SASHI KUMAR MOVES SC ON HATE SPEECH

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to Fundamental Rights, Directive Principles and Fundamental Duties

Senior journalist Sashi Kumar has approached the Supreme Court contending that a "state-sponsored political agenda" may be at work behind hate speeches such as the one made in Haridwar, which is not an "isolated incident".

"In the instant case, the speech cannot be identified as an in isolated incident. It is the pattern of making use of state machinery to actively promote hatred and potentially incite violence against the members of the Muslim community," he argued. Mr. Kumar said that such communal incitements were followed by a "notable silence" from the law enforcement agencies, who did not "effectively" use the tools of law to stop hate.

"The pattern of such incitement and advocacy is also coupled with the notable silence of the state machinery to use tools at its disposal to effectively curtail them. There is a state-sponsored political agenda behind such activities," Mr. Kumar, represented by advocates Kaleeswaram Raj, Thulasi K. Raj and Mohammed Sadique T.A., argued.

S.R. Bommai case

Mr. Kumar drew the court's attention to its judgment in the S.R. Bommai case, which cautioned the state against remaining mute in the face of actions that offend secularism.

The judgment had made it clear that the Constitution prohibited the establishment of a theocratic state.

"It prevents the state from either identifying itself with or favouring any particular religions or religious sect or denomination. The state is enjoined to accord equal treatment to all religions and religious sects and denominations... By refusing to take cognisance of a call for genocide or incitement of violence against Muslims, the state is moving away from its secular foundation," he submitted.

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