

Law & Language: Free Speech & Hate Speech Explored

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ABSTRACT

In an age long gone by yet not so long in the memory of some, nearly half a century and score decades ago, hate speech spread by propaganda led to one of the worst genocides that history has witnessed. At the other end of the spectrum, the right to free speech has led to a bridle that can help check many a times autocratic and authoritarian rule. Speech is a tool of language that leads humans to a means to expressing one's view and communicate to exist in peaceful and ordered co-existence. It can be used to inspire and bring about social and lasting changes in all aspects of a person's modern lifestyle. The same language can be used to discriminate, spread hatred and as well as lead to instigation of various more serious offenses that the law proscribes. The paper will be discussing we will be looking at the aspects of digital life intermingled with the traditional principles of law and as well as language by how social media platforms have become the new most vulnerable medium for propaganda that has on more than one occasion led to muzzling of free speech on the same social media platforms. Social media platforms have been brought under the obligation to monitor such speeches to a limited capacity on the basis of certain criteria that will be explored in this analysis. At the same time how such aspects have been dealt with by under law shall be dealt with a view to analyse the impacts of language and law on every individual who is a part of the social media network across various network platforms.

KEYWORDS Hate speech. Free speech. Information technology. Indian Penal Code. Language. Linguistics

INTRODUCTION

Looking at the history of language we will see that our civilization, our very existence is dependent on this tool of Communication. Language is learned, shared and through ages of development of an arbitrary system of vocal, visual (includes imaginative and gestural forms) or written symbols. This is the medium through which every species of living creatures and especially in relation to human beings in the same speech community have come to interact and hence communicate in terms of their cultural experience, expectations, ideas and thoughts. There have been many languages throughout the history of the human race, be it the symbology of the Sumerians or hieroglyphics of Egyptians or other civilizations or Aramaic of the Hebrews. This is the very way that language has been used to build on common ideologies, goals that helped develop civilization throughout the existence of humans as social animals. It is not that language is limited to the human species alone; humans are the only primates that have evolved such a complex method of communication using this arbitrary symbology, which is a rule that we denote as language.

Law is just another one of the uses that the tool of language has been used in. Law has one of its purposes is regulating the use of the very language that created it, among many other things. Has anyone thought that if language was not developed to the level of its usage along with grammatical and other rules, how would punishments or penalties be meted out in the event of a violation of the law? How would anything be understood?

The authors will through this paper try to briefly trace the evolution of language and law through the timeline of humans and then try to figure out the differences between the forms of speech and the laws related to them. Finally, the authors will examine the myriad interplays between technology, law and language and how the issue is being dealt with and what more can be proposed so as to understand whether the need is to bring more regulations (if necessary) where the lines of distinction have been so blurred or is the role of the judiciary to proactively bridge the gap between law and technology the primary need.

EVOLUTION OF LANGUAGE

Despite various theories that try to pin the origin of language to a specific time, all can agree to the fact that it is one of the most important tools that have helped almost all the human achievements to come into being and help to derive harmony from the chaos of survival. According to Tallerman, in respect of timelines regarding the origins of language, the evidence is derived from archaeology, historical demography and computational modeling (Tallerman et al., Kathleen R, 2012) for the monogenesis of languages from Africa has been propounded and found acceptance in the normal fields of discussion on such issues (Levinson et al.; J., 2014) This was in contradiction to earlier theories such as polygenesis (Nichols Johanna, 2011) and macro mutation (Chomsky & Noam, 2006). The studies support assumptions as to the timeline as early as 2.6 million years ago (Dietrich Stout et al., 2019) and as recent as Seventy Thousand years ago (Bolhuis JJ et al., 2018)

There are many theories about the scope and origins of the first forms of language. Below is a reproduction from various sources of how the origins of various forms of language can be classified: past, present, and future. The same still depends on our language understanding and does not exhaust all known possibilities in time and space.

- **Phonetics:** Phonetics is the study of sounds used in speech. “The possibility of sounds in any language is virtually infinite as per current knowledge” (Adam Szczegielniak, 2022)
- **Phonology:** This is the formula that is used to make syllable division. That is to say to break longer syllables into smaller ones. The rules of vowels and consonants and their pronunciation are based on whether to divide the word after the vowel or the consonant part of the word. However, “the pattern Consonant Vowel > Vowel > Vowel Consonant is not universal.” (Lahrouchi M and Kern S., 1988)
- **Morphology:** The inflection that one gives words has its basis in the grammar associated with the particular language. To be grammatically correct, the correct inflection has to be used. In that sense, “isolating languages are no less functional than polysynthetic ones.”¹¹
- **Lexicon:** The dictionary or another word for the same is Lexicon. It may also refer to a person's knowledge. “Nouns, verbs, adjectives and adverbs are not all universal.” (Haspelmath, Martin, 2014)
- **Syntax:** A well-formed arrangement of words is required to create meaningful sentences. It is a fact that “Subject and Object categories are not universal, nor is recursion.” (Cheng et al., 2021)
- **Semantics:** This is a field that is concerned with the meaning of various words across languages. “Space, quantity, colour, shape etc. are not universally articulated as in English or any other specific form of known language.” (Stringer, 2019)
- **Discursive:** In language and treatises it is not uncommon for people to jump from subject to subject. “Conditionals are not always expressed via isolated morphemes” (Nida et al., 1948)

Culture is another source or gateway to language being used as a social communication tool. In a study taken of our closest genetically known relative and their evolution, cultural practices have been explored (A Whiten et al., and via archaeological explorations of early cultural artifacts. The interaction between process-oriented social learning, and increasing group cooperation, and the ‘ratchet’ effect—i.e., accumulation of cultural practices (Tomasello M, 1999) has also been seen to contribute to the evolution of communication. In various archaeological explorations, two main types of symbology/language can be distinguished. Semiotic references are painted on vases or walls and tools, furniture, and shelter (Dole et al., 1999). It is based on this study that scholars attempted to map what mental faculties would have been needed by the early humans for the production of such products (N.T. Meyer G.F. 2013). Similarly, it has been discovered that there is a relation between the psychological/neural demands for the use of language and carrying out of actions. Such why did the early humans find the need for creating tools or hunt in cooperative fashion? The same has been denoted as the cognition factor (Darnell et al., 1999). The study of cognition factor alongside the biological factor shows the cultural factor as studied would form the basis of social cognitive skills that would help the mind become more and more adept to handle more and more complex linguistic elaboration that in turn would have served as the basis of proto-language, then languages.

With the modern functionalist view of language (Darnell et al., 1999) combined with the increasing globalisation in the modern era and cross-lingual exchanges mapping the last 5000 years of human history along with technology of brain mapping being developed, the focus has shifted to the communicators and their environments. With all these developments, it is now widely accepted that non-verbal communications are also accepted as language. Studies have provided evidence of gestures preceding verbal language that have played an important role in the evolution of language as we now know it, within the Homo sapiens species and more precisely humans (Nida, Eugene A, 1948). Also, the ability to form images without direct perception was propounded to be the driver for the evolution of language (Ferretti et al.; Ines, 2014). It is on this ground that the assumption that symbol recursion and grammar arose to contribute in the emergence of private and social semiotic structuration. It had been embedded in the internal and external ecologies of the communicator (Lawrence Shapiro, 2017). It is both the ‘functional’ theory of language combined with the ‘embodiment’ theory, when applied would show that language as we know it has for one of its basic purposes the tool to communicate within the same community experiences, ideas, expressions, actions and omissions. Language has not stopped evolving; it is an ever-changing and expanding tool that molds itself to the circumstances. What gestures meant to be offensive in the past has become the norm in the present day or in between cultures what is abhorred by one community finds total acceptance in another. It is within this sphere to maintain order and decorum to its required standards; language itself has created a system of checks and balances to ensure that its use is regulated for the benefit of citizens, ecology, and the world. This tool and its legal use are pervasive and universal in its various forms. Every community, group, country or group of countries has its own set of rules and regulations to regulate language in all its forms.

EVOLUTION OF LAW

“Austinian Theory of Law, I define law as the organic totality of the rules relating to external human action, together with the associated systems of rights and duties which those rules imply, affirmed by the State through official organs, maintained by the organized power of the State, and applied by the courts of the State in the discharge of their judicial functions.” (Brown, W. Jethro, 1920)

The evolution of law is at a much later stage than the evolution of language. By ‘Law’ we understand to mean codified

texts, manuals, customs that dictate the conduct for the range of human interactions with the environment, ecologies and each other. Law to defined in more precise terms is today the system of rules, regulations and customs that enable governance of human conduct. In necessary corollary it's through this very usage over time that laws are refined and molded to adapt to the society's needs. "The law is discovered, not made. Law is a systemic discovery process involving the historical experiences of successive generations" (Friedrich's theory of *Volksgeist*). Law reflects and embodies the experiences of all humans who have ever lived. This would have never been possible but for the presence of the tool of language. Therefore, it brings the need for the importance of rules of language to be adhered to where implementation of laws is being done or laws are being challenged or any use that the law might be put to.

In the historical context laws were created by rulers and people in power to help govern the societies/territories that the law was enacted in. The 'Code of Hammurabi' inscribed on Stelae, or the treatises of Manu, or the ancient laws of Greece or Rome or the medieval laws all across the globe all have one thing in common. It was required for the conduct of behaviour that would allow the society to survive, help the rulers to govern their territories and help them to allow them to keep people together. There is, was and will be no nation, empire or society that can function if there are no set of rules to govern its behaviour.

INTERPLAY OF LAW AND LANGUAGE

A mere examination on the part of the reader to be self-aware while reading the article would give a deeper understanding of how the evolution of law sprang at a level of adaption of language at a particular stage. It is this interplay that allowed, in the modern era, the law to dictate how actions, words, gestures, and all forms of communication have to be conducted. The interplay of law and language indicates the need for a system and ecology for both to interact harmoniously. This presupposes a system that is in place for such interaction. The word system connotes here a law that is derived from the masses or law that is applied to the masses. In this context a system that allows an interrelation of parts of both these sources of law (Rahmatian A., 2007). For example, whenever, the 'member of the bar' or of 'the bench' in the 'Indian judicial system' is analysing the provisions of a statute or interpreting the legislative intent of the statute they are recognising this fact. It is while dealing with circumstances that modern law is developed by sovereign exercise of power that has been delegated to the administration or legislature or judiciary.

It is important to know that different strata of society will view the laws as meaning something entirely different especially when dealing with new laws that have been brought into force. It is but a fact that as per the modern understanding of law, it is only that law that a particular system recognizes and authorizes to be 'Legal' that is given the force of law. In this aspect, certain institutions or persons or bodies are considered to be the administrators/enforcers/legislators of the rules in question. In India, the interpretation of law in the 'hierarchical order of authority' is considered to be the law that would be administered in the sovereign territory of India. The legislature is one of the sources that creates the laws and the courts under the 'Indian System' are the final custodians of the rules governing the society at large in the Indian Context and to some extent in the International context.

Before any interpretation is affixed to any provision, every citizen has to abide by certain rules of conduct that are in harmony with the prevailing statutory text, provided the same is flexible to accommodate any circumstance that may be called into question in any particular case.

Before any judicial interpretation has been given to a provision, a citizen may follow rules of conduct (according to the law of that country) that is deemed to be in harmony with statutory texts, customs, traditions and social rules with varying degrees of exactness, according to the circumstances of the case. There is the '*ostensible*' (Rahmatian, A. 2007) law that is written down combined with the language of judges in respect of that provision and the '*real*' (Rahmatian, A. 2007) law as has been judicially interpreted for whatever purpose that there may be. We as humans under the present regime of laws may undertake various forms of protests as may be permissible within both the ostensible and real laws. This also means that all forms of speech and gestures are within the scope of those laws. In the aforementioned limited context, we would look at hate speech and free speech.

The Complexity of Free Speech in Modern Society

With the development of language as a communication tool, it is no surprise that the tool can be an issue that needs to be regulated. It is akin to saying that the tool of a shovel can be used to bring prosperity if used properly and can constitute a weapon if used in another manner that is proscribed by law. Language is the same. It is the very use that it is put to, that would constitute a crime or a right.

In India, freedom of speech and expression is protected by the Constitution. Article 19 protects this very right that is fundamental to any given society, the ability to communicate. Nevertheless, this right is also subject to reasonable restrictions, and therein lies rules and interpretations accorded to this right of free speech.

From ancient times it has been argued by many that free speech is the most important freedom that can be given to any person. It is this very right that forms the basis of any protest against violation of one's liberties, excesses of those in power or even a social change that is needed in society. As the famous philosopher (Socrates) once most famously at his trial stated, "*If you offered to let me off this time on condition, I am not any longer to speak my mind... I should say to you, Men of Athens, I shall obey the Gods rather than you.*" (Plato's *Apology* – Plato) Plato's '*Apology*' is a creative use of language to decry Socrates's trial and condemn his accusers. It has been defended and wrested from persons who would try

to suppress it, like the famous *Magna Carta* that forms the basis of the concept of liberty in England that were wrested by the barons from a reluctant King John (*Magna Carta*, 1215). Free speech has been at the fore front of any rights movement through the history of humans living in civilized society. Internationally it was first accorded the basic right status in 1948 (UDHR, 1948).

We focus on the present-day scenario in India, where freedom of speech and expression has been accorded the status of a fundamental right. The law in relation to this has been derived from 'ostensible' and 'real' law. Freedom of speech and expression has been held to be the Freedom to assemble peacefully without arms (Dr. et al. case, 1966), Freedom to form associations or unions (or cooperative societies) (Article 19(1)(c) of the Indian Constitution). Freedom to move freely throughout the territory of India (Article 19(1)(d) of the Indian Constitution as available against state actors and not private individuals); Freedom to reside and settle in any part of the territory (Article 19(1)(e) of the Indian Constitution); Freedom to practice any profession, or to carry on any occupation, trade or business (Article 19(1)(g) read with Article 19(6) of the Indian Constitution provides for the freedom to carry out any trade, business or occupation subject to restriction in Article 19(6)). These rights are available to citizens of the country alone not aliens and foreigners. Krishna Iyer J., most aptly put it "*This freedom is essential because the censorial power lies in the people over and against the Government and not in the Government over and against the people.*" (Dr. Madhabhusi Sridhar, 2007). The Central issue here now becomes how to apply the rule of languages to the main issue of free speech. Analysis and putting together several of modern-day free speech examples, we can come to the conclusion that any speech, gesture, or action by an individual governed by the set of laws and rules of India would be free speech as long as reasonable restrictions on grounds of such public order, national security can be imposed and is not violative of any other law that is in force in the aforesaid territory of India.

However, the circumstances throw up a myriad of questions about what should be censored and what should not. Therefore, it is the responsibility of an independent judiciary to use the application as engendered by their predecessors to protect and sustain this very basic right that is essential to the concept of democracy. Words have to be seen at the social setting of where they have been used, what was the '*animus intendi*' of the words so used in the context used, the audience at which those words were targeted, what feelings were invoked, could have been invoked all have to be considered. Gestures also can be offensive, so any gesture that can offend the sensibilities of any reasonable person cannot be considered part of free speech. Words have power to bring about change for the better, if used properly. However, the concept of free speech being allowed is a matter of many debates. Even on social platforms the lack of a standardized methodology to '*filter content and posts*' lead to many posts that would be the person's right to say be censored and many posts that would clearly be violative of restrictions stay on. Even on the internet there is a lot of debate free speech versus restrictions versus commercial benefits of words being discussed vociferously. The fact of the matter still remains that free speech is an essential part of any society that is absolutely essential to the wellbeing and growth of that particular society. Attempts to muzzle this basic right has never been very successful as history would show in many cases (Voltaire's letter, 1770). On the opposite end of the spectrum we have the use of language to undermine the very fabric of the society we live in.

LEGAL FRAMEWORKS ADDRESSING HATE SPEECH

As per Webster's Dictionary, the meaning of the word 'HATE' is intense hostility and aversion, usually deriving from fear, anger, or a sense of injury. Therefore, by relation and logical deduction we can come to the conclusion is that for any speech, gesture, action to be termed or coined as 'Hate speech' even on the digital media platform is that it should have been driven by fear, anger or sense of injury. Under language, to affix any meaning to group of symbols, words that is known as 'hate' as understood by different strata's and communities across the globe, there is an element of using the language for one's own benefit to the detriment of others. Also, the attending circumstances and the same elements applied to form of speech that constitutes free speech has to be applied to hate speech as well.

Under present law, hate speech comprises anything that is insulting, disparaging, discriminating, and culminates in violent retaliation leading to the disruption of the societal balance and order. Hate speech, to an extent, is subjective, making it nearly impossible to set up a uniform system to identify and subsequently penalize what would classify as hate speech. Society, its patterns and norms are dynamic and ever evolving, thus a misogynistic statement that might have passed off as a joke some 40-50 years ago, is no longer entertained; and similarly, a lot of statements and gestures that have become a part of our everyday life now, would not have been tolerated in the slightest earlier.

It is not an unknown fact that language and speeches combined with action have witnessed the perpetration of the worst atrocities in the history of humankind (Reich Ministry established by Hitler, 1933, The Museum's Holocaust Encyclopedia). It goes even today using the technology advancements to take the tool of language into a realm where it is accessible to everyone without discrimination. In any place there is conflict you will see the use of language to vilify, spread hate and misinformation to support a particular narrative that is most advantageous to the person spreading the same.

With the advent of printing presses, the computer and now digital platforms, 'Social media' has become the largest circulator of hate speech, propaganda and other nefarious uses that language can be put to for the benefit or satisfaction of a few. It also has become a free medium that has the most chances of inciting violence and spreading ill will against any community or sect or society at large. We have provisions and statutes in place to curb this hate-spreading menace. Whether a statement is inciting or instigating needs to be understood with regard to community standards. It is not just the words, rather a cumulative of how these words, acts and the accompanying gestures are portrayed that would determine if

it is violative of the accepted.

social norms for the dissemination of the same even via digital media and calls for penal action if the accused has been found guilty of contravening those laws. We need uniformity in the application of law, without any disparity, i.e., the position held by an individual or the place where a seditious remark is being made should not in any way affect the penalization of the same. This is to say, that it is the statement, and statement alone that needs to be weighed based on language, and accordingly penalized.

We need the active involvement of all corporates that are deriving massive and huge monetary benefits through their proprietary use of the tool of language as they created it in their custody. They should be more aware of the effects of certain events in time show that they are completely aware of what and which types of different communications could lead to a feeling of fear, chaos and instability at any given point of time considering the circumstances. Companies spend huge amounts of money on research and development to market products for consumers. This is also a fact that companies study consumers based on what their tastes and preferences are. Since many of these studies revolve around the use of language (vide responses and other forms of communication that allows the company to monitor the feedback from the marketplace), which in turn allows for the study of these subjects being conducted. The studies show that there is enough material for these corporates to incorporate a system into their platforms that would filter out the any communication which as its '*animus intendi*' speeches that are spread, fear, disharmony and chaos with a view to benefit from the intended effects (Scott Paley -CBS News, 2021) Legislation can be drawn up to incorporate punitive damages for such actions. It is also a duty of the legislature and the judiciary alongside all rule enforcing institutions in India to apply the existing framework of laws while using the tools from field of languages as well as technology to draw a road map of how the system could be operated with a view of to safeguard the rights of a human being while at the same time preventing the spread of fake news, false propaganda, and hate.

The Indian Penal Code 1860 has sections 153A, 153B, 295A, 298 and 505 (Indian Penal Code, 1860) that deal with statements or phrases that could cause harm or offend religious beliefs or generate imputations to national integration. There are specific provisions in various laws, rules and regulations that would actually prohibit the behaviour that one finds offensive if at any given point in time in society that behaviour is condemned by the society at large. The provisions within those various laws are aimed at all citizens, individuals and every legal entity that is present either physically or virtually with the territorial reach of the laws of the country and its enforcement. The thin divide between forms of speech is what would call for protection of one and penalization of the other under the present regime of laws.

The author of this article would like to draw your attention towards the key role that is played by language. We need to conform to the statutes and provisions' text and language, in the interest of justice. The question of subjectivity should not be overlooked, but the law needs to be followed to the text, reducing the scope for discrepancy in the way it is applied in varying circumstances. Hate speeches and seditious remarks, in a similar manner, need to be weighed on the scale of language. The current trends in society, the needs and demands of people and the accepted patterns of socialization and communication are what weave the social fabric of language. The cyber-world also plays a huge role in warfare, as it caters to the requirements of the strategic objectives, propagandistic groups, associations, communities and even countries at large.

In today's day and age, we have all the tools at our disposal, be it the law or technology. The only requirement is using the basic tool of language and its correct interpretation without making any amendments in the existing statute and provisions. The existence of these tools is what needs to be emphasized and realized for their effective implementation.

LAW, HATE SPEECH AND FREE SPEECH ON SOCIAL MEDIA AND OTHER DIGITAL PLATFORMS

To understand the scope of laws that would actually regulate the thin divide between hate speech and free speech in additions to the laws that are applicable to the physical sphere as well as virtual sphere, one has to understand the requirement for such laws to come into place and how it has applied as per provisions of statutes.

The genesis of such laws is to say the UNCITRAL Model Laws and Information Technology Act of 2000. The UNCITRAL Model Law on Electronic Commerce (1996) was the first law that came into force to 'enable and facilitate commerce conducted through electronic means by providing national legislators a set of internationally acceptable rules intending to overcome obstacles arising from statutory provisions' (UNCITRAL Model Law on Electronic Commerce, 1996) These laws provide that any traditional notions of 'writing', 'original', 'signed', 'record' that could be assigned to paper based communications would not lead to a differential treatment of electronic communications provided they met the requirements for completing those notions aforementioned (UNCITRAL Model Law on Electronic Commerce, 1996). This means an electronic signature, a document created using a computer device and retrieved from a competent database using a computer device and reproduced using an electronic device would have the same treatment under law just as they would have had if they were in physical form and were created using physical means. However, such electronic communications and records thereof would have to meet the criteria set out for their validity. Under the Functional Equivalence principle criteria are laid out under which electronic communications may be considered equivalent to paper-based communications in any commercial transaction (UNCITRAL Model Law on Electronic Commerce, 1996). Such equal treatment was essential for enabling the use of paperless communication, thus fostering efficiency in international trade.

An amendment was made and Article 5 was adopted in June 1998. The additional provision was aimed at providing

guidance as to how electronic messages that gave reference to certain terms and conditions that had been described elsewhere in detail had to be treated (UNCITRAL Model Law on Electronic Commerce, 1996). This treatment is more popularly known as 'incorporation by reference'. In a digital environment, this incorporation by reference assumes a critical status as it is absolutely necessary in the backdrop of widespread use of electronic data interchanges (EDI), electronic mail, digital certificates and other forms of electronic commerce (UNCITRAL Model Law on Electronic Commerce, 1996). To further incorporate such principles into the cyber law principles in India, the 'Information Technology Act', 2000 ('Act') was enacted. The Act is the prime legislation that deals with electronic commerce and cyber-crimes in India.

Information Technology Act 2000 is an enabling Act, that is to say, that it grants the authorization for legal recognition of electronic communication and actions as per the statute for transactions/actions/omissions happening in the virtual sphere. In synopsis, the Act, along with the Amendment in 2008, has given recognition and increased the scope of laws to cover issues that happen in the virtual sphere

CASES IN INDIA

State Wise Sitting MPs/MLAs with Declared Cases Related to Hate Speech

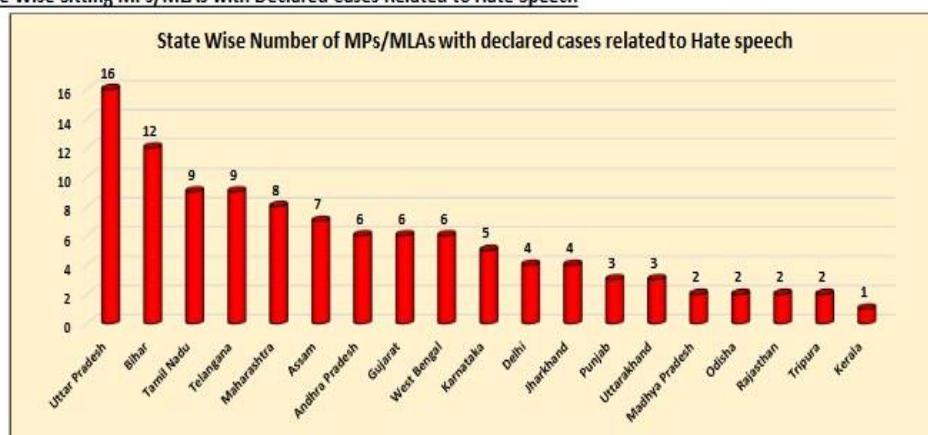


Figure: State Wise MPs/MLAs with declared cases related to hate speech

The above-mentioned statistics taken from the Association for Democratic Reforms report are significant in demonstrating how language is utilized to craft narratives influenced by language-driven material accumulated over time of just five years since 2019, 107 Members of parliament and members of legislative assembly have 'hate speech' cases against them (Association for Democratic Reforms, 2023). The data shows that sitting parliamentarians who are lawmakers are inciting hatred and provoking violence. Law Commission Report no 267 mentions that hate speech has not been defined hence resulting in subjectivity while deciding the case; it has also suggested that provisions should be added in the criminal law for 'Prohibiting incitement to hatred.' Once provisions for hate speech are defined, issues raised with subjectivity and biases can be reduced as the court will be able to harmoniously interpret and balance the freedom of speech from hate speech; otherwise, the issue becomes very complex when it comes to the interpretation because of void in law.

For instance, the first reported case in pre-independence India involved, who wrote the controversial book 'Rangila Rasul' authored by Pandit M. A. Chamupati in Urdu. Published in May 1924 in British India by Mahashe Rajpal of Rajpal & Sons, the book was considered highly controversial as it throws light on the marital life of the Islamic prophet Muhammad. Its publication led to reforms in India's penal code, making blasphemy illegal. Mahashe Rajpal survived an assassination attempt in 1926 but continued to face threats from extremist Muslim individuals. In 1927, another assassination attempt occurred, although the attacker mistakenly targeted the wrong person. Ultimately, Rajpal was assassinated in Lahore on April 6, 1929, when a 20-year-old Muslim carpenter named Ilm-ud-Din (also known as Alimuddin) stabbed him to death. Even violent crimes are being glorified in the name of religion using language, like issuing 'fatwas' which are issued by religious scholars. One of the famous fatwa was against author Salman Rushdie as his novel (The Satanic Verses, 1988) was considered blasphemy and calling on "all brave Muslims" to kill Rushdie and his publishers by Iran's Supreme Leader, the Ayatollah Ruhollah Khomeini (Amanda Onion et al., 2019). A Japanese translator and historian named Hitoshi Igarashi was brutally murdered for translating the book. Several others survived attempts on their lives, including Ettore Capriolo, the Italian translator, and William Nygaard, the Norwegian publisher of "The Satanic Verses," who was shot in Oslo. Additionally, Islamic militants set fire to a hotel in eastern Turkey in an attempt to kill author Aziz Nesin, who translated "The Satanic Verses" into Turkish. This raises an urgent need to establish clear parameters defining what constitutes 'Hate Speech.'

One of the most viewed statements, circulated on various platforms, which resulted in many killings. The statement, "Gustakh-e-Rasool ki Ek hi saza, sar tan se Juda, sar tan se Juda," which translates to, "There is only one punishment for being disrespectful to Rasool (Prophet Muhammad): their head separated from the torso," is an extremist Islamist rallying

cry against those who insult Muhammad.

On July 4, 2010, Mr. T. J. Joseph suffered a gruesome attack by devout Muslims. His both hands were chopped off for merely naming a character 'Muhammed' in a question paper. He was a professor of Malayalam at Newman College. And more recently, on June 28, 2022, a Hindu tailor, Mr. Kanhaiya Lal Teli from Udaipur, an Indian state of Rajasthan, was beheaded by two Muslim men. The two perpetrators shot the whole scene of the attack was shot on video and posted on social media. Mr. Kanhaiya Lal was beheaded as a punishment as per sharia law for supporting Bharatiya Janata Party (BJP) spokesperson Ms. Nupur Sharma on social media. Her referencing some known facts about Muhammad was peddled as blasphemy by Muslim news media people and had created a huge controversy. The lady is still in hiding and cannot live a normal life. These incidents underscore the urgent need for a uniform civil code. However, the Indian Government must clearly define the parameters to distinguish between what is protected under freedom of speech and what reasonable restrictions can be constitutionally imposed further as due to the advancement of technology, speech is not restricted in one place. Rather, it gets spread in no time. Freedom of speech is very important for any society, but it needs to be harmoniously interpreted with a right to life as many incidents have shown how it can endanger the life of another human being.

If one examines the myriad of laws that are already present in the realms of rules and regulations and studies that interpret how to use the same to promulgate benefits to the society one needs to also start imposing some liabilities on partners that derive benefit from use of language namely social media giants for example Facebook, Instagram etc. There are technologies available that can filter and differentiate words based on their degrees of offensiveness. The same can be done with gestures with the plethora of technologies that map human body movement. With the development of Artificial Intelligence with deep learning capabilities the same can be utilized to give clear cut demarcations to identify forms of speech and expression to be protected and that to be censored. It also remains a fact that the distinction is going to be blurred many times as it has been in the past but it becomes the paramount concern of every citizen, every person to be aware of what are the rights that are accorded to them. To this end the government has a social, moral and legal obligation to ensure dissemination of information that would educate people about their rights in a systemized and clinical fashion. It is also the duty of every right thinking human being to also keep one self-informed of the tools at their disposal to protect their rights.

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