

Hate Speech - UPSC Notes

Hate speech is a term frequently seen in the daily news. It is important to understand the meaning of the term and its implications for Indian polity and society. In this article, you can read all about the term 'hate speech' and the legalities involved in it, for the [UPSC exam](#).

Hate Speech Meaning

Hate speech 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 primary reason for the propagation of hate speech by individuals is that they 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.
- 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.
- The Court in the State of Maharashtra v. Sangharaj Damodar Rupawat observed that the effect of the words used in the offending material must be judged from the standards of reasonable, strong-minded, firm and courageous men, and not those of weak and vacillating minds, nor of those who scent danger in every hostile point of view.
- The existence of hate speech is not a new phenomenon by any stretch of the imagination but the creation of multiple platforms, especially social media has led to hate speech not only increasing but also becoming more vile and abhorrent.
- The amount of hate that is perpetuated through social media platforms like Facebook has been well documented.
- The most prominent instance in this regard has been the persecution of Rohingya Muslims by Myanmar's military junta.
- Multiple investigative journalists have laid bare the connection between the call for violence against Rohingyas on Facebook and the unabashed killings in Myanmar.

Hate Speech - Position in India

[Freedom of Speech](#) and Expression is guaranteed under Article 19(1) (a) of the Constitution as a fundamental right but this right is not absolute and as such restrictions are imposed on this right under Article 19(2).

- It has to be understood that the right to free speech ends where hate speech begins.
- Under the guise of exercising intrinsic rights, many perpetrate the crime of hate speech, giving rise to an air of distrust, and terror.
- It must be understood that liberty is there for everyone. If in the name of free speech, a 'hate speech' is given which marginalizes certain persons, then the liberty of those is taken away.
- In the 267th Report of the Law Commission of India, it was stated that "Liberty and equality are contemporary and not antithetical to each other. The intention of having the freedom of speech is not to disregard the weaker sections of society but to give them an equal voice. The intent of equality is not to restrain this liberty but to balance it with the necessities of a multicultural and plural world, provided such constraint does not unduly infringe on the freedom of expression. Thus, incitement to not only violence but also to discrimination has been recognized as a ground for interfering with freedom of expression."

The penal provisions which relate to this aspect are as follows:

- Sections 153A and 153B of the [Indian Penal Code \(IPC\)](#) punish acts that cause enmity and hatred between two groups.
- Section 295A of the IPC deal 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.
- Section 8 of the [Representation of People's Act, 1951 \(RPA\)](#) puts a bar on a person, from contesting the election, who has been convicted of illegitimate use of freedom of speech and expression.
- Sections 123(3A) and 125 of the RPA prohibit the promoting of animosity on the grounds of religion, race, caste community or language in reference to election and terms it as corrupt electoral practices.

Conclusion

Hate speech is an attempt to further marginalise classes and groups of persons who are already in a minority due to their race, language and religion. The recent instances of high-profile politicians making speeches were a clear attempt at inciting violence which led to large scale violence. These instances are yet to be dealt with by law enforcement agencies. Many critics argue that the hate speech laws in India are not adequate, however, the already existing laws are more than sufficient to deal with such instances. The part missing in not curbing this menace is the lack of enforcement of these laws due to reasons like political interference.