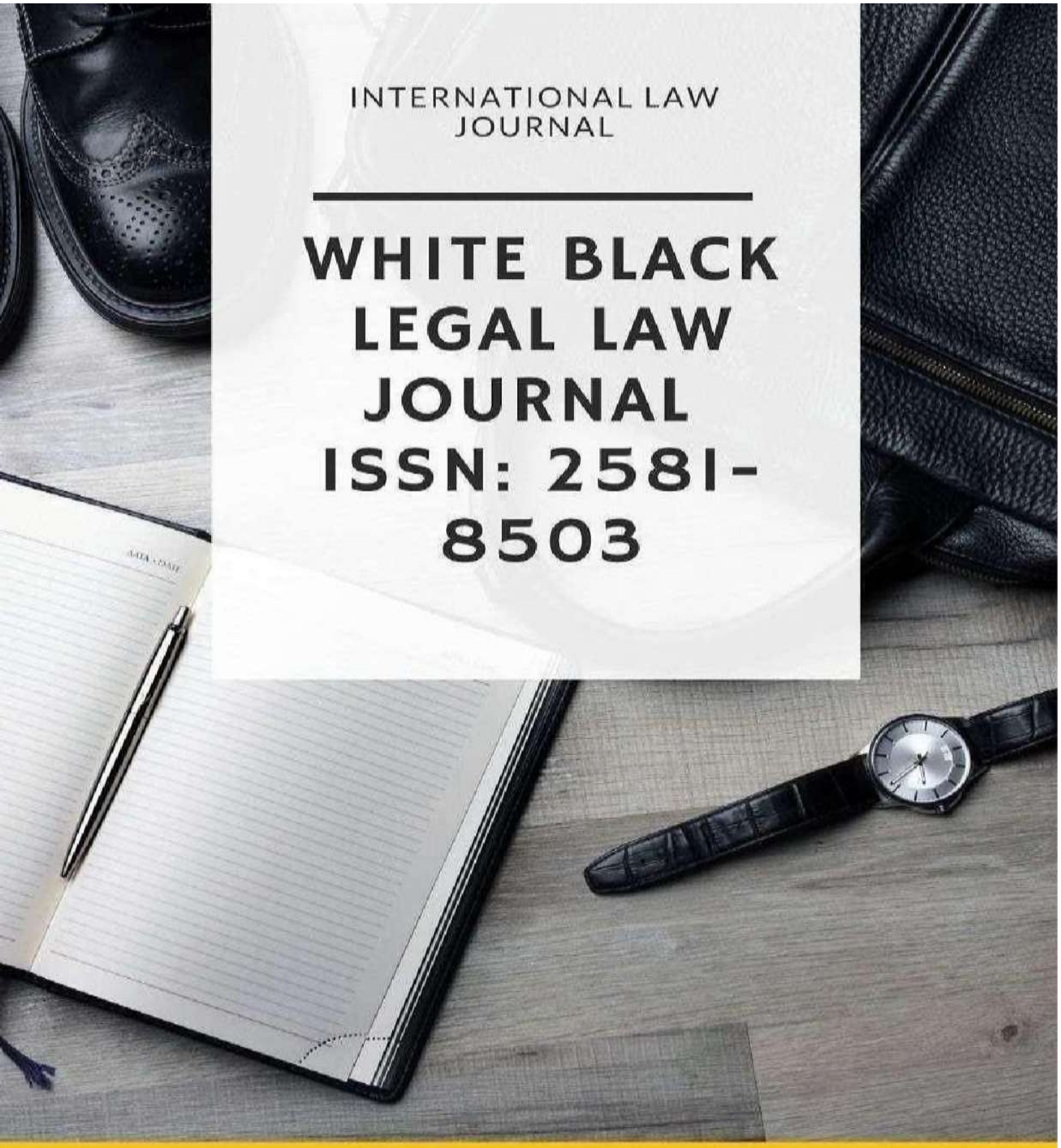

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

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HATE SPEECH VS. FREE SPEECH: CONSTITUTIONAL DILEMMAS IN THE DIGITAL AGE

AUTHORED BY - MANHA PRATYAKSHA

Abstract

The exponential growth of digital platforms has transformed how individuals express their thoughts and opinions. While this democratization of speech strengthens free expression, it also facilitates the rapid dissemination of hate speech. This research paper critically examines the legal and constitutional dilemmas that arise when free speech clashes with hate speech in the digital age. It analyses the balance between protecting individual liberties under Article 19(1)(a) of the Indian Constitution and the reasonable restrictions provided under Article 19(2), focusing on issues like incitement, dignity, and public order. The paper also compares international frameworks, especially in the U.S. and Europe, to understand varied constitutional approaches. In the context of rising communal, racial, and gender-based hate online, the paper argues for a more nuanced and tech-adaptive legal interpretation that upholds constitutional morality without compromising democratic values.

Keywords

Hate Speech, Free Speech, Article 19, Indian Constitution, Digital Age, Reasonable Restrictions, Constitutional Dilemma, Online Speech Regulation, Human Rights, Comparative Constitutional Law

Literature Review

The interplay between hate speech and free speech has been the subject of extensive legal, philosophical, and sociopolitical discourse globally. In the Indian context, this debate has gained renewed attention due to the explosion of digital media and the challenges it poses for legal regulation.

1. **Constitutional Foundations and Judicial Interpretation in India**

   The Indian judiciary has consistently attempted to strike a balance between Article 19(1)(a), which guarantees freedom of speech and expression, and Article 19(2), which permits reasonable restrictions on this freedom. In *Romesh Thappar v State of Madras*

[(1950) SCR 594], the Supreme Court emphasised that freedom of speech is at the heart of a democratic society. However, in *Pravasi Bhalai Sangathan v Union of India* [(2014) 11 SCC 477], the Court observed the need for stricter regulatory frameworks to curb hate speech that threatens public order and communal harmony.

2. **Hate Speech in the Digital Age**

   Scholars like Gautam Bhatia, in his work *Offend, Shock, or Disturb: Free Speech under the Indian Constitution* (2016), argue that Indian jurisprudence tends to give excessive weight to public order and morality, often at the cost of robust free speech protections. Similarly, Usha Ramanathan has highlighted that the lack of a precise legal definition of hate speech leads to arbitrary enforcement, especially online.

3. **Comparative Jurisprudence**

   The U.S. follows a near-absolute protection approach under the First Amendment, except in cases of "imminent lawless action" as seen in *Brandenburg v. Ohio* [395 U.S. 444 (1969)]. In contrast, the European Court of Human Rights (ECtHR) permits greater restriction of hate speech under Article 10(2) of the European Convention on Human Rights, especially when such speech undermines the rights and dignity of others.

4. **Digital Regulation and Platform Responsibility**

   With the rise of social media, the role of private tech companies in regulating hate speech has come under scrutiny. Works such as Jack Balkin's “Free Speech in the Algorithmic Society” (2018) suggest that algorithmic amplification often worsens hate speech by privileging inflammatory content. Similarly, Chinmayi Arun has argued that intermediary guidelines in India grant excessive power to platforms and the executive, thus affecting both speech and due process rights.

5. **Need for a Contextual Framework**

   Recent academic trends emphasize a contextual and rights-based approach to hate speech regulation. Scholars advocate for understanding hate speech not merely as offensive language, but as speech that marginalizes or incites violence against vulnerable communities. This shift underscores the need for a more tailored legal framework that addresses the harms of online speech without chilling legitimate dissent.

Research Methodology

This research paper adopts a doctrinal and comparative legal research methodology to analyse the constitutional tensions between hate speech and free speech, especially in the digital context.

1. **Doctrinal Research**

   The primary methodology used is doctrinal, focusing on a critical analysis of constitutional provisions, judicial decisions, and statutory frameworks. Key legal texts examined include:

   - Article 19(1)(a) and Article 19(2) of the Constitution of India.
   - Landmark Supreme Court decisions such as *Shreya Singhal v Union of India* [(2015) 5 SCC 1] and *Subramanian Swamy v Union of India* [(2016) 7 SCC 221].
   - Statutory instruments like the Indian Penal Code (Sections 153A, 295A, 505) and Information Technology Act, 2000.

2. **Comparative Method**

   To enrich the constitutional analysis, the paper compares the Indian legal framework with:

   - The United States' First Amendment jurisprudence.
   - European Union regulations and the European Court of Human Rights (ECtHR) decisions under Article 10 of the ECHR.

   This comparison highlights divergent legal philosophies in regulating hate speech and draws lessons for the Indian context.

3. **Secondary Sources**

   The paper draws on legal commentaries, academic journals, government reports (e.g., Law Commission of India reports), and scholarly works to frame a robust theoretical background. Online repositories, legal databases (SCC Online, Manupatra), and think tank publications have also been used to gather contemporary perspectives.

4. **Analytical Framework**

   The research applies a rights-balancing framework, evaluating how courts and legislatures weigh the right to free speech against the need to restrict speech that incites hatred, violence, or discrimination. Special attention is given to how these issues play out on digital platforms, including social media regulation and intermediary liability.

Hypothesis

In the digital age, the constitutional protection of free speech in India is increasingly challenged by the proliferation of hate speech, especially through online platforms. This paper hypothesizes that:

The current Indian legal framework inadequately balances the right to free speech with the need to curb hate speech in digital spaces, leading to either over-censorship or regulatory inaction, both of which undermine constitutional democracy.

This hypothesis rests on three core premises:

1. Overbreadth and Vagueness – Existing laws such as Sections 153A, 295A, and 505 of the Indian Penal Code are often vague and prone to misuse, resulting in arbitrary restrictions on legitimate expression.
2. Digital Amplification of Harm – The nature of digital communication amplifies the harm of hate speech, necessitating a re-evaluation of traditional legal thresholds like "public order" and "incitement."
3. Lack of Coherent Judicial Standards – Indian jurisprudence lacks a consistent test to distinguish hate speech from protected expression, especially in the digital context where speech can rapidly go viral and cause real-world harm.

Introduction

Freedom of speech and expression is often heralded as the cornerstone of a democratic society. In India, this right is guaranteed under Article 19(1)(a) of the Constitution and is considered essential for the development of individual autonomy and democratic participation. However, this right is not absolute. Article 19(2) empowers the State to impose "reasonable restrictions" on this freedom in the interest of public order, decency, morality, and the sovereignty and integrity of India, among others.[1] The interpretation and application of these restrictions have led to deep constitutional dilemmas, particularly in the context of hate speech.

Hate speech, broadly understood as speech that attacks or demeans a group based on race, religion, caste, gender, or other identity markers, presents a unique challenge in the digital age. The advent of social media and online platforms has enabled such speech to spread rapidly and reach millions within minutes.[2] While these platforms have democratised discourse, they have

[1]Constitution of India 1950, art 19(2).
[2]Chinmayi Arun, 'Hate Speech Laws in India' in Tarunabh Khaitan and Swati Jhaveri (eds), Oxford Handbook of the Indian Constitution (OUP 2022) 621.

also enabled the amplification of inflammatory and polarising content, raising urgent questions about how to balance the protection of speech with the prevention of harm.

The Indian legal framework on hate speech is fragmented and often inconsistent. Provisions under the Indian Penal Code—such as Sections 153A (promoting enmity), 295A (outraging religious feelings), and 505 (statements conducive to public mischief)—are commonly invoked, but they suffer from vagueness and are frequently used to suppress dissent rather than genuine hate speech.[3]At the same time, judicial interpretations of free speech protections have varied widely, leading to a lack of clear standards in adjudicating hate speech cases.

Globally, democracies face similar tensions. The United States takes an absolutist stance under the First Amendment, allowing most forms of hate speech unless they incite imminent lawless action.[4] In contrast, the European approach permits stricter regulation of hate speech, prioritising dignity and equality over unfettered expression.[5] These varying approaches raise important normative questions about whether the Indian model should lean towards stronger safeguards for speech or more robust protections against hate.

This research paper aims to explore these constitutional tensions in detail. It will analyse how Indian courts have addressed the hate speech–free speech dichotomy, evaluate the adequacy of existing legal provisions, and propose reforms to align digital governance with constitutional principles. The paper also compares Indian jurisprudence with international legal frameworks to derive a more contextually sensitive and rights-based approach.

1. Constitutional Framework of Free Speech in India

The Indian Constitution enshrines the right to freedom of speech and expression under Article 19(1)(a). This right is central to the functioning of a democratic society, facilitating the exchange of ideas, criticism of government, and the promotion of social progress. However, unlike the absolute nature of free speech in the United States, the Indian Constitution incorporates inherent limitations under Article 19(2), which allows the State to impose "reasonable restrictions" on several grounds, including public order, decency, morality, and the

[3]Law Commission of India, Report No 267: Hate Speech (March 2017) https://lawcommissionofindia.nic.in/reports/Report267.pdf accessed 24 June 2025.
[4]Brandenburg v Ohio 395 US 444 (1969)
[5]Handyside v United Kingdom (1976) 1 EHRR 737 (ECtHR).

sovereignty and integrity of India.[6]

The framers of the Constitution anticipated that unregulated speech could harm societal harmony in a country as diverse and pluralistic as India. Thus, the right was never intended to be unqualified. The tension between Article 19(1)(a) and Article 19(2) lies at the heart of judicial discourse on hate speech.

The judiciary has developed a nuanced interpretation of this balance. In *Romesh Thappar v State of Madras*, the Supreme Court held that freedom of speech is a fundamental value in a democracy, which cannot be curtailed except under circumstances that directly threaten public order.[7] This was further evolved in *Kedar Nath Singh v State of Bihar*, where the Court upheld restrictions on speech that incited violence or disaffection against the State but protected criticism of government policies.[8]

In the digital era, this balance becomes more complex. The Supreme Court's landmark decision in *Shreya Singhal v Union of India* struck down Section 66A of the IT Act, 2000, for being vague and chilling the freedom of speech.[9] The Court emphasized that only speech that incites "incitement to imminent violence" can be justifiably restricted, borrowing language from American jurisprudence. However, Indian courts have not consistently applied this threshold in hate speech cases, leading to legal uncertainty and selective enforcement.

Moreover, the term "reasonable restrictions" has not been clearly defined, giving wide discretion to the State. While the Supreme Court has occasionally upheld free speech robustly, it has also shown deference to executive concerns on public order, particularly during communal tensions. This ambiguity becomes especially problematic in the age of social media, where the viral nature of content makes it harder to assess intent and effect before enforcement.

The need for a structured constitutional doctrine to determine when speech crosses the line from protected to punishable is more pressing than ever. Courts must reconcile constitutional values of liberty, equality, and fraternity in determining the limits of free speech.

[6]Constitution of India 1950, art 19(1)(a) and art 19(2).
[7]Romesh Thappar v State of Madras [1950] SCR 594.
[8]Kedar Nath Singh v State of Bihar [1962] AIR SC 955.
[9]Shreya Singhal v Union of India (2015) 5 SCC 1.

2. Defining Hate Speech in Law and Practice

The Indian legal system does not explicitly define "hate speech" in any statute, creating interpretive ambiguities and enforcement challenges. Unlike jurisdictions such as the United Kingdom or Canada, where statutory frameworks define and criminalise hate speech based on specific grounds, Indian law relies on a patchwork of penal provisions to deal with speech that incites hatred or violence.

Key among these provisions are:

- Section 153A of the Indian Penal Code (IPC), which penalises promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc.;
- Section 295A, which criminalises deliberate and malicious acts intended to outrage religious feelings;
- Section 505, which deals with statements conducing to public mischief.[10]

These laws have been frequently used in hate speech prosecutions, but their broad and often vague language allows for both over-enforcement and under-enforcement. For instance, *Bilal Ahmed Kaloo v State of Andhra Pradesh* held that mere criticism of a religion without inciting violence does not constitute hate speech under Section 153A.[11] However, in practice, these provisions are often misused to target unpopular or dissenting views under the guise of maintaining public order.

Judicial attempts to clarify the scope of hate speech have been limited. In *Pravasi Bhalai Sangathan v Union of India*, the Supreme Court acknowledged the absence of a comprehensive legal definition and urged Parliament to enact legislation that clearly defines hate speech and its boundaries.[12] Similarly, the Law Commission of India in its 267th Report recommended adding two new provisions—Sections 153C and 505A—to address hate speech more precisely and to distinguish it from merely offensive or unpopular speech.[13]However, these recommendations remain unimplemented.

The digital age has further complicated enforcement. Online hate speech spreads rapidly, often

[10]Indian Penal Code 1860, ss 153A, 295A, 505.
[11]Bilal Ahmed Kaloo v State of Andhra Pradesh (1997) 7 SCC 431.
[12]Pravasi Bhalai Sangathan v Union of India (2014) 11 SCC 477.
[13]Law Commission of India, Report No 267: Hate Speech (March 2017)

anonymously, making prosecution difficult. Moreover, the subjective and context-specific nature of what constitutes "hatred" complicates the legal threshold. A comment considered hateful by one community may be perceived as free expression or satire by another. This ambiguity creates space for selective criminalisation and reinforces existing societal biases.

In contrast, international frameworks offer more structured definitions. For example, the Council of Europe defines hate speech as all forms of expression that "spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance."[14] Such definitions can guide Indian jurisprudence in crafting more consistent and equitable interpretations.

To address these challenges, India needs a uniform, rights-based definition of hate speech that:

- clearly distinguishes it from robust criticism, satire, or unpopular opinions;
- assesses the likelihood of harm or incitement objectively;
- and takes into account the speaker's intent, the context of the speech, and the potential impact on vulnerable groups.

3. The Role of Social Media and Online Platforms

The digital transformation of public discourse, driven by social media platforms such as Facebook, X (formerly Twitter), Instagram, and YouTube, has significantly altered the dynamics of hate speech and free speech. While these platforms offer unprecedented opportunities for self-expression, activism, and democratic participation, they have also become breeding grounds for hate speech, disinformation, and algorithmic amplification of polarising content.

One of the key challenges with online hate speech is the scale and speed at which it spreads. Unlike traditional speech, digital content can be shared instantly and virally, often reaching millions within minutes. This rapid dissemination increases the potential harm of hate speech, especially when directed at marginalised communities.[15] Moreover, anonymity on these platforms emboldens users to engage in inflammatory or derogatory speech without fear of accountability.

[14]Council of Europe, Recommendation No. R (97) 20 of the Committee of Ministers to Member States on "Hate Speech" (30 October 1997).
[15]Chinmayi Arun, 'Hate Speech and the Constitution' (2021) 14 NUJS L Rev 1, 5.

In India, online hate speech has often contributed to real-world violence. For instance, inflammatory WhatsApp messages were linked to lynching incidents in Jharkhand and Uttar Pradesh.[16] Similarly, communal violence in Delhi in 2020 was reportedly incited through provocative social media content. These events underscore the urgent need for robust digital governance mechanisms that address the unique characteristics of online hate speech.

From a regulatory perspective, the Information Technology Act, 2000, and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 govern platform responsibilities in India. These rules mandate that intermediaries take down unlawful content within 36 hours of receiving government or court orders and implement grievance redressal mechanisms.[17] However, critics argue that these guidelines give disproportionate control to the executive branch and place excessive burdens on platforms, potentially leading to over-censorship.[18]

Private tech companies also play a quasi-judicial role in regulating speech through their community guidelines, algorithms, and content moderation policies. This privatisation of censorship raises serious constitutional questions in India, where these platforms are not bound by Article 19(1)(a) but still shape the public discourse.[19] The opacity of content moderation, combined with the lack of transparency in takedown practices, often results in inconsistent enforcement and reinforces bias.

Additionally, the use of algorithmic curation by platforms tends to prioritise engagement over accuracy or civility. As Jack Balkin argues, these "attention engines" are structurally incentivised to promote content that provokes outrage, which frequently includes hate speech.[20] Such algorithmic bias can worsen social polarisation and increase the vulnerability of minorities.

To address these concerns, scholars and policymakers have called for:

- Greater transparency in content moderation decisions,

[16]Anumeha Yadav, 'How WhatsApp Helped Turn a Village into a Mob' The Wire (18 July 2018)
[17]Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, rr 3(1)(d) and 4(1).
[18]Internet Freedom Foundation, 'Analysis of the IT Rules 2021' (2021)
[19]Usha Ramanathan, 'Private Censorship and the Constitution' (2019) 4 Indian JL &Pol'y 45.
[20]Jack M Balkin, 'Free Speech in the Algorithmic Society' (2018) 51 UC Davis L Rev 1149, 1160.

- Democratic oversight over takedown procedures,
- Due process guarantees for users whose content is removed,
- And the inclusion of constitutional values in private platform governance.

Unless these issues are addressed through a rights-respecting framework, the digital public sphere risks becoming a hostile environment that suppresses dissent while enabling discrimination.

4. Comparative Constitutional Perspectives on Hate Speech

The regulation of hate speech varies significantly across jurisdictions, reflecting different constitutional traditions, historical experiences, and normative commitments. A comparative analysis of the United States, the European Union, and Canada offers valuable insight into how democracies balance free speech and the need to combat harmful expression.

United States: Absolutist Protection under the First Amendment

The United States adopts an almost absolutist stance on freedom of speech under the First Amendment. The Supreme Court has consistently held that hate speech is protected unless it amounts to direct incitement to imminent lawless action, as laid down in *Brandenburg v Ohio*.[21] Offensive or hateful content alone is insufficient to warrant state intervention.[22]

This approach is rooted in a deep mistrust of government regulation and a strong preference for counter speech over censorship. However, critics argue that it permits speech that contributes to systemic discrimination and social harm, especially in online environments.[23]

European Union: Balancing Dignity and Expression

In contrast, the European model, particularly under the European Convention on Human Rights (ECHR), allows for greater restrictions. Article 10 of the ECHR guarantees freedom of expression but permits limitations "necessary in a democratic society" for the protection of the rights of others.[24] The European Court of Human Rights (ECtHR) has upheld restrictions on Holocaust denial, racist propaganda, and incitement to hatred, recognising the need to protect human dignity and democratic order.

[21]Brandenburg v Ohio 395 US 444 (1969).
[22]Snyder v Phelps 562 US 443 (2011).
[23]Mari J Matsuda, Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment (Westview Press 1993).
[24]European Convention on Human Rights (ECHR) 1950, art 10.

Cases like *Garaudy v France* and *Féret v Belgium* show how Europe draws the line where speech is discriminatory or threatens the cohesion of plural societies.[25] The ECtHR employs a proportionality test, assessing whether the restriction serves a legitimate aim and is necessary in a democratic society.

Canada: Contextual Approach to Harm

Canada adopts a middle path, balancing freedom of expression under Section 2(b) of the Charter of Rights and Freedoms with the reasonable limits clause under Section 1. In *R v Keegstra*, the Canadian Supreme Court upheld hate speech prohibitions on the ground that they protect equality and social harmony.[26] The court acknowledged that while hate speech is a form of expression, it can cause deep psychological harm and marginalise vulnerable groups.

The Canadian model emphasises context, focusing on whether the speech promotes hatred against an identifiable group. It also requires intent and a substantial likelihood of harm—providing both clarity and fairness.

Lessons for India

India's model, while formally allowing restrictions under Article 19(2), lacks the jurisprudential clarity seen in these jurisdictions. The US model warns against overreach but may be unsuitable in a multicultural society like India. The EU model, which balances dignity with expression, and the Canadian model, which adopts a harm-based approach, may be more appropriate.

By adopting a proportionality and harm-based framework, Indian jurisprudence can better balance constitutional rights while preserving democratic discourse and protecting vulnerable communities.

5. Judicial Responses and the Need for Reform in India

Indian courts have played a central role in interpreting the limits of free speech and the scope of hate speech. However, the judicial response has been inconsistent, swinging between upholding speech rights and deferring to state interests in maintaining public order. This

[25]Garaudy v France App no 65831/01 (ECtHR, 24 June 2003); Féret v Belgium App no 15615/07 (ECtHR, 16 July 2009).
[26]R v Keegstra [1990] 3 SCR 697 (SCC).

judicial ambiguity calls for doctrinal clarity and systemic reform.

Inconsistent Judicial Standards

The judiciary has at times adopted a liberal interpretation of free speech. In *Shreya Singhal v Union of India*, the Supreme Court struck down Section 66A of the Information Technology Act for being vague and disproportionately chilling expression.[27] The Court drew a clear line between advocacy, discussion, and incitement, stating that only the last can be constitutionally restricted. This decision was hailed as a victory for digital rights.

However, this progressive stance has not been uniformly applied. In *Amitabh Thakur v Union of India*, the Supreme Court declined to define hate speech, instead referring the matter to the Law Commission.[28] Likewise, in *Subramanian Swamy v Union of India*, the Court upheld the criminal defamation provisions of the IPC, invoking the need to balance dignity with expression.[29] Such decisions suggest a reluctance to articulate a clear, rights-based doctrine.

This inconsistency is especially stark in communal and politically sensitive cases. Courts have often refused to intervene pre-emptively in cases involving inflammatory speech by politicians, citing procedural limitations or lack of prima facie evidence, as seen in *Zubair v Union of India*.[30] On the other hand, ordinary citizens are often subjected to swift action and preventive detention for social media posts, revealing a double standard.

Need for Legislative and Doctrinal Reform

Given these inconsistencies, there is a growing call for:

- A clear legal definition of hate speech that is narrowly tailored and consistent with constitutional values;
- The incorporation of intent, context, and likelihood of harm as core factors in judicial review;
- The adoption of a proportionality test as a standard to assess restrictions, as laid out in *Modern Dental College v State of Madhya Pradesh*.[31]

The Supreme Court itself, in *Pravasi Bhalai Sangathan*, urged the legislature to formulate a

[27]Shreya Singhal v Union of India (2015) 5 SCC 1.
[28]Amitabh Thakur v Union of India (2020) SCC Online SC 673.
[29]Subramanian Swamy v Union of India (2016) 7 SCC 221.
[30]Mohammed Zubair v Union of India Writ Petition (Criminal) No 279 of 2022, decided on 20 July 2022.
[31]Modern Dental College and Research Centre v State of Madhya Pradesh (2016) 7 SCC 353.

specific law on hate speech, recognising the lacuna in both statutory and constitutional jurisprudence.[32] Despite the Law Commission's 267th Report recommending new provisions like Sections 153C and 505A to specifically address hate speech, no such legislation has been enacted.

The absence of such reform has led to ad hoc judicial responses, undermining both freedom of expression and protection against hate. The courts must adopt a harm-based, context-sensitive framework that balances speech rights with the constitutional mandate of fraternity and equality.

Conclusion

The tension between hate speech and free speech is one of the most pressing constitutional dilemmas in the digital age. As this paper has shown, India's current legal framework for regulating hate speech is fragmented, vague, and inconsistently applied. While the Constitution allows for reasonable restrictions under Article 19(2), the lack of a precise statutory or judicial definition of hate speech has resulted in both over-censorship of dissent and under-regulation of truly harmful speech.

In an era dominated by digital platforms, the threat posed by online hate speech is immediate and far-reaching. The rapid spread of inflammatory content, often fueled by anonymity and algorithmic amplification, demands urgent and thoughtful regulation. At the same time, free speech remains the cornerstone of democratic participation, dissent, and the pursuit of truth. Any restriction on speech must therefore pass the tests of necessity, proportionality, and legality.

Comparative constitutional experiences—such as those of the European Union and Canada—demonstrate that it is possible to regulate hate speech while still protecting core expressive freedoms. These models emphasize context, harm, and intent, offering a viable path for India to follow. The Indian judiciary, despite some progressive rulings, has not yet fully articulated a coherent doctrine for resolving this tension. Legislative reform, as recommended by the Law Commission and endorsed by the Supreme Court, is long overdue.

[32]Pravasi Bhalai Sangathan v Union of India (2014) 11 SCC 477.

Going forward, India must:

- Enact clear legislation that defines hate speech in a constitutionally valid and narrowly tailored manner;
- Ensure judicial consistency by adopting a harm-based, proportionality-oriented review of speech restrictions;
- Encourage transparency and accountability in digital platform governance;
- Safeguard dissenting voices while firmly addressing incitement to discrimination and violence.

Ultimately, the goal is not to suppress speech but to cultivate a digital public sphere where equality, dignity, and liberty coexist. In balancing hate speech and free speech, India must reaffirm its constitutional commitment to fraternity and pluralism, ensuring that neither liberty nor social harmony is sacrificed at the altar of the other.