Judicial Intervention against Hate Speech

What is the issue?

The Supreme Court asked the Uttarakhand Government to take measures to prevent hate speeches in Dharam Sansad that was planned at Roorke.

What is hate speech?

- There is no specific legal definition of 'hate speech'.
- According to Law commission report hate speech is an incitement to hatred primarily against a group of persons in terms of race, ethnicity, gender, sexual orientation, religious belief and the like.
- Hate speech can be of any form (writings, actions, signs and representations).
- Sections 153A and 505 of IPC deal with inflammatory speeches and expressions.

To know more about hate speech, click here

What was the Supreme Court's direction?

- The Supreme Court reminded the counsel of the Uttarakhand Government about the guidelines laid down by the Supreme Court in the *Tehseen Poonawalla case* regarding preventive measures.
- The bench warned that it will hold the Chief Secretary, Home Secretary and other concerned officials if hate speech instances occur in the Dharam Sansad event.
- Later, Section 144 of the CrPC has been imposed to ban on assemblies in Uttarakhand's Roorkee where a 'Dharam Sansad' was scheduled.

What is the Tehseen Poonawalla case about?

- Disturbed by a series of mob lynching events, a writ petition was filed under Article 32 of the Indian Constitution which is referred as the Tehseen Poonawalla case.
- The bench of the Supreme Court issued certain guidelines covering the area of preventive, remedial, and punitive measures to suppress the activities of lynching in the country.
- **Preventive measures-** The state governments would appoint a senior police officer, not below the rank of Superintendent of Police as a nodal officer in each district to stop the incidents of mob violence and lynching.
- Regular meetings were to be held by the nodal officer to stop any spread of violent content on different social media platforms.
- Police officers should use their power under Section 129 of CrPC (Dispersal of assembly by use of civil force) to deal with circumstances where he or she thinks that a similar crime may be committed in their presence.
- A warning should be given by the Central and state governments on media platforms that mob violence will invite serious actions under the law.
- **Remedial measures**- If any case of violence, an FIR should be immediately lodged and it

should be informed to the Nodal Officer in the district.
- Fast track courts should be established to ensure speedy trials of the cases of mob violence.
- **Punitive measures**- If a police officer or an officer of the district administration is found to have failed to follow the directions of the court, then it shall be acknowledged as an act of deliberate negligence and misconduct.
- Such an act of deliberate negligence and misconduct must be punished by the government and departmental inquiry must be initiated against the individual.

What is the need of the hour?

- Modern democracies should make a clear distinction between freedom of expression and speech that tends to incite hatred against a public group or section of society.
- The Supreme Court guidelines are to be followed without exceptions and there is also a need for considering new criminal and penal provisions to combat hate speech.

References

1. https://www.thehindu.com/opinion/editorial/preventing-harm-the-hindu-editorial-on-judicial-intervention-against-hate-speech/article65360677.ece
2. https://blog.ipleaders.in/fake-news-mob-lynching-cow-vigilantism-case-analysis-tehseen-s-poonawala-v-uoi/
3. https://www.livelaw.in/top-stories/supreme-court-directs-uttarakhand-govt-to-take-measures-prevent-hate-speeches-at-roorkee-dharam-sansad-197539

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