



Hate Crime

Why in News

Recently, the [Supreme Court \(SC\)](#) quashed **Hate Crime** proceedings initiated against a senior journalist for a Facebook post.

- The SC ruled that petitioners' social media post was only an **expression of truth** in the face of persecution.

Key Points

▪ Background:

- The decision came in Petitioners appeal against the Meghalaya High Court's refusal to quash the proceedings against her under **Sections 153a** (hate), [500 \(defamation\)](#) and **505(c)** (incite a community or caste to commit an offence against another) of the **Indian Penal Code (IPC)**.
 - **Section 153a:**
 - Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.
 - It shall be punished with imprisonment which may extend to five years and shall also be liable to fine.
 - **Section 505c:**
 - With intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community.
 - It shall be punished with imprisonment which may extend to three years, or with fine, or with both.

Hate Crime

▪ About:

- Hate crime refers to **criminal acts which are motivated by bias against an individual or social group** because of certain differences, majorly in their religious practices and customs.
- In contemporary times its meaning has proliferated beyond lynching, discrimination and offensive speeches and now **encompasses speech that is insulting, derogatory or incites and violence**.
- In totality, Hate Crimes could be **defined as an attack on a person's rights entrusted to him thereby affecting not only him but the social structure as a whole** which in many ways makes it more heinous than many other Criminal Offences.
- Most **common grounds** of hate speech are **race, ethnicity, religion or class**.

▪ Hate Crime in India:

- Hate Crime in India is **defined in terms of the harm done to a community at large** rather than an individual's right to freedom of speech and expression and the harm done as a result of hate speech.
- In India, **hate speech is prohibited** which is **based upon religion, ethnicity, culture or race.**

▪ **Indian Laws Against Hate Crimes:**

- Though the term is **nowhere mentioned in any statute**, its different forms are identified across the laws.
- The **IPC** under **Sections 153A, 153B, 295A, 298, 505(1) and 505(2)** declares that word, spoken or written, that promotes disharmony, hatred, or insults on basis of **religion, ethnicity, culture, language, region, caste, community, race etc.**, is punishable under law.
- Some other laws which contain provisions concerning hate speech and its prevention are:
 - **[The Representation of People Act, 1951.](#)**
 - **[Information Technology Act 2000.](#)**
 - **[Unlawful Activities \(Prevention\) Act, 1967.](#)**

[Source:TH](#)

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