



Hate Speech

For Prelims: Sections 505(1) and 505(2), Article 19(1) (a), Representation of People's Act, 1951 (RPA), Shreya Singhal v. Union of India.

For Mains: About Hate Speech, Reasons of increasing hate speech in the Indian Society and steps that can be taken to tackle these kinds of issues.

Why in News

Recently, an FIR was filed against a leader in Uttarakhand for promoting enmity amongst different sections of the society.

Key Points

▪ About:

- In general, it refers to words **whose intent is to create hatred towards a particular group**, that group may be a community, religion or race. This speech may or may not have meaning, but is likely to result in violence.
- The **Bureau of Police Research and Development** recently published a manual for investigating agencies on cyber harassment cases that defined hate speech as a language that denigrates, insults, threatens or targets an individual based on their identity and other traits (such as sexual orientation or disability or religion etc.).
- In the **267th Report of the Law Commission of India**, hate speech is stated as an incitement to hatred primarily against a group of persons defined in terms of race, ethnicity, gender, sexual orientation, religious belief and the like.
- In order to determine whether a particular instance of speech is a hate speech or not, the context of the speech plays an important role.
- One of the greatest challenges is **not to exercise the principle of autonomy and free speech principles** that are detrimental to any section of society.
 - Free speech is necessary to promote a plurality of opinions where hate speech becomes **an exception to Article 19(1) (a)** (Freedom of Speech and Expression).

▪ Major Reasons of Hate Speech:

- **Feeling of Superiority:**
 - Individuals believe in stereotypes that are ingrained in their minds and these stereotypes lead them to believe that a class or group of persons are inferior to them and as such cannot have the same rights as them.
- **Stubbornness to Particular Ideology:**
 - The stubbornness to stick to a particular ideology without caring for the right to co-exist peacefully adds further fuel to the fire of hate speech.

▪ Legal Position of Hate Speech:

- **Under Indian Penal Code:**
 - **Sections 153A and 153B of the IPC:** Punishes acts that cause enmity and hatred between two groups.
 - **Section 295A of the IPC:** Deals with punishing acts which deliberately or with

malicious intention outrage the religious feelings of a class of persons.

- **Sections 505(1) and 505(2):** Make the publication and circulation of content which may cause ill-will or hatred between different groups an offence.
- **Under Representation of People's Act:**
 - **Section 8 of the [Representation of People's Act, 1951 \(RPA\)](#):** Prevents a person convicted of the illegal use of the freedom of speech from contesting an election.
 - **Sections 123(3A) and 125 of the RPA:** Bars the promotion of animosity on the grounds of race, religion, community, caste, or language in reference to elections and include it under corrupt electoral practices.
- **Suggestion for Changes in IPC:**
 - **Viswanathan Committee 2019:**
 - It proposed inserting **Sections 153 C (b) and Section 505 A in the IPC** for incitement to commit an offence on grounds of religion, race, caste or community, sex, gender identity, sexual orientation, place of birth, residence, language, disability or tribe.
 - It proposed punishment of up to two years along with Rs. 5,000 fine.
 - **Bezbaruah Committee 2014:**
 - It **proposed amendment to Section 153 C of IPC** (promoting or attempting to promote acts prejudicial to human dignity), punishable by five years and fine or both and Section 509 A IPC (word, gesture or act intended to insult member of a particular race), punishable by three years or fine or both.
- **Some Cases Related to Hate Speech:**
 - **[SC' s Recent Judgement:](#)**
 - In the context of discussing the limits of free speech and what may tantamount to hate speech, the Supreme Court (SC) has recently held that "Historical truths must be depicted without in any way disclosing or encouraging hatred or enmity between different classes or communities."
 - **[Shreya Singhal v. Union of India:](#)**
 - Issues were raised about **Section 66A of the Information Technology Act, 2000** relating to the fundamental right of free speech and expression guaranteed by **Article 19(1) (a) of the Constitution**, where the Court differentiated between discussion, advocacy, and incitement and held that the first two were the essence of **Article 19(1)**.
 - **Arup Bhuyan vs State of Assam:**
 - The Court held that a **mere act cannot be punished unless** an individual resorted to violence or inciting any other person to violence.
 - **S. Rangarajan Etc vs P. Jagjivan Ram:**
 - In this case, the Court held that **freedom of expression cannot be suppressed unless the situation so created is dangerous** to the community/ public interest wherein this danger should not be remote, conjectural or far-fetched. There should be a proximate and direct nexus with the expression so used.

Way Forward

- The most efficient way to dilute hatred is by **means of Education**. Our education system has a prominent role to play in promoting and understanding compassion with others.
- Fight against hate speech cannot be isolated. It should be discussed on a wider platform such as the **United Nations**. Every responsible government, regional bodies, and other international and regional actors should respond to this threat.
- Cases of hate speech **can be addressed through Alternative Dispute Resolution** as it proposes a shift from the long procedures of the court to the settlement of the dispute between parties by way of negotiation, mediation, arbitration and/or conciliation.
- Also, **Public authorities must be held accountable for dereliction of the duty of care** and also for non-compliance with this court's orders by not taking action to prevent vigilante groups from inciting communal disharmony and spreading hate against citizens of the country and taking the laws into their own hands.

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