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Hate Crimes: Tormentors for Democracy & Social Society

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Abstract

Around the globe the societies and communities are becoming conservative and restricted in the current diverse era when it comes to integration among the communities. The counting of the intolerant people is rising in every aspect, whether it is regarding religion, race or any interest. People are developing conquering nature instead of cooperative one, the feeling of hatred against other clans is becoming the way of survival in the world where the elites, political leaders, religious scholars and stakeholders of the social society are playing with the sentiments of people and fulfilling their interest by causing disturbance in the diverse society. As democracy is being misused by the stakeholders, political leaders and many more to fulfill their need according to their interest in the society. The outcome of the whole society comes in a way of hate crimes which injures every pawn and tranquility of the society, moreover the hate crime is deeply observed and compared with the various instances to observe its relevance and nature in the current era.

Keywords: Hate Crime, Democracy, Tranquility, Diverse Society

Introduction

As the 21st century is often known as the 5th generation warfare world where instead of the conventional methods the information and more precisely misinformation is used to achieve any malice intentions that may be of any sought. In modern warfare information became the ultimate weapon and if you want

any country to be collapsed then the best way is to disturb the civil society of the country or make people fight with each other where a scenario is created like a civil war and that may be due to religious disharmony, prolonged exploitation & discrimination of particular group or community, public mischief against any caste, race or community and most preferably hate speeches, all the herein mentioned ways leads to the hate crimes which may be defined as the any sought of crime that may include violence against any community, caste, race and religion just on the basis of the prejudice information. The hate crime can be related as the target killing as it also fulfills the conditions of the hate crime where both includes the crime against any particular group of people or community and the hatred that is generated against any such community. The hate crimes ultimately disturb the smooth functioning of the civil society and state machinery which collectively runs the wheel of democracy in any country, democracy which is a very delicate wall built through various sacrifices of lot of people got shattered due to these actionable wrongs of political leaders through the hate speeches against the any group or community for misinformation spread through their platforms just for the sake of political profits and for the favorable vote bank. Hate crimes are pervasive in nature whether it is in eastern or western side of the globe, the only difference that comes is the ways through which it occurs. In the western world the basic hate crime is done against the people of black race and having the prejudice against them for which the best example is the George Floyd protest in USA in which the policemen was negligent while



handling with the deceased at the time of arrest as historically their rights doesn't matter to the caucasian race people and they considered them to be inferior likely in the same way that currently is been done with the Asians in the country of USA and most parts of the world where the hate crime against the far eastern people grown tremendously after the spread of covid-19 virus as there was misinformation regarding the spread of the covid-19 virus. But as we observe the eastern part of the globe the hate crimes were mainly against and based upon the religion and caste of the person, the hate crime mainly arises through the way of either misinformation and lack of trust & harmony between the communities or the blasphemy likely situation occurred in India last year where the lack of trust can be seen between the hindu and muslim communities regarding the misinformation against each other which ultimately solved through the meeting held by national security advisor of the country with the religious scholars. Either in the western or the eastern world the impact of the hate speech is similar that is situation challenging the law & order of the region, instability in the social society and many more problems challenging the democratic system.

Onset of the Hate Crimes

The human generation is becoming so impatient and intolerant about their likes and interest that there is no place for the humanity in the hearts, any misinformation regarding the any one's religion can lead to the unfortunate incident that can create alarming and panic system in the society. The last year's infamous and barbaric murder by the two people of muslim community beheaded the old hindu men of Rajasthan state for supporting the thought of a political leader through a whatsapp status which was even posted by his family through his account that was found in investigation. The ongoing level of the ethics & norms in domestic politics across the globe is getting lower in terms of power hunger and to make the vote bank the political leader often

use inappropriate words against any community to win the trust of any particular community and result of which eventually leads to riots, violence and prolonged hatred which the political leader didn't have to face after the negligent action as the repercussions of that are on the ground. The actions that are being presented by the political leaders becomes the seed of the enmity between the communities and which is basically a kind of miscommunication between two religion or community which will hamper the life of the innocent in either of the community & religion and will hamper the future generation too. Mostly it is observed not only political leaders but the notorious religious scholars just to satisfy their interest the misinformation are being shared with the general public to distract them from the mainstream issues in the society. We are in the phase of era where the democracy is mainly becoming the way to create hurdles in way of the democratic elected government, the anti social elements tries to disturb the decorum of the country, society and creates law & order disturbed situations for the authorities through their easiest way that is misinformation on the basis of religion and any act which is hurting the sentiments of the people. The recent incident of miscommunication in relation to the religion spread in the Sialkot city of Pakistan where a factory manager was burnt alive by the group of people/mob because of the rumour that he tore a Islamic religious poster pasted on wall of his factory and being a non-muslim he hurted the sentiment of the people as claimed and which can be a misinformation among the people participant in the mob. But the intentionally hurting the sentiment of the some religion should be condemned collectively as which can become trouble for the society as the Charlie hebdo case which is a France based magazine in the name of freedom of speech and expression made a caricature of the holy prophet mohammed and just for the political sake the French government backed the magazine by justifying the actions of the Charlie

heβδο magazine as the freedom of speech and expression which eventually led to a barbaric murder of the professor of a college in France where after showing that caricature in whole class one of the students beheaded the professor as a lively example of onset of hate crimes. In Indian laws there is nothing clearly mentioned of a such term of "hate crime" as it's a western terminology, but in the several provision of the Indian penal code the spreading hatred against any community, disturbing tranquility of society, doing any act or delivering speech which can hurt sentiment of people and any act which is done with the intention to cause enmity between the two religion is punishable under several provision of the Indian penal code, 1860.¹¹ In whole scenario the bigger issue is yet to be addressed that is post crime scenario in the society that is basically leads to the rioting and violence amongst the community for which in India the punishment is not that enough which is deserved to be given after creating such an alarming and panic situation in the society. The main issue that arose in the debate of the hate crimes is of discrimination and prolonged exploitation which leads to the feeling of enmity so the ultimate approach to suppress these kinds of practices the government should especially takes care of the minority community because as they more vulnerable and prone to the subject of suppression or exploitation and discrimination the feeling of togetherness should always a need in inter- religion or community. The evergreen incident related to the above mentioned situation where the hate crime led to a exodus is a result of the modern times hate crime against one community that is the forceful exodus of the kashmiri pandits where in the mid 20th century after the partition of the country the local political leader grown a seed of enmity between the other community against the pandits as they are more wealthy and higher in the civil society and these speeches and sparks ultimately lead to a fire in late 20th century when

hate crimes against kashmiri pandits are such prone that targeted killing is being done by other community due to misinformation between the community that forced the kashmiri pandits a exodus from their own motherland which is ultimate result of prolonged hate speech against one pundits and that eventually devastated the future generations of the kashmiri pandits. The unnecessary hatred in the society like Indian society which is most diverse around the globe is like playing with the fire which eventually harms the democratic system to suppress the hate crimes in the society.

Deterrent provisions of penal law

The penal code of India was framed way back in the British colonial era and constructed the penal codes according to the need of that era but the regular amendments also kept the penal laws of India updated according to the criminal's psychology but in the diverse society like India the penal laws for such crimes should be two step ahead of the criminal to create a deterrence in the minds of potential offenders. In section 153A of Indian Penal Code, 1860 it defines the punishment for promoting enmity between different groups on the ground of race, caste, religion etc through the ways of either expressing it in form of speech or through any sign, gesture or representation promote the feeling of disharmony between the communities or does any act to disturb the public tranquility or organize any drill, exercise or movement which can use criminal force to create violence and panic situation in society shall be punished with 3 years of imprisonment and if all the above act is done at the place of worship whether on any individual or group of people or an peaceful assembly at the place of worship then the accused will be punished with the imprisonment of 5 years.¹² Through various precedents, the speech must be satisfies the condition that it is provocative and reasonably enough to disturb the tranquility of society or hurt the religious feeling of a reasonable man.

¹¹ Indian Penal code, 1860, No. 45, Acts of Parliament, 1860(India)

¹² Indian Penal code, 1860, §153A, No. 45, Acts of Parliament, 1860(India)

But in a diverse society like India the punishment for disturbing the religious feeling is not enough in penal laws as the post commission crime instances are deeply harmful and prolonged disturbing for the mankind, future generation and society too. The provision lacks the feeling of deterrence in the minds of the potential offenders, as this provision partly covers the one segment of the hate crime that is promoting or generating of the enmity against any particular community the other several provision of the Indian Penal Code covers other segment that fulfills the definition of hate crime. In section 296 if any person voluntarily disturbs any religious assembly that is lawfully formed and performing any religious act or ceremony shall be punished with the imprisonment of one year as this provision is inserted to give extra cover to any community or minority as a protection of them to exercise freedom of religious practices and the prevention of an initiative to any hate crime against the religion.¹³ Another, provision is inserted in Indian Penal Code that is section 298 which is an extension of the subsection mentioned in section 153A that is uttering words with intention to wound religious feeling in which whoever utter any words at any place whether public or religious hurts the religious feelings of any other person shall be punished with the imprisonment of one year as it an extension of section 153A so any offender who can escape the ambit of section 153A can be fall within the ambit of above two mentioned section for the prevention of hate crime. The world is becoming intolerant towards the religion and rage of the people is on the peak where there is always an apprehension of the rioting to the law enforcement agencies on the basis of religious disharmony in India, as the past of the India is followed by the same religious disharmony that resulted in countrywide violence, looting and rioting at the time of partition on the basis of religion. The hate crimes oftenly leads to the riots amongst the communities which was very common in

the Indian historic diaries every misinformation between the communities lead to the rioting whose results are horrific and destructive. And the punishment for the unlawful assembly that having a common intention of commission of any crime that leads to the rioting and shall be punished with the imprisonment of two years and if the rioting is armed with the deadly weapon that leads to the imprisonment of three years.¹⁴ As the punishment for the rioting needs to be revised because of the fact that the democratic country are more vulnerable to the riots and as recommended by various committees formed that the India doesn't have the sufficient police work force to control the countrywide riot simultaneously.

World's take on Hate Crime: A Comparison

The world's take on hate crimes is undisputable where all the democratic nations condemns the hate crimes against any race, religion, caste, community and sexual orientation is strictly punishable in their respective countries as the world leaders wants to form a integrated globalised world for which the hate crime is the foremost hurdle in that process. The countries have their different domestic laws regarding the penalizing the hate crime but which is almost pervasive every part of the globe and the nature of the laws are similar to one another. Observing the most developed social society of the globe is the United States of America which is having various state laws that prohibits and punish the accused of the hate crime and some federal laws are also their but in the such developed country all states doesn't have the laws against hate crimes as they are more inclined towards the open and liberal world where 19 states on the United States of America doesn't have the hate crimes acts. And in the federal laws the 18 U.S. code Section 249 defines the any act which involves the willful causing of bodily injury through any weapon or firearm because of the actual or perceived race, color, religion, or national origin of any person, shall be

¹³ Indian Penal code, 1860, §296, No. 45, Acts of Parliament, 1860(India)

¹⁴ Indian Penal code, 1860, §146 & 147, No. 45, Acts of Parliament, 1860(India)



imprisoned not more than 10 years.¹⁵ Similarly in the United Kingdom also the hate crimes are punishable within the same ambit as in the United States but going one step ahead in prohibition of the hate crimes the United Kingdom prohibits and punishes any racial act and racial chanting which is potential of generate hatred shall be punished under the football offences act, 1991.¹⁶ But in the regular act of the United Kingdom any person who threatens or use abusive & insulting words or behaviour, or displays any written material which is threatening, abusive or insulting shall be guilty of an offence of racial hatred and imprisoned for maximum of seven years.¹⁷ The view of the whole world laws are also similar to the above mentioned countries and the penal laws differs according to the requirement and nature of diverse society of that country as the western world more focuses on racial discrimination and on other hand the eastern world focuses on the religious exploitation but the concern for the countries are same that is to curb the hatred amongst the human to form an integrated world.

Conclusion

After the whole research the finding leads to the conclusion that the hate crime occurred due to the misconception and insecurity between the humans regarding to their future and survival of the community. The seed of the hate crimes are sown in the negligent act of the elite class of the society/community and whose result the common man of community pays off with losing their loved ones since the historic era. The equality and the feeling of integration needs to promoted to prevent or prohibits the hate crimes which are having devastating and horrific results as we are observing in the country of Iran where after the long protest of the women against the ancient social practices are now leading to hate crime against the

women's which are leading to mass numbers of women's getting poisoned. So, the foremost duty of the government and responsible opposition is to take care of the social structure of the society instead of delivering hate speech for vote bank the integration of the society should prioritize over it. The administration of the nation should ensure the proper secure environment for all communities including the minority communities and laws should be such deterrent that the potential offenders avoid the steps to violating it.

¹⁵ Cornell Law School, <https://www.law.cornell.edu/uscode/text/18/249> (last visited Mar. 1, 2023)

¹⁶ Football (offences) Act, 1991, Act of UK Parliament, 1991

¹⁷ Wikipedia, https://en.wikipedia.org/wiki/Hate_speech_laws_in_the_United_Kingdom#cite_note-9 (last visited Mar. 2, 2023)