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/ Hate speech, nationalism and its impact - as seen through a celebrated novel's prism

Hate speech, nationalism and its impact - as seen through a celebrated novel's prism (/index.php/open-forum/hate-speech-nationalism-and-its-impact-seen-through-celebrated-novels-prism)

In India, the core of the issue is that nationalism is now being built by arousing religious sentiments and instigating animosity against followers of other beliefs



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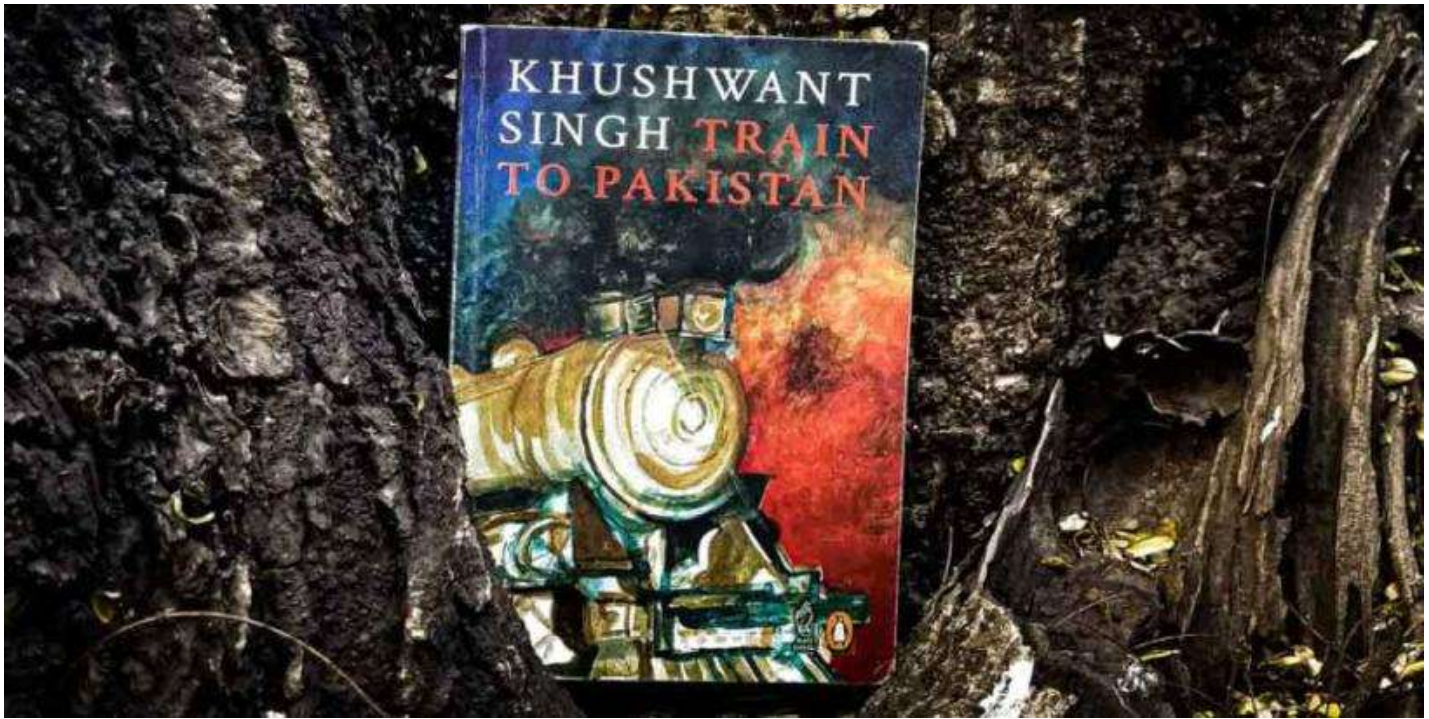
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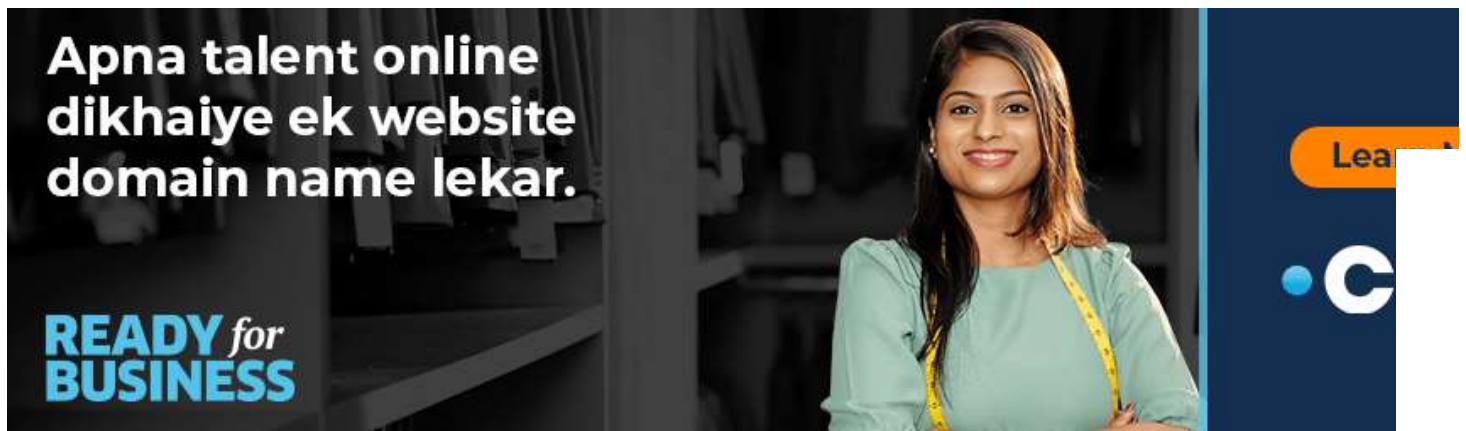
'themes/custom/sam/templates/views/views-view-field.html.twig' -->) **By Anindita Dutta, Abhinav Mehrotra and**



Khushwant Singh's book Train to Pakistan

Accounts of ethnic cleansing and genocide, strategic use of rape and other forms of sexual violence, and mass displacement continue to wreak havoc on the civilian population around the globe. The Constitution of India as well as international law has long maintained the view that any form of sexual violence and violations of human rights must be condemned and those found guilty must be subjected to effective punishment as per the penal provisions. The past injustices to marginalized groups must also be redressed at all costs. The United Nations as well as the Indian judicial system have enacted various laws to promote gender equality and protect the fundamental rights of the citizens. The lack of proper reparation for such violence encourages people to engage in more such acts. Genocide Convention 1948 and Geneva Convention 1949 have specifically prohibited such forms of violations. Other international documents such as the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights have tried to pursue the states to systematically protect the human rights of the people, especially the unprivileged group. Chapter IV of the Constitution of India similarly reiterated the position of international law in India.

Even though such violations are prohibited under municipal as well as international law, yet, in recent times, such incidents have increased by leaps and bounds. Communal tensions and targeted killing of minorities are matters of concern for all the states. The recent allegations of genocide in Ukraine, Afghanistan, and Iraq/Syria have brought these issues back into the discussion. The issues of ethnic cleansing, parochial nationalism, human rights violations, and mass expulsion described in Indian writer Khushwant Singh's novel "Train to Pakistan" make it an interesting study from the legal context.



This sentiment assumes significance in the light of recent controversial religious events held in Delhi and Haridwar this year where speakers allegedly made hate speeches and called for violence against Muslims and Christians and waged a war scarier than the 1857 revolt. The dangerous effects of the hate speeches at the Dharma Sansad or religious assembly in Uttarakhand led to a petition being filed in the Supreme Court by a former judge of Patna High Court, Justice Anjana Prakash, and journalist Qurban Ali. Notices were sent out to the state government, central government, and Delhi Police. In this context, it is important to understand why India as a country, known for its secular values post-independence is now facing these attacks on its constitutional principles and what the social and legal implications of such incidents are also reflected in some way by Khushwant Singh in his book.

What needs to be understood is that the right to free speech and expression is a constitutional right under Article 19(1)(a) and is necessary to ensure the free exchange of ideas in the absence of government regulation, specifically when it comes to diverse opinions and dissent. While an individual has the right to participate in democratic decisions that affect him, the line drawn through reasonable restrictions needs to be respected to maintain the security and integrity of those sections of people that are numerically lower in number.

Nationalism redefined

In India, the core of the issue is that nationalism is now being built by arousing religious sentiments and instigating animosity against followers of other beliefs. Historically, the idea of nationalism was centred around the independence movement which was used as an ideology to unite against foreign occupation. But, at present, it is affecting the safety of our own citizens.

The realm of law and literature primarily comprises two approaches: law in literature and law as literature with the former examining legal themes embedded in fiction and the latter analysing legal text with the help of literary theory and literary technique. Khushwant Singh's novel *Train to Pakistan* may be approached as law in literature as he uses literature as a medium to reveal his individual conscience of right and wrong which could not be said in the courtroom.

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In narrating the upheavals, Singh illuminates how the intrusion of outside forces in the form of a train full of dead Hindus and Sikhs, administrators deployed to control the commotion; a group of Sikh fanatics from the city ignites religious sentiments among the ordinary villagers. The legal aspects embedded within Khushwant Singh's partition novel may be seen as indicative of the colonial roots of ethnic cleansing in India. The portrayal of mass ethnic strife in the border area of India and Pakistan triggered by the divisive rhetoric of colonialism without any thoughts of reparation lends a kind of credibility to the legal context implicit in the text. Reparation seems to be a distant dream in the novel as the state fails to redress the violations of human rights of socially disadvantaged and susceptible groups of society such as women, children, religious minorities, and impoverished people.

From the brief analysis of the novel, it may be inferred that Khushwant Singh's novel serves as a medium to critique the administrators for the lack of effective implementation of rule of law during the time of partition of the Indian subcontinent in 1947. The novel exposes the malfunctioning of the legal system by unravelling the lack of adherence to the law by corrupt leaders, religious fanatics, and ordinary people through fictional stories and characters.

(The authors are Anindita Dutta, PhD Candidate, Tezpur Central University, Assam; Abhinav Mehrotra, Assistant Professor of Law, OP Jindal Global University, Sonipat; and Dr. Biswanath Gupta, Associate Professor of Law, OP Jindal Global Law School, Sonipat. Views are personal.)

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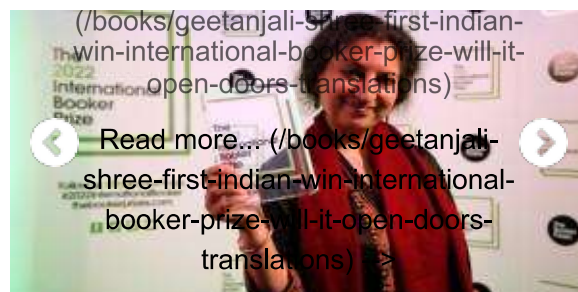


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The Medicine Messiah for the Poor | Reimagining India (/reimagining-india/medicine-messiah-poor-reimagining-india)

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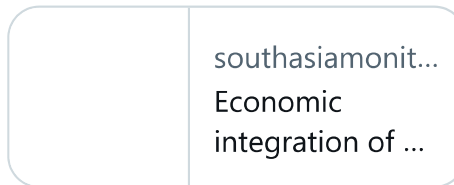
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