

Important Vocab for the Editorial

1. Indian Penal Code (IPC) (noun) – The Indian Penal Code (IPC) is the official criminal code of India. It is a comprehensive code intended to cover all substantive aspects of criminal law. The draft was passed into law on 6 October 1860. The Code came into operation on 1 January 1862. The Indian Penal Code of 1860, subdivided into 23 chapters, comprises 511 sections. IPC deals with crimes and punishments.
2. hate speech (noun) – abusive or disrespectful speech.
3. provision (noun) – clause, (legal) term, stipulation, requirement, condition.
4. vagueness (noun) – indefiniteness, unclearness, obscurity, inexactness.
5. come with (phrasal verb) – to be given/granted together with something.
6. abuse (noun) – insults, curses, name calling, swear words.
7. defamation (noun) – character assassination, libel, misrepresentation, vilification, backbiting, scandalmongering, malicious gossip.
8. incitement (noun) – provocation, instigation, inducement, fomentation.
9. expression (noun) – voicing, utterance, articulation.
10. discriminate (verb) – disfavour, be biased, treat unfairly, treat differently.
11. incite (verb) – prompt, induce, stir up, trigger.
12. hatred (noun) – enmity, antipathy, antagonism, hostility, resentment, aversion.
13. gender (noun) – Gender is used to describe the characteristics of women and men that are socially constructed, while sex refers to those that are biologically determined.
14. sexual orientation (noun) – the emotional, romantic, or sexual attraction that a person feels toward another person.
15. immigration (noun) – the act of leaving one's countries and moving to another country of which they are not natives, nor citizens, to settle or reside there, especially as permanent residents or naturalized citizens.
16. move away from (phrasal verb) – change/alter one's ideas/beliefs/views and so.
17. doctrine (noun) – principle, belief, rule.
18. vulnerable (adjective) – defenceless, easily damaged, powerless; unsafe, unprotected.

19. **call (for)** (noun) – requirement, necessity, demand, need.
20. **seek** (verb) – ask for, request, petition for, appeal for.
21. **inclusive** (adjective) – overall, comprehensive; all-encompassing, all-embracing.
22. **task** (verb) – assign a task to.
23. **Criminal Law** (noun) – a complex system of laws concerned with the punishment of individuals who commit crimes.
24. **formulate** (verb) – frame, devise, draw up, work out.
25. **offence** (noun) – attack, onslaught, assault; crime, illegal/unlawful act, misdeed, wrongdoing.
26. **Section 153C of the IPC** (noun) – The proposed new section 153C deals with “Prohibiting incitement to hatred”.
27. **Section 505A of the IPC** (noun) – The proposed new section 505A deals with “Causing fear, alarm, or provocation of violence in certain cases”.
28. **gravely** (adverb) – seriously, severely, critically.
29. **alarm** (noun) – fear, anxiety, apprehension, distress, unease, panic; danger or warning signal.
30. **prescribe** (verb) – stipulate, lay down, set down, promulgate.
31. **sentence** (noun) – verdict, punishment; prison term, life sentence, a jail term.
32. **ground** (noun) – reason, cause, basis, factor.
33. **hurried** (adjective) – rapid/quick; reckless, hasty, rushed.
34. **activist** (noun) – a person who supports a political or societal change/cause.
35. **in the midst of** (phrase) – in the middle of.
36. **pandemic** (noun) – the worldwide spread of a new disease; The illness spreads around the world and typically affects a large number of people across a wide area.
37. **go ahead** (phrasal verb) – to proceed, to continue to do something, to start/begin to do something.
38. **context** (noun) – circumstances, conditions, situation.
39. **narrowly** (adverb) – carefully, closely, scrutinizingly, attentively, meticulously.
40. **pitfall** (noun) – danger, risk, problem.
41. **vague** (adjective) – imprecise, inexact, unclear/uncertain.
42. **overbroad** (adjective) – too much, extreme.
43. **fall/run afoul of** (phrase) – get into trouble, come into conflict with, go against (by not following rules/standards).

44. Section 66A of the Information Technology Act (noun) – Section 66A provides punishment for sending offensive messages through communication service, etc.
45. Information Technology Act (noun) – it is an Act of the Indian Parliament notified on 17 October 2000. It is the primary law in India dealing with cybercrime and electronic commerce.
46. recall (verb) – revoke, cancel, take back, withdraw, repeal.
47. strike down (phrasal verb) – abolish, annul, nullify (a law or regulation).
48. criminalise (verb) – make something (an activity) illegal.
49. offensive (adjective) – unacceptable, disrespectful; hostile, invading, threatening.
50. lacunae (plural of) lacuna (noun) – a gap/empty space; missing part of something.
51. advocacy (noun) – support, endorsement, backing, approval.
52. pose (verb) – create, cause, present (a problem or danger or risk).
53. imminent (adjective) – close/near, about to happen, approaching/impending.
54. public order (noun) – it is essentially the absence of disorder – the quiet and orderly behaviour of people in public space. It involves people behaving sensibly and rationally, and respecting others.
55. curb (noun) – control, restriction, limitation.

Incorporating limits: On IPC and hate speech

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Proposed hate speech provisions should be clear and free of vagueness

Speech is free, but it is a freedom that comes with responsibility. And responsible speech is not just something that does not contain abuse, defamation or incitement to violence. It is increasingly seen as expression that tends not to discriminate against or incite hatred towards groups based

on race, gender, caste, religious belief, sexual orientation, nationality or immigration status. The world has moved away from a free speech doctrine based on a formal equality among different viewpoints to one that discourages the targeting of any vulnerable section. The term ‘hate speech’ and calls for laws that specifically seek to punish it arise from this inclusive understanding of the basis on which speech is restricted in modern democracies. In this backdrop, the proposal to incorporate provisions against hate speech in the penal law is quite welcome. A committee appointed by the Union Home Ministry, tasked with recommending changes in criminal law, is now seeking to formulate new provisions that will make hate speech a separate offence. The term ‘hate speech’ may not be used, but the panel is examining recommendations made by the Law Commission and the Expert Committee headed by T.K. Viswanathan, on adding Sections 153C and 505A to the IPC. The proposed Section 153C would target speech that gravely threatens any person or group with intention to cause fear or alarm, or incite violence towards them, and prescribe a sentence of two years in prison and a fine. Section 505A, on the other hand, proposes to punish speech or writing that causes fear or alarm among a group, or provokes violence against it, on grounds of race, religion, gender, sexual orientation, place of birth or disability.

The Committee for Reforms in Criminal Laws attracted criticism when it was formed last year, as many feared a hurried process without adequate and wide consultation. Some lawyers and activists said it was not inclusive and questioned its ability to gather a wide range of opinion in the midst of a pandemic. While such points of criticism remain, it appears that the panel would go ahead and make its recommendations soon. In the context of the hate speech provisions, it must direct its efforts to define narrowly the sections it proposes to formulate and avoid the pitfall of using vague and overbroad terms that would fall foul of the Constitution. Section 66A of the Information Technology Act, it may be recalled, was struck down by the Supreme Court because it failed to define some terms that sought to criminalise offensive and annoying messages. Ever since this 2015 decision, some governments see a lacuna in the law concerning offensive messaging over the Internet. If at all new sections are to be introduced, it should be clear that what is sought to be punished is incitement to violence or advocacy of hatred, posing an imminent threat to public order or a targeted group. Only then will it be a valid curb on free speech.