



Defining Hate Speech

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Why in News

As there is no clear definition of what constitutes a “**Hate Speech**” in the **Indian Penal Code (IPC)**, the **Committee for Reforms in Criminal Laws** constituted by the Union Home Ministry to suggest reforms to the British-era IPC, is attempting for the first time to define such speech.

Key Points

- **Hate Speech:**
 - 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**.
- **Major Reasons of Hate Speech:**
 - 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.
 - 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.

- **Indian Penal Provisions Related to 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 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.

Way Forward

- For a country like India with a massive population of diverse backgrounds and culture, **subjects like hate speech become a complex issue to deal with as it is difficult to differentiate between free and hate speech.**
- Several factors are to be considered while restraining speeches like the number of strong opinions, offensive to certain communities, the effect on the values of dignity, liberty, and equality. Certainly, **there are laws for such atrocities but a major part of work is still left.**
- Therefore **giving a proper definition to hate speech would be the first step to deal with the menace** and other initiatives such as **spreading awareness amongst the public is the need of the hour.**

Source:TH