6 % of people believe that their ethnicity has been affected by hate speech. 13% of people believe that their gender identity has been targeted. The percentages of people who believe that the race has been targeted are 13.7 percentages of people.

Figure 7 indicates the citizens who have reported hate speech content on online platforms the half of the members said they have reported the hate speech online (51%) and most of the people belong to the young adults

Figure 8. Specifies the point of view of the individual who actively participated in the survey and whether the online trends have normalized the hate speech content. With the change in social dynamics, online individuals have taken online speech in a much-normalized context. The data collected shows that 71% of people believe that hate speech has normalized their outreach and trends. While personally interrogating I believed understand that the trend of online hate speech or hate speech in the television media has been increased²⁶

Figure 9. Lay down the opinion concerning whether hate speech laws affect the free speech law. Few people personally believe after an interrogation that the idea behind hate speech is very narrow and at times it can affect the hate speech laws. 42% believe that hate speech laws affect free speech in India.

II. ANALYSIS OF GLOBAL COUNTRIES AND THE LEGAL PROVISIONS CONCERNING THE HATE SPEECH

The following sections explain how various nations believe that it is important to have hate speech laws. Thus, the representation of data concerning such observation is discussed. For any act to fall under the category of offense it is necessary to outlook that such an act is prohibited by their legal statutes, laws, codes, or regulation. Hate speech is identified as a crime to be restricted under legal clauses of many legislations of other nations. Hence the criminal context of hate speech and the regulation to penalize the person who commits such offense

²⁶ Murphy, A., 2022. *How does political rhetoric influence hate speech?* (Doctoral dissertation, University of Leicester).



of hate speech is punished in various parts of the world²⁷.

Hate speech often hurts the sentiments, faith, and belief of certain classes of groups/communities at large to diminish their traits of ascriptive character to be impotence and under the dominance of a privileged class of the community. Hate speech to be constituted as a crime there must be an individual acting in a voluntary manner in the form of speech that could be written or oral or mere gesture through the representation of any other means that indirectly or directly emphasized to constitute and fall under the action that is prohibited by law or such expression of hate speech should result in the harm of religious or any other intimate ascriptive character of the individual and accomplish the requirements of penal provisions or other restive provision of law constitute a criminal attribute of hate speech. Few countries believe that hate speech has quite a close scope in relation to the right to equality and free speech restriction. The adoption of hate speech is even mentioned in their constitution.

The expression or mode of hate speech can be direct or indirect though the effect of such hate speech towards a group of community or class of individual should be caused in a direct manner if the presence of direct harm is absolute that the individual who projected such hate speech must provenly be punished.

This section deals with it detail of each nation's standing with respect to the International Covenant on Civil and Political Rights and makes mention of any declarations or reservations that might have been made about Article 20(2) of the Covenant, which is the UN's "hate speech" section. Let's understand the data concerning hate speech provisions all across the world at an international pace. Below is the

representation of the data concerning countries having legal provisions restricting hate speech. This clearly signifies most countries across the globe have legal provisions related to hate speech.²⁸

FIG.10

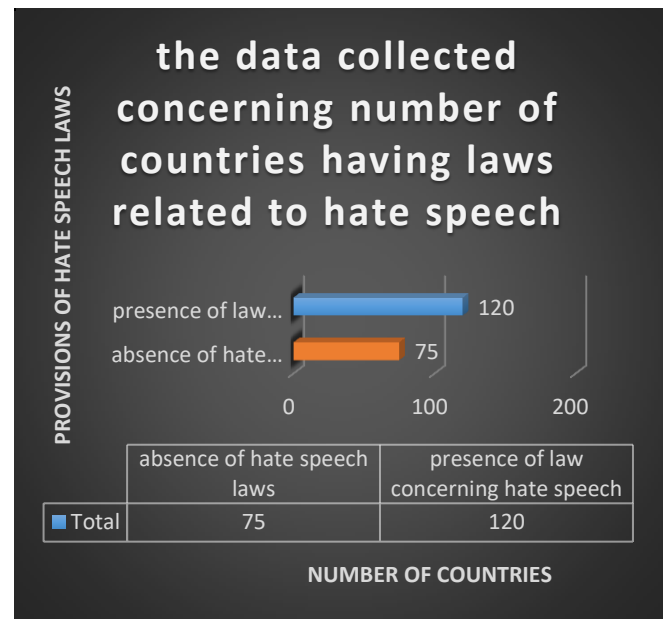


Figure 10. DATA SOURCE: The Future of Free Speech: Rebuilding the Bulwark of Liberty - John Templeton Foundation. [Online] John Templeton Foundation. TOOL GLOBAL HANDBOOK ON HATE SPEECH

II. CRIMINAL ATTRIBUTES OF HATE SPEECH

Criminological attributes of hate speech, the penal laws describing the real virtue, the act of instigation or intimation or incitement that is contributed during the submission of negative connotation or negative stereotyping of a particular group or class of people with some ascriptive character. ²⁹The intention of triggering the inner subjugation of such abetment creates pecuniarily problems that any individual or community can increase the

²⁸ Alkiviadou, N., Mchangama, J., & Tool, R. M. (1994). *Global Handbook On Hate Speech Laws Rebuilding The Bulwark Of Liberty Global Handbook On Hate Speech Laws*.

²⁹ "OHCHR | Hate speech and incitement to hatred or violence." <https://www.ohchr.org/en/special-procedures/sr-religion-or-belief/hate-speech-and-incitement-hatred-or-violence>.

²⁷ Iganski, P., 2001. Hate crimes hurt more. *American behavioral scientist*, 45(4), pp.626-638.



level of enmity between themselves. Hate speech could create and become a matter of hostilities, controversies, and violence among people.³⁰

The hatred can drastically affect inner conflicts or the eruption of disastrous conditions. The hate speech deliberately outrages conditional disintegration. Ideologies have been used in this specification to underline the basic approach that could be finally figured with specific adjudication that hates speech creates innumerable hardships in the minds of the people their urge to defend themselves and their religious beliefs are contravened. It is important to dive into blasphemy law, these laws are basically preventive measures to prohibit hate speech that affects the belief system of a group or class of people who have faith in their god. Before heading toward the real-life scenario concerning this criminal act.

It is necessary to understand the presence of criminal attributes in the crime of hate speech. Any crime constituent of some featured elements, let's discuss these elements and the presence of that in the hate speech³¹. The fundamental essence that constitutes hate speech is that there must be associated with a commitment to a wrongful act, this wrongful act is termed actus reus which is combined with the wrongful intention, this wrongful intention is termed mens rea. The entire principle is embodied by the actual societal harm which is caused due to the trauma or fear of the person who committed the such act. Hate speech has both the essential element present in the construction, the person who expresses such expression by word, narrative, written or oral or gestures with the deep-rooted intention to instigate outrage among people and disintegrate them to lead any particular form of riot, terrorism or any objectified motive to

trigger the chances of motive in the society. The abetment criminology and its close connection with hate speech clearly explain the true nature behind the criminology and working effect of hate speech. The concept of abetment explains a person who does not himself commit a crime, may, however, command, urge encourage, induce, request, or help a third person to bring it about and thereby be guilty of the offense abetment. The same methodology and principle are followed in the execution of hate speech the act as a tool for the abetment of very serious crime towards a group/class/community of people belonging to certain ascriptive characters." ***According to Supreme Court of united states rulings, hate speech does not have to be given the full protection of the First Amendment in the context of the school setting, where administrators have a duty to protect students from physical or psychological harm, regardless of whether it takes the form of a burning cross, a call for genocide, or a t-shirt misusing biblical text to hold gay students in contempt.***³²

Hate speech sometimes constructs conspiracy or procedure for the good establishment of crime. Indian penal laws though just deal with the dichotomy that it affects the religious sentiments of other persons. It is often believed that hate speech triggers violence in the community. Below in **FIG.12** and **FIG.13**, shows the representation of countries having hate speech in their criminal code. A moderate

number of nations or countries believe in the criminal attributes of hate speech. Thus, hate speech has a valid associative characteristic of criminology@. Almost fifthly four percent (54%) of countries in the data have hate speech, depiction in criminal code.³³

³⁰ Cobb, J.C., 1994. *The most southern place on earth: The Mississippi Delta and the roots of regional identity*. Oxford University Press.

³¹Mohapatra, S.K., Prasad, S., Bebartha, D.K., Das, T.K., Srinivasan, K. and Hu, Y.C., 2021. Automatic hate speech detection in english-odia code mixed social media data using machine learning techniques. *Applied Sciences*, 11(18), p.8575.

³² *Harper v. Poway Unified Sch. Dist.*, 455 F.3d 1052 (9th Cir. 2006)

³³ Future of free speech, https://futurefreespeech.com/wp-content/uploads/2020/11/Report_Global-Handbook-on-Hate-Speech-Laws.pdf

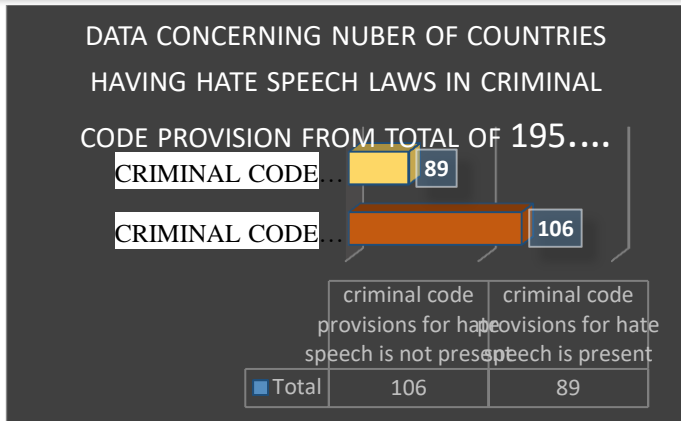


Figure 12. DATA SOURCE: The Future of Free Speech: Rebuilding the Bulwark of Liberty - John Templeton

A. PENAL LAWS IN INDIA CONCERNING HATE SPEECH

In Indian penal code, has laws concerning hate speech which explains that a number of sections of the Indian Penal Code address hate speech. These provisions outline the penalties for hate speech and make it unlawful. Section 153A of the Indian Penal Code makes it unlawful to foment hate between groups of people based on characteristics including religion and race, place of birth, the language of domicile, and behaviors that are harmful to maintaining harmony. A punishment of up to five years in prison and a fine may be imposed. The Indian Penal Code of 1860 prohibits the destruction of sacred sites and artifacts in Section 295 of the law. The Indian Penal Code prohibits using language that would offend someone's religious sensibilities. Section 298. Any written or spoken statements that promote hatred or disaffection against the legally established government is punished under Section 124A of the IPC, which defines sedition. The Criminal Procedure Code specifies the actions that must be taken when enforcing criminal law (CrPC). In a few provisions of the CrPC, it is stated what actions should be taken if hate speech is rendered unlawful: In accordance with the standards established by the judiciary in accordance with its liberal interpretation, Sections 95 and 96 of

the CrPC allow the state government to issue a valid order forfeiting any "book, journal, or document" that contains content that is punishable under various sections of the IPC. The state may censor publications under the provisions of Section 95 of the law. It is possible to review orders made in compliance with that section under Section 96. In India, hate speech penal laws have punished perpetrators who have triggered violence in the community. It is necessary that broadcasting media must regulate news information representatives to not entertain religious speech that affects minorities and religious groups. The words used in the alleged criminal speech should be judged by the standards of reasonable, strong-minded, firm, and courageous men, rather than those of weak and vacillating minds or those who detect danger in every hostile point of view. In English law, the standard of an ordinary reasonable man, or "the man on the top of a Clapham omnibus," should be applied³⁴.

B. TRENDS CONCERNING HATE SPEECH INCIDENCE. IN INDIA

The Penal Laws in India concerning hate speech are associated with the conditions of the basic trends associated with it. the national crime record bureau represents the data concerning the incidence of offenses promoting enmity between different groups in India, hence it is clearly understood from its reports that the criminal record has increased though a slight fall can be seen in 2021³⁵, it is necessary to understand the fact that the number of crimes concerning in 2020 is 1886 which is highest since the 2014(Figure. 14).

the next graphical representation (figure.15) is considered an incidence that occurred under Imputation, assertions prejudicial to national integration (Sec.153 B IPC) from 2014 to 2021. Which is very low in number compared to and

³⁴ Ramesh Birch & Ors. Etc vs Union Of India & Ors. Etc1990 AIR 560, 1989 SCR (2) 629
³⁵ National Crime Records Bureau, <https://ncrb.gov.in/sites/default/files/CIP%202020%20Volume%201.pdf>



didn't even reach beyond a hundred in the following time frame³⁶

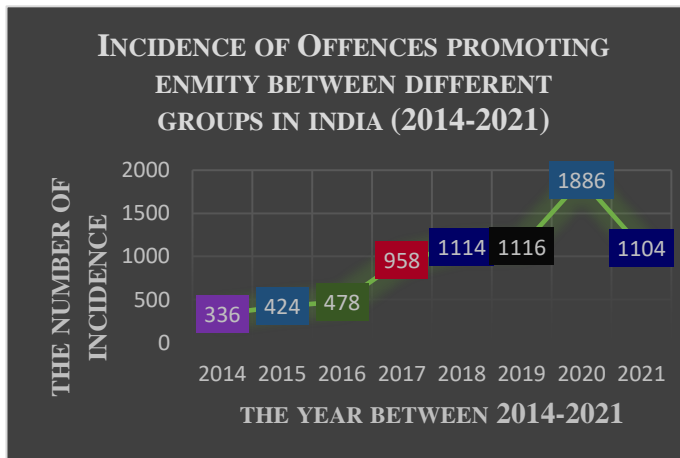


figure 14. source of data:<https://ncrb.gov.in/en/crime-india>

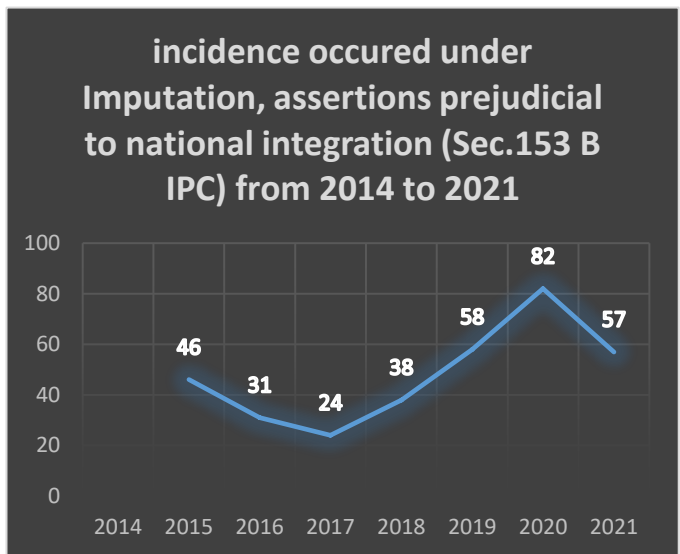


Figure 15. source of data:
<https://ncrb.gov.in/en/crime-india>

II. DISCUSSION ABOUT THE STUDY.

In this study through a survey mechanism, the opinion of common individuals was undertaken because they are the individual who is prone to be the victims of such offenses of hate speech. It is very necessary that the person must have the correlation and understanding concerning hate speech. This study was to understand the psychology of different individuals on the

matter of hate speech laws in India. To make every individual correlate with the survey, the survey was taken in a bilingual language to reach innumerable audiences online for the purpose of greater understanding, though due to time constrain it reached only 102 members of the social circles. The results depict that the responses on youth were much more feasible than any other age group. The engagement of youth was much more than the rest of the individuals. Many individuals believe that recent online trends have normalized hate speech at a much larger level (Figure 8). The youth from where the survey was taken showed active participation in reporting online speech content. The study survey widely shows that engagement with the public is more in the matter concerning hate speech. The disciple provides the basic correlation with the anticipatory ideology of internet users and the difficulties they face due to hate speech. The global statistics were examined to have a proper correlation between the analysis of the cluster and laws in relation to hate speech. It is understood that the number of offenses concerning the incidence of hate speech is low but has a greater effect on the course of instigation of other offenses in the community.

III. CONCLUSION

In this study, I carefully examined various aspects concerning hate speech laws with social reference to criminal jurisprudence to various reference from the attributes that explains the close relation of the restrictive nature of laws in India. The objective behind the entire correlation is the importance of a wide range of cooperative associations of the conditions essential for the clear visionary behind the adoption of such laws, the basic ideology of the countries placing the hate speech laws under the criminal code is the major fact that specific indication of need and the intensity of the effect of such expression the citizen of the country in accordance to their psychological sentiments and how far it can be triggered after a point of time.

³⁶ National Crime Records Bureau, <https://ncrb.gov.in/en/crime-india>



The first chapter deals with the introduction of hate speech which mainly discusses the Indian perspective concerning hate speech and its overall calculative analysis. The entire structural analysis is made to understand the main interconnection between the various principles of laws. The second chapter expresses the probable expression of concerning the values associated with the general principle of laws, through a detailed analysis of the subject matter. The third chapter discusses the survey and its results in the greater aspects of the contribution. The fourth and fifth chapter basically summarizes the data concerning the overall all-global scenario of the distribution of hate speech laws and later even discusses the laws in India related to hate speech laws. Later the discussion about the entire study is done.

This study concludes that hate speech laws can be effectively practiced only if the need for them can be understood. In recent years the amount of depiction of hate speech through television has increased and the common individuals belonging to minorities are targeted and become victims of hate speech. The suggestion after analyzing the legal provisions and the theories it is important to understand that religion is not just the only criterion but more prevalent hate speech targets even many other individuals with derogatory terms. They all must also have prevalent rights to raise their voice against the broadcasting of hate speech in all kinds of media.

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