

Social Work Intervention To Rehabilitate Victims Of Hatred In India: An Analysis Of Socio-Legal Challenges

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Abstract

Law is an instrument of social change; it acts to deliver social transformation. It emphasizes research and attempts to solve social concerns. Law and social work go hand in hand. By adopting the social justice and rights-based approach, as well as working with vulnerable individuals and disenfranchised communities, social work can make a significant contribution in this field. However, social workers across the country, in various contexts, are grappling with rising challenges while rehabilitating victims, especially hate speech and hate crime victims: from the danger of social workers being victimized to getting involved in violent extremism. This non-empirical research paper analyses the socio-legal challenges involved; decodes techniques for bringing change and transformation in the Indian society, where none of them can be called the most effective and safest approach.

Key Words: Hate Speech, Hate Crime, Society, Social Work, and Victims.

I. Law as An Instrument of Social Change

Law and society are inextricably linked. Any law appraises nature as to how to live a social presence, and this is becoming more important as the economy, science, and technology advance (Yadav, 2018). Law evolves in tandem with societal changes and plays a critical role in meeting social demands (Sehgal, 2017). It serves as a conduit for achieving societal objectives.

Legal changes have been at the forefront of India's efforts to promote gender justice. It denotes a standard code of behaviour for all people of the country, regardless of caste, religion, parentage, community, or cultural identity, as well as Article 21 guarantees life and personal freedom results of societal change. Right to a speedy trial, right to free legal services,

right to human dignity, and right against torture have been declared as some of the components of the fundamental rights in this newer jurisprudence. As a result, amendments in law are required to keep pace with societal developments; otherwise, existing law would become obsolete.

Although law and community have a reciprocal connection, due to lack of social support, it has not fared well. The phrase 'social change' is also used to describe shifts in human interactions and interrelationships (Sohan Singh Goel, 2015). Consequently, social change is used to describe positive changes in social institutions, processes, and structure. It encompasses changes to the society's structure and functioning. Furthermore, the elimination of deplorable traditions like untouchability, child marriage, sati, and dowry, are all examples of societal shift

brought about by legislation in the state (Sohan Singh Goel, 2015).

Social workers can address several societal issues because they have the competence and abilities to gain access to resources that they may use to tip the scales in favour of individuals whose needs are often ignored. Social workers can form control of the law as a useful tool. They can play a fundamental part in this process, particularly in the delivery of justice to the underprivileged sections of society.

Social work and law can collaborate to aid with the execution of social justice for juveniles, SC/STs, the poor, and the needy that require legal support. In reality, in the field of social policy, social workers may carve out a relevant and productive position for themselves (Gangrade, 1978). Addressing hate speech and hate crimes, social workers can play a decisive role in rehabilitating the members who are victimized and belonging to the minority social class. It is not easy as it suggests because it involves socio-legal challenges.

2. Hate Speech and Hate Crime Against Minority Social Group

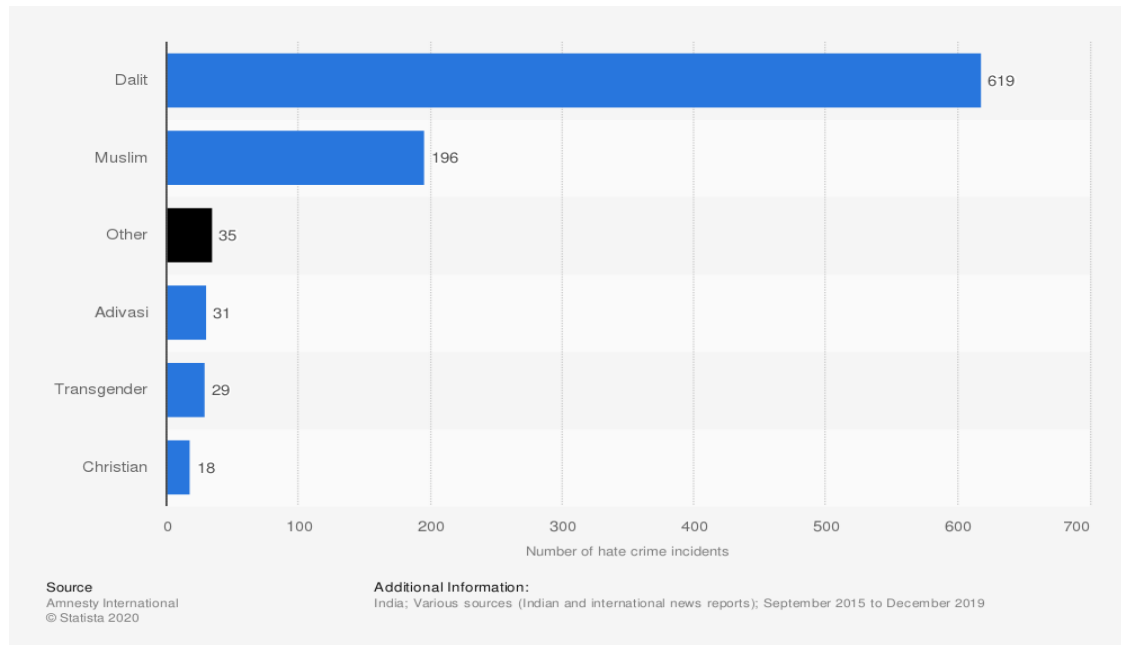
Speech refers to the use of words, whether spoken or drafted, as well as the usage of signs or any other visual representation. No statute in India has defined the phrase 'hate speech'. Its importance is derived from the unique environment in which it functions, which is

produced by the impact of peculiar sensitivities, 'identities', and 'assessments' in certain situations. Hate speech is defined broadly as "speech that has no meaning other than to convey hatred for a group, such as a specific race, especially under circumstances where the communication is likely to inspire violence," according to Black's Law Dictionary (Law, 2009). In succinct, hate speech is, disparaging toward someone else.

Race, nationality, religion, and class are the most prevalent targets of hate speech in different nations. With its vast diversity of language, caste, ethnicity, religion, culture, and faith, India contributes a unique case for hate speech prohibition. Hate speech vilifies religious, ethnic, cultural, or racial groups and is capable of propagating 'hatred' among a diverse population (Bhatia, Offend, Shock or Disturb: Free Speech Under The Indian Constitution, 2016).

Based on a study by Amnesty International, the graph below shows the number of instances of hate crimes in India from September 2015 to December 2019, based on victim identification. It may be deduced from this that the incidences of discrimination against Dalits and Muslims are higher than those against Adivasis, transgender people, and Christians.

Figure 1: Hate crimes across India from September 2015 to December 2019



Hate crimes are also one of the most puzzling and difficult issue to deal for social policy and legal concerns. Those who support categorising an offence as a hate crime make no apologies for penalising perpetrators of the same crime differently only because one of them does so while speaking or acting in a particularly vile in society. Depending on the legislation, these offensive words or behaviours may be linked with race, colour, religion, national origin, gender identity, or handicap (Waldron, 2012). When a crime is classified as a hate crime, the law generally imposes a harsher punishment.

3. Social Legislations Against Hate Crimes

Social law attempts to solve social issues by legislative means, as well as to create a process of social reform and change established on good social principles. To achieve the desired social order, social legislation is necessary for (i) the preservation and promotion of rights, (ii) the avoidance of individual and societal disorganization, (iii) proactive action, (iv) pioneering social changes in social institutions,

and (v) progressive social ideals. In a nutshell, social legislation's fundamental goal is to transform and reorganize society through improving its social and economic conditions (Maneri, 2019).

Hate crime law is a part of social law. The proponents of hate crime legislation have genuine and honourable motives as they want to see more goodwill and less intolerance. The worldwide social work profession, on the other hand, considers the debate to be the most essential effort. After all, exposing hate to the harsh light of open discussion is frequently the first step in resolving it (Mathews, 2018).

A hate crime is more than just hurtful words or behaviour; it is a type of criminal activity that includes anything from vandalism and arson to intimidation, assault, and murder. Institutions, religious groups, and government bodies, as well as people, can be victims of hate crimes (Bhatia, "Fault in our speech", 2016). Perpetrators of hate crime are motivated based on different prejudices, from race to ethnicity, from religion to caste, from sexual

orientation to gender identity, or from disability to tribal affiliation.

As is fair that hate crimes are overt acts of ferocity against people or property, it is violation or deprivation of civil rights and, equally is the threats, intimidation, and conspiracy behind it to violate these crimes. When it can be shown that the litigant targeted the victim because of the victim's race, ethnicity, identity, or beliefs, the Hon'ble Supreme Court has invariably interpreted statutes against the culprits that either prohibit these crimes or impose heavier punishments (Saldanha, 2017).

4. Social Work Intervention

4.1 Role of Social Workers Against Hate Speech and Hate Crimes

Social workers, generally try to assist individuals to overcome hurdles to live healthy, happy, and productive lives. They may help low-income families qualify for public assistance programs or help displaced employees locate educational options. Some social workers are exploring community-wide solutions to problems such as obesity and poverty (Aviram, 2002). They can advocate methods and programs in institutional and residential settings, either on their own or alongside other members of multidisciplinary teams (R, 2015).

Furthermore, social workers have an essential role to play in promoting harmony among a religious torn locality or a riot-hit area wherein people are shattered on religious or caste lines; to rehabilitate the victims of bigotry and hate crimes, to conduct themselves well, and to incorporate the promotion of peace and tranquillity into the life of the victimized. Importantly, research shows that the trauma suffered by victims of hate speech and hate crimes is more long-lasting and damaging than

non-hate-related violence, and hate crime has negative consequences for both communities and people (Dhavaleshwar).

4.2 Response of The Victims

Alternatives to law enforcement statistics include crime victimization surveys. Although surveys have their own set of problems as sources of crime data, that is the best way to understand the pulse of society. However, there are inherent issues while collecting data from a riot-torn area wherein hate speech and hate crime are prevalent.

On several occasions, while recollecting events by the respondent, they show unwillingness to disclose them. At times they are reluctant to report the incidents to the police and are less reliant on law enforcement activity and statutory definitions of hate crime. The difficulty, until recently, to employ representative sampling on a national basis in a longitudinal or repeated cross-sectional design has been one of the main hurdles to assessing the incidence of hate crime and direction over time. Generally, people in a sealed community wherein hate crimes have been committed are not open to being questioned. The response from the victims would be mostly shady or non-revealing (Responding to Hate Crime: A Multidisciplinary Curriculum).

4.3 Essential Changes to Be Brought In

4.3.1 Changes in the Knowledge and Skill Base

As with other professions, new approaches to specific therapies and new understandings are required in social work. Research investments, extensive spread of information, and skills are essential in social work and social care. Similarly, strengthening of social care resources should in the long run lead to more knowledge-based practises and management. There have been cases of recognition of diverse sources of

knowledge and the variety of information gathered in departments that need to incorporate information created by these services and frontline employees' and research skills (n.d., 2017). Besides, in the area of social work, there is a dire need to recognise sources of knowledge and information consolidate them for the development of this area to counter hatred in society.

Further, learning new skills is essential, such as loss of care for children or families, deprivation and trauma, the balance of expectations, needs, and obligations that involve ethical and moral challenges to encourage the development of individuals, enabling them to participate in groups, makes use of local communal resources or move to mainstream services.

4.3.2 Technological and Structural Changes

To support independent living at lower levels of need, new technologies and the increasingly popular knowledge in utilizing them offer up new types of intervention. The practise is necessary where there is quick development or new questions are evolving (Bias-Related Crimes (Hate Crimes) Data, 2017). In these conditions, strategies include: (i) Transferring current knowledge and abilities in the new field to exchange and benefit from the worldwide experience and expert networking; (ii) Effective empirical research is an effective way out. These may first need to be done independently to organise a viewpoint differently, before experience and learning may be brought together in new ways.

4.3.3 Change in Approach

The choice on the use of direct, intense therapeutic, or social work is a significant aspect. This often demands the social workers that

relationships must be developed in situations that are often complex and emotionally burdened while retaining some degree of neutrality, which transmits personal qualities of warmth, confidence, and the ability to listen and respond appropriately to situations where there is suffering, distress, anger, frustration and fear (Gambrill, 1994). Further, to help others psychologically, one must give direct assistance from therapy treatments to the provision of intimate personal care inside and across organisations to help, to plan, deliver or monitor personalized plans.

5. Socio-Legal Challenges

The intensity of empathy, parenting, mental health, and social support services are required to address the fundamental sources of instability, conflict, stress, and violence that occurs repeatedly over time in the riot environment, especially in disadvantaged and minority communities may be greater than initially estimated. Because they focus on discrete incidents and limited periods of help, the difficulties in this area may be insufficient to deal with widespread, complicated, and persistent issues. Although awareness and counselling could be the answer, there isn't enough data to say if improvements in social interventions can lead to long-term changes in certain practises and treatment rates.

Usually, in the cases of religious or caste violence victims, they do not want to use shelters, and the best choice could be crisis intervention programmes or advocacy services to embolden the victims when they face further hate crimes committed against their family members. As nothing substantial has been documented on it, there is no evidence to guide judgments regarding how to effectively address social challenges in the case of verbal abuse. However, an evaluation of verbal abuse victims, found that caregiver

training had mixed outcomes. Advocacy services at times did not become successful in promoting the use of the criminal justice administration.

The criminal justice system, unlike patient-centred or client-centred, must also reflect the interests of society. Its goals are self-contained, and they may differ from, or even appear to clash with, the goals of individuals who have been abused. Legal interventions must include problems of due action and esteem for the rights of both victims and those accused of wrongdoing, striking a balance between interventions to improve victim protection, assist criminal prosecution, and preserve the state's interest in fair processes.

Further, there are instances wherein a former victim of a social worker had sued the social worker for malpractice, arguing that the social worker employed an unconventional counselling approach that caused the victim discomfort. The judge may make a judgement based on her or his interpretation of the law if there is no explicit state statute or rule banning the social worker from employing a certain treatment technique. That will turn out to be a legal challenge.

These situations are ethical difficulties because they include conflicts between professional ideals, responsibilities, and obligations. Compliance with legal expectations and obligations may result in ethical violations in social work, while compliance with ethical standards may result in legal violations. There are no easy or formulaic answers to these ethical quandaries. As with any ethical difficulty, social workers should take a number of steps to ensure that they are performing the most responsible activities possible, based on the best available understanding about ethical issues in the area.

6. Recommendations

The following are some measures that might help with the future development of service evaluations:

- i. A better definition of intervention services, including descriptions of the program's intensity, frequency, length, and breadth, as well as service staff training.
- ii. The founding of a common understanding of the relevant outcomes and the use of comparable measurements of client, family, and community variables allows for cross-study comparisons.
- iii. Identifying subgroups and cohorts within study populations that may benefit from or be resistant to particular types of treatments.

7. Conclusion

Social workers deal with the well-being of society as a whole. They must endeavour to develop social justice and the general welfare, and they must refrain from participating in actions that promote inequality or prejudice. Instead, social workers should take diplomatic and social activism that leads to the reduction of barriers and the advancement of society and social inclusion.

Undoubtedly, social workers play a critical role in every step of the process of dealing with victims of hate crime violence, and abuses. Despite playing a critical role, social workers encounter several challenges in fulfilling their responsibilities. It also inhibits the therapist from taking extra steps to assist the sufferer. Social professionals frequently face difficulties between their social obligations and legal requirements. In certain cases, social workers feel that acts that are authorized or prescribed by law would violate ethical standards in the profession or actions that

would disregard the law are required to conform to ethical standards in the profession. Prosecutors, police officers, and medical personnel must all work together and provide opportunities for effective functioning so that the psychological aspect of the hate speech and hate crime victim can be properly cared for and the victim can recover from the shock and be strengthened to go through the legal process without fear.

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