



## Hate Speech and Blasphemy

**For Prelims:** Law Commission of India, Hate Speech, Indian Penal Code (IPC), National Crime Records Bureau (NCRB)

**For Mains:** Blasphemy, Hate Speech, and their Regulation

### Why in News?

Recently, there has been a rise in cases related to [Hate Speech, Blasphemy](#) in India.

### What is Hate Speech?

#### ▪ About:

- According to the **267<sup>th</sup> 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.
  - Thus, hate speech is any word written or spoken, signs, visible representations within the hearing or sight of a person with the intention to cause fear or alarm, or incitement to violence.

#### ▪ Related Data:

- 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.

### What are the Regulations Related to Blasphemy?

#### ▪ About:

- **Section 295(A) of the Indian Penal Code (IPC)**, punishes any speech, writings, or signs that “with premeditated and malicious intent” insult citizens’ religion or religious beliefs with a fine and imprisonment for up to three years.

#### ▪ SC Interpretation:

- **Ramji Lal Modi case (1957):**
  - The legality of Section 295(A) was **affirmed by a five-judge Bench of the Supreme Court** in this case.
  - Supreme court **reasoned that while Article 19(2) allows reasonable limits on freedom of speech and expression for the sake of public order.**
    - The punishment under Section 295(A) deals with aggravated form of blasphemy which is committed with the malicious aim of offending the religious sensibilities of any class.
- **Superintendent, Central Prison, Fatehgarh Vs Ram Manohar Lohia case (1960):**
  - It stated that the **link between the speech spoken and any public disorder caused as a result** of it should have a close relationship for retrieving Section

295(A) of IPC.

- Further in 2011, it concluded that only speech that amounts to "incitement to impending unlawful action" can be punished.
  - That is, the **state must meet a very high bar before using public disturbance as a justification for suppressing expression.**

## Why there is a Need for Distinction between Blasphemy and Hate Speech Laws?

### ▪ Too wide Interpretation:

- **Section 295(A)** is considerably too wide and it cannot be stated that deliberate disrespect to religion or religious sensibilities is necessarily tantamount to incitement.

### ▪ Section 295(A) contains hate speech statutes:

- The Supreme Court has said on several occasions that perhaps the goal of hate speech statutes in Section 295(A) is to prevent prejudice and ensure equality.

### ▪ Laws Lack Clarity:

- Hate speech laws are predicated on the **critical distinction between criticizing or ridiculing religion and encouraging prejudice or aggression** towards individuals or a community because of their faith.
  - Unfortunately, there is a **huge disparity between this interpretation and the actual wording** due to which the law is still being exploited at all levels of administration.

## Way Forward

- Blasphemy, which generally prohibits criticism of religion, is incompatible with the principles of democratic societies.
  - In a free and democratic society, there should be no scrutiny of discourse or objections.
  - Following the subtle line between the protection of faith and hate speech, the only **viable solution is to keep blasphemy in law and make it non-criminal.**

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