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THE PANDEMIC OF HATE IN INDIA

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WORDS KILL AS BULLETS

ABSTRACT

The article tries to analyze the present legal framework to deal with hate speech (offline and online), factors responsible for increase of hate in India, its roots and also tries to discuss how diversity in India is becoming vulnerable to hate, its impact on society and also tries to provide possible solutions to face the problem.

INTRODUCTION

There is no specific legal definition for hate speech. The law commission of India, in its 267th report says: Hate speech generally is an incitement to hatred primarily against a group of persons defined in terms of race, ethnicity, gender, sexual orientation, religious belief etc... Thus, hate speech in any words written or spoken, signs, visible representations within the hearing or sight of person with the intention to cause fear alarm or ep1 to violence.

In today's world of the internet where there are no restrictions on speech, freedom of speech in negative connotations is leading to hate speech.

ORIGINS OF HATE SPEECH

Hate speech take its origin from discrimination, communal conflicts, stereotypes and continues to take extreme forms like genocide and holocaust. For, example anti- semitism which started in Arab world, discriminating jews, finally resulted in large scale killings of jewish community, it can even be witnessed in Rawandan genocide against tutsi minority ethnic group, Rohingya genocide in Myanmar. Few other reasons include stubbornness to stick to a particular ideology, vote bank politics, historical underpinnings, prejudice, stereotypes, bias, patriarchy, homophobia etc....

FACTORS RESPONSIBLE FOR HATE IN INDIA:

India is a country with utmost diversity in aspects of religion, caste, language, geography and ethnicity which in positive aspects is seen as strength but has a negative aspect of becoming vulnerable to hate. The origins of hate in India take its roots from caste- based discrimination and patriarchy that is prevalent in society from centuries. Religious disharmony, seeds that are sown by the British through their policy of divide and rule.

Social media today has become a major source for communication between individuals as well as masses, in spite of the fact platforms are unable to tackle hate speech especially in the case of India because of the country's diversity (India has approximately 121 languages spoken by 10,000 people and more and has 270 mother tongues).

LAWS THAT DEAL WITH HATE SPEECH IN INDIA:

According to Benoit Frydman, countries follow two various approaches to regulate hate speech, one being the slippery slope approach which is seen in case of USA where countries cannot make laws to curb hate speech as they curtail freedom of speech according to their first amendment jurisprudence, the other being the fatal slope approach where hate speech is restricted/banned through laws. India opted for the latter approach.

1.CONSTITUTIONAL PROVISIONS:

Article 19(1)(a) of the constitution guarantees freedom of speech and expression as fundamental right, but this right is not absolute, restrictions are imposed on this right under article 19(2) which explains that freedom of speech is restricted if it

- a. affects the sovereignty and integrity of India, security of the state, friendly relations with foreign states,
- b. Disturb public order, decency or morality or
- c. leads to contempt of court or defamation,

d. Resulting in incitement into an offence.

(Right to free speech ends where hate speech begins)

2.FUNDAMENTAL DUTIES:

Although, constitution has tried to limit extreme forms of free speech through article 19(2) the later added fundamental duties also tried to impose few duties on its citizens to impede hate.

Article 51A(b) to uphold and protect the sovereignty, unity and integrity of India.

Article 51A(e) to promote harmony and the spirit of brotherhood amongst all the people of India transcending religions, linguistic, regional or sectional diversities and to renounce practices derogatory to the dignity of women.

3.STATUTORY PROVISIONS:

▪ **INDIAN PENAL CODE-1860**

There are even several provisions in the Indian penal code which restrict extreme forms of freedom of speech. Section 153A penalizes promoting or attempting to promote disharmony or feelings of enmity, hatred or ill-will between different groups on the basis of religion, race, place of birth, residence, language, region, caste or community.

Section 153B penalizes imputations, assertions prejudicial to national integration.

Section 295A deals with punishing acts which deliberately or with malicious intention outrage religious feelings of a class of persons.

Section 298 punishes whoever with intention of wounding the religious feelings of any person. Section 505(1) and 505(2): Make the publication and circulation of content which may cause ill-will or hatred between groups is an offence.

▪ **UNDER REPRESENTATION OF PEOPLES ACT:**

Section 8 of the RPA 1951, prevents a person convicted of the illegitimate use of the freedom of speech and contesting an election. Section 123(3A) and 125 bars the promotion of animosity on grounds of race, religion, community, caste or language in reference to elections and include under corrupt practices.

▪ **PROTECTION OF CIVIL RIGHTS ACT-1955**

The main objective of the act is to give effect to Article-16 of Indian constitution that is prevention of untouchability also contain provisions penalizing hate speech against members of dalit community.

▪ **PREVENTION OF ATROCITIES ACT ,1989**

Its intention is to protect the dignity of the members of the SC and ST community and penalize intentional humiliation.

There are even few provisions in CINEMATOGRAPHY ACT,1952, CABLE TELEVISION NETWORKS (regulation) ACT,1955 and PRESS COUNCIL OF INDIA ACT, 1978.

ONLINE HATE SPEECH

The internet turned the world into a global village, social media is acting as a platform to spread hate at a faster rate, today social media has become a stage for online hate because of the anonymity it provides which is seen in issues like sulli deals and bulli bai...

4.LEGAL PROVISIONS

▪ **INFORMATION TECHNOLOGY ACT -2000**

Section 67 of the IT act lays down punishment for transmitting or publishing obscene material in electronic form.

Section 66E of the act prescribes punishment for violation of privacy, 354A punishment for sexual harassment and 354C punishment for voyeurism and related issues.

▪ **INFORMATION TECHNOLOGY (intermediary guidelines and digital media ethics code) RULES ,2021**

Its provisions -due diligence by intermediaries and grievance redressal mechanism -requires them to inform their users not to host, upload, modify, publish, transmit, store, update or share any illegal information. It includes contents that are defamatory, obscene, pornographic, invasive, to others privacy, insulting, harassing on the basis of gender, libelous, racially or ethnically objectionable etc. Intermediaries on the direction of the court or appropriate government agency are prohibited from hosting, storing, publishing any information declared unlawful.

Within 24HRS from the receipt of a complaint on behalf of an individual about any offensive content, they are required to take all reasonable and practicable measures to remove or disable access to it.

Young minds challenging the idea of pluralism

Youth who are believed to be the strongest pillars of the nation are today falling prey to extremist ideologies and are possessing threat to secularism that was being embraced in India for centuries. It can be witnessed through the most recent incidences like bulli bai and sulli deals in which muslim women are being targeted on online platforms. The major culprits involved in the above cases include a girl of age 18, a boy of age 20 who at present is pursuing his third year of engineering. This helps in understanding how young minds are polluted with wrong ideologies and how technology is being used by false hands to promote hate.

To overcome issues of this kind young minds must be nurtured with the idea of tolerance, connotation of education has to be changed, ethics must be taught in correspondence with technology. Educational institutions must promote the idea of secularism.

Parents must keep an eye over their child's activities. Society must be apathetic towards those abandoned. Today's youth are the most active participants in the internet making them most vulnerable to hate.

IMPACT OF HATE SPEECH/CRIME IN INDIA

India being a secular nation and its emphasis on principles like liberty, equality, fraternity are threatened, expressions like unity in diversity that are unique to India are challenged by hate speech. Hate speech initiates as a spark that has the ability to burn an entire nation. It takes different forms like dog whistle, dehumanization and sometimes even lead to extreme forms like inciting violence, genocide, holocaust and ethnic cleansing.

- Impacts mental health of victims.
- Results in silencing the vulnerable sections like women, LGBTQ community and other minority groups
- Acts as a threat to democratic nations, by disturbing internal security.
- Violates equal dignity to all and strengthens discrimination.
- Attract people towards terrorism, extremism and other extremist ideologies creating disharmony among people.
- Ghettoization, mob lynching.
- Threat to social cohesion and inclusiveness majorly in diversified countries like INDIA
- Hate speech/crime acts as an obstacle for achieving Sustainable Development Goals
 - SDG-3 good health and well being
 - SDG-5 gender equality
 - SDG-10 reduced inequalities
 - SDG-16 peace

Impact of hate speech might not be visible in initial stages, but it acts as a hurdle for holistic development of the nation.

WAY FORWARD

Government, mass media, social media and individuals have to come forward to address the issue and emphasis should be on prevention rather than cure.

Governmental agencies

- To define hate speech in more broader terms and in legal perspective.
- To legislate more stringent laws to tackle online hate speech, charging individuals as well as platforms for their role in producing or propagating hate.
- Data related to hate speech/crimes should be published separately by the National Crime Records Bureau.
- Steps must be taken to establish an independent regulating body.
- Incentivizing responsible platforms as well as punishing those staging hate.

Social and mass media platforms

- Self-regulation mechanisms must be introduced by social media platforms to tackle hate speech within their vicinity.
- Peace must be kept over profits by both social as well as mass media platforms.
- Social media platforms must have a regional centric approach and should walk on the same principles that are emphasized by the nations (in India it is tolerance, equality, fraternity and human rights).

Individuals

- Countering hate speech but with the same helps to tackle the situation.
- Reporting about hate content helps to curb the problem in initial stages.
- Inculcating the thought of tolerance among young minds.
- Other dispute resolution mechanisms like reconciliation, arbitration, mediation and negotiation must be at the forefront.

Victim sensitive approaches have to be followed by all the three, which helps in reducing the impact of hate speech and hate crime on individuals as well as society.

CONCLUSION

Hate speech is spreading at a faster rate, tattering the principles of secularism, equality and inclusion. Government must come forward with proper legislation that draws a thin line of difference between freedom of speech and hate speech.

It is to be noted that, change should come within the society as we among ourselves will be the victims as well as accused. Preventive approaches should be adopted rather than curative measures, even in case of curative measures, the victim centric approach has to be emphasized as it helps in cutting down the effect of hate speech and hate crime.

Everyone must come together to fight against hate and uphold the character of unity in diversity that is unique to INDIA.

IF LIBERTY MEANS ANYTHING AT ALL, IT MEANS THE RIGHT TO TELL PEOPLE WHAT THEY DO NOT WANT TO HEAR.

-GEORGE ORWELL

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