

Tackling Hate Speech

What is the issue?

Recently, a speech by a Kerala Bishop has caught attention for accusing a few Muslim groups of giving Catholic girls narcotics or wooing them with the aim of religious conversion terming it as '**narcotic jihad**'.

What is hate speech?

- Hate speech is an incitement to hatred against a particular group of persons marginalised by their religious belief, sexual orientation, gender, and so on.
- The U.S. Supreme Court in ***Chaplinsky v. New Hampshire, (1942)***, established the doctrine of fighting words which inflicts injury or tend to incite an immediate breach of the peace.
- In India, hate speech is **not defined** under the Constitution or in the penal statutes.
- There is no specific legislation on hatespeech.
- But, **Section 153-A of IPC** prohibits "promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc."

Why is this issue a serious concern?

- Hate speech infringes the dignity and equality of individuals.
- It creates barriers of mistrust and hostility between individuals and groups, plants fears and obstructs normal relations.
- In ***Pravasi Bhalai Sangathan v. Union of India (2014)***, the Supreme Court of India quoted from the Canadian Supreme Court's decision in ***Saskatchewan v. Whatcott (2013)***.
- It said that the hate speech places a serious barrier to the full participation of groups such as minority in our democracy.
- Relentless accusations have led to cases of violence carried out solely on the basis of identity.

What does this incident call for?

- Hate speech has to be countered with political and jurisprudential means.

- There is a need for political and pedagogical solution to the menace.
- The Constitution's ideas of equality, liberty and fraternity must be educated among the masses.
- Whenever hate speech thrives, the state should invoke the existing law judiciously in appropriate cases and must take a secular stand based on the rule of law.
- The Law Commission in its **267th report** on hate speech has proposed **Section 153C** which penalises incitement to hatred with two years' imprisonment or Rs. 5,000 in fine or both.
- It has also proposed **Section 505A** to punish speech or writing that causes fear or alarm among a group, or provokes violence on grounds of race, religion, gender, sexual orientation, place of birth or disability.

Source: The Hindu

