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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **"BEYOND BYTES AND BARRIERS: FREE EXPRESSION AND HATE SPEECH IN INDIA"**

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## **ABSTRACT**

The article delves into hate speech laws in India, highlighting the delicate balance between Constitutional liberties under Article 19(1)(a) and the necessity to impose justifiable restrictions on these freedoms under Article 19(2). It scrutinizes the shift from the Indian Penal Code to the Bhartiya Nyaya Sanhita (BNS), which merges with the Information Technology Act, addressing the critical issues of hate speech legislation in both offline and online contexts. Additionally, it explores the challenges of moderating hate speech through algorithms, the difficulties of content moderation on encrypted platforms, and how political discourse can exacerbate communal tensions.

This article critically evaluates proposed policy adjustments, including those from the Parliamentary Standing Committee and the Law Commission. Notably, suggestions such as the creation of specialized courts, prosecution teams, and enhanced witness protection are discussed. The analysis also points out several shortcomings of the current regulatory framework, including platform accountability, jurisdictional challenges in law enforcement, and the management of emerging technologies like deep fakes. The regulation of hate speech demands a comprehensive strategy that includes legislative reforms, technological advancements, and community engagement.

The article acknowledges that India's legal framework is adapting to the digital era but emphasizes the need for a careful equilibrium between safeguarding free speech rights, the operational capabilities of platforms, and the feasibility of enforcement. The recommendations presented in this document add to the ongoing dialogue on regulating online speech while maintaining democratic values in multicultural societies.



Keywords- Constitutional liberties, Bhartiya Nyaya Sanhita, platform accountability, technological advancements, digital era, democratic values.

## **INTRODUCTION**

Given the free speech aspect, “hate speech” has become a complex legal and moral challenge in the digital age. Hate speech is a type of violent communication which occurs by promoting adverse actions such as violence, prejudice or discrimination towards an individual. Although there is no universal legal definition of hate speech in India, hate speech is generally defined as a communication maligning a person or groups of people based on one's religion, ethnicity, caste, gender, or other identity markers. In this context, the Supreme Court of India, in the case of *Pravasi Bhalai Sangathan v. Union of India* (2014), defined hate speech in the following “an effort to marginalize individuals based on their membership in a group, potentially leading to a vicious cycle of subordination and discrimination”. “Freedom of speech” is one of the fundamental rights as acknowledged in numerous international agreements and national charters. For example, the Indian Constitution's Article 19(1)(a) guarantees the freedom to speak and express oneself, but this freedom is qualified by Article 19(2) that permits restriction for reasons of public order, morality, and for the protection of other persons' rights. This way is a balance between safeguards to personal liberties and having societal peace. These ideas have become important in light of the advent of digital platforms where hate speech can proliferate quickly and secretly. Hence, the new digital communication has necessitated a rethinking of the ancient legal structures in this critically fragile nature. The basic constitutional values would persist, but their mode of application requires being altered to solve these emergent issues while ensuring that the rest of free speech remains intact. This forms the bedrock of India's democratic structure. This complex interaction between constitutional rights, technological progress, and social harmony has given a tough challenge to both lawmakers and the judiciary as well as the public at large. Continuing on its way in its digital revolution, it is increasingly essential for India to balance free speech and hate speech to preserve social cohesion and democratic values.

## **LEGAL FRAMEWORK**

India's legislation on hate speech is a little blur, as it collates laws from various enactments and parts of the Constitution. While there is no separate law against hate speech, the government certainly has enough existing legislations that control the sparking of violence against

particular groups of people or communities. This system functions alongside Article 19 of the Indian Constitution, where the Right to Free Speech or Expression is safeguarded but with reasonable restrictions.

### 1. Constitutional Provision:

Section 19(1)(a) of the Constitution guarantees the right of individuals to express themselves freely, but no individual right is absolute; their right can be curtailed under specific circumstances as contemplated by Section 19(2). In this regard, the law aims to achieve the twin objectives of safeguarding the right to freedom of speech and maintaining public order by allowing legal remedy against hate speech that could have resulted in or was likely to result in damage to public safety or incitement to violence.<sup>1</sup>

### 2. Bhartiya Nyaya Sanhita (BNS), 2023:

The Bhartiya Nyaya Sanhita supersedes the Indian Penal Code in adopting some of its modern provisions in respect to hate speech and maintains all other key features of the former.

- Section 195 (Replaces IPC 153A)- Bans incitement to hostility amongst different classes of persons.<sup>2</sup>
- Section 196 (Replaces IPC 153B)- Addresses accusations or statements capable of hurting national cohesion. Addresses allegations that a specific class is incapable of having true faith and allegiance to the Constitution.<sup>3</sup>
- Section 278 (Replaces IPC 295A)- Intentionally outrage religious feelings, does any act which is likely to insult the religion of any class of persons.<sup>4</sup>
- Section 283 (Replaces IPC 505)- Statements conducing to public mischief. Specifically targets:
  - Statements which are false or misleading and cause public panic
  - Statements which promote hostility between different social groups
  - Statements which incite one group to commit violence against another.<sup>5</sup>

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<sup>1</sup> Constitution of India art. 19.

<sup>2</sup> Bhartiya Nyaya Sanhita 2023, Sec. 195 (2023)

<sup>3</sup> Bhartiya Nyaya Sanhita, 2023 Sec. 196 (2023).

<sup>4</sup> Bhartiya Nyaya Sanhita, 2023 Sec. 278 (2023).

<sup>5</sup> Bhartiya Nyaya Sanhita, 2023 Sec. 283 (2023)

### 3. Information Technology Act, 2000 and Associated Rules:

- Section 66A- (Though declared unconstitutional, a basic understanding of its history. Declared unconstitutional in *Shreya Singhal v. Union of India* (2015). It focused on the imperative need for specific legislations that regulate online speech.<sup>6</sup>
- Section 69A- It grants the government the authority to restrict public access to the internet content<sup>7</sup>
- Section 79- It provides information on the role of an intermediary, protection of a website.<sup>8</sup>

### Information Technology Rules, 2021:

- i. Due Diligence Requirements
- ii. Duties to Erase Content- A 36 hour window to delete any content, post a judicial decision. 72 hours are given to the police to access the data and retaining documents for a period of 180 days.<sup>9</sup>

### 4. People's Representation Act 1951:

- Section 125 : Bars people from spreading hate speeches such as address to religion, race, self-exotica of nation or community in the area of election campaigns.
- Section 123(3A): Prohibits candidates from using hate speech during elections.<sup>10</sup>

### 5. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989:

It prohibits hate speech towards untouchables and aborigines while committing a crime.<sup>11</sup>

## **RECENT RULINGS-**

- *Amish Devgan v. Union of India* (2020)

Here, journalist Amish Devgan was hauled to court for supposedly uttering derogatory words about a religious leader on live discussion over the airwaves. The balance between free speech and religious freedom had to be sorted out by the Indian Supreme Court. The court argued that though freedom of speech is a right, it needs to be exercised responsibly in case of its use

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<sup>6</sup> Information Technology Act, 2000 Sec.66A

<sup>7</sup> Information Technology Act, 2000 Sec. 69A (2000)

<sup>8</sup> Information Technology Act, 2000 Sec. 79

<sup>9</sup> Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (2021)

<sup>10</sup> Representation of the People Act, 1951.

<sup>11</sup> Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

towards perpetuating communal unrest or incitement to violence. The ruling reiterated that journalists must strictly follow the structures of morality and should not employ sensational words that would create rumpus in society.<sup>12</sup>

○ Tehseen Poonawalla v. Union of India (2018)

This was a landmark ruling on the plea to stop mob lynching that had increasingly been on the rise in India, particularly targeting minorities. The Supreme Court asked the government to undertake effective measures against hate speech and mob attacks and noted that freedom of speech did not mean hate speech or inciting violence. The court had established norms for the police forces so that hate speech could be curbed, and actions against those persons who had been spreading such views would be taken swiftly. Such a judgment consolidated the concept that maintaining communal peace was necessary for constitutional freedoms.<sup>13</sup>

○ Facebook v. Union of India (2019)

The Supreme Court was thus reviewing the roles played by social media companies, such as Facebook, regarding hate speech and misinformation regulation. After listening to a complaint that Facebook had incited hate riots between communities, the court underscored that proper regulations must be designed for social media services. It was demanding clearer rules on the control of content to limit the spreading of hate speech without inhibiting the individual's right to freedom of expression. The ruling caused debates about how technology companies should run their platforms in order to make the internet a safe space.<sup>14</sup>

## **CONTEMPORARY CHALLENGES -**

### 1. Social media amplification of hate speech:

Social media has transformed the language we exchange with each other over it, bringing unprecedented opportunities for sharing thoughts and ideas. That makes it easier to spread hate speech. And so, some of the most significant barriers to political debates are created there, and animosity between groups rises.

- **Escape from Consequences:** Social-media provides for protection of anonymity that allows giving the leeway to communicate unpopular opinions without consequences. It

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<sup>12</sup> Amish Devgan v. Union of India, Writ Petition (Criminal) No. 160 of 2020 (Supreme Court of India Dec. 7, 2020).

<sup>13</sup> Tehseen S. Poonawalla v. Union of India and Others, (2018) 9 SCC 501 (Supreme Court of India July 17, 2018)

<sup>14</sup> Facebook, Inc. v. Union of India, Writ Petition (Civil) No. 1943 of 2019 (Supreme Court of India)



is through such veils of anonymity that people are emboldened to commit hate speech without consequences. In fact, most acts of hate speech are more extreme than others because people tend to feel less responsible for their words.<sup>15</sup>

- **Biased Algorithms:** These are algorithms with the motive of enhancing engagement on the social media sites that facilitate the sharing of sensational or provocative content. This results in hate speech because provocative posts garner and provoke more comments and shares. It further promotes damaging narratives.
- **Isolation in an Echo Chamber:** The online groups tend to create echo chambers, in which people with very similar beliefs constantly reinforce each other's opinion. This makes the environment very promising for extreme opinions and hate speech, becoming more prevailing and socially acceptable in some groups.<sup>16</sup>
- **Broader Worldwide Impact:** Hate speech can easily transmogrify into international territory, thus reaching an audience all over the world virtually in seconds. International distribution makes such hate speech much more volatile since it can breed violence or discrimination in many regions at once, and hence, more difficult to contain.<sup>17</sup>

## 2. Impact on Political Speech and Community Tension:

The relationship of hate speech on the social media with political debates is especially alarming:

- **Encouragement of Violence:** There is a proven instance that hate speech online leads to actual violence, like provocative posts that lead to attacks on minorities groups whereby social media becomes a trigger leading to actions from an extremist group.
- **Polarization of Society:** The increase in hate speech leads to more polarization within communities. It increases polarization and tension. Such rhetoric can also be used by politicians to garner political mileage or to obscure matters that need attention, therefore polarizing the various social groups in society further.<sup>18</sup>
- **Effects on Elections:** Hate speech can profoundly sway the electoral process as it alters public opinion and creates fear among voters. It has been noted in various research

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<sup>15</sup> Aditya Kumar Mishra, Online Hate Speech: Balancing Free Expression And Social Responsibility, *LinkedIn* (September 25, 2023), <https://www.linkedin.com/pulse/online-hate-speech-balancing-free-expression-social/>.

<sup>16</sup> *ibid*

<sup>17</sup> Clare McKinley, What Can Advertisers Do About Misinformation and Hate Speech on Social Media?, *BASIS* (Oct 4 2024), <https://basis.com/blog/what-can-advertisers-do-about-misinformation-and-hate-speech-on-social-media>.

<sup>18</sup> Zachary Laub, Hate Speech on Social Media: Global Comparisons, *Council on Foreign Relations* (June 7), <https://www.cfr.org/backgrounder/hate-speech-social-media-global-comparisons>.

studies that disinformation campaigns through hate speech have been employed to influence electoral outcomes and undermine democratic processes in several countries.<sup>19</sup>

### 3. Legal and Ethical Challenges:

The battle over hate speech online is replete with challenges:

- **Random Enforcement:** While almost all countries have hate speech laws, enforcement is spotty. Social media companies have considerable latitude over content management, which is why there are so many complaints that they do not do enough to curtail hate speech on their platforms.<sup>20</sup>

The question of Hate Speech Gets Complicated Questions about Free Speech Basing special status to hate speech is problematic and raises questions over freedom of speech. Debate Continues On the part of policymakers and experts, there is continued debate regarding how free speech rights should be protected while taking precautions against harm to people.

- **Responsibility of the Platforms:** Social-media running companies have been criticized based on their roles in the spread of hate speech. This forceful demand is seen for stronger regulations and accountability measures given the growing clamour from stakeholders for social media platforms to be more proactive in taking control over the dissemination of harmful content.<sup>21</sup>

4. Intersection with: Religious sentiments, Caste discrimination and Gender-based harassment: Social media hate speech problems are very closely associated with religious beliefs, social status discrimination, and harassment of gender. These are pointing to larger problems in the society that may further increase in intensity by using provocative language and biased narration.

- **Religious Beliefs**

Hate speech mainly against religious communities is presented in offensive comments, calls for violence, and false information dissemination. For instance, burning copies of the Qur'an is seen as a provocation that inflames religious hostility and violence toward adherents. Political

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<sup>19</sup> Supra note 17 at 7.

<sup>20</sup> Sahoo N., Gyana Prakash Beria, & Pushpak Bhattacharyya, IndicCONAN: A Multilingual Dataset for Combating Hate Speech in Indian Context, *Proceedings of the AAAI Conference on Artificial Intelligence* (2024), doi:10.1609/aaai.v38i20.30237.

<sup>21</sup> Supra Note 15 at 6.

leaders can fan these flames when discussing, for instance at the UN Human Rights Council the ill effects of speech targeting Muslims on community peace, by issuing false rumours demonizing specific religions.<sup>22</sup> Normalisation of hate speech in political rhetoric leads to actual violence-the most obvious examples are speeches inciting communal riots and attacks on minorities.

- Caste as Social Status in Discrimination

Discrimination on the basis of social status is very glaring in India, where it finds expression through caste discrimination. Hate speeches focus almost exclusively on those with inferior social status. The language of caste could also use insulting words that perpetuate stereotypes and promote violence against the lower castes. Hate speech has been proven to be the phrase used to advance boycotts against these communities, which thereby serves to widen the gap and highlight existing inequalities. This obscurity of the law means that hate speech comes in numerous forms, with victims still facing inadequate legal protection.<sup>23</sup>

- Gender Hate Speech

Gender hate speech is one of the major issues, especially lately in the online world, where women, in particular, from the marginalized sections, are exposed to instances of maltreatment like threats of violence, sexual objectification, and offensive remarks. This abuse often becomes amplified on social media where sexist stories quickly spread.<sup>24</sup> For instance, the idea of "love jihad" has been used to disseminate fear and hatred against interfaith couples, which include Muslim men and Hindu women, thereby increasing communal tensions and violence. A further complication results from the fact that gender has also become intertwined with religious and caste identities because women of these backgrounds are discriminated against even more.<sup>25</sup>

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<sup>22</sup> Farah C., HRC55: Panel Discussion on Countering Religious Hatred Constituting Incitement to Discrimination, Hostility or Violence, *The 55th Session of the Human Rights Council* (Mar. 8, 2024), <https://www.gicj.org>.

<sup>23</sup> Cecilia Jacob & M.I. Kanth, 'Kill Two Million of Them': Institutionalised Hate Speech, Impunity and 21st Century Atrocities in India, *Global Responsibility to Protect* (2023), doi:10.1163/1875984x-20230002.

<sup>24</sup> Supra Note 22 at 9

<sup>25</sup> Cecilia Jacob & M.I. Kanth, 'Kill Two Million of Them': Institutionalised Hate Speech, Impunity and 21st Century Atrocities in India, *Global Responsibility to Protect* (2023), doi:10.1163/1875984X-20230002.

## INTERNATIONAL STANDARDS -

It is a global concern that has compelled other countries to formulate a system where the right of free speech is preserved but, at the same time, guards the individuals and groups against harm. Hence, the present analysis will focus on the universal norms, techniques employed by other democratic countries, and the distinct social and cultural context of India.

### ❖ International Covenant on Civil and Political Rights (ICCPR):

The ICCPR, adopted by the United Nations in 1966, emphasizes free speech but recognizes the requirement for limits that will protect public peace, health, or moral standards. Article 20 prohibits any advocacy of hatred towards a nation, race, or religion that incites discrimination, hostility, or violence. This framework serves as a benchmark for member states to control hate speech without infringing on fundamental rights.<sup>26</sup>

### ❖ Universal Declaration of Human Rights (UDHR):

The UDHR, enacted in 1948, emphasizes the fact that one of the basic rights enjoyed by everybody is the right to hold opinions and to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in art, or through any other medium of one's choice. At the same time, Article 19 stipulates definite obligations and responsibilities. Underpinning the declaration was concern over hate speech to impede people's respect for or security. The UDHR values are a root source for countries that find themselves in the problems with hate speech.<sup>27</sup>

### Approaches in Other Democracies:

Countries across the globe have adopted different policies for how to address hate speech:

- Germany: For Germany, the rules are really strict when it comes to hate speech especially because of history and things related to the Holocaust. Germany's Criminal Code holds provisions regarding incitement of hatred and supports legislation holding individuals liable for hate speech online.<sup>28</sup>
- United States: The First Amendment grants freer speech than does U.S. law, although it does recognize exemptions to speech that incites to violence or is felt to be a true

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<sup>26</sup> International Covenant on Civil and Political Rights art. 20 (adopted Dec. 16, 1966).

<sup>27</sup> Universal Declaration of Human Rights arts. 19, 30 (adopted Dec. 10, 1948).

<sup>28</sup> UN Human Rights Council, Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Githu Muigai, on His Mission to Germany (June 22 – July 1, 2009), A/HRC/14/43/Add.2, Fourteenth Session (Feb. 22, 2010).



threat. The laws of the United States also pay great attention to preserving free speech rights, but that includes controversial and hateful views.<sup>29</sup>

- United Kingdom: Britain employs civil and criminal legal proceedings to govern hate speech. The Public Order Act prohibits the use of threatening words or actions intended or likely to stir up or increase racial hatred, reflecting a strong commitment to social cohesion.<sup>30</sup>

## **BALANCING MECHANISMS IN ADDRESSING HATE SPEECH-**

Combating hate speech without suppressing free speech requires effective equilibrium strategies. Relevant factors in this context include divergent legal analyses, social mores, and techniques of self-regulation in contrast to government supervision.

- Judicial Test for Hate Speech:

In developing what constitutes hate speech, there have been many different kinds of legal assessments to ensure any kind of regulation on free speech is reasonable and proportionate:

- (i) Content-Based Review: This is checking whether the words or phrases used in a speech are normally regarded as offensive. Courts apply clear criteria for the analysis of what type of language is used in the speech.
- (ii) Intent-Based Analysis: In this approach, the intention of the speaker is taken into consideration. It is based on whether the speech aimed at inciting hatred, violence, or animosity towards different groups. In this regard, intent-based analysis requires deep insight into the reasons of the speaker.
- (iii) Harm-Impact Analysis: It analyses the harm that the speech causes to the affected communities whether it incites violence, discrimination or ostracizes them from society. Outcome for the aggrieved group while deciding on the speech is qualifying it as hate speech becomes an important factor.<sup>31</sup>

- Community Standards-

The norms of a community form the kind of opinions people hold about hate speech and its

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<sup>29</sup> Hate Crime Laws in the United States, *Wikipedia* (Oct 25,2024), [https://en.wikipedia.org/wiki/Hate\\_crime\\_laws\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/Hate_crime_laws_in_the_United_States).

<sup>30</sup> *ibid*

<sup>31</sup> Hate Speech Report No. 267, *Advocate Khoj* (Mar 23, 2017), <https://www.advocatekhoj.com/library/lawreports/hatespeech/8.php?STitle=Tests+for+determining+hate+speech&Title=Hate+Speech+Report+No.+267>.

regulation. Various communities may tolerate speech as offensive or harmful to different degrees, depending upon their cultural, historical, and social background. For example:

- (i) Cultural Awareness: In multicultural societies, such as India, what may go as acceptable in one culture may be an affront to another. This then requires a sensitive approach into the definition and management of hate speech that is well attentive to local sensitivities and historical disputes.
- (ii) Public Opinion: The social norms of a community will determine how laws are enacted and enforced. For example, when the public disapproves of certain hate speech, it can lead to quicker legal actions by the authorities in showing what the community values and expects in terms of tolerance and respect.<sup>32</sup>

▪ Self-Regulation vs. State Control-

Arguments about whether it is the platform's job or the government's role to regulate hate speech remain.

- (i) Platform Self-Management. Here, hate speech-managing rules are done by each social media. This approach is flexible and responsive to emergent issues but leads to unequal application of the rules. Critics argue that reliance on self-management cannot protect the vulnerable nor deter offenders.<sup>33</sup>
- (ii) Government Oversight: Government oversight can clearly define and finalize the consequences of hate speech through laws, ensuring everyone is dealt with fairly. Too much government oversight in matters concerning hate speech worries over the stifling of freedom of speech and the potential to use such laws as tools for suppressing free expression. The problem lies in balancing when creating such laws that can constrict harmful speech while giving careful regard to personal freedoms.<sup>34</sup>

## **RECENT DEVELOPMENTS IN HATE SPEECH**

### **REGULATION IN INDIA-**

Latest decisions from the judiciary and suggestions from India's Law Commission underscore the continuous work being done to tackle hate speech within the nation. The Supreme Court

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<sup>32</sup> Supra Note 23 at 9

<sup>33</sup> CJP Legal Research Team, Why Were Crucial Suggestions to Strengthen Laws on Hate Speech Ignored? *CJP* (July 10, 2024), (<https://cjp.org.in/bns-2023>).

<sup>34</sup> P. Lakshmi, Kumar Prakash Mishra, Ritika Singh, Sandeep Jain, Aditi Singh, & Sunil Maria Benedict, Online Hate Speech in India: Legal Reforms and Social Impact on Social Media Platforms, *Social Science Research Network* (2024), doi:10.2139/ssrn.4732818.

has made considerable progress in treating hate speech as a grave crime, underlining the importance of active steps by government bodies.

➤ **Supreme Court Orders:**

Suo moto FIR- On April 28, 2023, the Supreme Court instructed all the States and Union Territories to file First Information Reports (FIRs) for hate speech cases even when no complaints are lodged. This instruction is designed to maintain the country's secular essence by ensuring that hate speech is dealt with swiftly and efficiently. The court made it clear that this ruling is applicable in all cases, irrespective of the religion of the person speaking or the group being targeted, thereby reinforcing the concept of equality before the law.<sup>35</sup>

➤ **Recommendations from the Law Commission-**

The Law Commission's 267th Report has played a role in this conversation by tackling the intricacies of hate speech:

Defining Challenges: The Commission recognized the struggle in pinpointing hate speech without jeopardizing the protection of free speech. It warned against vague definitions that might result in the abuse of legislation. Also proposed procedural reforms:

- Fast-track courts for hate speech cases
- Specialized prosecution teams
- Witness protection mechanisms
- Evidence collection protocol

Suggestions for New Laws: The Commission also proposed the addition of two new crimes to the Indian Penal Code:

- (i) Section 153C: Banning the encouragement of hatred.
- (ii) Section 505A: Addressing behaviours that instil fear or incite violence.<sup>36</sup>

Other Committee Recommendation- Besides the recommendations made by the Law Commission, different groups have pointed out how relevant certain legal frameworks would prove to be in resisting hate speech:

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<sup>35</sup> Krishnadas Rajagopal, Register FIRs Against Hate Speech Even in Absence of Complaints, Supreme Court Directs States, *The Hindu* (Apr. 29, 2023)

<sup>36</sup> Law Commission of India, 267th Report (2024).

- M.P. Bezbaruah Committee: It recommended several proposals and measures for the criminalization of hate speech and questioned the racial discrimination issue in this context.<sup>37</sup>
- T.K. Vishwanathan Committee: After the Bezbaruah Committee, it advocated for specific legislation relating to hate speech, which hurts and affects community peace.<sup>38</sup>

## **CONCLUSION-**

The ability to handle hate speech while allowing a right to free speech has become a testing issue of the day, more so in the diversified countries like India. The Bhartiya Nyaya Sanhita (BNS) and judgments rendered by recent courts further emphasize the growing realisation of requiring a well-strong legal system in order to deal with hate speech. Defining and managing hate speech thus requires a developed, comprehensive legal system. The proposed measures in the BNS are a welcome step, though requiring proper craftsmanship to avoid confusion that may lead to misuse or discriminatory application. A well-delineated legal framework ensures the just and unbiased application of laws in favour of everyone's advantage, while protecting vulnerable people while preserving liberties in personal life. With social media and electronic communication forming the dominant paradigm in the era, digital literacy must be encouraged as an imperative. Educating people about proper online behaviour, critical thinking, and the actual impact of hate speech can equip people to use digital channels more effectively. Increased public discourse on the dangers of hate speech and its impacts in real life will further result from efforts to spread such awareness. It is equally important to enhance the monitoring and response systems for hate speech. This will include increasing law enforcement's capacity to rapidly respond to hate speech and establishing independent bodies to regulate content moderation on digital media. Collaboration between government bodies, NGOs, and companies can lead to better approaches in combating hate speech that do not compromise democratic principles. The ultimate goal should be to attain this balance between protection of free speech as a right and social peace. The right to freedom of speech has to be a cornerstone but can't become the legitimizer for violence against, or discrimination against, minority groups. Encouraging a constructive debate over the limits of free speech when it concerns hate speech could construct a society in which many voices can peacefully live together. Therefore,

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<sup>37</sup> M.P. Bezbaruah Committee, Report of the Committee on the Issues Related to the People from the North Eastern Region Residing in Other Parts of the Country (Ministry of Home Affairs, Government of India, July 11, 2014).

<sup>38</sup> T.K. Vishwanathan Committee, Report of the Committee on Hate Speech (Ministry of Home Affairs, Government of India 2018).



amidst such complex challenges approaching the country, it will make even more relevant such an elaborate approach that comprises reforms relating to law, education, strengthening of institutions and communalistic involvement. It could result in reducing the impact that such hate speech creates; by the same time the very democratic values that go utmost about it. It must be the burden and commitment of all, including the government, civil society, and public opinion, to create a safer and more respectful public dialogue for all.

