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FROM TWEETS TO TRIALS: THE SOCIO-LEGAL CHALLENGE OF ONLINE HATE IN INDIA

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Abstract

This article critically examines the growing crisis of digital hate speech in India through a socio-legal lens, highlighting the deep tensions between constitutional freedoms and evolving threats to public order. As online platforms increasingly serve as arenas for both democratic dialogue and communal vitriol, the limitations of India's current legal framework—rooted in colonial-era statutes and piecemeal digital regulations—are laid bare. The paper analyzes the inadequacies of the Indian Penal Code, the Information Technology Act, and the IT Rules, 2021, in regulating rapidly spreading, algorithm-driven, and often anonymized hate speech. Judicial responses, though notable, remain reactive and constrained by the absence of clear statutory definitions and proportional enforcement mechanisms. Drawing on constitutional jurisprudence, comparative perspectives, and real-world case studies, the article proposes a reform agenda grounded in precision, proportionality, and due process. It calls for a modern legal architecture that balances free expression under Article 19(1)(a) with the reasonable restrictions of Article 19(2), while safeguarding democratic values in a digitally polarized society. Ultimately, the article argues that without a nuanced, rights-respecting, and forward-looking regulatory approach, India risks normalizing online hate at the expense of civic harmony and constitutional integrity.

Introduction: The Digital Court of Public

Social media has become India's modern-day public square—where opinions are shaped, movements begin, and, increasingly, hate is amplified. With over 800 million internet users, platforms like X (formerly Twitter), Facebook, and YouTube have transformed how Indians engage with politics, religion, and identity. But alongside free expression, these platforms have also enabled the rapid spread of hate speech—often cloaked in anonymity and boosted by algorithms.

Incidents like the 2020 Delhi riots and the 2023 Manipur violence reveal how inflammatory

content online can spark real-world harm. Such events force us to confront difficult questions: where should the line be drawn between free speech and hate? What roles should platforms, users, and the state play in preventing harm?

At the core lies a constitutional dilemma—balancing the right to free expression under Article 19(1)(a) with the reasonable restrictions under Article 19(2). This article examines the legal and societal challenges of digital hate speech in India, exploring key laws, court decisions, and the tensions between regulation, technology, and constitutional values.

Legal Landscape of Hate Speech in India

India, despite being one of the world's most diverse and pluralistic societies, does not have a standalone legislation that defines or criminalizes "hate speech" in a comprehensive manner. Instead, the regulation of hate speech in the country is carried out through a patchwork of laws, largely drawn from the colonial-era Indian Penal Code (IPC), the Information Technology Act, 2000, and more recently, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

Hate Speech and the Indian Penal Code (BNS)

Although the Bharatiya Nyaya Sanhita (BNS), 2023 is a newly enacted legislation replacing the colonial-era Indian Penal Code, it remains central to addressing hate speech in India. However, it does not define "hate speech" directly. Instead, it criminalizes speech that could disrupt communal harmony or provoke violence. For instance, **Section 194¹** penalizes any attempt to promote enmity between different communities based on religion, caste, language, or place of birth. Similarly, **Section 195²** targets acts intended to deliberately outrage religious feelings, though it has often been misused to silence artistic or satirical expressions.

Sections 356(1)³ and 356(2)⁴ deal with spreading rumors or statements that could incite public disorder or hostility between groups. These provisions are frequently invoked in digital hate speech cases, particularly on social media. Despite offering a legal basis for action, critics argue that the language used in these sections—like "hatred" or "ill-will"—is vague, allowing for arbitrary interpretation and misuse.⁵ These laws were also conceptualized before the digital era,

¹Bharatiya Nyaya Sanhita, 2023, § 194

²Bharatiya Nyaya Sanhita, 2023, § 195

³Bharatiya Nyaya Sanhita, 2023, § 356(1)

⁴Bharatiya Nyaya Sanhita, 2023, § 356(2)

⁵ Usha Ramanathan, "Colonial Echoes in India's Hate Speech Law," *Seminar*, Issue 713, January 2019.

making their application to online content both difficult and inconsistent.

The IT Act and the Fallout of Section 66A

The Information Technology Act, 2000 initially attempted to regulate online speech through Section 66A⁶, which penalized offensive online messages. However, in *Shreya Singhal v. Union of India* (2015)⁷, the Supreme Court struck it down for violating the right to free speech. The court ruled that vague terms like “grossly offensive” couldn't justify criminal penalties and clarified that only speech inciting violence could be restricted under Article 19(2).⁸

With Section 66A gone, law enforcement has turned to older IPC provisions and Section 69A⁹ of the IT Act, which allows the government to block online content in the interest of national security or public order. However, these powers are often exercised without transparency or judicial oversight, raising concerns over unchecked censorship.

The IT Rules, 2021: A New Digital Regime

To address rising concerns over online hate, abuse, and fake news, the government introduced the IT Rules, 2021¹⁰. These rules mandate social media companies, especially large platforms, to appoint grievance officers and respond swiftly to complaints—especially involving hate speech, misinformation, or threats to national security.¹¹

A particularly controversial feature is the traceability clause, which requires platforms like WhatsApp to identify the first originator of problematic messages.¹² While intended to stop harmful viral content, critics argue it compromises user privacy and may violate the right to anonymity upheld in the *Puttaswamy* judgment.¹³

The Rules also enforce strict timelines for content takedown—36 hours for most cases, and just 24 hours for sexually explicit content.¹⁴ While this is aimed at curbing harmful content quickly,

⁶ Information Technology Act, 2000, § 66A

⁷ *Shreya Singhal v. Union of India*, (2015) 5 SCC 155484.

⁸ *Ibid.* The Court emphasized the distinction between “advocacy,” “discussion,” and “incitement.”

⁹ Information Technology Act, 2000, § 69A

¹⁰ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, notified on 25 February 2021 under Section 87 of the Information Technology Act, 2000.

¹¹ IT Rules, 2021, Rule 3(2).

¹² IT Rules, 2021, Rule 4(2)

¹³ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1

¹⁴ IT Rules, 2021, Rule 3(1)(d).

the absence of judicial review in many cases has raised fears of arbitrary or politically motivated censorship.

Moreover, digital news outlets and OTT platforms now face a three-tier regulatory framework¹⁵. While it begins with self-regulation, the final oversight rests with the government, raising concerns about control over journalistic and creative freedom. Courts in states like Maharashtra and Tamil Nadu have already flagged parts of the Rules as excessive or unconstitutional.

Overall, while the IT Rules aim to make the digital space safer, they risk silencing legitimate speech and concentrate regulatory power in government hands¹⁶. This could lead platforms to over-censor content to avoid penalties, impacting the free flow of information and democratic discourse. Smaller players may also struggle with compliance, potentially shrinking the space for independent voices and innovation online.

Judicial Responses and Landmark Cases

Indian courts have, over the years, attempted to respond to the growing concern of hate speech in both physical and digital spaces. While the judiciary has occasionally stepped in to interpret existing laws and reiterate the constitutional limits of free expression, its role has been constrained by the absence of a comprehensive legislative framework that clearly defines and regulates hate speech. As a result, judicial decisions have often been reactive rather than reformative, and case-specific rather than systemic.

One of the most notable judicial interventions in this context came in the case of *Pravasi Bhalai Sangathan v. Union of India* (2014)¹⁷. The petitioner, a non-governmental organization, approached the Supreme Court with a plea to frame guidelines to regulate hate speech by public figures. The Court, while acknowledging the serious threat posed by hate speech to India's pluralistic fabric, ultimately declined to lay down judicially enforceable norms. It observed that hate speech is a "menace" and that existing legal provisions under the IPC, Representation of People Act, and other laws were not sufficient to address the evolving nature of such speech,

¹⁵ IT Rules, 2021, Part III. Establishes a three-tier structure for digital news and OTT platforms

¹⁶ Namrata Maheshwari, "How India's IT Rules Could Undermine Free Speech," Internet Democracy Project, 2021

¹⁷ *Pravasi Bhalai Sangathan v. Union of India*, (2014) 11 SCC 477.

particularly in mass media and public discourse. However, the Court held that creating new penal provisions or comprehensive definitions falls within the domain of the legislature, not the judiciary. The judgment reflected judicial restraint, emphasizing the doctrine of separation of powers, even though it also left a vacuum in terms of actionable guidelines for hate speech regulation.

In a more recent and digitally rooted context, the Delhi High Court addressed a critical case in *Amit Bhalla v. State* (2021)¹⁸. The case arose when Amit Bhalla, an individual active on social media, was accused of making inflammatory posts on Facebook targeting a particular religious minority. These posts, widely circulated and shared, were allegedly linked to increased tensions and unrest in certain neighborhoods. The Delhi High Court took a stern view of the matter, noting that the right to freedom of speech under Article 19(1)(a) is not absolute. It reiterated that speech which crosses the threshold into incitement, communal provocation, or targeted abuse cannot be protected under the guise of free expression. Upholding the invocation of IPC sections such as 153A and 505(2), the Court emphasized that the digital space cannot become a lawless frontier where individuals enjoy impunity for spreading hate.

These cases, while important, also underscore the judiciary's limitations in tackling the broader challenges posed by digital hate speech. Without a clear statutory definition of what constitutes hate speech, courts are often left to interpret vague terms like "enmity," "hatred," and "outrage" on a case-by-case basis. This not only leads to inconsistent outcomes but also creates a climate of legal uncertainty for both victims and accused. Furthermore, the courts tend to exercise caution in politically sensitive matters, often steering clear of proactively intervening unless there is substantial public disorder or violence.

Another significant judicial moment was the *Shreya Singhal v. Union of India* (2015)¹⁹ decision, which, although primarily about Section 66A of the IT Act, laid down a crucial test distinguishing between advocacy, discussion, and incitement. The Supreme Court struck down Section 66A for being vague and overly broad, stating that only incitement to violence or a clear threat to public order could justify restrictions under Article 19(2). This test has since guided courts in assessing speech-related cases, including those involving hate speech online. However, its application has been uneven, especially in lower courts, where the nuance

¹⁸ *Amit Bhalla v. State*, 2021 SCC OnLine Del 4723

¹⁹ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

between offensive expression and incitement is often blurred.

Despite these landmark rulings, judicial interventions remain mostly reactive and episodic. Courts do not have the institutional capacity or investigative tools to proactively monitor hate speech, especially given its fast-moving, coded, and viral nature on digital platforms. Moreover, in the absence of a robust legal framework and clear guidelines from Parliament, the judiciary's role often ends at interpreting outdated laws that were never designed to govern the complexities of digital communication.

Gaps, Inconsistencies, and the Way Forward

India's legal approach to hate speech is fragmented and outdated, falling short of the demands of a fast-changing digital society. While various laws exist to tackle hateful expression,²⁰ they lack coherence and clarity, leading to confusion in enforcement and judicial processes.

A major concern is the vague language in existing laws. Terms like “hatred,” “enmity,” or “outraging religious feelings” are subjective and open to interpretation. This ambiguity allows the same content to be viewed as satire by some and as offensive by others. In a diverse country like India, such vague terms can easily be misused to silence dissent, target political critics, or suppress artistic expression under the pretext of protecting public sentiments.

Another issue is the overlap between different laws. A single online post could be prosecuted under multiple sections of the IPC and IT Act simultaneously—like Sections 153A, 505, and 69A—leading to legal ambiguity and the potential for double punishment.²¹ This not only burdens enforcement agencies and the courts but also puts the accused in a complicated legal trap.

Selective enforcement is a growing problem. Often, hate speech laws are used disproportionately—those aligned with powerful political or religious groups may face no consequences for inflammatory remarks, while common citizens, activists, or journalists critical of the status quo are swiftly targeted. This creates a perception of bias, weakens faith in legal institutions, and deepens societal divisions.

²⁰ Usha Ramanathan, “Colonial Echoes in India's Hate Speech Law,” *Seminar*, Issue 713, Jan 2019.

²¹ Indian Penal Code, 1860, §§ 153A, 505; Information Technology Act, 2000, § 69A.

The digital age brings further complications. Unlike traditional media, online hate speech spreads instantly and widely.²² Algorithms on platforms like Facebook, YouTube, or X (formerly Twitter) often amplify inflammatory content. The use of anonymous accounts, bots, encrypted messaging, and offshore servers makes tracing offenders nearly impossible. Existing Indian laws, rooted in the print and broadcast era, are ill-equipped to manage the scale and speed of digital hate.²³

What makes matters worse is the lack of transparency in how hate speech laws—particularly Section 69A²⁴ of the IT Act and the 2021 IT Rules—are enforced. The government can order content takedowns or website blocks without publicly disclosing the reasons or allowing the affected parties a chance to respond. There’s no clear appeal process or independent review, making these powers susceptible to misuse and turning them into tools of censorship rather than protection.

To move forward, India urgently needs a modern, precise, and constitutionally sound legal framework for regulating hate speech.²⁵ This framework should start with a clear definition of hate speech, separate from merely offensive or unpopular views. Laws must follow the principle of proportionality, ensuring that restrictions are narrowly tailored to prevent genuine harm, not suppress free expression.

Procedural safeguards—like prior notice, the right to be heard, and an appeal mechanism—must be integral to any new regulation. Importantly, the law-making process should involve voices from civil society, the legal community, digital platforms, and vulnerable communities. A top-down, state-driven approach won’t strike the needed balance between free speech, public order, and privacy.

Any future legislation must stay grounded in the Indian Constitution, particularly Articles 14, 19, and 21, which uphold equality, freedom of expression, and personal dignity.²⁶ Only then can India hope to tackle hate speech effectively without compromising its democratic ideals.

²² Tarleton Gillespie, *Custodians of the Internet*, Yale University Press, 2018.

²³ Chinmayi Arun, “Hate Speech in India: A Review of the Law,” *Centre for Communication Governance*, National Law University Delhi, 2020.

²⁴ Information Technology Act, 2000, § 69A

²⁵ Law Commission of India, “Report No. 267: Hate Speech,” March 2017

²⁶ Constitution of India, Articles 14, 19(1)(a), and 21.

The Challenge of Digital Hate Speech

Hate speech isn't new to India, but the digital age has completely transformed how it's spread. Unlike earlier times when speeches or pamphlets incited hate, now a meme, tweet, or short video can trigger real-world violence within minutes. This shift has created a complex new threat: digital hate speech—fast, coded, and hard to trace.

Much of this hate hides in plain sight—memes, emojis, hashtags, or seemingly harmless jokes that carry deep, targeted hostility. Words like “*love jihad*” or “*anti-national*” often act as dog whistles, slipping past content moderators while signaling hate to intended audiences.²⁷ This makes detection tricky for both platforms and regulators.

Adding to the problem are social media algorithms. Designed to boost engagement, they often push divisive or shocking content higher in feeds. Hate grabs more attention than reasoned dialogue—making such content more visible and even profitable for platforms.²⁸ In this way, digital hate is not just allowed—it's rewarded.

Anonymity worsens the situation. Online, users can hide behind fake names, bots, or encrypted chats, saying things they'd never say publicly. Coordinated troll campaigns can harass users, especially women and minorities, with little fear of consequences²⁹. Victims often struggle to get help, as complaints are slow to process and enforcement is weak.

The speed and virality of digital platforms make hate nearly impossible to contain. Even if content is removed, it often lives on through screenshots or downloads. Once it's online, it spreads beyond control—turning hate speech from a legal issue into a larger social and technological crisis.

Jurisdiction is another hurdle. Much of this content originates from foreign servers or anonymous users overseas, beyond the reach of Indian law. By the time legal requests are processed, the harm is often already done.

Then there's the scale—with millions of posts uploaded every day, law enforcement can't

²⁷ Faiza Rahman & Aparna Chandra, “The Legal Contours of Hate Speech in India,” *NLS Review*, 2021.

²⁸ Evelyn Douek, “The Rise of Content Cartels,” *Harvard Law Review Forum*, 2021.

²⁹ Amnesty International, “Troll Patrol India: Exposing Online Abuse Faced by Women Politicians,” 2018.

monitor everything. While automated moderation tools exist, they often miss cultural context, leading to flawed results.³⁰

In sum, digital hate speech sits at the crossroads of law, technology, and society. Arrests and takedowns alone aren't enough. What's needed is a smarter, modern legal system backed by improved tech, user education, and platform accountability.

India's current laws were designed for a pre-internet world—where speech had a known author and medium. But digital hate doesn't work that way. Unless the law evolves to match today's online realities, the gap between hate speech and justice will only grow wider.

Constitutional Tensions: Article 19(1)(a) vs. Article 19(2)

One of the biggest questions that India's legal and social systems face today is this: How free should speech be in a democracy that is as diverse, emotional, and fragile as India? This debate is not new, but it becomes particularly intense in the context of hate speech. On the one hand, Article 19(1)(a) of the Indian Constitution guarantees every citizen the right to freedom of speech and expression. On the other hand, Article 19(2) allows the State to impose “reasonable restrictions”³¹ on this freedom in the interest of public order, morality, and the security of the State, among other grounds. Balancing these two is a tightrope walk—especially when the speech in question is hateful, offensive, or inflammatory.

The Doctrine of Reasonable Restrictions

India is one of the few democracies that directly spells out exceptions to free speech in its Constitution. The idea is that freedom is not absolute. If the exercise of speech incites violence, promotes enmity, or disturbs public peace, the government has a constitutional duty to intervene. These limitations are framed under the doctrine of “reasonable restrictions”, which acts as a safeguard against the misuse of speech in a plural and often polarized society.

However, the word “reasonable” is subjective. What one government considers a necessary restriction, another might see as censorship.³² Over the years, courts have tried to interpret this reasonableness, asking whether the restriction is proportionate, whether it serves a legitimate

³⁰ Medianama, “AI Tools and Content Moderation Failures in India,” 2022.

³¹ Constitution of India, Article 19(1)(a) and Article 19(2).

³² *Modern Dental College and Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353.

goal, and whether it could be achieved by less drastic means.

Is Hate Speech Protected Speech?

The answer to this question is both simple and complicated. In theory, hate speech is not protected under Article 19(1)(a) if it crosses the threshold into incitement of violence or public disorder. But in practice, it becomes difficult to decide where exactly that threshold lies. Does mocking a religion count as hate speech? Does criticizing a government policy that affects a community qualify as incitement?

These gray areas are especially tricky in digital spaces. Online hate doesn't always come with direct calls to violence. Instead, it may be passive-aggressive, sarcastic, or coded in a way that makes it hard to detect. Yet its impact can be deeply harmful.³³ This makes the judicial task of balancing freedom and restriction even more complex.

Comparative Lens: U.S. vs. India

A helpful way to understand India's position is to compare it with free speech jurisprudence in the United States, which is far more speech-protective.

In *Brandenburg v. Ohio* (1969), the U.S.³⁴ Supreme Court held that even hateful speech is protected unless it incites "imminent lawless action." This means that a speaker can be as offensive or inflammatory as they want, unless they are actively encouraging people to break the law in the immediate moment. The U.S. takes a very cautious approach to restrictions, preferring to let speech flourish—even if it's unpleasant—on the belief that open debate and counter-speech are better remedies than censorship.

India, by contrast, adopts a more communitarian approach. In *Shreya Singhal v. Union of India* (2015), the Indian Supreme Court struck down Section 66A of the IT Act because it was vague and overbroad. However³⁵, the Court still upheld the principle that speech which crosses from "advocacy" to "incitement" could be curtailed under Article 19(2). The emphasis was on preserving public order in a society as diverse and sensitive as India's, where even a small spark can lead to large-scale unrest.

³³ Chinmayi Arun, "Hate Speech: Beyond Criminalisation," in *Freedom of Speech and Expression*, Oxford Handbook (2021).

³⁴ *Brandenburg v. Ohio*, 395 U.S. 444 (1969).

³⁵ *Brandenburg v. Ohio*, 395 U.S. 444 (1969).

This distinction is important. While the U.S. prioritizes individual liberty, India gives greater weight to collective harmony. Neither model is perfect. India's approach reduces the risk of communal violence but risks silencing unpopular opinions. The U.S. approach protects freedom robustly but often at the cost of social cohesion.

The Dilemma of Overregulation vs. Underprotection

India now finds itself in a difficult position. On one side, there is pressure to curb hate speech to protect minorities, ensure social peace, and uphold democratic values. On the other, there is a real danger of overregulation, where legitimate speech—criticism, satire, dissent—is targeted under the garb of preventing hate.

This dilemma plays out daily. A journalist tweeting about caste atrocities may face criminal action, while political leaders making open threats may go unpunished.³⁶ Laws meant to protect communities are being applied selectively, often influenced by political interests. In this climate, it becomes hard to separate genuine hate speech from weaponized speech regulation. The answer lies not in choosing between free speech and social harmony but in refining the law and its application. The courts must lay down clearer guidelines on what constitutes hate speech. Enforcement must be fair and non-discriminatory.³⁷ And most importantly, there needs to be public awareness that freedom comes with responsibility.

The Role and Limits of the IT Rules, 2021

As digital spaces in India continue to expand, so do the challenges of managing them—especially when it comes to online hate, misinformation, and abuse. To address this growing problem, the Government of India introduced the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, better known as the IT Rules, 2021. These Rules were aimed at making social media platforms, digital news publishers, and over-the-top (OTT) platforms more accountable for the content they host.

What Do the Rules Say?

The IT Rules, 2021 lay down several duties for intermediaries—like WhatsApp, Facebook, Instagram, Twitter (now X), YouTube, and online news sites. The key provisions include:

³⁶ PUCL Report, "Hate Speech and Legal Impunity in India," 2022.

³⁷ Law Commission of India, "Hate Speech and the Constitutional Balance," Consultation Paper, 2018.

- **Traceability of Originators:** Messaging apps that use end-to-end encryption (such as WhatsApp or Signal) must be able to identify the “first originator” of a message if required by law enforcement. This is meant to help track the source of fake news or hate speech.
- **Takedown Orders:** Platforms must remove content within 36 hours of receiving a court order or a government notice. This applies to anything considered unlawful, including hate speech, sexually explicit content, or content that threatens sovereignty or public order.
- **Regulation of Digital News and OTT:** For the first time, the government brought digital news outlets and streaming platforms under a three-tier oversight system. This includes self-regulation by publishers, an industry body, and an inter-ministerial government committee at the top.

Legal Pushback and Constitutional Concerns

Soon after the IT Rules, 2021 were introduced, several High Courts raised red flags. The Bombay High Court put parts of the Rules on hold, particularly those affecting digital news, warning that they could have a chilling effect on free speech and press freedom. The Madras High Court also stressed the risk of arbitrary censorship without proper safeguards.

Critics argue the Rules conflict with key constitutional rights. The traceability clause, for instance, threatens user privacy protected under the *Puttaswamy* ruling, as it could undermine encryption. Moreover, allowing executive authorities to order content takedowns—without always needing court approval—raises serious concerns around due process and unchecked power.

Another troubling aspect is the lack of independence in the oversight process. The top review body is part of the same government machinery that issues takedown orders, leading to concerns about bias—especially when content critical of the government is involved during elections, protests, or communal unrest.

A Double-Edged Sword

The Rules were created to address urgent problems like hate speech, fake news, and online abuse. However, their vague language and wide reach open the door to misuse. Instead of

fostering a safer internet, they risk being used to silence independent voices, journalists, and critics—essential pillars of democracy.

While the intention is to curb harmful online content, without clear definitions or checks and balances, enforcement can easily go overboard. Platforms might overcompensate, removing legitimate posts to avoid penalties, harming free expression in the process. This brings us back to the ongoing tension between regulation and freedom—where accountability must not come at the cost of fundamental rights under Article 19.

Reform Recommendations: Building a Balanced Framework

1 India urgently needs a clearer, fairer framework to tackle digital hate speech. First, the law must offer a **precise definition** of hate speech—one that targets incitement and discrimination but protects dissent and satire.

Second, a **graded response system** is vital. Not all hate speech is equally harmful; responses should depend on intent, impact, and reach—from warnings for minor cases to penalties for repeat or viral offenders.

Third, platforms must have **compliance teams with judicial oversight**. Local officers should handle complaints, but major takedown actions must be reviewed by courts to prevent political misuse.

Fourth, **digital literacy** is key. People must be taught to spot fake news, report abuse, and engage respectfully online. This requires public education in schools and communities.

The Way Forward

India's legal system must evolve to protect both digital safety and constitutional freedoms. Reform must be inclusive, balanced, and rooted in democratic values—especially Articles 14, 19, and 21. Managing hate speech isn't about silencing voices, but ensuring everyone can speak safely and respectfully in a diverse, digital democracy.

Conclusion: Speech, Society, and Sanity

In today's digitally driven India, where smartphones often serve as political platforms and social media acts as the new public square, the question is no longer whether hate speech should be regulated—but how. Through this article, we have explored the many dimensions of this issue: a fragmented legal framework, outdated IPC provisions, the role of algorithms, the dilemma of free speech vs. social harmony, the contested IT Rules, and the need for nuanced reforms.

At the heart of it all lies a complex constitutional tension. Article 19(1)(a) gives us the right to speak, protest, criticize, and even offend. But Article 19(2) reminds us that such speech cannot come at the cost of public order, dignity, or democracy itself. The key is not to silence dissent, but to build guardrails that can distinguish between legitimate expression and socially corrosive hatred—especially in an era where virality and anonymity can turn one post into a spark for mass unrest.

India needs a new legal language for the digital age—one that recognizes the power of words, the reach of technology, and the vulnerability of its citizens. Regulation must be balanced, transparent, and rights-respecting, rooted not in fear or control but in the democratic values we claim to protect. In safeguarding speech, we must also safeguard society. Because free expression without responsibility risks becoming noise—and at worst, violence.

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