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THE ROLE OF ELECTION COMMISSIONS IN CONTROLLING HATE SPEECH: A STUDY OF INDIA AND THE UK

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ABSTRACT

The electoral process in constitutional democracies faces a rising threat from hate speech. Election Commissions, as independent constitutional and statutory bodies, are responsible for preserving electoral fairness. In India, Election Commission of the India (ECI) operates under Article 324 of the Constitution, enforcing free and fair elections and regulating speech through Model Code of the Conduct and Representation of the People Act, 1951. The United Kingdom, governed by statutory frameworks and Electoral Commission, maintains similar obligations through public order laws and targeted electoral legislation. Both nations experience increased communal, racial, and religious hate speech, often during high-stakes electoral campaigns. However, strength and enforceability of the regulatory actions vary, leading to inconsistent deterrence and public distrust. Indian jurisprudence in *Prabhoo v P Kunte* and *Manohar Joshi v Nitin Bhaurao Patil* reflects tolerance of the communal references under political speech, diminishing deterrence. UK jurisprudence, backed by Public Order Act 1986 and judicial oversight under Article 10 of the ECHR, pursues stricter route. This research investigates legal frameworks, institutional mandates, and challenges before Election Commissions in India and UK. It adopts doctrinal methodology to assess statutory, judicial, and regulatory measures. The paper aims to propose feasible legal and policy reforms to strengthen electoral system against divisive and hate-driven discourse, enhancing democratic integrity and citizen trust.

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Keywords

Election Commissions, Hate Speech, Constitutional Law, Electoral Integrity, Comparative Study

RESEARCH PROBLEM

Electoral hate speech undermines democratic participation and pluralism. In India and United Kingdom, political actors increasingly resort to religious, racial, and caste-based rhetoric to polarise voters. This rhetoric marginalises communities, incites violence, and corrupts electoral process. Election Commissions, tasked with ensuring free and fair elections, often fail to effectively counter such speech due to legal ambiguities and institutional limitations. India's Model Code of the Conduct (MCC), though widely used, lacks statutory force. Its enforcement relies on consensus among political parties and advisory authority of the Election Commission of the India (ECI). In cases like *Varun Gandhi's 2009 hate speech*, ECI issued censure, but political repercussions were negligible. Sections 123(3), 123(3A), and 125 of the Representation of the People Act, 1951 classify such conduct as corrupt practices or electoral offences. However, narrow definitions of the 'candidate' under Section 79(b) and burdensome evidentiary standards hinder enforcement³.

UK's approach involves Electoral Commission, police, and Crown Prosecution Service (CPS). Hate speech during campaigns is addressed through Public Order Act 1986, which criminalises threatening, abusive or insulting words intended to incite racial or religious hatred. However, boundaries of the permissible political speech remain subject of the contention under Article 10 of the European Convention on Human Rights (ECHR)⁴. The ECI and UK Electoral Commission face systemic challenges. Political bias, delayed judicial proceedings, and vague statutory standards weaken institutional deterrence. In India, courts in *Manohar Joshi v Nitin Bhaurao Patil* held that stating "Hindu Rashtra will be established" was not violation of the Section 123(3), enabling future impunity⁵.

In both systems, there is legislative and jurisprudential gap in proactively preventing hate speech. Social media and digital platforms compound problem through unchecked

³ Ritika Patni and Kasturika Kaumudi, 'Regulation of the Hate Speeches' (2009) 2 NUJS L Rev 749, 756–758.

⁴ Public Order Act 1986, s 29J; Human Rights Act 1998, sch 1, art 10.

⁵ *Manohar Joshi v Nitin Bhaurao Patil* [1996] 1 SCC 169.

dissemination. The challenge remains to redefine legal thresholds without chilling legitimate expression. Election Commissions require enhanced legal backing, clearer standards, and coordination with other institutions. This paper addresses whether existing statutory frameworks empower Election Commissions to effectively regulate hate speech during elections. It also evaluates whether Indian and UK systems require legislative amendments or structural reforms to enhance deterrence and democratic accountability.

RESEARCH OBJECTIVES

The researcher has formulated following research objectives:

1. To examine statutory powers of the Election Commissions in India and UK regarding hate speech.
2. To analyse enforceability of the hate speech provisions under election laws.
3. To compare judicial interpretations of the electoral hate speech in India and UK.
4. To identify institutional weaknesses in curbing divisive electoral rhetoric.
5. To recommend legal and procedural reforms for effective regulation.
6. To evaluate constitutional implications of the hate speech restrictions in elections.

RESEARCH QUESTIONS

The researcher has formulated following research objectives:

1. What are powers and limitations of the Election Commissions in India and UK in controlling hate speech?
2. How do Indian and UK legal systems define and penalise hate speech in electoral context?
3. What role do judicial precedents play in enabling or restricting electoral hate speech?
4. How does enforcement of the hate speech laws affect electoral fairness and public trust?
5. What reforms can be introduced to empower Election Commissions in combating hate speech effectively?

RESEARCH METHODOLOGY

This research follows doctrinal legal methodology. It relies on primary legal sources including statutes, case laws, constitutional provisions, and regulatory instruments from India and UK. The paper examines key statutes such as Representation of the People Act, 1951, Indian Penal

Code, Public Order Act 1986 (UK), and Human Rights Act 1998 (UK). It also refers to Model Code of the Conduct, Election Symbols (Reservation and Allotment) Order 1968, and advisory guidelines of the Election Commission of the India. Jurisprudence from Indian courts, such as *Ramesh Yashwant Prabhoo v P Kunte* [1996] 1 SCC 130 and *Manohar Joshi v Nitin Bhaurao Patil* [1996] 1 SCC 169, is analysed to understand judiciary's approach towards communal rhetoric in election campaigns. UK decisions under Article 10 of the ECHR and interpretations of the Public Order Act by domestic courts are studied to assess UK's enforcement approach. Secondary sources include academic articles such as Anandita Yadav's *Countering Hate Speech in India: Looking Beyond Law*, Ritika Patni's *Regulation of the Hate Speeches*, and IFES White Paper on Hate Speech in Elections. The study also analyses Election Commission reports, model advisories, and Law Commission recommendations to identify gaps and practical issues in enforcement⁶. Comparative legal analysis is used to highlight structural and functional differences between Indian and UK systems. The methodology facilitates grounded normative critique and aims to generate practical legal recommendations for electoral reforms in hate speech regulation.

1. INTRODUCTION

Brief overview of the hate speech in electoral politics

Hate speech infects democratic fabric during elections. Political candidates use identity-based insults. They exploit religion, race, caste to polarise votes. This leads to fear among communities. Such divisive narratives escalate tensions. They degrade civil discourse. In India, hate speech peaks during campaign rallies. Leaders like Varun Gandhi and others used anti-minority remarks⁷. In UK, issues of the immigration and race surface strongly during elections. Online platforms make it worse. The speed of the dissemination breaks barriers. Public order gets compromised easily. Trust in elections gets undermined. Hate speech distorts informed voter choices. Electoral violence increases too. The law seems too slow to catch up. Election Commissions face increasing scrutiny. They must balance law and speech freedom. Campaigns now walk legal tightrope.

⁶ Anandita Yadav, 'Countering Hate Speech in India: Looking for Answers Beyond Law' (2018) *ILI L Rev Vol II*; Law Commission of the India, '267th Report on Hate Speech' (March 2017); IFES, 'Countering Hate Speech in Elections: Strategies for Electoral Management Bodies' (2017); Election Commission of the India, 'Order to BJP President' No 437/6/INST/ECI/FUNCT/MCC/2024 (22 May 2024).

⁷ Ritika Patni and Kasturika Kaumudi, 'Regulation of the Hate Speeches' (2009) *2 NUJS L Rev* 749, 749–753.

Importance of the free and fair elections in democratic societies

Free elections ensure democratic legitimacy. Electoral fairness anchors constitutional order. Citizens must vote free of the fear. Hate speech shatters this space. It manipulates perception and emotions. It suppresses rational decision-making. Institutions must safeguard this freedom. Election Commissions have constitutional duty. In India, Article 324 empowers ECI. In UK, statutory powers guide Electoral Commission. Their mandate is electoral integrity. Their role is to maintain neutrality. Elections can't favour majority beliefs. Minorities must vote without intimidation. Hate campaigns marginalise vulnerable groups.

This results in unequal participation. Fair elections require issue-based discourse. Divisive speech shifts narrative. Commissions must step in, promptly and effectively.

The balancing act: Freedom of the expression vs. need for regulation

Freedom of the expression holds high constitutional status. But it has limits in public interest. In India, Article 19(1)(a) guarantees this freedom. Article 19(2) allows reasonable restrictions. These include public order and decency⁸. Courts have upheld this balance. In *Kaushal Kishore v State of the Uttar Pradesh* [2023] SCC OnLine SC 43, Supreme Court reiterated that fundamental rights could apply even horizontally to protect citizen dignity⁹. In UK, Article 10 of the ECHR protects expression. Yet, hate speech is restricted under specific statutes. The test lies in proportionality. Courts weigh speech value against social harm. Political speech gets higher protection. Still, it can't incite hatred or violence. Commissions must tread this balance delicately. Enforcement can't curb legitimate criticism. Nor can it protect hate in disguise. The key lies in context, content, and impact.

2. CONCEPTUAL AND LEGAL UNDERSTANDING OF HATE SPEECH

2.1 Defining Hate Speech in International and Domestic Contexts Definitions under UN, ECHR, and other international instruments

Hate speech lacks universal definition. Yet, instruments offer guiding terms. Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR) prohibits advocacy of the hatred. It mandates laws against incitement to discrimination or violence¹⁰. The UN Rabat Plan

⁸ Constitution of the India 1950, art 19(1)(a), art 19(2).

⁹ *Kaushal Kishore v State of the Uttar Pradesh* [2023] SCC OnLine SC 43.

¹⁰ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March

of the Action clarifies thresholds. It demands legality, necessity, and proportionality. It suggests six-pronged analysis—context, speaker, intent, content, extent, and likelihood of the harm¹¹. The ECHR, under Article 10, protects freedom of the expression. However, Article 17 blocks its abuse. In *Garaudy v France* App no 65831/01 (ECHR, 24 June 2003), Holocaust denial was held unprotected. European Court balances dignity with speech rights. Regional charters too restrict hate expression. These global norms influence domestic laws. Yet, implementation varies across jurisdictions.

Definitions in Indian context (Law Commission Report No. 267, Ritika Patni article)

India lacks statutory definition of the hate speech. Still, various provisions criminalise it. Section 153A IPC punishes promotion of the enmity. Section 295A penalises outraging religious feelings. Section 505 addresses statements inciting public mischief. The 267th Law Commission Report (2017) defines hate speech as “incitement to hatred primarily against group of the persons defined in terms of the race, ethnicity, gender, sexual orientation, religious belief, and like”¹². It suggested two new provisions: Sections 153C and 505A IPC. These remain unlegislated. Ritika Patni, in her article, notes that hate speech often attacks group identity, not individuals¹³. She argues political hate speech has broader social impact. Her analysis of the Varun Gandhi’s 2009 speech highlights how gaps in electoral law allowed impunity. Hate speech divides citizens and weakens democratic unity. Yet, legal loopholes dilute consequences.

UK’s legal definition and common law understanding

UK law defines hate speech through statutory rules. The Public Order Act 1986 is primary. Part 3 makes it offence to use threatening, abusive or insulting words intending to stir racial or religious hatred¹⁴. Section 29J protects discussion of the religion. This balances criticism and incitement. The Equality Act 2010 complements these laws. Courts apply proportionality under Article 10 of the Human Rights Act 1998. In *Redmond-Bate v DPP* [1999] EWHC Admin 733, court held that even offensive speech must be tolerated unless it incites violence. In political contexts, courts adopt higher threshold. Yet, direct incitement gets penalised. Hate speech must be intentional, not accidental. This requirement often protects politicians. But repeated

1976) 999 UNTS 171, art 20(2).

¹¹ UN OHCHR, ‘Rabat Plan of the Action on prohibition of the advocacy of the national, racial or religious hatred’ (2012).

¹² Law Commission of the India, ‘267th Report on Hate Speech’ (March 2017) 2–3.

¹³ Ritika Patni and Kasturika Kaumudi (n 1) 754–758.

¹⁴ Public Order Act 1986, ss 18–23, 29J.

communal targeting may breach this standard. UK law ensures safeguards for democratic expression. Still, enforcement remains subject to prosecutorial discretion.

2.2 Theoretical Framework: Free Speech and Its Reasonable Restrictions Article 19(1)(a) and 19(2) of the Indian Constitution

Free speech is fundamental in Indian democracy. Article 19(1)(a) guarantees this right. Article 19(2) qualifies it with eight grounds. These include public order, morality, and decency¹⁵. Courts have upheld these checks. In *Romesh Thappar v State of the Madras* AIR 1950 SC 124, court held public order as legitimate ground for restriction. In *Shreya Singhal v Union of the India* (2015) 5 SCC 1, court struck down vague provisions restricting speech.

Still, it preserved laws curbing incitement. Hate speech is not protected under Article 19(1)(a) when it disrupts public peace. The ECI can act under Article 324 to ensure electoral integrity. The Supreme Court in *Union of the India v Association for Democratic Reforms* (2002) 5 SCC 294 held that free and fair elections form part of the basic structure. Therefore, hate speech restrictions serve democratic ends.

Article 10 of the European Convention on Human Rights (ECHR)

Article 10 of the ECHR recognises freedom of the expression. This includes ideas that shock or offend. But it allows restrictions for legitimate aims. These include national security, public safety, and prevention of the disorder. In *Handyside v UK* (1976) 1 EHRR 737, ECtHR ruled that even controversial ideas merit protection. However, in *Erbakan v Turkey* (2006) 44 EHRR 28, court held that political speech promoting religious hostility warranted sanction. Courts assess proportionality of the interference. The “margin of the appreciation” doctrine allows national authorities discretion. In UK, this influences hate speech regulation. Courts weigh democratic necessity against restriction’s impact.

The harm principle, chilling effect, and counterspeech theory

John Stuart Mill’s harm principle remains central. Speech is free until it causes harm. Harm includes psychological, emotional, or incitement to violence. Hate speech crosses that boundary. It marginalises communities and stokes fear. Still, overregulation causes chilling effect. Vague laws deter legitimate expression. Artists, journalists, and politicians may self-censor. This shrinks public discourse. Counterspeech theory proposes dialogue, not

¹⁵ Constitution of the India 1950, art 19(2).

ensorship. It encourages rebuttal through truth. Yet, in polarised times, counterspeech loses strength. Institutional intervention becomes necessary. Election Commissions must act when democratic discourse is under threat. Their action must be fair, swift, and proportionate.

3. ELECTION COMMISSION OF INDIA (ECI) AND ITS ROLE IN REGULATING HATE SPEECH

3.1 Constitutional and Statutory Framework

Article 324 empowers Election Commission to supervise elections in India. This includes conducting elections to Parliament and State Legislatures. It also includes control over conduct of the political parties. The power is plenary in nature. It enables Commission to act even in absence of the specific legislation¹⁶. It allows preventive and corrective actions. This power supports MCC. The Supreme Court in *Mohinder Singh Gill v Chief Election Commissioner* (1978) 1 SCC 405 affirmed this plenary power¹⁷. The Representation of the People Act, 1951 provides electoral offence definitions. Section 123(3) prohibits appeals to religion, race, caste, community or language for votes. Section 123(3A) punishes promotion of the enmity on similar grounds. Section 123(4) prohibits false statements affecting rival candidates. Section 125 criminalises statements promoting enmity and hatred during elections¹⁸. These provisions form statutory core against hate speech. Model Code of the Conduct (MCC) is consensus-based document. It lays moral standards for electoral conduct. It includes prohibition of the speeches causing communal tension. Although not legally enforceable, its violation attracts censure. ECI issues notices and advisories using Article 324. MCC gains strength through public acceptance. The Supreme Court in *Union of the India v Harbans Singh Jalal* (2001) 8 SCC 321 held MCC has persuasive value¹⁹. It acts as preventive ethical framework. The Commission uses MCC to regulate speech in real-time.

3.2 Judicial Approaches and Gaps

In *Ramesh Yashwant Prabhoo v P Kunte* (1996) 1 SCC 130, Supreme Court disqualified candidate. The speech had religious overtones targeting minorities. The court held that use of the religion for votes violated Section 123(3)²⁰. The judgment stressed secularism as electoral foundation. However, ruling was not followed up with structural enforcement changes. In

¹⁶ Constitution of the India 1950, art 324.

¹⁷ *Mohinder Singh Gill v Chief Election Commissioner* (1978) 1 SCC 405.

¹⁸ Representation of the People Act 1951, ss 123(3), 123(3A), 123(4), 125.

¹⁹ *Union of the India v Harbans Singh Jalal* (2001) 8 SCC 321.

²⁰ *Ramesh Yashwant Prabhoo v P Kunte* (1996) 1 SCC 130.

Manohar Joshi v Nitin Bhaurao Patil (1996) 1 SCC 169, court found statement “Hindu Rashtra will be established” not violative of the Section 123(3). It said it lacked direct appeal to religion. This created inconsistency in standards. Political leaders began to exploit such loopholes. Hate speech became difficult to prosecute.

In Kaushal Kishore v State of the Uttar Pradesh [2023] SCC OnLine SC 43, court clarified Article 19(1)(a) does not apply in private capacity. But it also discussed horizontal application of the fundamental rights. The judgment created ambiguity about liability of the non-state actors. It held that free speech can be restricted by citizens too if it causes harm²¹. This widens scope of the enforcement. But lacks concrete enforcement guidance for ECI. Supreme Court often avoids intervention in hate speech cases. In Dr. Emani Anantha Satyanarayana Sarma v ECI (Diary No. 22067/2024), petition was dismissed. It sought action on hate speech by BJP campaigners. Similarly, in Jafar Imam Naqvi v ECI (2014) court refused directions to ECI. The court said statutory remedies must be exhausted. This reflects institutional reluctance. Judiciary avoids stepping into ECI’s domain. But this creates gaps in accountability.

3.3 Recent ECI Enforcement: Case Study Analysis

In 2024, ECI issued notice to BJP President J.P. Nadda. The notice cited statements by party star campaigners. These included communal, casteist, and anti-minority rhetoric²². Statements referred to Muslims as infiltrators. They accused Congress of the cow slaughter and terrorism support. Some speeches invoked deities and threatened cultural dominance. All these triggered MCC violations and RPA breaches. The ECI observed repeated violations even after notice. It reminded BJP that star campaigners bear higher responsibility. Section 77 of the RPA was cited. It links expenditure and accountability to such speeches. The ECI warned BJP to counsel its leaders. Yet, no disqualification or penal action was taken. The response from ECI was advisory. This shows limits of the enforcement.

The Commission acknowledged challenges in digital speech tracking. It noted that communal narratives spread faster online. But MCC lacks power over social media intermediaries. The ECI also cited pending writs as grounds for delay. Its report cited Law Commission Report No. 267. That report proposed reforms including Sections 153C and 505A in IPC. These remain unimplemented. Hence, regulatory teeth are blunt. Political influence affects ECI autonomy. The perception of the partisanship damages credibility. Institutional independence is crucial. The Supreme Court in Anoop Baranwal v Union of the India (2023) ruled that appointment of

²¹ Kaushal Kishore v State of the Uttar Pradesh [2023] SCC OnLine SC 43.

²² Election Commission of the India, Notice to BJP President, 22 May 2024.

the CEC must be non-executive²³. Still, law remains unclear on removal protections. These issues affect ECI's ability to act against ruling parties.

4. THE ELECTORAL COMMISSION OF THE UNITED KINGDOM: ROLE AND FRAMEWORK

4.1 Legal Framework Governing Hate Speech and Elections in UK

The Representation of the People Act 1983 governs elections in UK. It regulates campaign conduct, candidate nominations, and offences. It lacks specific provisions on hate speech. Hence, Public Order Act 1986 is used. The Public Order Act 1986 criminalises hate speech. Part IIIA prohibits incitement to hatred on religious or racial grounds. It punishes threatening and abusive speech. Section 29J protects freedom of the religious discussion. This balances liberty with order. Political speech remains protected unless it incites violence²⁴. Ofcom regulates broadcast content during elections. It monitors impartiality and fairness. The Communications Act 2003 empowers Ofcom. Broadcasters must follow due impartiality. Breach leads to sanctions. Online content remains under separate scrutiny. Electoral Commission oversees elections and political finance. It guides parties on campaign conduct. But it does not prosecute hate speech. That falls to police and Crown Prosecution Service (CPS).

4.2 Institutional Powers and Enforcement Mechanisms

The Electoral Commission holds investigatory powers. It can request data, review campaign materials, and issue compliance notices. It maintains neutrality. But lacks criminal enforcement authority. Hate speech cases are referred to CPS. Police must record and investigate complaints. CPS decides on prosecution. This separation ensures checks. But delays enforcement. Online hate speech presents new problems. Digital campaigns escape traditional oversight. Electoral Commission collaborates with social media platforms. But voluntary mechanisms are weak. Disinformation and hate spread rapidly. The Online Safety Bill proposes stricter regulation. It empowers Ofcom to sanction platforms. It mandates removal of the illegal hate content. Political content is subject to light-touch regulation. Still, speech causing violence or hatred must be curbed. Cooperation with Electoral Commission is essential.

²³ Anoop Baranwal v Union of the India [2023] SCC OnLine SC

²⁴ Public Order Act 1986, ss 29B–29J.

4.3 Comparative Insights: Enforcement vs. Advisory Role

ECI has wide constitutional powers. But relies on MCC and consensus. It lacks punitive teeth. Judicial reluctance makes matters worse. Enforcement is reactive. Star campaigners escape accountability. UK Commission has limited electoral speech powers. But criminal law complements framework. Police and CPS prosecute hate speech. The Electoral Commission provides procedural oversight. This creates dual-track enforcement. It balances liberty and law. UK's transparency and funding mechanisms are better. Political parties disclose finances. ECI lacks such statutory disclosure checks. UK appointments are independent. India still allows executive control. These differences affect enforcement outcomes. Indian framework must evolve. Legislative reforms and institutional independence are necessary. Hate speech must face timely sanctions. UK model offers some guidance. But contextual realities differ.

COMPARATIVE ANALYSIS: INDIA AND THE UK

4.4 Institutional Structures and Mandates

Article 324 grants ECI plenary authority. It includes control, direction, and superintendence of the elections. The ECI acts autonomously under constitutional backing. The UK Electoral Commission derives power solely from statute. The Representation of the People Act 1983 governs its role. The UK model lacks constitutional mandate. Its independence depends on parliamentary support. India offers wider discretionary power to ECI. Yet, statutory gaps reduce its effectiveness. The UK model separates election monitoring from prosecution. Police and CPS handle speech offences. The Indian model vests quasi-judicial and advisory functions in ECI. However, ECI lacks enforcement machinery. UK structure permits targeted enforcement. India allows wide discretion, but lacks coercive mechanisms. India's structure promotes autonomy. UK's setup ensures accountability. The systems reflect different governance philosophies.

4.5 Approaches to Hate Speech Regulation

MCC in India remains voluntary. It relies on party consensus. The ECI enforces it via advisories. It is not legally binding. The Supreme Court recognised its moral significance. But legal enforceability is weak. In contrast, UK law applies Public Order Act 1986. It criminalises incitement to racial or religious hatred. The UK model uses prosecutors and courts. In India, ECI handles complaints during elections. Courts handle disqualification later. This leads to post-facto justice. UK's approach uses preemptive legal sanctions. India depends on post-election outcomes. Political disqualification comes years later. This reduces deterrence. India

also lacks statutory power to act against digital hate. UK plans online safety regulation. India's legal tools remain fragmented. UK aligns hate speech control with criminal law. Criminal laws in India include Sections 153A, 295A, and 505 of the IPC. These provisions overlap with election law. Section 123(3) to 123(4) of the RPA cover corrupt practices. UK criminalises hate speech under Public Order Act. Sentences range from fines to imprisonment. UK applies objective thresholds. India's language remains vague and inconsistent.

4.6 Challenges and Effectiveness

In India, prosecution takes years. Trials are slow. Hate speech cases get delayed. Disqualifications are retrospective. Offenders continue campaigning. MCC lacks statutory force. Judicial rulings show conflicting standards. Star campaigners escape censure. Political bias is alleged. The ECI faces trust deficits. Enforcement appears selective. The UK faces under-reporting of the hate speech. Free speech norms restrain regulatory zeal. Prosecutors face political pressure. Social media escapes real-time oversight. Online hate spreads unchecked. Investigations take time. Jurisdictional issues exist. Platforms may refuse cooperation. Electoral Commission lacks punitive power. CPS delays reduce public confidence. Cross-learning helps both jurisdictions. India may adopt statutory hate speech codes. UK could emulate India's proactive campaign monitoring. ECI may strengthen digital vigilance. UK might allow pre-campaign regulation. Joint efforts can improve electoral fairness.

5. REFORM PROPOSALS AND POLICY RECOMMENDATIONS

5.1 For India:

1. MCC must be given statutory status. This ensures enforceability. Parliament may codify MCC principles. ECI needs punitive power. Section 79(b) must redefine "candidate". It must include pre-nomination speeches. Hate speech before candidature must be punishable.
2. Election offences must be fast-tracked. Special courts should be created. Resolution must occur before result declaration. Delay weakens deterrence. Electoral disputes must be time-bound. Section 123(3A) must cover indirect appeals.
3. The Election Symbols Order may be amended. ECI may suspend symbol allocation. Repeat offenders may lose recognition. Party responsibility must be codified. Star campaigners must face strict scrutiny.

5.2 For UK:

1. Electoral Commission must coordinate with platforms. Real-time content monitoring is vital. Hate campaigns must be tracked. Transparency in campaign funding must be enforced. Hidden donors must be disclosed.
2. Digital campaigns must declare sources. Voter manipulation must be punished. Electoral content may be vetted. Platforms must submit compliance reports. False political ads must be penalised.

5.3 Common Recommendations:

The researcher suggests that:

1. AI tools must be adopted. They can detect hate speech online. Sentiment analysis must flag violative content. Automated alerts can help regulators.
2. Voter education must be promoted. Counterspeech must be encouraged. Citizens must be empowered. Civil society must lead change.
3. Political parties must be accountable. Hate speech guidelines must be signed. Star campaigners must be listed. Their conduct must be reviewed.
4. International cooperation is essential. Shared frameworks can evolve. Global standards must be created. Electoral commissions must exchange data. Regional bodies may supervise compliance.

6. CONCLUSION

Electoral hate speech undermines equality and damages voter autonomy. It deepens divisions. It reduces electoral confidence. In India and UK, political actors exploit group identities. Hate speech gains political traction. Institutions struggle to control fallout. Election Commissions hold responsibility to act. India's ECI enjoys constitutional power under Article 324. But lacks coercive tools. MCC has no statutory backing. Enforcement is moral, not legal. Judicial precedents lack consistency. Delays in disqualification aid impunity. Hate speech remains unpunished. Courts avoid proactive orders. Public perception of the bias increases. UK's Electoral Commission functions under statutory mandate. Public Order Act 1986 criminalises hate speech. Prosecution lies with police and CPS. Electoral Commission guides compliance. Ofcom regulates broadcast content. Yet, online hate often escapes enforcement. Political speech enjoys broad protection. Social media remains under-regulated.

Both systems reveal limitations. India delays legal action. UK under-reports violations. MCC fails as deterrent. UK's legal standards are strict. But coordination gaps exist. Hate speech still sways elections. Voters face communal narratives. Minorities face exclusion. Election Commissions must strengthen credibility. India must codify MCC. Star campaigners must face legal risk. UK must tighten online regulation. AI tools can aid detection. Cross-border cooperation can aid reform. Transparency in political funding is key. Counterspeech must be institutionalised. Civil society has role. Free speech must be preserved. But not weaponised. Electoral discourse must remain civil. Hate must not win votes. Law must protect democratic dignity. Election Commissions must act, without delay or fear.

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