



Defining Hate Speech

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](#)

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