



Hate Speech

For Prelims: [Freedom of Speech](#), [Representation of People's Act, 1951 \(RPA\)](#), [Hate Speech](#)

For Mains: Parliament and State Legislatures Structure, Functioning, Conduct of Business, Powers & Privileges and Issues Arising out of these.

Source: [IE](#)

Why in News?

A recent analysis by the [Association for Democratic Reforms \(ADR\)](#) and **National Election Watch (NEW)** reveals that a concerning number of lawmakers in India have [hate speech](#) cases against them.

- A total of 107 [Members of Parliament \(MPs\)](#) and [Members of Legislative Assembly \(MLAs\)](#) have hate speech cases registered against them.
- Such findings highlight the need for **ethical conduct** among those in positions of power.

Note

- NEW is a nationwide campaign since 2002 comprising more than 1200 [Non-governmental Organizations \(NGOs\)](#) and other citizen-led organizations working together on electoral reforms, improving democracy and governance in India.
- ADR is an Indian NGO established in 1999 situated in New Delhi.

What is Hate Speech?

- **About:**
 - 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.
 - The **context of speech is crucial** in determining whether it constitutes hate speech or not.
 - It can cause harm to the targeted individuals and groups, as well as to the society at large, by inciting hatred, violence, discrimination, and intolerance.
- **Legal Position of Hate Speech in India:**
 - **Freedom of Speech and Hate Speech:**
 - Article 19(1)(a) of the Indian Constitution guarantees [freedom of speech and expression](#) as a [fundamental right](#) for all citizens.
 - Article 19(2) imposes **reasonable restrictions on this right**, balancing its use and misuse.
 - Restrictions are allowed in the interests of sovereignty, integrity, security,

friendly relations with foreign states, public order, dignity, morality, contempt of court, defamation, or instigation of an offence.

- **Indian Penal Code:**
 - **Sections 153A and 153B of the IPC:**
 - Punish acts that cause enmity and hatred between 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** that may cause ill will or hatred between different groups an offence.
- **Representation of People's Act (RPA), 1951:**
 - **Section 8 of the RPA, 1951:**
 - 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 feelings of enmity or hatred between different classes of citizens of India on the grounds of race, religion, community, caste, or language in reference to elections and include it under corrupt electoral practices.
- **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:**
 - Prevents **hate speech targeting [Scheduled Caste](#)** or a **[Scheduled Tribe](#)** in any place within public view.
- **Protection of Civil Rights Act, 1955:**
 - Penalises incitement to, and encouragement of untouchability through words, either spoken or written, or by signs or by visible representations or otherwise.

What are Judicial Cases Related to Hate Speech?

- **Shaheen Abdulla v. Union of India and Ors, 2022:**
 - The **[Supreme Court \(SC\) of India](#)** observed that there cannot be **fraternity** unless different religious communities are amenable to live in harmony.
 - The SC has expressed concern over the growing incidents of hate speeches in the country and has directed the governments and police authorities to take **[suo motu action](#)** in such cases without waiting for the lodging of formal complaints.
- **Pravasi Bhalai Sangathan v. Union of India, 2014:**
 - The SC did not penalize hate speech as it does **not exist in any of the pre-existing legislation in India**. Instead, the Supreme Court requested the Law Commission to address this issue in order to avoid its stepping into the forum of judicial overreach.
- **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).

How can the Issues of Hate Speech be Effectively Addressed?

- Promote education and awareness about the **consequences of hate speech**, emphasizing its harmful effects on individuals and society.
- Strengthen existing laws or enact new ones specifically targeting hate speech, complemented by other measures, such as **media literacy, dialogue, counter-speech, self-regulation, and civil society engagement**.
 - These measures can help prevent hate speech from spreading, challenge its narratives, promote alternative voices, and foster a culture of tolerance and respect.
- Establish and **enforce codes of conduct for legislators**, holding lawmakers and political parties **accountable for hate speech**, and promoting **media ethics** to discourage its dissemination.

Conclusion

There is an urgent need for **ethical conduct among those in positions of power**. Hate speech has far-reaching consequences, posing a threat to societal harmony and individual well-being. To effectively address this issue, promoting education, strengthening legislation, and enforcing codes of conduct are crucial steps in fostering a culture of tolerance, respect, and **responsible governance** in the country.

Legal Insights

[Check on Hate Speech Required](#)

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