

SC VERDICTS HAVE FLAGGED THE THREAT OF HATE SPEECH

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

People in Dehradun protesting against the hate speeches made at Haridwar.

The seeming delay in taking criminal action against the perpetrators of hate speeches in Haridwar and Delhi is despite the Supreme Court's judgments that hate speech is an attack on dignity in the "matter of thought, expression, belief, faith and worship" and threatens the unity of the nation as a whole.

"The unity and integrity of the nation cannot be overlooked and slighted, as the acts that promote or are likely to promote divisiveness, alienation and schematism do directly and indirectly impinge on the diversity and pluralism, and when they are with the objective and intent to cause public disorder or to demean dignity of the targeted groups, they have to be dealt with as per law," the Supreme Court observed in its December 7, 2020 judgment in the *Amish Devgan* case.

Intent of Preamble

The court reminded the government that the Preamble to the Constitution consciously puts together fraternity, assuring dignity of the individual, and the unity and integrity of the nation.

It said the dignity of the individual and unity and integrity of the nation are linked, one in the form of rights of individuals and other in the form of individuals' obligation to others to ensure unity and integrity of the nation.

Hate speech not only "insidiously weaken virtue and superiority of diversity, but cuts back and lead to demands, depending on the context and occasion, for suppression of freedom to express and speak on the ground of reasonableness".

By issuing threats upon the liberty and freedom of others, the Supreme Court said, orators of hate challenge the unity and integrity of the nation.

Wider acceptance

In the *Sabarimala* judgment, Justice D.Y. Chandrachud noted that "religious beliefs and faiths ensure wider acceptance of human dignity and liberty, but when conflict arises between the two, the quest for human dignity, liberty and equality must prevail".

Justice Sanjiv Khanna, in the *Amish Devgan* case, defines "dignity" as the "basic entitlement as a member of a society in good standing, his status as a social equal and as bearer of human rights and constitutional entitlements".

Participatory equality in inter-personal relationships among citizens, and between the State and the citizens fosters "self worth", he added.

Loss of dignity

“Loss of dignity and self-worth of the targeted group members contributes to disharmony amongst groups, erodes tolerance and open-mindedness which are a must for multi-cultural society committed to the idea of equality. It affects an individual as a member of a group,” Justice Khanna wrote.

Dignity is a part of the individual rights that form the fundamental fulcrum of collective harmony and interest of a society, the court said in its judgment in the *Charu Khurana* case.

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