



HATE SPEECH - GS II MAINS

Q. Hate speeches has been on the growing trajectory in the present political set up of India. Enumerate the steps needs to counter the hate speech in a plural democracy like India. (15 marks, 250 words)

News: *Row over hate speech in U.S. universities / Explained*

What's in the news?

- Along with the leaders of Harvard University and the Massachusetts Institute of technology, Ms. Magill was criticised for taking a soft line on punishing hate speech on campus, purportedly in defence of free speech laws.

Trend of hate speech in India:

- According to the National Crime Records Bureau (NCRB), there has been a **huge increase** in cases registered to promote hate speech and foster animosity in society.
- As there were only 323 cases registered in 2014, it had increased to 1,804 cases in 2020.

Reasons for the increasing trend of hate speech:

1. 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.

2. 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.

3. Vote bank politics:

- Often vote bank politics, **use various communal or emotional tools** to garner the vote of few groups by inciting hatred in them. They use false stories, news, etc to incite such incidents.

4. Acceptance of hate by society:

- Sometimes society, in general, accepts hatred **against a particular group** or nation based on past experience of atrocities. E.g many groups see refugees or migrated people as their enemies and islamophobia in European countries.

5. Illiteracy:

- Lack of education prevents the overall development of an individual. Still, about 23% of the population in India is illiterate. This prevents the development of tolerance and understanding of individuality in them.



6. Lack of strong laws:

- Lack of strong and clear laws, poor implementation results in low conviction rate. So, culprits are let to roam freely.

7. Social media:

- Fake news, propaganda is often invoked on social media against a particular group to destabilise a society. For example, Muzaffarnagar riots in 2013.

Impacts of hate speech:

1. **Human rights violation:** Through hate speech, people's rights are under threat from certain sections of people.
2. **Atrocity crime:** Hate speech has the ability to indict particular sections of the people against certain sections which leads to many atrocities against women and children.
3. Hate speech has a potential to spread **violent extremisms**.
4. **Communal Violence:** Hate speech has been used recently to start large-scale communal violence.
5. **Polarization** of communities and sections of the society.
6. **Threat** to the protection of civilians, minorities, refugees, women and children.
7. Alleviate the fight against all forms of **racism and discrimination**.
8. **Mobocracy and Mob lynching** is the main impact of hate speech.
9. **Deteriorate peace**, growth and development.

Provisions to control hate speech:

1. 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.

2. 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.

3. Committees suggestions related to hate speech:

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 as 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.

4. SC Judgements:

- **Shreya Singhal v. Union of India 2015:** 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 2011:** 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 1989:** 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:

1. Code of conduct:

- The **European Union** has also established a code of conduct to ensure non-proliferation of hate speech under the framework of a 'digital single market'.
- It requires collaborative, independent and inclusive regulation that is customized to regional and cultural specifications while adhering to global best practices of content moderation and privacy rights.
- The Law Commission of India recommended that new provisions in IPC are required to be incorporated to address the issue of hate speech.

2. Punitive action:

- The legislature and political parties should suspend or dismiss members who are implicated in hate crimes or practice hate speech.
- Strict disciplinary acts should be taken against such individuals and parties.