
REGULATING HATE SPEECH IN INDIA: A STUDY OF CONSTITUTIONAL LIMITS AND JUDICIAL SAFEGUARDS

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ABSTRACT

In a country marked by deep cultural, religious, linguistic, and political diversity, regulating hate speech presents a complex constitutional challenge. Even if freedom of speech and expression is the cornerstone of democratic participation, unchecked hate speech has the potential to incite violence, deepen societal divisions, and jeopardize the core values of equality, dignity, and fraternity. Despite Article 19(2) permitting reasonable limits in the interests of public order and related reasons, the lack of a precise legal definition of "hate speech" and the fragmented regulatory framework have resulted in inconsistent enforcement and charges of misuse to crush lawful criticism. This paper assesses the judiciary's function in defending free speech against capricious or overbearing state action and critically looks at India's constitutional restrictions on hate speech. It analyses key statutory provisions, including Sections of the BNS and relevant provisions of the IT Act, to assess their compatibility with constitutional principles. In order to comprehend how courts have struck a balance between the necessity to restrict damaging speech and the defence of democratic freedoms, the study also examines significant court rulings. In doing so, it highlights judicial doctrines such as proportionality, the "clear and present danger" test, and the distinction between incitement and advocacy.

The study comes to the conclusion that while court protections have greatly reduced the abuse of hate speech legislation, the current system is still disjointed and insufficient, especially when it comes to dealing with issues brought on by digital platforms and false information. It argues for a coherent, rights-based regulatory approach that aligns with constitutional values while effectively combating hate speech in contemporary India.

1. INTRODUCTION:

In a constitutional democracy like India, “*freedom of speech and expression*”¹ occupies a central position as it enables political participation, dissent, and the free exchange of ideas. However, due to its extremely diversified social structure, which is characterized by diversity in religion, caste, language, ethnicity, and culture, India is particularly vulnerable to speech that incites hatred, intolerance, or violence against individuals or groups. Therefore, hate speech poses a difficult constitutional dilemma: how to protect strong freedom of expression while prohibiting speech that endangers social harmony, equality, and dignity? “*The Constitution of India*” guarantees “*freedom of speech and expression*”², recognising it as a foundational pillar of democratic governance. This freedom is not unqualified, though. The State may impose reasonable limits in the interests of public order, decency, morality, and incitement to an offense, among other things, according to Article 19(2). So, in India, how hate speech is regulated is all tied into a specific constitutional setup. It's designed to strike a balance between what individuals are free to do and what's best for everyone, as well as upholding the country's core values. Indian constitutional and statute law does not have a clear or comprehensive definition of hate speech, in contrast to certain other jurisdictions. Rather, it has been regulated by a combination of election legislation, criminal measures, and, most importantly, judicial interpretation. The judiciary, which frequently emphasizes elements like intention, context, risk of injury, and proximity to public disorder, has played a crucial role in defining the lines between acceptable speech, offensive expression, and illegal hate speech. Through landmark judgments, Indian courts have attempted to prevent both the misuse of free speech to justify hatred and the overreach of the State in suppressing legitimate dissent.

This study seeks to examine the regulation of hateful speech in India through the lens of constitutional limits and judicial safeguards. It examines how the judiciary serves as a guardian against arbitrariness and disproportionate limits, as well as how the constitutional right of free speech is balanced with the need to preserve social order, equality, and fraternity. By critically engaging with constitutional provisions, statutory frameworks, and judicial pronouncements, the study aims to assess whether the existing legal regime effectively addresses hate speech without undermining democratic freedoms.

¹ The Constitution of India, art. 19(1)(a).

² Ibid.

2. CONCEPT AND NATURE OF HATEFUL SPEECH:

Hateful speech is defined as any form of expression spoken, written, visual, or symbolic that spreads hatred, prejudice, animosity, or violence against a person or group based on identifiable traits like religion, race, caste, ethnicity, language, gender, or nationality. Despite being frequently used in legal and scholarly discourse, the “*Indian Constitution*” does not provide a clear definition for the phrase “*hate speech*.” As a result, judicial interpretation and statutory requirements have changed its meaning and extent.³

Conceptually, hate speech's propensity to do harm sets it apart from just offensive or unpopular communication. Hate speech goes too far by undermining the intrinsic dignity of targeted people and by fostering an atmosphere of fear, exclusion, or animosity, even if democratic society must accept some dissent, criticism, and even harsh expression.⁴ It frequently serves as a weapon to uphold social hierarchies, marginalize marginalized people, and encourage violence or discrimination, opposing the Preamble's basic ideals of equality and fraternity.⁵ From a legal standpoint, hateful speech in India is defined by its aim and effect rather than just its form. Indian courts have made it clear time and time again that not all rude or disgusting comments are considered hate speech. The speech's purpose, the setting in which it is delivered, the target audience, and the possibility that it could cause chaos in public or encourage criminal activity are all important considerations. This tactic shows how to carefully strike a balance between protecting the right to free speech and preventing social harm.⁶ Hateful speech can take many various forms, including derogatory portrayals of religious beliefs, inflammatory political discourse, online abuse magnified by digital platforms, and vilification based on caste or group. Social media has drastically changed the nature of hate speech in the modern era by boosting its impact, speed, and reach, creating new regulatory obstacles. The fundamental issue is still the same despite these changing manifestations: hate speech endangers people's dignity and the diverse fabric of society.⁷

Therefore, the definition of hate speech in Indian constitutional law is dynamic and contextual rather than strict or formulaic. The constitutional guarantees of equality, dignity, and social

³ Prof. Narender Kumar, *Constitutional Law of India* 233-236 (Allahabad Law Agency, 8th Ed., Faridabad, 2014).

⁴ Gautam Bhatia, *Offend, Shock, or Disturb: Free Speech under the Indian Constitution* 137-140 (Oxford University Press, 2016) .

⁵ Ibid.

⁶ Id at 141-142.

⁷ H.M. Seervai, *Constitutional Law of India* Vol I 500–550 (4th edn, Universal Law Publishing 2015).

harmony as well as free expression serve as the foundation for its control. Understanding the concept and nature of hate speech is essential to appreciating the legal and judicial mechanisms designed to address it within the bounds of constitutional limitations.

3. NATIONAL FRAMEWORK GOVERNING HATE SPEECH:

The guarantee of “*freedom of speech and expression*” and the allowable restrictions placed on it are the main pillars of India's constitutional framework governing hateful speech. The Constitution does not expressly use the term “*hate speech*”; however, its regulation is derived from a harmonious reading of fundamental rights, directive principles, and overarching constitutional values such as equality, dignity, secularism, and fraternity.

3.1 Freedom of Speech and Expression:

Every citizen is guaranteed the “*fundamental right to freedom of speech and expression*”⁸ under the Constitution. This right, which allows people to voice their opinions, criticize government actions, engage in political discourse, and contribute to social and cultural discussions, is thought to be the cornerstone of a democratic society. The apex Court has consistently upheld that this freedom includes the right to express unpopular, controversial, or minority viewpoints, which are essential for a vibrant democracy.⁹ Article 19(1)(a) protection is not unqualified, though. Speech that encourages hatred, prejudice, or violence against specific groups is not protected under the constitution. The constitutional scheme recognises that unrestricted speech, when used irresponsibly, may threaten social order and the rights of others.

3.2 Reasonable Restrictions:

The State may impose reasonable restrictions on the exercise of free speech under Article 19(2)¹⁰ in order to protect India's sovereignty and integrity, the State's security, friendly relations with other nations, public order, decency or morality, defamation, and incitement to an offense, among other things. Hateful speech is most commonly regulated under the grounds of public order, decency or morality, and incitement to an offence.¹¹ According to the judiciary, limits under Article 19(2) must meet the requirements of the reasonableness test, which

⁸ Supra Note 1.

⁹ M.P. Jain, *Indian Constitutional Law* 1100–1120 (LexisNexis, 8th Ed., 2018).

¹⁰ The Constitution of India.

¹¹ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

includes proportionality, legal clarity, and a logical connection between the restriction and the intended goal.¹² Only when there is a clear and direct link between the utterance and the expected harm such as disruption of public order or encouragement to violence can speech be prohibited.

3.3 Equality and non-discrimination:

The constitutional regulation of hate speech is also informed by “*the principles of equality and non-discrimination*”. Article 14 guarantees “*equality before the law*”, while Article 15 prohibits “*discrimination on grounds of religion, race, caste, sex, or place of birth*”. A strong constitutional commitment against social exclusion and humiliation based on group membership is shown in Article 17, which outlaws untouchability. These prohibitions are immediately violated by hate speech that targets communities on forbidden reasons.¹³

3.4 Right to Life and Dignity:

According to legal interpretation, “*the right to live with dignity*”¹⁴ is guaranteed “*the right to life and personal liberty*”¹⁵. This freedom may be violated by hate speech that denigrates and dehumanizes people or groups. A growing number of judges have acknowledged that dignity is a constitutional value that needs to be safeguarded against speech that incites hatred and social exclusion.

In India, hate speech is regulated through multiple statutory enactments rather than a single comprehensive law. While being subject to constitutional restrictions under Article 19(2), these rules seek to prohibit expressions that incite hatred, discrimination, or violence against persons or groups.¹⁶

The fundamental legal framework that governs hateful speech in India is the “*Bharatiya Nyaya Sanhita (BNS)*”, activities that incite animosity between various groups on the basis of religion, race, place of birth, domicile, language, caste, or community are punishable under Section 196,

¹² Siddharth Narrain, ‘Hate Speech, Hurt Sentiments and the (Im)possibility of Free Speech’ 51(17) *Economic and Political Weekly* 35 (2016).

¹³ Siddharth Narrain, ‘Hate Speech, Hurt Sentiments and the (Im)possibility of Free Speech’ 51(17) *Economic and Political Weekly* 36 (2016).

¹⁴ The Constitution of India, art. 21.

¹⁵ *Ibid.*

¹⁶ Madan B. Lokur and Medha Damojipurapu, “Navigating the meaning of hate speech and sedition in india”, 138 *Torkel Opsahl Academic Epublsher* 1-2 (2022).

which also encompasses activities that are detrimental to the preservation of harmony. “Deliberate and malicious activities meant to offend the religious sentiments of any class by disparaging its religion or religious beliefs are illegal under Section 299. Additionally, words, rumours, or reports that encourage mischief, foster animosity, or disturb public peace are covered by Section 353”¹⁷. When taken as a whole, these clauses demonstrate the State's dedication to upholding social harmony and prohibiting controversial speech.

One of the most important tools for preventing hate speech during elections is the “Representation of the People Act, 1951”. Promoting hostility or animosity amongst groups of persons on the basis of religion, race, caste, community, or language during elections is considered a corrupt activity under Section 123(3A). The idea that divisive and provocative discourse must be avoided in democratic processes is reinforced by the possibility of electoral disqualification resulting from such behavior.¹⁸

Hate speech is now regulated online thanks to the “Information Technology Act of 2000”. In order to protect India's sovereignty, integrity, security, and public order, Section 69A gives the government the authority to prohibit internet content. Furthermore, intermediaries are subject to due diligence responsibilities under Section 79 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which requires them to remove harmful or illegal content, including hate speech, upon receiving legal instructions.¹⁹

Certain special laws deal with particular types of discrimination and hate speech in addition to ordinary criminal law. While “the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act” makes intentional insults, intimidation, and humiliation of members of SC and ST in public places illegal, “the Protection of Civil Rights Act” targets caste-based discrimination and related acts of hatred. These enactments underscore the State’s focused approach towards protecting historically marginalised communities from hate-driven conduct.²⁰

4. INTERNATIONAL INSTRUMENTS FOR REGULATING HATE SPEECH

Hate speech legislation is based on the international framework of human rights law, which

¹⁷ The Bharatiya Nyaya Sanhita, 2023 (Act of 45 of 2023).

¹⁸ Law Commission of India, *267th Report on Hate Speech* (March 2017).

¹⁹ Information Technology Act, 2000, (Act of 21 of 2000), ss 69A, 79

²⁰ Madan B. Lokur and Medha Damojipurapu, “Navigating the meaning of hate speech and sedition in india”, 138 *Torkel Opsahl Academic Epublisher* 1-2 (2022).

seeks to balance the protection of equality, dignity, and public order with the right to free speech. International agreements recognize that some forms of expression, especially those that incite hatred, discrimination, or violence, may legitimately be prohibited, even if freedom of speech is universally acknowledged as a fundamental human right.

The UDHR²¹ establishes the fundamental framework for both the defense of human dignity and freedom of expression. While Article 1 declares that “*all people are born free and equal in dignity and rights*”, Article 19 ensures “*the right to freedom of opinion and speech*”. Additionally, Article 7 guarantees protection against “*discrimination and equality before the law*”. The UDHR's strong emphasis on equality, dignity, and non-discrimination offers a normative foundation for limiting utterances that compromise these core principles, even though it does not specifically include hate speech.²²

The most important international agreement that specifically addresses hate speech is the “*Covenant on Civil and Political Rights*”. Article 19 guarantees “*the right to free speech*”, but it also allows limitations that are mandated by law and required to protect national security, public order, public health, or morals, as well as to respect the rights or reputations of others. Crucially, states are required to forbid “*any advocacy of national, racial or religious hate that constitutes incitement to discrimination, hostility or violence.*” The foundation of international legal regulation of hateful speech is this clause.²³

Racial prejudice and hatred are especially addressed by “*the International Convention on the Elimination of All Forms of Racial prejudice*” (ICERD). Article 4 mandates that states make it illegal to propagate views that promote racial superiority or hatred, as well as to encourage racial violence or discrimination. India's duties under the ICERD Convention have a considerable impact on domestic legal approaches to hate speech because it is a party to the Convention, especially when it comes to situations involving racial or ethnic targeting.²⁴

Children are especially vulnerable to damaging and abusive speech, according to the “*Convention on the Rights of the Child*” (CRC). Children's freedom of expression is guaranteed by Article 13, subject to limitations required to safeguard other people's rights and reputations.

²¹ The Universal Declaration of Human Rights, 1948.

²² Bhikhu Parekh, ‘Hate Speech: Is There a Case for Banning?’ in *The Content and Context of Hate Speech* (Cambridge University Press 2012).

²³ *International Covenant on Civil and Political Rights*, 1966, arts 19, 20.

²⁴ *International Convention on the Elimination of All Forms of Racial Discrimination*, 1965, art 4.

Furthermore, States are required by Article 19 to shield children from mental violence in all its manifestations. Therefore, hate speech that targets minors or incites animosity among them is incompatible with the CRC's protective framework.²⁵

In comparative constitutional jurisprudence, the “*European Convention on Human Rights*” (ECHR) has substantial persuasive value even if it is not legally enforceable on India. While allowing limitations that are essential in a democratic society, that ensures “freedom of expression”.²⁶ Limitations on hate speech that endanger democratic ideals, public order, and social harmony have been regularly maintained by the “*European Court of Human Rights*” jurisprudence. Such comparative norms have occasionally been used by Indian courts to support constitutional interpretation in cases involving the boundaries of free speech.

5. CONTEMPORARY CHALLENGES IN REGULATING HATE SPEECH IN INDIA

Regulating hateful speech in India involves complex legal, social, and technological challenges. While the constitutional framework and statutory provisions provide mechanisms to address harmful speech, their implementation and effectiveness are constrained by multiple contemporary realities:

5.1 Ambiguity and Vague Legal Standards under the BNS, 2023

One of the most persistent challenges in regulating hate speech in India continues under the BNS, which has replaced the “*Indian Penal Code*”. Although the BNS seeks to modernise criminal law, several provisions dealing with hate speech remain broadly worded and conceptually indeterminate, thereby giving rise to ambiguity and potential misuse.

Under the BNS, offences relating to hate speech are primarily addressed through Section 196, Section 197 and Section 299.²⁷ These provisions substantially replicate the language and structure of the corresponding IPC sections, without providing clearer statutory definitions of key terms such as “enmity,” “hatred,” “ill-will,” or “outrage.”²⁸ The absence of precise legislative guidance makes the application of these provisions heavily dependent on subjective

²⁵ *Convention on the Rights of the Child*, 1989, arts 13, 19.

²⁶ *European Convention on Human Rights*, art 10.

²⁷ *Supra* Note 17.

²⁸ *Bharatiya Nyaya Sanhita*, 2023, ss 196, 197, 299.

interpretation by law-enforcement authorities. The vagueness of these standards creates two parallel risks. First, under-enforcement, where genuinely harmful speech escapes liability due to uncertainty about the threshold of criminality. Second, and more critically, over-enforcement, where lawful expression such as political dissent, satire, or academic critique is subjected to criminal prosecution.

Further, the BNS does not codify a clear distinction between advocacy, offensive speech, and incitement, despite judicial insistence on this differentiation. As a result, enforcement often turns on perceived hurt sentiments rather than demonstrable intent to incite discrimination or violence. In practice, this allows executive discretion to dominate over constitutional scrutiny, weakening safeguards against arbitrary application.

Therefore, while the Bharatiya Nyaya Sanhita represents a formal legislative transition, it does not substantially resolve the ambiguity that has historically plagued hate speech regulation in India. The BNS runs the risk of maintaining the same ambiguities that existed under the IPC and thus challenging the balance between free expression and social harmony in the absence of more precise definitional standards and an explicit incorporation of constitutional tests like proportionality and proximity to harm.

5.2 Misuse of Laws

The abuse of legal measures for purposes other than preventing actual harm is a significant obstacle to the regulation of hateful speech. Laws meant to prevent hatred and preserve social harmony are frequently used selectively, especially against minority voices, journalists, political dissenters, and activists. Enforcement often targets speech that is just unpopular, critical, or inconvenient to those in authority rather than speech that encourages violence or discrimination. This selective application stifles free expression by discouraging people from engaging in constructive debate or criticism.²⁹ Furthermore, by deflecting attention from serious and harmful acts of hatred, the misuse of hate speech laws erodes public trust in the legal system. The lack of consistent standards in enforcement and the dominance of executive discretion further aggravate this problem, making misuse one of the most significant obstacles to fair and effective hate speech regulation.³⁰

²⁹ Law Commission of India, *267th Report on Hate Speech* (March 2017).

³⁰ *Supra* Note 4, pp. 141-150.

5.3 Inconsistent Judicial Application

The uneven judicial interpretation of legal concepts, which has led to ambiguity and unpredictability in the law, is a significant obstacle to the regulation of hateful speech in India. A standard for judging when speech transitions from protected expression to hate speech that is illegal has not been established by courts. Different conclusions are reached in comparable factual situations because some judgments emphasize purpose and proximity to violence, while others focus on potential injury, injured sentiments, or societal influence.³¹ The disparity between the weight given to freedom of speech and constitutional ideals like equality, fraternity, and dignity further illustrates this contradiction. Because of this, lesser courts frequently find it difficult to apply a cohesive test, which increases their reliance on subjective evaluations. In hate speech jurisprudence, the lack of a well-established doctrinal framework erodes legal certainty, promotes arbitrary enforcement, and compromises the judiciary's function as a reliable constitutional protector.³²

5.4 Digital Platforms and Social Media

Due to their extensive reach, rapid transmission, and ability to remain anonymous, digital platforms and social media have greatly increased the difficulty of controlling hate speech in India. Before effective response is feasible, online hate speech can inflict broad societal harm, spread quickly, and be amplified by engagement-driven algorithms. The inability of platform-based content moderation algorithms to discern between harmful and acceptable speech often leads to both excessive and insufficient control. Regulation is made more difficult by jurisdictional and cross-border enforcement challenges, as well as a lack of transparency and due process in platform decision-making. Therefore, combating digital hate speech necessitates a well-rounded strategy that incorporates online free expression protection, responsible platform governance, and constitutional protections.³³

5.5 Lack of Comprehensive Policy Framework

One major obstacle still facing India is the lack of a clear and cohesive policy framework for controlling hate speech. Instead of a cohesive legislative program, the current legal system is

³¹ Abhinav Chandrachud, *Republic of Rhetoric: Free Speech and the Constitution of India* (Penguin Random House India 2017).

³² *Supra* Note 4, pp. 151-159.

³³ Ministry of Home Affairs, *Report of the Committee for Reforms in Criminal Laws* (2020).

disjointed and depends on scattered criminal provisions, industry-specific rules, and judicial interpretation. There isn't a precise legal definition of hate speech that consistently takes into account modern digital realities, international human rights norms, and constitutional ideals. This disparity results in uneven application, uneven enforcement, and an over-reliance on judicial discretion.³⁴ Furthermore, new types of hate speech including coordinated online harassment, algorithm-driven amplification, and disinformation operations are not sufficiently addressed by existing legislation. Inadequate procedural protections, little direction for law enforcement, and a lack of focus on non-penal measures like education, counter-speech, and institutional accountability are all consequences of the absence of an integrated policy strategy.³⁵ Therefore, the effectiveness of hate speech laws is weakened by the possibility of both over-restricting constitutionally protected communication and under-regulating damaging speech due to the absence of a comprehensive policy framework.

6. JUDICIAL INTERPRETATION

*Pravasi Bhalai Sangathan v. Union of India*³⁶ is a landmark judgment delivered by the Highest Court addressing the issue of hateful speech and its regulation within the framework of freedom of speech and expression. The petitioner, an NGO, claimed that current regulations were insufficient to prevent hateful speech and safeguard social harmony, thus it wanted more stringent legal supervision over divisive and provocative remarks made by political and religious leaders. While acknowledging that hate speech poses a major threat to constitutional values like secularism, fraternity, and dignity, the Court ruled that the government had the authority to enact new laws and broaden the scope of existing ones.³⁷ The Court noted that if properly applied, current legislative provisions including “Sections 153A, 295A, and 505 of the IPC” are enough. The Court advised that “the Law Commission of India” conduct a thorough analysis of the matter in order to identify suitable reforms, emphasizing the necessity of executive vigilance and swift action rather than judicial law-making.

In *Shreya Singhal v. Union of India*³⁸, the Apex Court of India struck down “Section 66A of the Information Technology Act, 2000” as unconstitutional on the ground that it violated the

³⁴ Supra Note 4, pp. 160-170.

³⁵ UN Human Rights Council, *Report of the Special Rapporteur on Freedom of Expression in the Digital Age* (2018).

³⁶ (2014) 11 SCC 477.

³⁷ Supra Note 16.

³⁸ (2015) 5 SCC 1.

freedom of speech and expression. The Court ruled that because the clause punished ambiguous expressions like “annoying” or “offensive” communications, it was ambiguous, overly broad, and had a chilling impact on free speech. It made it clear that mere discussion or advocacy is protected under Article 19(2), but only speech that amounts to incitement to violence or public disorder may be banned.³⁹ In addition, the ruling reduced intermediary responsibility under Section 79 and maintained the legality of Section 69A, making it a significant decision for the defense of free expression online in India.

In *Tehseen S. Poonawalla v. Union of India*⁴⁰, the Highest Court of India dealt with the growing incidents of mob lynching and vigilante violence, recognizing them as a serious threat to the rule of law and constitutional values. According to the Court, these behaviors are “*horrendous acts of mobocracy*” and are unacceptable in a democracy. It gave the Central and State Governments comprehensive instructions for preventive, corrective, and punitive measures, such as the appointment of nodal officers, expedited trials, victim compensation plans, and stringent police enforcement.⁴¹ Emphasizing that no citizen can take the law into their own hands, the Court reinforced the State’s duty to safeguard the right to life and ensure maintenance of public order.

In *Shaheen Abdulla v. Union of India*⁴², the Apex Court of India addressed the issue of rising hateful speech and the failure of authorities to act against it. The Court ruled that current laws are enough to prevent hate speech, but it stressed that the executive branch's lack of enforcement is the true issue. Without waiting for official complaints, it mandated that police and state officials take suo motu action against hate speech offenses. The Court further emphasized that the State's commitment to uphold constitutional principles like secularism and fraternity would be seen as a grave dereliction of duty.

7. CONCLUSION AND SUGGESTION:

The guarantee of free expression and the allowable limitations under Article 19(2) create a difficult constitutional balance that governs hate speech law in India. A consistent judicial approach may be seen in the Court's rulings, which have simultaneously denounced hate speech and its effects, restricted ambiguous and disproportionate limitations, and safeguarded

³⁹ Supra Note 16

⁴⁰ AIR 2018 SC 3354.

⁴¹ Supra Note 16.

⁴² Writ Petition(s)(Civil) No.940/2022.

legitimate expression.

The jurisprudence makes it evident that the constitutional framework is sufficiently robust, but its effectiveness is undermined by vagueness in legal standards, selective enforcement, and administrative inertia. The judiciary has laid down safeguards and guidelines, yet has consciously refrained from judicial overreach, placing the responsibility on the legislature and executive. Thus, the challenge is not merely legal but institutional ensuring that constitutional values of dignity, equality, and fraternity are meaningfully enforced in practice.

Suggestions

1. Codification of a Clear Legal Standard

Enact a precise statutory definition of hate speech, incorporating thresholds such as incitement, intent, and likelihood of public disorder, in line with *Shreya Singhal* to avoid vagueness and overbreadth.

2. Strengthening Enforcement Mechanisms

Implement strict compliance with judicial directions, particularly the mandate of *suo motu* action by authorities as emphasized in *Shaheen Abdulla*, with penalties for non-compliance.

3. Institutional Accountability and Oversight

Establish independent monitoring bodies or oversight committees to review hate speech cases and ensure uniform enforcement across states.

4. Judicial and Administrative Capacity Building

Provide specialized training to police, prosecutors, and judicial officers on identifying hate speech, digital evidence handling, and constitutional standards.

5. Fast-Track Adjudication and Victim Protection

Create fast-track courts and compensation mechanisms, drawing from *Tehseen Poonawalla*, to ensure timely justice and rehabilitation of victims.

6. Balanced Regulation of Online Platforms

Develop a framework ensuring that intermediaries comply with lawful orders while safeguarding free expression, consistent with the principles in *Shreya Singhal*.

7. Promotion of Counter-Speech and Constitutional Culture

Encourage public discourse grounded in constitutional morality, including educational initiatives and civil society engagement to counter hate narratives.

An effective response to hate speech in India requires a harmonized approach clear laws, consistent enforcement, and constitutional sensitivity so that regulation operates not as a restraint on democracy, but as a safeguard for its foundational values of pluralism, dignity, and unity.