

## Contours of Controversy: Analyzing Hate Speech Within the Framework of Free Speech

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*“Tackling hate speech doesn't really imply restricting or outlawing freedom of speech and expression. It entails preventing hate speech from turning into something even more harmful, especially when it incites hatred, animosity, or aggression, which is against global law.*

*-António Guterres [1]*

### Abstract

The line between ‘freedom of expression’ and ‘hateful speech’ is confusing; it is easy to lose sight of when and where we should draw it. The former is an absolute necessity for a true democracy, and the latter is just the opposite, a hindrance. The author explores this deference using relevant case laws and conventions in this paper. ‘Freedom of speech’ is the essence of a democratic society, and limitations are subject to scrutiny. When ‘hateful speech’ breaks the legislation prohibiting the spread of hatred and/or the instigation of action, it no longer qualifies as ‘freedom of speech’. The laws governing ‘hateful speech’ have proven difficult to follow in modern times, as with increased connectivity, there are new means of expressing yourself every day. This paper examines the idea of ‘hateful speech’ in its entirety, how it differs from ‘freedom of speech and expression,’ and how the country has been harmed by the proliferation of ‘hateful speech’.

**Keywords:** free speech, freedom, hate speech, hatred, human rights

### Introduction

‘Free speech’ is not an idea of the modern times as some might suggest; it has been present in our societies since the end of the fifth century B.C, since the time of Ancient Greece, wherein the word ‘parrhesia’ meant ‘free speech’ or to ‘speak candidly’. It was one of the most fundamental values that were to be upheld by Athenians in power to ensure everyone could speak their minds. In modern-day polity, this concept was formally recognized and protected in 1689 when the Parliament of England adopted the ‘Bill of Rights’. In India, ‘freedom of speech’ is acknowledged as a fundamental right in the Constitution, which was drafted in 1949. For India, ‘free speech’ being ensured and protected was like ‘rain in scorching heat’; it was a breath of relief after being subjugated by the British, telling the citizens of India that their thoughts, feelings, and how they express them all matter.

It is regarded as among the most important rights since it enables individuals to achieve self-fulfillment and strengthens their ability to enjoy their liberty completely [2]. Historically, there have been gross perversions of these ideals during times of war and crisis, and the first function that gets restricted is ‘free

speech'. The 'Butcher of Uganda,' Idi Amin Dada, gave the infamous quote, "There is freedom of speech, but I cannot guarantee freedom after the speech," reminding the people to exercise their freedoms carefully. The foundation of personal sovereignty is one's liberties; they are ensured to serve as checks on state power [3]. When this liberty is curbed, the state gets corrupt.

Article 19 of the 'Universal Declaration of Human Rights' (UDHR) [4] guarantees the right to 'freedom of speech and expression'. It is regarded as among the most important rights since it enables individuals to achieve self-fulfillment and strengthens their ability to enjoy their liberty completely [5]. Internationally, history has seen the total perversion of liberties and destruction of liberties, not only under British colonialism but also during Adolph Hitler's government, which "established a cabinet to impose Nazi control over all facets of German intellectual and cultural culture [6]."

While 'free speech' is considered a cornerstone of our democracy, responsible speech is the essence of the 'freedom' and 'liberty granted under Article 19 (1) (a) of the Constitution. One of the greatest challenges before the principle of 'autonomy' and 'free speech' principle is to ensure that this liberty is not exercised to the detriment of any individual or the disadvantaged section of society. This issue poses a greater challenge in India, with diverse 'castes,' 'creeds,' 'religions,' and 'languages.' Article 19(1) (a) of the Constitution, which guarantees 'freedom of speech and expression' to all citizens of India, is subjected to certain restrictions, namely, the "sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offense [7]."

One of the most important factors in the practice and defense of many other rights includes the right to 'freedom of speech and expression', a basic fundamental right [8]. A current societal potential for democratic and goal-orientation commitment to democracies is measured by its citizens' capacity to express themselves and exchange intelligence. 'Freedom of speech' could be exploited in those other situations, leading to a totally distinct problem. Some people or parties can propagate ideas about how better a group, culture, or country is to marginalize individuals who do not identify with 'their' community and to inspire flight, separation, or even extermination. While 'freedom of speech' is viewed as a right of the political spectrum, 'freedom of thought' is a basic democratic privilege, making it impossible for anybody to suppress or restrict human consciousness, statements that incite 'anger', 'anarchy', and 'destabilization in civilization' occur globally under the banner of 'free expression' due to which, 'freedom of speech' is often confused with 'hateful speech'. Social press accessibility has provided individuals the opportunity and chance to express their opinions about concepts or specific individuals. Still, at the same time, 'freedom of speech' can be exploited in a way where it becomes 'hate speech' without talking about how, in the current scenario, 'freedom of speech' has become a rather debated topic in India with a speech against the status quo and suddenly qualifying it as 'hate speech'. While misuse of 'free speech' is acknowledged, one must also acknowledge how easy it is to categorize dissent as 'hate speech' for it to lose traction.

'Free speech' and 'hate speech' are frequently contrasted as compatible concepts, even if they are opposite ends of the same spectrum. The liberal urge gives rise to the concept of 'free speech,' while the desire to incite hatred is rooted in the earliest, most antiquated form of 'bullying for authority', but they are not identical. There seem to be restrictions on liberty, but it permits individuals to express their opinions and views publicly. On the contrary, 'hateful speech' disregards relevant restrictions while encouraging injury or aggression against others. It is crucial to understand the meaning of 'free speech' and 'hate speech' to

differentiate between them.

## THE ESSENCE OF FREE SPEECH: WHAT DOES IT ENTAIL?

Socrates, known to be one of the greatest thinkers of his time, was on trial for ‘not believing in the gods inwhom the city believes,’ urging people to seek ‘moral truths.’ In the current day and age, this is not a very surprising statement. Our society now widely accepts atheism, but that was not the case for Athens during the time of Socrates, and he was given a death sentence in return for his attempt at starting this discourse. Now, what would we classify this as? Would Socrates, a philosopher, questioning the moral truths of this universe and our being be qualified as “free speech,” or would a statement that questions the very fiber of society back then, which was gods, be considered disruptive and not something one can exercise as a matter of right? This is one of the many examples of ‘free speech’ being a double-edged sword.

Amnesty International [9] defines ‘freedom of speech’ as “The right to seek, receive and impart information and ideas of all kinds, by any means [10].” The right to ‘freedom of speech and expression,’ sometimes known as the ability to be heard, permits individuals to express themselves without fear of ‘retaliation,’ ‘censoring,’ or ‘intervention’ from the authorities. In accordance with the law, in a free democracy, this liberty may well be subjected to procedures, restrictions, conditions, and fines. This liberty encompasses the rights of the press to share its viewpoints and the liberty of the populace to voice their complaints via petitions or demonstrations. Although ‘freedom of expression’ and ‘freedom of speech’ are frequently used interchangeably, the latter applies to requesting and receiving facts through any channel. George Washington says, “If freedom of speech is taken away, then dumb and silent we may be led, like sheep to the slaughter [11].” The liberty to speak and communicate ideas includes having the liberty to print and disseminate one’s thoughts and other viewpoints through any media. Democracy promotes the ‘freedom of expression’ and ‘freedom of speech’ promotes democracy; one could not exist without the other.

After gaining independence in 1947, India quickly moved towards a democratic society, ensuring a voice for its people. As most developed countries had done by then, India also moved towards ensuring that this voice can be offered as a right and protected to ensure that it can’t be removed. This brought the framers of the Indian Constitution to incorporate Article 19(1)(a) in the Constitution, which talks about how all citizens of India have ‘freedom of speech and expression’; it includes the right to express their views and opinions one holds through any medium like ‘word of mouth, writing, through imagery, etc.’ In the Indian Constitution, the core philosophy of ‘freedom of speech and expression’ is extended to citizens only. However, the ‘freedom of speech and expression’ is not unqualified; the government is empowered to impose reasonable restrictions [12]. Article 19(2) [13] of the Constitution allows ‘reasonable restrictions’ on ‘freedom of speech’ when necessary to protect India’s ‘sovereignty and integrity’, ‘safety of the nation’, ‘friendly relations with other countries’, the ‘preservation of public order’ and moral standards, or in cases involving ‘contempt of court’, ‘defamatory’, or ‘inciting statements. Thus, the ‘freedom of speech and expression’ is subject to ‘reasonable restrictions’ [14] for the reasons of overall welfare and harmony in society. Words and language hold great power; they are the primary method of socialization, and simple words have started the biggest discourses; it’s our responsibility to yield them carefully.

It is important to understand that ‘freedom of speech’ does not extend to ‘hate speech’. Many people engage in ‘hate speech’ under the guise of enjoying their inalienable rights, which breeds mistrust and anxiety. On the other hand, speech that you simply dislike cannot qualify as ‘hate speech’ either. This is beautifully

highlighted by George Orwell's quote, "If liberty means anything at all, it means the right to tell people what they do not want to hear [15]." It is important to recognize that everyone has access to freedom. "The freedom of those individuals is taken away if, under the guise of free speech, a hate speech is made that belittles particular groups of individuals. Equality and liberty are contemporaneous and not inimical to one another [16]." The object behind 'free speech' is to provide an opportunity to speak and not to ignore or suppress the voices of those who are less powerful.

## UNCOVERING HATE SPEECH: WALKING THE TIGHTROPE

United Nations defines 'hate speech' as "offensive discourse targeting a group or an individual based on their inherent characteristics such as race, religion or gender [17]." The Black Law's Dictionary defines it as "speech that bears no significance beyond the display of hate for a certain class, like a racial group, particularly in circumstances when the information is likely to incite aggression [18]." 'Hate speech' is a concept stemming from some levels of moral understanding, which can be any medium of interaction, whether 'verbal', 'written', or 'behavioral', that targets or employs derogatory or derogatory slurs in relation to an individual or group of people on the grounds of who and how they are, including their 'religious practice', 'ethnic background', 'national origin', 'caste', 'appearance', 'sex', or even other identity-related characteristics.

There is no established legal definition of 'hate speech', but generally, it means "any speech, document, action, gesture, or depiction that encourages aggression or sows division among groups or communities [19]." The Law Commission of India Report [20] states that "hate speech typically is an inducement to hate principally towards a set of individuals characterized in regards to caste, ethnic behavior, sex, sexual preference, religious belief, and the similar [21]." As a result, 'hate speech' can be defined as "any phrase, whether printed or spoken, gesture, or visual depiction within the hearing or vision of an individual to cause terror or panic, or inciting violence [22]." Whenever an expression uses aggressive language or encourages violence, it is deemed to be 'hate speech'.

The definition of 'hate speech' in today's age extends beyond merely offensive speech to include 'insulting,' 'disparaging,' 'discriminating,' 'provocative,' and communication that incites violence, supports violence, or provokes violence. It has the effect of upsetting the peace and order of society. But more crucially, 'hate speech' turns into a particularly severe form of 'hate crime' that directly harms the victims' physical and mental health. It has an intangible impact on its victims, which chills their right to free speech and expression and excludes them from participating in the democratic process and public dialogue. As per the report, "victims of hate speech feel fear, they may be hesitant to engage in conversation or enter public spaces, and may alter their behavior or appearance to avoid hate speech [23]." By constructing its targets in this way, 'hate speech' makes them appear as people who are not only "discriminated against, but are also seen by others as undesirable targets and legitimate objects of hostility [24]." The most pernicious and harmful to a person's sense of security and right to live with dignity are the intangible repercussions of 'hate speech.'

## SPEECH AND EXPRESSION: HATEFUL OR NOT?

'Freedom of speech and expression', also known as free expression, is a fundamental human right that derives from everyone having the same rights and liberties. Some people mix up hatred and free expression since both engage with sharing ideas and opinions. However, if 'freedom of speech and expression' and 'hateful

speech' are compared, one can easily find the specific difference between the two. 'Freedom of expression' allows individuals to express their opinions, ideas, and views publicly, but it also comes with restrictions. On the other hand, 'hateful speech' completely ignores legal restrictions and encourages harm or aggression. In contrast to 'freedom of speech and expression', which freely but respectfully presents two opposing arguments, 'hateful speech' promotes unfair policies and aggression by deliberately denigrating the other side.

The Constitution of India clearly states the legality of the liberty to exercise "freedom of speech and expression; however, it does not identify 'hate speech' or speech targeted at groups of people and designed to inflame racial or ethnic animosity. It is possible to construe some legal laws as permitting the criminalization of offenses related to 'hateful speech', particularly ones that are likely to encourage aggression. There have been legitimate calls from India's Law Commission for the Indian Penal Code (IPC) to include explicit measures to address 'hate speech'. Legislators must seek to implement this, particularly in the era of digital media and texting, wherein 'hate speech' events have grown to be a much bigger issue.

The State and the Union administrations must act together to convince society that there is a requirement for interfaith harmony and that people who spread 'hate speech' and engage in violence in reprisal will face legal consequences. Equity and the rule of law must be implemented fairly and without discrimination on the part of any particular community if they are to be accomplished at all. All political groups should avoid stoking racial animosity. The democratic structure of the nation should be safeguarded at all prices; thus, the administration should realign themselves toward the rule of law and rigorous respect to constitutional principles [25].

It is challenging to halt 'hateful speech' whenever it comes to representatives who deliberately or unintentionally incite hate via their presentations, which leads to rioting, looting, and harm to humanity. Platforms such as Facebook, YouTube, and Twitter, among others, have also taken sufficient measures to prevent hatefulness by trying to form definite regulations.

## JUDICIAL PERSPECTIVE ON HATE SPEECH IN INDIA

In India, there has always been discussion about hate speech. The problem has repeatedly been brought up in front of the legislators, the judiciary, and the public at large. In the matter of *Pravasi Bhalai Sangathan* [26], the Supreme Court addressed to the Law Commission of India the issue of whether the Election Commission of India should be given the authority to decertify a political party or bar its members for hate speech. The SC further requested that the Law Commission define hate speech and offer suggestions to Parliament for how to stop the problem. Law Commission of India informed the court that as the hate speech has not been defined by any Indian legislation, to prevent political party members from utilizing hate speech and "rumor-mongering" during elections in the lack of explicit legislation, the Election Commission of India has been relying on a few sections of the Indian Penal Code and the Representation of People Act [27].

Article 19(2) [28] allows for speech restriction for public peace and provocation to crime, including state security. In *Brij Bhushan v. State of Delhi* [29], the Apex Court expressed its opinion that "social safety was linked to public health and safety and regarded as equal to state security." 'Social safety' and 'public order' were added as a reason for limitation under 19(2) by the First Constitutional Amendment [30], which supported this view. But in *Ram Manohar Lohiya v. State of Bihar* [31], the Supreme Court distinguished between "civil order, state security, and laws and order considering three close spheres. The biggest spheres

are laws and order, public order, and the state's security. The impact of an act on the rule of law and not civil order, just as it affects public order but not security services, is readily apparent.”

Restrictions enforced in the interests of state security must be reasonable having an immediate and direct relationship with civil order rather than a distant or improbable one [32]. In ‘*Ramji Lal Modi v. State of U.P.*’ [33], the Apex Court affirmed the constitutionality of section 295A IPC and stated that ‘this section does not punish each act of disrespect to or trying to disrespect the religious practice or the religious beliefs of a group of citizens.’ But the court, criticized just those actions of disrespect to or all those variants of efforts committed with an intentional and deceitful intention. The Apex Court declined to rule on speech in solitude in ‘*Ramesh v. Union of India*’ [34], holding that “a film that promotes peace cannot be deemed to have violated Article 19(1)(a) simply because it depicts extremism and aggression to illustrate the hopelessness of such actions.”

Therefore, the limitation under Article 19(2) [35] is justified by the possibility of the action and its impact on public peace rather than the act itself. The Court declined to consider the right to free expression on a level with the interests of society listed in Article 19(2) [36]. It was held that “the issue of identifying the region of freedom of speech and expression whenever it would seem to contradict the different social preferences listed under Article 19(2) might well be lightly touched upon in this, and it was noted that a limitation on speech had been merited only when it was a case of damage to the society. The aims of societal interests and freedom of speech and expression must be compromised [37].” The court further held that “our dedication to freedom of speech and expression requires that it is not curtailed unless such consequences of permitting it are urgent and the public good is in jeopardy. The threat shouldn't be improbable, far-fetched, or in the distance. It must be closely related to and directly related to the expression. The expression of thoughts must inherently endanger the public good. In other words, the term must be tightly bound to the considered activity, much like a “flash in a powderkeg [38].”

In ‘*Jafar Imam Naqvi v. Election Commission of India*’ [39], The court addressed the issue of ‘hate speech’ once again, where the plaintiffs asked the Electoral Commission to issue a mandamus writ to take necessary action against the venomous speech delivered by the contenders during the elections. However, the court denied the petition because the court cannot legislate on issues when the legislative intent is clear and the petition under Article 32 of the Constitution addressing remarks made during an election campaign does not qualify as a public interest action.

In ‘*Shreya Singhal v. Union of India*’ [40], the judges found section 66 A of the Information Technology Act, 2000, unlawful because it failed to demonstrate a direct connection between the limitation and the law. The court held that: “the connection between the communication and actions that could be undertaken depending on the text is noticeably lacking, i.e., the connection between both the text and actions that could be taken depending on the messaging is notably missing [41].” ‘Debate’ and ‘advocacy’ were distinguished from ‘provocation’ as they are considered the core elements of Article 19(1). But if discussions and advocacy equaled provocation, then it might be curtailed. In ‘*Arup Bhuyan v. State of Assam*’ [42], the Apex Court refused to “criminalize someone for belonging to a forbidden institution unless another individual used violent behavior, compelled others to use violent behavior, or caused civil disturbance through violent action or inciting violence and interpreted incitement as incitement to immediate harm.” In *State of Maharashtra v. Sangharaj Damodar Rupawate*’ [43], the court concluded that “the impact of the phrases utilized in the offensive content should be assessed using the specifications of a sensible, powerful, firm, and

brave person as opposed to those with sluggish and waffling thoughts or individuals who see a threat in every opposing viewpoint.” Further, in *‘Arumugam Seervai v. State of Tami Nadu’* [44], the Apex Court upheld the conviction under the Scheduled Tribes and Scheduled Castes (Prevention of Atrocities) Act, 1989, for using the terms ‘pallan,’ ‘pallapayal,’ ‘parayan,’ or ‘paraparayan’ with the purpose to insult. In *‘Bilal Ahmed Kaloo v. State of AP’* [45], the Court stated that “in construing sections 153A and 505(2) of the Indian Penal Code, 1860, the common characteristic in both sections seems to be that they both make it unlawful to promote feelings of hostility, hatefulness, or ill-will among various religious, race-based, linguistic, or local groups, castes, and societies, as well as to engage in actions that are harmful to the repairs of harmonious relationship. To qualify for this clause, at least two groups or communities must be engaged. Both components cannot be attracted by simply harming one group or community's emotions without mentioning another group or society.” In *‘Babu Rao Patel v. State of Delhi’* [46], the court held that “section 153A (1) Indian Penal Code, 1860, prohibits the encouragement of hatred, hostility, or other negative emotions on any basis, including race, ethnicity, national origin, place of origin or domicile, languages, class, or group.” Recent rulings demonstrate that India adheres to a system that protects ‘free speech’, and the judges use considerable caution when limiting the scope of Article 19(1) (a) of the Constitution. This position is being taken out of concern and worry that the State may abuse its power to enact stringent regulations.

In India *‘Young Lawyers Association v. State of Kerala’* [47], the Apex court held that “a statement given by ‘individuals of influences’ needs to carry much more weight as well as effect than a comment given by a regular individual walking down the street, like a top executive or public servant, an opposing party figure, a well-respected social or political figure, or a believable anchor on television. The standard that must be used to determine is if an act constitutes a disruption of civil order in each instance and if it would affect more than just one person while leaving the rest of current societal tranquility unaffected and irrespective of one's religious convictions or the organization to which they belong, a person can attain decency under a system that acknowledges fairness with other individuals. Religious convictions and religions help people allow human rights and freedom more widely, but when there is a disagreement between the two, the struggle for universal human rights, liberty, and decency must win out [48].”

In *‘Amish Devgan v. Union of India’* [49], the judicial bench declined to toss out the FIRs filed against News18 Reporter Amish Devgan for employing the word ‘Lootera Chisti’ in a case involving his broadcasts. Still, they gave him temporary support from detention until the probe's outcome. The court sought to define ‘hate speech’ while considering this, even though the court believed that there is no uniform definition for the term that can be agreed upon, except the fact that ‘inciting violence’ is illegal [50]. The Supreme Court has said that “hate speech is a dangerous offense that can damage the nation's secular fabric and appropriate action shall be taken against the erring officers, and any hesitation to act in accordance with this direction will be viewed as contempt of court [51].” It reaffirmed that “such action will be taken irrespective of the religion that the maker of the speech or the person who commits such act belongs to, so that the secular character of Bharat, as envisaged by the Preamble, is preserved and protected [52].”

## AN OVERVIEW OF INTERNATIONAL AND NATIONAL REGIMES ON HATE SPEECH

The ‘freedom of speech’ function frequently indicates an inability to tackle the ‘prejudiced,’ ‘unfriendly,’ and ‘offensive sentiments’ of some people and certain tiny segments of society [53]. Every border, nationally and internationally, has tried to describe what ‘hate speech’ means for them. All speech has regional and cultural roots that facilitate our understanding of whether it qualifies as hateful. In lieu of this, nationally and internationally, laws and conventions have been made to help us understand what it is and how to

effectively deal with it without taking the genuine rights of the people. This view of the issue prompted the ‘International Covenant on Civil and Political Rights, 1966’ [54] to forbid the “promotion of national, racial or religious hate that includes provocation to discriminate, hatred or aggression [55].”

“The International Convention on the Elimination of All Forms of Race Discrimination, 1965’ [56] prevents “propagation of concepts based on racist supremacy or hatefulness, a provocation to race prejudice, in addition to all violent behavior or provocation to certain actions against every racial group or group of individuals of different color or ethnic background [57].” It further requires “the signatory states to provide effective treatment options and safeguards against these actions [58].” In the online world, the problem of hateful speech has become more important because of how quickly and easily inflammatory comments may reach a massive following.

The Human Rights Authority's ‘Document of the Special Rapporteur on the Advancement and Safeguarding of the Right to Freedom of Opinion and Expression’ on information regulatory oversight on the ‘World Wide Web’ acknowledged this problem. It stated that liberty of expression could be constrained for the above-mentioned purposes [59], specifically:

- “Child exploitation (to safeguard the liberties of children);
- Hateful language (to safeguard the liberties of affected society);
- The vilification (to safeguard the liberties as well as the goodwill of others against unwarranted attacks);
- Clear and overt encouragement of extermination (to safeguard the liberties of others);
- Provocation to hate which is nationalistic, racist, or religious and results in prejudice, animosity, or aggression (to safeguard the liberties of others, such as the right to life) [60].”

The Indian legal framework has also enacted several statutory provisions dealing with the subjects, which are briefly referred to as the following:

S. No.	Statute	Provisions
1	Indian Penal Code, 1860	Sections 124A, 153A, 153B, 295-A, 298, 505(1), 505(2)
2	The Representation of People Act, 1951	Sections 8, 123 (3A), 125
3	Information Technology Act, 2000 & Information Technology (Intermediaries guidelines) Rules, 2011	Sections 66A, 69, 69A Rule 3(2)(b), Rule 3(2)(i)
4	Code of Criminal Procedure, 1973	Sections 95, 107, 144, 151, 160
5	Unlawful Activities (Prevention) Act, 1967	Sections 2(f), 10, 11, 12
6	Protection of Civil Rights Act, 1955	Section 7
7	Religious Institutions (Prevention of Misuse) Act, 1980	Sections 3 and 6
8	The Cable Television Networks (Regulation) Act, 1995 and The Cable Television Network (Rules), 1994	Sections 5,6,11,12,16, 17, 19, 20 & Rules 6 & 7
9	The Cinematographers Act, 1952	Sections 4, 5B, 7

The Central Government has always supported State Governments and Union Territory authorities in various capacities to preserve social peace throughout the nation. Nevertheless, in these situations, since public order and security are State subjects under the 7th Schedule of the Constitution, the respective State Governments must register and prosecute criminal offenses, such as those involving ‘hateful speech’. The National Government also released updated regulations to the Union Territories and States in 2008 to encourage intercommunal harmony, which, among other things, state that stringent action must be taken against anybody stoking communal riots and inciting desires through incendiary presentations and sayings.

The statutory laws, in particular the penal code, as mentioned above, offer an adequate recourse to stop the threat of ‘hate speeches.’ As a result, the party who has been wronged must use the legal recourse. It's not really the lack of rules; their ineffective application is the main issue. Thus, the government and civilized society must play their respective roles to enforce the current legal system. Since the writers of such statements may be charged under current penal codes, stringent regulations of ‘hate speeches’ at any and all stages are necessary. All law enforcement authorities must ensure that the current legal framework is not reduced to a mere formality. According to the axiom “*salusreipublicae suprema lex*”, implementing the aforementioned laws is necessary [61].

## WAY FORWARD

‘Hateful speech’ should be comprehended in relation to institutionalized bias and a society's ultimate exclusion. It contributes to a wider framework of prejudice; it is not simply spontaneous hatred. Only a comprehensive and multifaceted strategy will successfully combat hate speech. Elected elites have a special obligation to abstain from using hate speech and also to denounce anything that could encourage violence formally. Political groups must embrace and uphold moral standards to achieve this. Raising awareness of how famous people, reporters, media sources, and major sports bodies impact public perception is important.

The safeguarding of human rights, the power of the law, as well as the fabric of a free democracy are all seriously threatened by ‘hate speech.’ Rather than defending beliefs, philosophies, or faiths, actions against the dissemination of ‘hateful speech’ should seek to safeguard people and groups of individuals. It is not acceptable to abuse laws against ‘hate speech’ to suppress minorities and stifle criticisms of policy decisions, political rivals, or religious beliefs [62]. To effectively combat the dissemination of ‘hate speech,’ the following points need to be taken into consideration:

- An understanding of the significance of compassion, consideration for others' beliefs, and ‘freedom of speech;’
- Recognizing the circumstances that encourage the usage of ‘hateful speech’ and taking the necessary measures to eliminate them;
- The participation and dedication of several non-governmental as well as commercial players alongside the public ones;
- Fighting misleading info, stigmatizing stereotypes, and stereotyping;
- Creating educational training programs for children, teens, government workers, as well as the public at large;
- Assisting human rights national organizations, equal organizations, and non-governmental institutions in their efforts to fight ‘hate speech;’

- Supporting swift responses to hate speech from prominent people who not only denounce it but actively work to uphold the ideals it harms;
- Approving the mistreatment or intimidation of anyone who reports or complains about using hateful speech;
- Promoting the establishment of rules of ethics that include suspensions as well as other penalties for violations of its terms and guaranteeing that they are effectively put into practice;
- Identifying the specific obligations of ‘hate speech’ creators, internet providers, web servers, internet intermediates, social media platforms blog administrators, and other actors in comparable roles;
- Providing the availability of the authority, under judicial authorization or permission, to demand the removal of hate speech from materials available on the internet, to ban websites that do so, to forbid the broadcast of hate speech, and also to demand the identification of individuals who use it;
- Giving persons who are the targets of ‘hateful speech’ the legal ground to use these rights, as well as equality groups, national organizations for human rights, and relevant non-governmental institutions.

## CONCLUSION

Language and speech bind us; it is how we socialize and form relationships, but it can also be something that holds the power to disrupt the very foundation of our society. It’s the responsibility of each and every individual who comes together to build the very fabric of our society to exercise their speech with caution. Among individuals' most fundamental rights is the right to ‘free speech,’ acknowledged by civilized society and provided by the Constitution of India. After putting everything together, it can be concluded that the liberty of free speaking and opinion is a crucial fundamental human right, for whom the extent has indeed been expanded also to include press freedom, the privilege to knowledge, that also mainly contains data, the ability to remain silent, as well as the right to criticize. The liberty to speak freely in the world today now encompasses a variety of ways to communicate, as well as the ability to communicate one's opinions verbally.

‘Hateful speech’ immensely damages free speech; it harms the ideal of justice or fairness, the cornerstones of every functioning democracy. The standard of life within the community is negatively impacted by ‘hateful speech,’ which also threatens to rip apart the welfare system and divide societies seriously. ‘Hateful speech’ generally has the possibility of developing into racist violence that can eventually result in extermination. Some violators of ‘freedom of speech’ and ‘expression of communication’ claim their liberty to express their harsh opinions; however, doing so can sometimes result in dangerous situations and destabilization in the community. That being said, any speech you dislike is not ‘hate speech.’ ‘What I say is my business, what you understand is not’ stands true to some degree as in recent years we have seen increasing intolerance to speeches, books, movies, art, and so much more simply because they became ‘hate speech’ while disagreeing with the status quo. So, while ‘hateful speech is extremely damaging and non-tangible, leading to possibilities of disrupting societal order, harming certain communities, and setting into motion the wheels of persecution, not all speech you dislike is ‘hate speech’, and not all speech against your values is ‘hate speech.’

For individuals to be conscious of and grasp the thin balance regarding ‘freedom of speech and expression’ and ‘hateful speech,’ a broad dimensional strategy must be employed to discern between the two in addition to the statutory rules. Sometimes, it is really challenging to distinguish between ‘hateful speech’ and free speech’ because ‘hateful speech is often claimed to be covered under the protective umbrella of ‘freedom of speech and expression’ under article 19(1) (a) of the Constitution. It is challenging to criminalize ‘hateful speech’ under the rules of the Indian Penal Code since it can be used in various ways, making it challenging to

prove ‘hateful speech’ accusations in courts. After examining each facet of ‘hateful speech’ and ‘freedom of speech,’ it is clear that existing regulations must be strengthened and the penalties revised. Because technology is so widely accessible to everyone these days and can affect any member of society, hateful speech has evolved into a global issue. Thus, there is a need to constantly review and improve the legal systems globally while respecting the values of free expression and safeguarding people from the negative effects of ‘hate speech.’

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