

Freedom of Speech Vs. Online Hate Speech in India

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Abstract : The digital revolution has increased India's free speech opportunities and risks. Free expression is protected by Article 19(1)(a) of the Indian Constitution, yet online hate speech is causing divisiveness, harassment, and even physical violence. Social implications result from technologies that circulate divisive narratives and create online "echo chambers" that legitimize prejudice. To address this problem, India has created a web of constitution, criminal, and IT laws. Definitional issues and selective enforcement restrict these rules' effectiveness. Legislative reformers want clearer standards, appropriate bounds, and government overreach safeguards. This shows that the Supreme Court takes hate speech seriously by requiring proactive FIR filing. Hate speech and social media platforms remain important due to private firms' disproportionate power over public discussion and lack of transparency regarding their moderation and accountability policies. To reconcile constitutional rights with societal protection, stronger legal definitions, proactive monitoring, improved platform administration, and greater digital literacy must be implemented. This article stresses the contradiction between free speech and hate speech in India's digital era and proposes a multi-stakeholder model that balances personal freedom, judicial oversight, technological responsibility, and democratic values.

Keywords: Freedom of Speech, Reasonable Restrictions, Online Hate Speech, Social Media Platforms.

Introduction - Article 19(1)(a) of the Constitution of India mandates that citizens have the right to freedom of expression, which is considered to be one of the most fundamental principles of Indian democracy. [1] It ensures that any and all individuals are free to express their opinions without the fear of being punished for doing so. The United States Supreme Court has referred to this right as "the mother of all liberties" [2] due to the fact that it established the foundation for a democratic society in which all individuals are deemed to be on an equal footing.

Reasonable Restrictions under Article 19(2): The right to free speech does not include everything, despite the fact that it encompasses a lot of area. Article 19(2) specifies necessary restrictions to defend the sovereignty, integrity, security, public order, decency, and morality of the state, as well as to prevent the promotion of criminal behavior, contempt of court, and defamation [3]. By virtue of the fact that speech may be transmitted instantly and has far-reaching repercussions, the delicate equilibrium that exists between freedom and restriction becomes very challenging in the digital era.

Growth of Online Hate Speech in India: Because to the spread of social media, an unprecedented number of individuals are able to have their voices heard with their ideas. On the other hand, the rapid proliferation of hate speech on the internet in India is a consequence of the empowerment that digital technology facilitates. Studies

have shown that religious minorities, women, and underprivileged people are often the targets of hate speech on the internet [4]. This is because online hate speech has the effect of normalizing prejudice and expanding social disparities. The fact that communal misinformation was spread before to elections and that high-profile incidents such as the Bulli Bai and Sulli Deals applications demonstrate how hate on the internet can inflict serious harm [5].

Regardless of whether or not formal complaints have been lodged, the Indian Supreme Court has mandated that states submit First Information Reports (FIRs) against hate speech. This directive was issued in response to the severe nature of the situation [6]. The court has recognized the need of striking a balance between the protection of democratic freedoms and the restriction of speech that is disruptive and puts public safety at risk.

Objectives :

1. To research online hate speech and freedom of expression within the legal framework of India.
2. To evaluate the societal effect and provide well-rounded remedies.

Prevalence Of Online Hate Speech: According to surveys, there has been a concerning increase in the amount of hate speech that can be found on the internet in India. According to a whitepaper published by Microsoft, the frequency of incidents involving hate speech grew by 26%

between the years 2016 and 2020. Religion, along with gender and caste, continues to be the primary focus of attention. Social media platforms such as YouTube, Facebook, and Twitter are perfect for the distribution of controversial information because of the combination of characteristics that include user anonymity, echo chambers, and algorithms that reward content that is contentious. The issue of hate speech on the internet has become an increasingly major problem in India over the last few years, which has resulted in the passage of criminal laws and an increase in worries over the impact it has on society, especially on social media platforms.

There have been a number of factors that have led to the proliferation of hate speech on the internet, including religious disputes, political differences, and the anonymity that the internet allows. A response to this danger has been taken by India, which has enacted criminal legislation with the intention of limiting hate speech on the internet. Social media platforms are supposed to actively strive towards decreasing hate speech, misinformation, and other harmful content in accordance with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These rules were formed as a result of the IT Act. Additionally, in order for systems to be in compliance with these standards, they are required to have criticism officers, establish processes for the removal of information, and adhere to an ethical code. As a result of the criticism that has been leveled against the application of these restrictions, concerns over potential censorship and limitations on free speech have been raised. According to groups that are part of civil society, the ideas have the potential to provide the government an excessive amount of jurisdiction to restrict communication online and to stifle opposing viewpoints.

As a consequence of the widespread dissemination of hate speech on the internet, intolerance, discrimination, and acts of violence have grown increasingly prevalent in today's society. Due to the vast reach of social media platforms and the algorithmic amplification they provide, hate speech flourishes on these platforms, which further exacerbates the tensions and differences that already exist in society. People have the confidence to participate in hate speech without fear of penalties when they use the internet because of the anonymity that comes with utilizing the internet. This only helps to further foster the propagation of hate speech. Among the consequences that this has in the real world include acts of violence against members of the community, cyberbullying, and damage to intellectual property that is directed against specific persons and organizations. In order to combat hate speech on the internet, it is necessary to strike a careful balance between safeguarding individuals' rights to self-defense and preventing unnecessary injury. In order to construct robust regulatory frameworks, create a lifestyle that is tolerant and polite online, and promote virtual literacy, it is vital to implement a multi-stakeholder

approach that includes government, civil society, and generational agencies. It is only through the collaborative efforts of its people that India will be able to tackle hate speech on the internet and create a digital world that is more safe and inclusive.

Social Impact On Social Media: Because of the changes in criminal law in India, the social media prison system has been drastically transformed, which has had an effect not only on the framework but also on the users.

There has been a rise in the amount of pressure placed on social media platforms to efficiently display and edit content using their systems. Because of this, platform responsibility is given a high priority. In order to ensure that the new criteria are followed, systems have created technology that filter information automatically and have formed teams of moderators to ensure that they are in compliance. Concerns about censorship and the restriction of free speech have been exacerbated as a result of the fact that institutions are struggling to find a medium ground between maintaining the right of people to free expression and lowering instances of hate speech.

When it comes to the repercussions of indulging in hate speech online, users of social media platforms are more aware of the implications as a result of the legislation amendments. As a result of more stringent regional results, individuals are becoming more careful about the material and language that they use on social media networks. As a consequence of this heightened knowledge, a number of users have started engaging in self-law, while others continue to test the boundaries of what constitutes permissible speech, often putting themselves in danger of legal repercussions for doing so.

We have been able to successfully advocate for more stringent legislative requirements to effectively prevent hate speech on the internet, thanks to the assistance of civil society organizations. Through their efforts, they have advocated for social media platforms to become more transparent and responsible, and they have demanded that these platforms create severe standards and processes in order to successfully address hate speech. As a result of the participation of civil society, the stories of underrepresented groups who have been victims of hate speech online have been amplified, and the debate around social media platforms has become more inclusive.

The modifications that have been made to the prison system in India in order to address hate speech on the internet have been an essential step toward building a safer and more inclusive online world. It is possible that these modifications may reduce the dissemination of hate speech and the adverse impact it has on society. This will be accomplished by holding defensive social media institutions accountable and by boosting the attention of consumers. It is still a difficult task to find a reasonable middle ground between preventing vulnerable businesses from being harassed online and enabling people to express themselves

freely. For the purpose of properly addressing these challenges and cultivating a subculture of appreciation and tolerance inside the digital domain, it is very necessary for the government, social media institutions, civil society, and customers to continue working together.

Legal Framework: At this time, there are no rules in India that particularly address hate speech that occurs online. In spite of the fact that they are subject to challenging conditions, the provisions of the Indian Penal Code (IPC) and the Information Technology Act (IT Act) that are now in effect provide significant protection. On the other hand, Section 153A [7] makes it unlawful to foster hostility among groups, whilst Section 295A [8] makes it illegal to do anything with the intention of offending spiritual emotions. Some people believe that these legal guidelines are too vague and simple to exploit, which will eventually prevent people from expressing themselves in a real manner. Furthermore, in 2015, it was decided that Section 66A [9] of the content Technology Act violated free speech principles, which rendered its power to authorize the removal of content that was deemed to be "offensive" unlawful. An increase in hate speech on the internet has occurred in India in recent years, and it may be attributed to a number of factors, including political conflict, spiritual tensions, and the fast rise of social media. The severity of the issue has prompted the government of India to initiate measures to address the societal impact on the infrastructure of social media platforms and to modify the laws that regulate criminal behavior.

Legal Reforms: The Indian legal system has changed to combat online hate speech. Ministry of Electronics and Information Technology announced the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 to make social media intermediaries responsible for content uploaded on their networks. These standards require corporations to adopt mechanisms to identify and remove unlawful information, including hate speech, within strict timelines. Additional regulations addressing online hate speech have been introduced to the Indian Penal Code and Code of Criminal Procedure. For instance, Section 153C of the Indian Penal Code makes it a felony to instigate religious, racial, caste, or community hatred, and it becomes much more unlawful when it leads to violence. Online hate speech in India is rising, prompting new criminal regulations.

1. Legislative Reforms: The Information Technology (IT) Act and the Indian Penal Code (IPC) are two of several anti-hate speech statutes in India. To properly regulate hate speech on the internet and hold offenders accountable, amendments to those statutes were put forth.

2. Section 153A and 295A of IPC: Plans and malevolent deeds meant to incite religious feelings are dealt with by these laws, while selling enmity among separate firms is dealt with by others based on factors such as religion, race, place of birth, home, language, etc. They provide the

groundwork for cases where hate speech is prosecuted.

3. Amendments to the IT Act: Other laws address marketing animosity among distinct enterprises based on variables like as religion, race, place of birth, home, language, etc., whereas these laws deal with plans and malicious activities aimed to provoke religious emotions. For prosecutions including hate speech, they provide the necessary framework.

Supreme Court Directs States To Proactively Register Firs Against Hate Speech:

The Supreme Court of India ordered all states to automatically file First Information Reports (FIRs) for hate speech without a complaint. The court stressed that this injunction applies to all hate speech offenders regardless of religion to protect the nation's secular character. Hate speech offenders may be charged under IPC 153A, 153B, 295A, and 505A. The Supreme Court advises states to respond quickly to hate speech cases regardless of official complaints to preserve India's secular ethos. The court has stated that hate speech must be prosecuted under the IPC. The court also ordered all state director generals of police to inform their subordinates of this ruling and warned that law enforcement that disobeys will be in contempt of court. Many supported the court's ruling to curb hate speech, while others concerned it would restrict free expression. Advocates say we must maintain free speech while fighting hate speech. The authors stressed the need for a balanced approach based on existing hate speech jurisprudence and the rule of law, and they advised against severe measures that may accidentally limit free expression. This decision extends on the Supreme Court's October rule that hate speech incites communal violence and requires immediate FIR submission. The court's rulings have indicated its concern for hate speech's consequences on social harmony and national integrity, as well as its commitment to India's secularism and unity. Few of the many hate speech reasons are:

1. Social and economic factors: Disparities between wealth and power fuel bigotry [10]. Hate speech is more likely to be perpetrated or aimed at disadvantaged or underprivileged people [11]. A little optimism is all it takes for individuals who have gotten nothing so far to embrace terrible things very fast. As soon as they fall for a ruse, cunning individuals start taking advantage of them. Hysteria is promoted by social elites who take advantage of the situation. Victims deceive those who are good at heart for their own gain.

2. Political Climate: The level of hate speech in a society is significantly affected by political discourse and policy. His goal [13] or the normalization and encouragement of such conduct [12] may be attained by inflammatory political speech. It is very uncommon for political parties, which have differing ideologies, to use their considerable influence to influence public opinion in their favor.

3. Access to Technology: Hate speech has grown at a fast pace due in large part to the expansion of the internet

and social media. Hate speech has found an easy outlet on several internet platforms [14], such as WhatsApp, Facebook, Instagram, and others. On top of that, people may feel more comfortable expressing racist or sexist ideas on these sites since they may remain anonymous and not be held accountable.

4. Group Dynamics: Hate speech may spread quickly in certain communities. Conformity anxiety and peer pressure may amplify hate speech. For instance, the Shiv Sena, Bajrang Dal, Karni Sena, Bheem Sena, and others have disseminated hate speech. Online echo chambers and IRL groups may listen to hate speech. Like-minded persons may influence group members to become more extreme, polarizing them [15].

5. Fear and Ignorance: Hate speech may develop from ignorance about other cultures, beliefs, and origins and fear of the unknown. Other religions or groups may make prejudiced judgments and assumptions about others since they don't know enough. To overcome ignorance and fear, which fuel hate speech, public education and awareness are frequently needed. Promoting cultural and religious knowledge, open-mindedness, and interfaith dialogue may help people overcome their prejudices. Representatives of various organizations and religions must engage in civic debate and mutual learning to reduce misunderstandings and promote tolerance. Media literacy initiatives may also reduce misinformation and bias by educating people to properly evaluate news.

6. Historical and Cultural factors: Cultural and historical biases may perpetuate hate speech. Ancient religious writings and epics often spark this debate. Our holy books and epics form the basis of numerous faiths. Controversies concerning these texts and different interpretations of prior epics cause strife and hate speech. Atheists or secular persons may reject ancient epics' religious tales. Speaking up against superstition may lead to hate speech. When viewpoints on these old epics vary, cultural conflict [16] may occur when one group views another's beliefs as an assault to their cultural identity. Conflicts may lead to hate speech. Due to these prejudices, individuals may use hate speech to degrade and stereotype others. Stop these discrepancies. Everyone thinks as they do.

7. Political and Ideological Extremism: Extremist political and ideological groups may utilize hate speech. A diverse society may lead to tensions and hate speech due to political and ideological differences [17]. Some individuals identify with Sangh Parivar and RSS, while others with Bajrang Dal, Gau Raksha Dal, and Jai Bhim Sena. They may have distinct aims and beliefs, and when they clash, hate speech may help either group. Effective solutions often require tolerance, peaceful political discourse, and the rejection of hate speech for ideological or political gain. Entertainment, Media Entertainment that reinforces unfavorable stereotypes or portrayals of specific cultures may encourage hate speech.

8. Lack of Legal Consequences: When hate speech laws are weak or poorly enforced, some may feel empowered to engage. Because they may think their actions won't be punished. People may not realize the implications of religiously motivated hate speech [18]. Hate speech often results in fines, prison time, or both, however penalties vary by country and region. Hate speech that incites violence or damages others may have greater legal implications. To deter hate speech, the public must be aware of these norms and their consequences and enforce them.

9. Psychological Factors: Psychological factors including racism, intolerance, and the craving for control may also spread hate speech [19]. Hate speech poisons individuals and societies due to a complex combination of psychological factors. These basic mechanisms must be understood to combat hate speech. Hate speech is propagated by psychological factors including power, intolerance, and prejudice. Each of these elements spreads racist and sexist discourse in its own manner. Hate speech is fueled by biases against other groups, whether by race, religion, or ethnicity. Bigots' discriminating rhetoric becomes more widespread when they vent their fury [20]. Intolerant people may hate individuals who are different due to a lack of information or fear of the unknown. Hate speech emerges from intolerance as individuals want dominance. Raising intolerance via hyperbole only deepens disparities and societal tensions.

10. Desire for Power and Control: Hate speech stems from the craving for domination and control. When they feel powerless or rejected, some resort to hate speech to show their dominance. Oppressors may dehumanize their targets using hate speech to gain power. Understanding these psychological factors is crucial to fighting hate speech. Opposing prejudice, promoting tolerance, and addressing power disparities may help destroy hate speech's psychological underpinnings.

11. Global Events and Conflicts: Global conflicts and events may intensify hate speech against some groups in local discourse. Global events and wars may impact domestic discourse, which might increase hate speech against specific populations. As states recover from global events, latent tensions may rise, fostering racist discourse. International events like wars or geopolitical conflicts may increase hate speech at home. When global tensions grow, many become more prejudiced. Frustrations or anxieties about specific groups might generate hate speech. Due to globalization, global events impact local discourse more. As said, social media platforms make hate speech simple to spread, which intensifies internal tensions and enables it to transcend borders. The influence of current events on hate speech requires a nuanced response. Governments and public society must collaborate together to address global crisis-inspired hate speech [22].

12. Echo Chambers and Confirmation Bias: It is possible for hate speech to thrive and even increase inside

closed networks as a result of internet echo chambers and the tendency to seek out data that supports one's present opinions.

Social Media Platforms And Hate Speech: Hindu nationalist groups, organizations, and leaders in India have more outlets than ever to promote their messages and influence voters thanks to social media. X (formerly Twitter), Facebook, Instagram, WhatsApp, YouTube, and Telegram have helped mainstream Hindu nationalist beliefs and propagate hateful material. It's troubling that this digital mobilization broadcasts and shares in-person hate speech gatherings and activities to Indian and diaspora audiences worldwide. Meta-controlled sites have spread internet violence, especially after Prime Minister Modi's 2014 election [23]. WhatsApp expects 800 million Indian users this year [24], whereas Facebook has around 581 million [25]. There are 392 million Instagram users nationwide. YouTube dominates beyond Meta with 462 million users. 84 million Indians use Telegram, whereas just 27.3 million use X (formerly Twitter) [28]. Facebook whistleblower Frances Haugen called Modi one of the "early ones who weaponized social media," influencing politics and public opinion [29]. Modi's BJP has used shadow accounts [30] and ghost adverts to target Facebook users to increase its electoral chances and cement support for its Hindu nationalist ideology [31]. Additionally, the party and its proxies manage several WhatsApp groups and channels [32].

BJP leaders believe their messaging can reach every state in 12 minutes, running over five million WhatsApp groups (Deccan Herald, 33). Meta's cross-posting across WhatsApp, Instagram, and Facebook has increased social media's influence on politics. Understanding how Big Tech spreads hate speech on their platforms is crucial to understanding hate speech in India. Rashtriya Swayamsevak Sangh (RSS), Vishwa Hindu Parishad (VHP), Bajrang Dal, Antarrashtriya Hindu Parishad (AHP), Rashtriya Bajrang Dal (RBD), Durga Vahini, Hindu Jagran Manch (HJM), Hindu Janajagruti Samiti (HJS), Hindu Rashtra Sena (HRS), Sri Ram Sena, Shiv Pratishthan Hindustan, Hindu Jagaran Vedike, Due to the distinct sites they operate for village units, city chapters, district chapters, state chapters, and individual leaders, these organizations have a widespread digital presence. The internet allows destructive and hostile remarks during marches, rallies, religious processions, and political rallies to reach people worldwide. Huge events may now go far beyond their initial attendees. Hate speech now reaches millions via live streaming or widely circulated video recordings. Thanks to social media, such content may be shared and repurposed long after the event.

Indian social media outlets and the government have overlooked anti-minority hate speech [34]. Hate speech

events in India have been high all year, and these platforms have failed to halt them. This was especially visible during the 2024 national and state elections and after "Hindu genocide" charges in Bangladesh were blown out of proportion following Sheikh Hasina's collapse in August and hate marches in India. Remember that most hate speech was shared and cross-posted on many media. There are several styles for a single event, from an hour-long YouTube or Facebook video to a five-minute Facebook highlights clip to a 30-second Instagram reel or X post. Extremist groups and hate influencers tailor their content to each channel to get the most people. This research examined sites that initially posted film or live streams of hate speech occurrences in person. Facebook, Instagram, and YouTube were our key targets because of their massive Indian user populations and significance in live broadcasting and documenting these events. These channels repackage and broadcast videos on X and Telegram to reach more people.

Hate Speech Trends On Social Media Platforms: During the year 2024, the Human Rights Law Center (IHL) discovered a total of 1,165 instances of hate speech directed at Christian and Muslim communities. There were 995 of these that started on social media, where they were uploaded or broadcast by individuals who were hateful, leaders of the Bharatiya Janata Party (BJP), or by far-right groups.

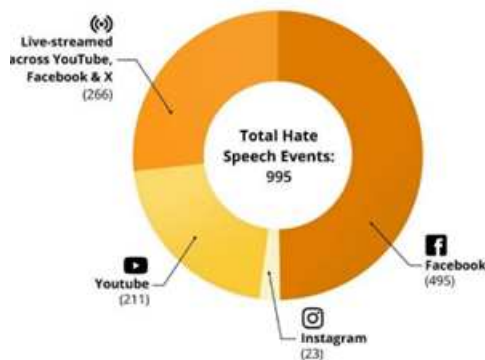


Figure 1: The Spread of Hate Speech on Social Media

A total of 495 of them, which accounts for around 49.8 percent, were solely posted on Facebook, illustrating the dominant role that Facebook has in the dissemination of films that include hate speech. In spite of the fact that 211 videos depicting hate speech incidents were only uploaded to YouTube (21.2%), 23 instances (2.31%) were first published on Instagram when they were first made public. During the general elections that took place in April and June, a total of 266 hate speeches directed at minority groups were found. This represents 26.7% of all speeches detected. These statements were made by prominent members of the ruling BJP, and they were carried live on channels such as YouTube, Facebook, and X.

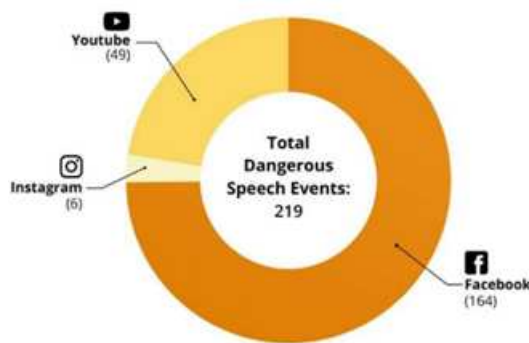


Figure 2: Improper Content On Social Media

More than two hundred and ninety-nine of the 259 instances of abusive speech (including direct encouragement to violence) were first aired or uploaded on social media platforms. 164 of the remarks that were shared were first published on Facebook, which accounts for 74.8 percent of the total. On Instagram, six of the remaining 49 (22.4%) were first posted, while the remaining 49 were uploaded to YouTube. There was a consistent pattern that developed in cases of hate speech, such as when calls for boycotts and calls to arms were issued. Facebook served as the first platform for 70.2% of the 94 remarks on the boycott that were posted online, while YouTube served as the initial site for 27.7% of the talks. Seventy of the 102 remarks that included a call to arms were publicized on social media sites such as Facebook, YouTube, and Instagram. This is 68.6% of the total.

Proposed Solutions: It is necessary to have sophisticated procedures in place in order to deter hate speech via the use of illegal tactics while yet acknowledging the existence of cultural diversity. In the case of India, a country that is highly respected for the quantity and diversity of its cultural traditions, it is of utmost importance to achieve this balance. I will outline the following legal techniques in order to prevent hate speech while maintaining cultural sensitivity throughout the process:

To begin, there must be a legal definition of hate speech that is both specific and comprehensive in order to make it a criminal offense. It is necessary for this phrase to include a broad variety of manifestations that encourage discrimination, hate, or violence against individuals on the basis of their race, religion, ethnicity, gender, or sexual orientation. However, in order to prevent restricting legitimate speech or ancient norms, it is necessary to take into consideration the nuances of culture.

1. Legislative Framework: In order to combat hate speech, India has enacted a number of legislative regulations, including the Information Technology Act and the Indian Penal Code. By modifying or adding certain components to existing laws, it is feasible to reinforce prohibitions against hate speech via the use of the internet and guarantee that their execution takes into account the cultural differences that exist.

2. Penalties that are reasonable: Legal frameworks should provide consequences for breaches of hate speech that are appropriate, taking into account the harm that was caused and the cultural context. By using this strategy, people are held accountable for their actions, but at the same time avoiding consequences that are too harsh and would restrict their right to free expression.

3. Involvement of the Community: In order to get a more comprehensive understanding of the problems that are associated with hate speech, legal procedures have to include the engagement of the community. It is possible that this will assist ensure that criminal interventions are responsive to the interests and values of various groups by making them more customized to certain cultural situations.

4. Facilitating Education and Awareness Campaigns: The implementation of educational programs and awareness campaigns that bring attention to the repercussions of hate speech has the potential to bring about a society that is more accepting and welcoming to people of all backgrounds. It is important that educational programs be sensitive to cultural norms and accessible to all segments of society in order to successfully educate individuals with the ability to detect and counteract hate speech.

5. Regulation of Social Media Platforms: Given the enormous role that social media platforms play in the dissemination of hate speech, it is of the utmost need to enact legislation that target online structures. In India, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, together with other regulations, have the potential to hold platforms accountable for regulating hate speech while also taking into consideration the importance of cultural sensitivity.

6. Examining the judicial system: The effectiveness of judicial scrutiny is essential to the execution of legislative measures to suppress hate speech in a manner that is both fair and legal. The establishment of legal precedent, the settlement of conflicts, and the safeguarding of individual rights—including, but not limited to, the right to free expression within appropriate cultural parameters—are all very reliant on the court system.

7. Cooperation on a Global Scale: Because hate speech is so ubiquitous, it is very necessary for governments to collaborate in order to resist it. In order to combat hate speech in a manner that is respectful to the plurality of cultures, India may collaborate with other countries and international organizations to exchange information, discuss best practices, and coordinate efforts. By using these criminal strategies, India has the potential to successfully decrease hate speech, foster social fraternity, and safeguard cultural diversity. A complex balancing act is required in order to protect individuals from damage while still maintaining their fundamental rights, such as the freedom of expression, within a framework that is sensitive to cultural norms.

Conclusion : There is a contradiction in India between the

right to free speech and the need to suppress hate speech that is expressed on the internet. The fact that this is the case demonstrates how difficult it is to find a healthy equilibrium between democratic rights and the need to protect underrepresented groups and preserve social harmony. Despite the fact that Article 19(1)(a) guarantees the right to free expression, the constraints outlined in Article 19(2) have now even more significant in light of the digital era. This is because hate speech that is expressed online may swiftly spread via social media, which in turn can lead to violence, prejudice, and division in the real world. Despite attempts to resolve this issue via India's expanding legislative framework, which includes the Industrial Property Code (IPC), the Information Technology Act (IT Act), and other legal developments such as the Intermediary Guidelines, concerns of overreach and censorship continue today. Both the battle against hate speech and the protection of the secular fabric of the country are of the utmost importance, as the Supreme Court has made abundantly clear in its proactive orders. A multi-stakeholder approach that includes the courts, individuals, social media platforms, civic society, and the government is required for long-term solutions. Punitive law alone is not sufficient to achieve this goal. India can enhance the clarity of its laws, boost digital literacy, hold platforms responsible, and foster a culture of tolerance and respect in order to create a welcome online environment where individuals may freely express themselves without fear of punishment. One way to do this is by encouraging a culture of respect and tolerance.

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