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**MISINFORMATION AND HATE SPEECH IN THE INFORMATION  
AGE: ANALYSIS WITH ESTABLISHED PRECEDENTS**- Aman Srivastava<sup>1</sup>**Abstract**

A very thin line exists between Freedom of speech and Hate speech, this thin line has been interpreted by various courts and organizations around the world sporadically. Words are not sentences but also sentences are formed by words carrying emotional, ethical, societal and humanitarian values, History tells us if not used correctly, these words can result into riots, hatred, and some time civil wars too. Due to Algorithmic Amplification, Anonymity, Echo Chambers and Global Reach factors of mass media, particularly social media, and the dissemination of hate speech has been accelerated over past few years. Erosion of Trust and Political Polarization are two main outcomes of Hate Speeches. The author, among other things, makes the case that the psychological harm caused by the often delivered hate speeches are going to cost the world and humanity-generations to recover from the social division installed. The article will also examine the emergence of an ideology against a section of society and then it becoming an extremist ideology conveyed via hate speeches to masses. Also we will discuss the 'Supremacism' and 'Radicalism' as two main essentials of Hate Speech.

Keywords: Echo Chambers, Supremacism, Radicalism, Erosion of Trust

**Introduction**

Black's Law Dictionary, 9th Edition, defines the expression 'hate speech' as: "Speech that carries no meaning other than the expression of hatred for some group, such as a particular race, especially in circumstances in which the communication is likely to provoke violence."<sup>2</sup>Hate speech and misinformation have become twin threats in the digital age, often

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<sup>1</sup> Student - City Academy Law College (University of Lucknow)

<sup>2</sup>Bryan A. Garner, Black Law Dictionary 9<sup>th</sup> ed. (West Legalworks 2022)

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masked as free expression or legitimate commentary, yet capable of inflicting real harm on individuals, communities, and institutions. In 2024 Lok Sabha elections a significant proportion- 84 out of 122 of hate speeches- 68.6% were made during election campaign rallies, prompting opposition parties to urge the Election Commission to recognize these violations of the Model Code of Conduct and take appropriate action against the hate speeches.<sup>3</sup>Misinformation (and disinformation) has become rampant in India, largely due to the rapid adoption of smart phones and social media platforms.Revolutionary changes in internet usage and charges has made social media platforms such as Facebook, Whatsapp, Youtube, Instagram, X (Previously known as Twitter) more easily accessible to each and every citizen of the country. Hate speech in today's modern age political and cultural scenario is a time bomb ticking every second that can create some serious disastrous situations once denoted by political leaders and influencers. In many cases, television news channels have amplified hate speech by giving air time to provocative figures, replaying inflammatory clips without context, or failing to challenge dangerous rhetoric. The line between journalism and propaganda has blurred, with some anchors assuming the role of political cheerleaders rather than public watchdogs. Instead of countering misinformation, many media houses end up reinforcing it through selective coverage, unverified claims, and a lack of accountability.

### **Decoding Laws and Limitation on Hate Speech**

Article 19(1) (a) of India's Constitution, which declares that "all citizens shall enjoy the right to freedom of speech and expression," protects freedom of speech and expression as a basic right.<sup>4</sup> Hate Speech and Freedom of Speech are two faces of coin of Indian Constitution. Whenever there has been an argument in the favour of Freedom of Speech, Hate Speech has always been involved in arguments against it and vice-versa. Laws that basically regulate hate speech in India are primarily included in *Bhartiya Nyay Sanhita* (2023). Section 192 of *Bhartiya Nyaya Sanhita* states "Wantonly giving provocation with intent to cause riot-if rioting be committed". Section 196 states "Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc. and doing acts prejudicial to maintenance of harmony."<sup>5</sup>, whereas Prevention of Atrocities Act, 1989 prohibits anyone who is not a member of the SC or St group from speaking to them in a demeaning or hurtful

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<sup>3</sup>Centre for the Study of Organized Hate, Report:2024-Hate Speech Events In India (February 2025)

<sup>4</sup>INDIA CONST. art. 19, cl. 1. sub-cl. a

<sup>5</sup>*Bhartiya Nyay Sanhita*2023, § 196, No. 45. Acts of Parliament,2022 (India)

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manner.<sup>6</sup> Considering the fact that being the world largest democracy and having many prominent laws for condemning hate speech still India has seen a spike in hate speeches from 2016. According to India Hate Lab (IHL), a project of the Centre for the Study of Organized Hate (CSOH), documented 1,165 in-person hate speech events targeting religious minorities, particularly Muslims and Christians, in 2024 across 20 states, two union territories, and the National Capital Territory (NCT) of Delhi. On average, three hate speech events were held per day. This marks a 74.4% increase from 2023, when 668 such incidents were recorded (CSOH Report 2024: Hate Speech Events in India, 2025)<sup>7</sup>. According to the monitoring conducted by the Centre for Study of Society and Secularism (CSSS), based on reports from the Mumbai editions of prominent newspapers such as The Indian Express, The Times of India, The Hindu, Inquilab, and Sahafat, a total of 122 instances of hate speech were reported in 2024.<sup>8</sup>

### **Modes of Spreading hate Speech through Mass Media**

In the recent trends Whatsapp Groups, Live Video Chat, Provoking post on platforms like 'X' and 'Facebook' are amongst the most used mediums for conveying hate speech while being underground for as long as they publisher can. But many Leaders who are often involve in foul and abusive usage of language against a certain group are celebrated as icons on social media where their parts of public speech and gathering are shared on social media by their media managers or fan pages. For example; On Jan 7, 2024 in Maharashtra, One of the Telangana MLA said: "The way Uttar Pradesh Chief Minister runs bulldozers on love jihadis, the Maharashtra government should also buy and keep some bulldozers. They must gift them to MLAs and MPs and tell them to use them, we'll see who will do 'gau hatya' [cow slaughter] then."<sup>9</sup> Here extremism is being carried with the help radical ideology of violence and hate speech against a certain community. It is significant to highlight that 109 out of the 122 reported hate speeches, constituting approximately 89.3 percent, were delivered by elected representatives. These included Members of Parliament (MPs), Members of the Legislative Assembly (MLAs), state-level cabinet ministers, union ministers and the Prime

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<sup>6</sup>Prevention of Atrocities Act, 1989, No. 33, Acts of Parliament, 2022 (India)

<sup>7</sup>CSOH, supra note 2, at 2

<sup>8</sup>Irfan Engineer, Neha Dabhade and Mithila Raut, 270% Increase in Hate Speeches in India in the Year 2024, (April 2025)

<sup>9</sup> Scroll, <https://scroll.in/latest/1061811/maharashtra-bjp-mlas-t-raj-singh-nitesh-rane-booked-for-alleged-hate-speech-at-solapur> (April 18, 2025)

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Minister<sup>10</sup>. The leadership of a country usually puts the foundation of extremist ideology. In case of India, as per latest publications dated 23 March 2024 from Election Commission of India, and subsequent notifications, there are 6 national parties, 58 state parties and 2,763 unrecognised parties<sup>11</sup>. With this many variations in political ideology within a country, there are very high chances that to rise above all, any party can adopt extremism as their political ideology.

### Current Scenario and Way Forward

In *Amish Devgan Vs Union of India*, Supreme Court Stated “The purpose is not to curtail right to expression and speech, albeit not gloss over specific egregious threats to public disorder and in particular the unity and integrity of the nation. Such threats not only insidiously weaken virtue and superiority of diversity, but cut-back and lead to demands depending on the context and occasion, for suppression of freedom to express and speak on the ground of reasonableness. Freedom and rights cannot extend to create public disorder or armour those who challenge integrity and unity of the country or promote and incite violence.”<sup>12</sup>In a country where more than 700 hundreds dialect are spoken<sup>13</sup>, 22 recognised languages exists,<sup>14</sup> being home to multiple religions,<sup>15</sup>every corner of the country vary significantly in culture and so much diversity in different sectors, it becomes utterly important to maintain peace and harmony between every sections of society. Mass media can do both, it can help in promoting nation first among all differences ideology or can even make the division worst. Many right wing media and social media handle are continuously showcasing hatred as their primary objectives towards the other section of the society. However, media in its capacity of Free Speech can perform certain rights but observing the same question in *Arnab Goswami vs. Union of India*, Supreme Court stated “Article 32 of the constitution constitutes a recognition of the constitutional duty entrusted to this court to protect the fundamental rights of citizens. The exercise of the journalist freedom lies at the core of speech and expression protected by Article (19) (a).” further continuing court stated

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<sup>10</sup> CSOH, *supra* note 2, at 2

<sup>11</sup>Election Commission of India. <https://www.eci.gov.in/EBooks/atlas-2024/mobile/index.html> (April 12 2025)

<sup>12</sup>*Amish Devgan v. Union of India*, (2021) 1 SCC 1

<sup>13</sup>NSESC, <https://www.ncesc.com/geographic-faq/are-over-700-languages-spoken-in-india/#:~:text=Yes%2C%20over%20700%20languages%20are%20spoken%20in%20India.,%28840%29.%20Et%20hnologue%20lists%20a%20lower%20number%20of%20456.> (April 12 2025)

<sup>14</sup>Press Information Bureau, <https://pib.gov.in/PressNoteDetails.aspx?NoteId=149841&reg=3&lang=> (April 14 2025)

<sup>15</sup>NSESC, <https://www.ncesc.com/geographic-faq/how-many-religions-are-in-india> (April 14 2025)

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“India’s Freedom will rest safe as long as journalist can speak truth to power without being chilled by threat and reprisal. The exercise of fundamental of that fundamental right is not absolute and is answerable to the legal regime enacted with reference to the provisions of Article (19) (1) (a).”<sup>16</sup>

### **Conclusion**

This situation is deeply concerning as it highlights the alarming normalization of hatred and the failure of the criminal justice system to take effective action, thereby allowing hate speeches to proliferate unchecked. The individuals holding public office, who have sworn an oath to uphold the Constitution, are actively engaged in propagating divisive and hateful rhetoric. In a diverse and pluralistic society like India, the balance between freedom of speech and the regulation of hate speech is delicate but crucial. While Article 19(1)(a) of the Indian Constitution guarantees the fundamental right to free speech, it is not absolute and must be exercised with a sense of responsibility and adherence to public order, morality, and the unity of the nation. Hate speech, especially when propagated through mass media and digital platforms, not only threatens the social fabric but also fuels division, radicalism, and violence. The increasing use of inflammatory language by elected representatives and the amplification of such narratives by media outlets have made hate speech a normalized part of political discourse. As legal frameworks evolve—like those in the *Bhartiya Nyaya Sanhita* and judicial interpretations—there is a growing need for proactive regulatory mechanisms, media accountability, and digital literacy among citizens. Strengthening democratic values requires a collective commitment to ethical communication and the rejection of supremacist ideologies. Ultimately, freedom of speech must serve as a pillar of democracy and harmony, not a tool for inciting hatred. Only then can India’s diversity be its strength rather than a fault line exploited for short-term political gains.

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<sup>16</sup>Arnab Goswami v. Union of India, MANU/SC/0448/2020

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