

# Hate Speech in social media: An Exploration of the Problem and its proposed Arrangement in India

<sup>1</sup>Showkat Ahmad Dar

Department of Political science and Public Administration  
Research Scholar of Annamalai University Tamil Nadu, India  
Permanent Address: Kachiwara Handwara Kupwara Jammu and Kashmir India  
Pin code: 193221

Orchid id: 0000000224099493

Email id: [darshowkat41@gmail.com](mailto:darshowkat41@gmail.com)

<sup>2</sup> Aadil Ahmad ShairGojri

Department of Political science and Public Administration  
Research Scholar of Annamalai University Tamil Nadu, India  
Address: Heffkuri Shopain Jammu and Kashmir  
Pin code: 192303

Orchid id: 00000206681148

Email id: [aadilhassan1995@gmail.com](mailto:aadilhassan1995@gmail.com)

**Abstract:** National Integration is the obligation of each citizen. The public reconciliation is tested on account of the untrustworthy exercises of citizens. As India is a multicultural, multi religious, multiparty and caste-based country, it is entirely defenceless against different issues and these issues challenge national integration. In the period of digital entrance the greater part of the untrustworthy exercises against national integration are occurring in web-based media stage. The constitution of India through its various legislations and CrPC made an honest effort to contain Hate speech addresses in online media stages, for example, Facebook, Twitter, LinkIndia, WhatssApp, YouTube and so on However, when Supreme Court made it unlawful on grounds of abusing the right to speak freely of speech and, the quantity of hate speech expanded in India and it caused for some issues in the public arena.

The right to freedom of speech is a key right simultaneously the ability to speak freely ought not to influence other's opportunity. There ought to have sensible limitations to forestall hate speech both in on the web and disconnected world. As advanced mobile phones and the web turned into a helpful apparatus to spread hate speech against specific local area/religion/weak networks through web-based media. A little piece of hate speech against a gathering made gigantic distress and dissent among the influenced individuals, for example hate speeches flowed during the hour of Pandemic on-going Pandemic against a minority community and resulting conflicts between the groups has been obvious in such manner. Numerous government and non-government partners are utilizing online media successfully to have a superior presentation. Every one of the ideological groups in India are utilizing web-based media for their promulgation, enlistment and sharing political direction. Simultaneously, a few gatherings and people are utilizing social media to make unsettling influence in the general public, which prompts dangers to the public national integrity. This article attempts to break down the impact of Hate speech in social media dependent on different issues occurred in India and it attempts to assess the current laws which intend to control the hate speech in India.

**Keywords:** Hate speech, objectionable content, social media platform, Freedom of Speech, National Integration.

## Research Objectives

The specific objectives of the evaluation study include the assessments / examination of the following:

1. To unearth the meaning of Hate Speech and National Integration.
2. To portray as to what extent The Hate speeches through social media affects National Integration.

3. To identify the Constitutional provisions available against Hate speeches.
4. To Analysis the cases of Hate speech in India.
5. To portray the recommendations of the committees for Hate Speeches.

### **Methodology**

The article follows descriptive and analytical method and the major chunk of data is collected from the secondary sources such as newspaper reports, articles, and reports of various investigation agencies.

### **Introduction**

India is a multicultural country with various differences aspects. In the era of internet, the government's duty to maintain the harmony of the nation faced a big challenge. The hate speech has always been a live debate in our country. The issue has been raised time and again. The research question of the article: How is the pattern of using social media in a political context that triggers conflict and threatens national integration? As victims of hate speech through social media citizens fear and are indeed nervous to enter public spaces or participate in the discourse this brings a change in their behaviour, such intangible effects of hate speech on people are the most insidious and damaging to their right to live with dignity. For a country like India with a massive population of diverse backgrounds and culture, subjects like Hate Speech through social media become a complex issue to deal with as it is difficult to differentiate between free and hate speech. Several factors are to be considered while restraining speeches like the number of strong opinions, offensive to certain communities, the effect on the values of dignity, liberty, and equality. Certainly, there are laws for such atrocities but a major part of work is still left. For a prosperous India, we all have to work together and communicate efficiently to make our country a healthy place to live in. Researchers use qualitative methods to answer research problems. The results show that the fragmentation in social media also has correlation with real-world conflict. Freedoms of speech from netizens who have low digital literacy met with practical political interests make social media look like a battle field of opinion. Hoaxes and fake accounts is a strong mark of the low netizen's responsibility. Debates around the regulation of hate speech are highly contested globally. There is little agreement over what constitutes hate speech, what part of hate speech should be regulated by law, and where to draw the line between freedoms of speech and hate speech that is deemed illegal. However, the range of international, domestic and theoretical material that has emerged around this theme, helps us understand and situate hate speech and the impulse to legally define and regulate such hate speech. Hate speech has not been defined in any law in India but legal provisions in certain legislations prohibit select forms of speech as an exception to freedom of speech. As victims of hate speech citizens fear and are indeed nervous to enter public spaces or participate in the discourse. This brings a change in their behaviour, such intangible effects of hate speech on people are the most insidious and damaging to their right to live with dignity. For a country like India with a massive population of diverse backgrounds and culture, subjects like Hate Speech become a complex issue to deal with as it is difficult to differentiate between free and hate speech. Several factors are to be considered while restraining speeches like the number of strong opinions, offensive to certain communities, the effect on the values of dignity, liberty, and equality. Certainly, there are laws for such atrocities but a major part of work is still left

The Freedom of speech and expression is an internationally recognised right. Freedom of speech and expression is an absolute right Hence various debates have proved it a very controversial topic as to what should be the extent of the freedom of speech and expression. Hence, a certain limit is drawn by the constitutional experts of various constitutional benches over a period of time to mark a line of distinction beyond which such freedom is prohibited by law and needs to be assessed critically. This article talks about the constitutional foundation of hate speech in India extending the discussion of the expression towards its consequences and procedure to deal with such matters in IPC and CrPC respectively. Internet access/ surfing and social media have connected the entire world so beautifully but on the other side, it has been misused by various communities, organizations, political groups etc. Along with bringing an unexpected Not only Globalisation, but Internet has also markedly helped in proliferating Hate Speech across the world via social media and internet access all in every corner of the world which has now come across as one of the major side effects of the internet and social media usage. The prevalence of hate speech on Facebook in the July-

September period in the year 2020 was 0.10 per cent to 0.11 per cent, meaning that out of every 10,000 views of content, 10 to 11 of them included hate speech.

The phrase “In the interest of” in Article 19(2) has been referring to the restriction imposed on this right while protecting the country’s sovereignty, integrity, security and its relations with other states’ creating few exceptions to the complete freedom of speech and expression. Hate speech has affected freedom of speech and expression widely in recent times. Hate speeches give rise to social unrest and public disturbance. This recent addition of LGBT community indeed forces us to think that we certainly cannot limit the extent of Freedom of speech and expression and also gives a future perspective to broaden our thinking towards a more liberal viewpoint. The problem of hate speech has also raised on social media platforms as the spreading of misinformation amongst online platforms is common these days. Social networking apps like WhatsApp, Facebook, Twitter, have become the most ordinary tool for spreading hate speech. Trolls on social media have also become another great worry for social networking sites. Trolling is posting an inflammatory or offensive comment on social media which is aimed to destroy the social fabric i.e. National Integration.

### Discussion

In more vulnerable and more delicate democracies like India, disinformation procedures have gone to the front in the period of online media. Lately, online media stages like Facebook and Whatsapp have experienced harsh criticism for irritating public pressures, spreading bogus data and neglecting to screen content for hate speech. India, a country with 294 million clients of Facebook and its connected items like WhatsApp, stands blamed for weaponizing these stages to spread hate speech and disinformation about strict and rank minorities, women and LGBTQ+ individuals. Vigilantism has consistently been predominant in India's political culture, yet throughout the most recent couple of years with the Hindu patriot – Bharatiya Janata Party (BJP) in power, horde viciousness and vigilantism have been on the ascent. The quick spread of misleading information through WhatsApp and Facebook has empowered this ascent of viciousness. As a rule, it alludes to words whose purpose is to make speech towards a specific gathering, that gathering might be a local area, religion or race. This speech might possibly have meaning, yet is probably going to bring about violence. The Bureau of Police Research and Development as of late distributed a manual for examining offices on digital provocation cases that characterized hate speech as a language that maligns, affronts, compromises or focuses on an individual dependent on their personality and different qualities, (for example, sexual direction or handicap or religion and so forth) In the 267th Report of the Law Commission of India, hate speech is expressed as an affectation to contempt essentially against a gathering of people characterized as far as race, nationality, sex, sexual direction, strict conviction and such. To decide if a specific occasion of speech is a hate speech or not, the setting of the speech assumes a significant part

### Major Reasons of Hate speech

- 1. Individuals have faith in generalizations that are instilled to them and these generalizations persuade them to think that a class or gathering of people are second rate compared to them and as such can't have similar rights as them.
- 2. The determination to adhere to a specific philosophy without really focusing on the right to exist together calmly adds further fuel to the fire of hate speech.

### Indian Penal Provisions Related to Hate Speech

- Sections **153A and 153B** of the IPC: Punishes acts that cause animosity and scorn between two groups.
- Section **295A of the IPC**: Deals with punishing acts which purposely or with malevolent goal shock the religious sensations of a class of people.
- Sections **505(1) and 505(2)**: Make the distribution and course of content which might cause hostility or hate between various gatherings an offense.

### Under Representation of Peoples Act

- Sections 123(3A) and 125 of the RPA: Bars the advancement of hostility on the grounds of race, religion, local area, rank, or language regarding decisions and incorporate it under corrupt electoral practices.
- Section 8 of the Representation of People's Act, 1951 (RPA): Prevents an individual sentenced for the unlawful utilization of the right to speak freely from contesting election.

### Idea for Changes in IPC

1. **Bezbaruah advisory group 2014:** It proposed change to Section 153 C IPC (elevating or endeavouring to elevate acts biased to human pride), deserving of five years and fine or both and Section 509 An IPC (word, signal or act expected to affront individual from a specific race), deserving of three years or fine or both
2. **Viswanathan advisory group 2019:** It proposed embedding's Sections 153 C (b) and Section 505 An in the IPC for impelling to submit an offense on grounds of religion, race, standing or local area, sex, sex character, sexual direction, spot of birth, home, language, incapacity or clan. It proposed discipline of as long as two years alongside Rs. 5,000 fine.

### Indian Constitution and H ate speech

Different decisions have generously deciphered the basic right of opportunity of speech and expression. And yet, a sensible limitation has been forced on this basic right, abuse of which may fall under the ambit of hate speech. Opportunity of speech and articulation is an internationally perceived human right where different standards have been made to maintain its legitimacy through the structure given by International human rights law which perceives both the right to freedom of speech and expression and the obligation of the states' to restrict speech which advocates contempt. For instance, the Universal Declaration of Human Rights was acknowledged by the United Nations General Assembly in 1948.

Freedom of Speech and Expression is ensured as a fundamental right in the Longest Constitution for example Constitution of India under Article 19(1) (a) which states as all citizens will have the right to freedom of speech and expression. However, under Art 19(2), a sensible restriction has been advanced by the Indian constitution where the word sensible should find some kind of harmony between the utilization and abuse of this freedom. According to Article 19(2) of the Indian constitution, it peruses as follows:

"Nothing in Article 19(1) (a) will impact the activity of any current law, or keep the State from making any law, in hitherto naturally law forces sensible limitations on the activity of the right gave by the said sub-provision in light of a legitimate concern for the sovereignty and integrity of India, the security of the country, well-disposed relations with unfamiliar States, public order, pride or dignity or corresponding to hatred of court, defamation or prompting to an offense."

The above-mentioned laws may not straightforwardly manage the issues of hate speech yet the Constitution has been deciphered extravagantly by the Supreme Court to bind these provisions under the reasonable restrictions of Article 19(2).

Thus, the thought of hate speech has been made more extensive in our country to keep up with peace and public order. Regardless of such specify arrangements in our law's, opposing questions have been raised with regards to them, first, it is inadequate and second, it confines the freedom to express. This bewildering exposure is portrayed by two distinct instances of the Honourable Supreme Court.

Pravasi Bhalai Sangathan v. Union of India (AIR 2014 SC 1591): Where the petitioners tracked down the current laws identified with hate speech lacking and asked that the State ought to order stricter guideline and make an authoritative move against people advancing hate speech. Yet, the Court saw that the execution of existing law's would take care of the issue of hate speech generally. The issue of hate speech merited further consideration by the Law Commission of India. Subsequently, the Commission in the wake of taking into see the laws and different declarations on hate speech had presented its Report No.267 before the Government of India in March 2017 for consideration.

### **Hate Speeches leaped in 2020**

India had the second largest number of absolute demands from Facebook, after the United States. Brazil was number three in the quantity of all out demands. This was a critical leap from the second half of 2019 (July to December) where it had gotten an aggregate of 26,898 requests. Facebook saw an aggregate of 37,570 requests from law implementation authorities in India for the principal half of 2020 (Jan to June), and it conformed to almost 50 % of these requests.

This is additionally the first occasion when that Facebook zeroed in on the pervasiveness of hate speech on the stage as a component of its report. The social media organization said that hate speech commonness was 0.12 % – 0.13 % on the stage or 11 to 12 perspectives on hate speech for each 12,000 perspectives on content. With respect to restrictions, Facebook restricted admittance to 681 things in light of bearings from the Ministry of Electronics and Information Technology for abusing Section 69A of the Information Technology Act, 2000. Nine of these were confined briefly. Facebook likewise restricted admittance to 143 things because of private reports of slander. On Instagram, the organization confined 148 accounts and 40 media.

The utilization of hateful and divisive language by high-positioning politicians through social media has expanded practically 500% in the beyond four years, a NDTV data assortment practice has found. The reason of the activity was basic: it appears to be not a day, or seven days passes by without some senior politician - a Member of Parliament, minister, MLA or even Chief Minister offering a derisive remark, be it in the language of bias or calling for brutality. The ascent being used of online media by politicians has just intensified this upsetting pattern.

### **List of Hate speeches through social media**

1. After the terrorist attack on CRPF Jawans in Pulwama, Kapil Mishra, an MLA from the Karwal Constituency in Delhi, made series of deeply disturbing tweets some of which were a virtual call to commit genocide. His worst quote being "destroy the womb that gives birth to terrorists". He was suspended from Aam Aadmi Party after this comment and he is now a member of BJP.
2. Raja Singh isn't only some other BJP politician. He is a habitual perpetrator with regards to hate speech. He has a Facebook page whose pennant peruses, "Let us set up Hindu Rashtra by arousing Dharma and uniting Hindus under the direction of Saints!" In 2015 he said he was "prepared to 'kill or get killed' to secure the 'Gau Mata' (cow)". In a video he cautions the Muslims of India "Till now there was the public authority of inept individuals, presently under Modi's government you can endure (exclusively) by staying silent and submitting to us. Else, we'll pull the floor covering underneath your feet and you will not know."
3. A former district judge, Syed Tauqeer from Anantnag region of Jammu and Kashmir arrived in a difficult situation by saying, "I have been informed that the forest department is shutting down your streets. Presently you have my consent, and if any of them (forest employees) comes back once more, hack their hands and feet and disclose to them that NC's designated up-and-comer has given you the authorization." A FIR was documented against him for this provocative remark.
4. Feroze Khan, Samajwadi Party leader and close guide of Azam Khan, made series of sexist and derogatory remarks against previous Member of Parliament Jaya Prada for which he was given a notification by the National Commission for Women (NCW). While reacting to that reality that Jaya Prada was challenging against Azam Khan in Rampur, Feroze Khan said, "Evenings would now turn out to be more brilliant in Rampur." He added that Jaya Prada would now captivate individuals with her ghungroos and thumkas. He is by all accounts following the strides of his lord as Azam Khan had considered her a nachne wali prior.
5. BJP's Mumbai Unit President Mangal Prabhat Lodha was pulled up by Election Commission for delivering a communally charged discourse during election campaign in Mumbadevi space of Mumbai. Focusing on Congress up-and-comer and sitting MLA Amin Patel, Mr. Lodha approached the recollections of mobs and fear assaults, asserting that the bombs and slugs utilized in these episodes were fabricated "in paths inside 5 km". Lodha didn't name any territory, yet it is generally expected information that the Dongri and Nagpada regions in the area have a huge Muslim populace.

6. With an intend to light communal pressure preceding and after the Ayodhya decision of the Supreme Court, news channels like Aaj Tak posted on their web-based media, a profoundly incendiary assertion brimming with othering. The post has a picture of Lord Ram and it said, "Janmabhoomi hamari, Ram hamare, Masjid rib kaha se padhare" (The origin is our own, Ram is our own, and where have these 'mosque individuals' come from?). CJP recorded a protest against this with the News Broadcasting Standard Authority and NBSA has given a notification to that respect to the news channel.

Assam leadership didn't remain a long ways behind. Mrinal Saikia, MLA from Khumtai in Upper Assam, while tending to a public gathering in Chabua in Dibrugarh, Assam, which was likewise a site of enormous enemy of CAA fights, he said, "The BJP has become solid, you can be solid as well. All of you simply need to come out have endured enough. On the off chance that somebody comes to consume your home, you likewise torch their homes. On the off chance that they contact one specialist of our own, do likewise with 10 of their laborers."

### **Conclusion and Result**

National Integration is the responsibility of every citizen. The national integration is challenged because of the irresponsible activities of citizens. As India is a multicultural, multireligious, multiparty and caste-based country, it is very vulnerable to various issues and these issues challenge national integration. In the era of cyber penetration most of the irresponsible activities against national integration happen in social media. The hate speech in social media was somehow in control when it was monitored by Section 66A of IT Act 2000. But when Supreme Court made it unconstitutional on grounds of violating freedom of speech and expression, the number of hate speech increased in India and it caused for many issues in society. Freedom of speech is a fundamental right at the same time the freedom of speech should not affect other's freedom. There should have reasonable restriction to prevent hate speech. As most of the Indians are using smart phone and the internet became cheap, the social media is a key factor in Indian society. Many government and nongovernment stakeholders are using social media effectively to have a better performance. All the political parties in India are using social media for their propaganda, recruitment and sharing political orientation. At the same time, some groups and individuals are using social media to make disturbance in the society, which leads to threats to the national integrity.

The Article 19 certifications freedom of speech and expression to all citizens however it is exposed to specific limitations, in particular, sovereignty and integrity of India, the security of the State, well-disposed relations with foreign States, public request, respectability or profound quality or corresponding to hatred of court, slander or actuation to an offense.

There are a few models from the past occurrence of uproar or savagery outline how police and civil society battled with the topic of hate speech online, apparently got uninformed by the scale and speed of dissemination and effect of such hate speech substance. Absolutely, there are laws for such atrocities yet a significant piece of work is still left. For a prosperous India, we as a whole need to cooperate and convey proficiently to make our country a solid spot to live in. Along these lines giving a legitimate definition to hate speech would be the initial step to manage the danger and different drives, for example, spreading mindfulness among people in general is the need of great importance. Likewise the clients of social media should be cautious about what post online, in light of the fact that anything that you post may turn into a major issue and could be taken against you. When this occur, it very well may be inconceivable for you to control the harms.

### **Acknowledgement**

We would give our most enormous appreciation to each and every one individual who gave us the likelihood to finish this paper. We should see with much appreciation the gigantic piece of those scientists and examiners who had satisfactorily drafted their papers on a near region their references and that helped us a staggering technique to oversee all out our article obligingly.

### References

1. Arun, Chinmayi. "On WhatsApp, rumours, lynchings, and the Indian Government." *Economic & Political Weekly* 54.6 (2019).
2. Banaji, Shakuntala, et al. "WhatsApp vigilantes: An exploration of citizen reception and circulation of WhatsApp misinformation linked to mob violence in India." (2019).
3. Cao, Rui, Roy Ka-Wei Lee, and Tuan-Anh Hoang. "DeepHate: Hate speech detection via multi-faceted text representations." *12th ACM Conference on Web Science*. 2020.
4. Chetty, Naganna, and Sreejith Alathur. "Hate speech review in the context of online social networks." *Aggression and violent behavior* 40 (2018): 108-118.
5. Das, Dipankar, Souvik Mondal, and Antariksha Ray. "Classifying Hate Speeches Shared in Twitter." *Advances in Speech and Music Technology*. Springer, Singapore, 2021. 381-393.
6. Kumar, Smarika, and Michael Riegner. "Freedom of Expression in Diverse Democracies: Comparing Hate Speech Law in India and the EU." *Democratic Constitutionalism in Continental Polities: EU and India compared* (2020).
7. Kury, H., and S. Redo. "Youth Perception on Hate Crimes, Hate Speeches and Nationalism in Contemporary India." *Crime Prevention and Justice in 2030 the UN and the Universal Declaration of Human Rights* (2020): 41-68.
8. Mirchandani, Maya. "Digital hatred, real violence: Majoritarian radicalisation and social media in India." *ORF Occasional Paper* 167 (2018): 1-30.
9. Mirchandani, Maya. "Digital hatred, real violence: Majoritarian radicalisation and social media in India." *ORF Occasional Paper* 167 (2018): 1-30.
10. Mondal, Mainack, et al. "Characterizing usage of explicit hate expressions in social media." *New Review of Hypermedia and Multimedia* 24.2 (2018): 110-130.
11. Nakamizo, Kazuya. "< Chapter 1> Democracy and vigilantism: The spread of Gau Rakshaks in India." *The Dynamics of Conflict and Peace in Contemporary South Asia: The State, Democracy and Social Movements* (2021): 3-19.
12. Narain, Iqbal. "Cultural pluralism, national integration and democracy in India." *Asian survey* 16.10 (1976): 903-917.
13. Narrain, Siddharth. "Hate Speech, Hurt Sentiment and the (Im) Possibility of Free Speech." *Economic and Political Weekly* 11.17 (2016): 119-126.
18. Patel, Avanish Bhai. "Is Mob Lynching a Contemporary Social Problem in India?." *International Journal of Criminology and Sociology* 9 (2020): 315-324.
19. Pauly, Sarah. "HATE SPEECH LAW UNDER THE INDIAN PENAL CODE: THE PROBLEM OF IMPLEMENTATION." (2016).
20. Rustan, Ahmad. "Communication through Indonesian Social Media: Avoiding Hate Speeches, Intolerance, and Hoaxes." *Journal of Social Studies Education Research* 11.2 (2020): 174-185.
21. Saba Naz, Dr, and Muhammad Osama Shafiq. "Hate Speeches on Twitter and Facebook in South Asia: A Case Study of Malala Yousufzai." *Pakistan Journal of International Affairs* 4.1 (2021).
22. Sasitha, J. Maria Agnes. "Youth Perception on Hate Crimes, Hate Speeches and Nationalism in Contemporary India." *Crime Prevention and Justice in 2030*. Springer, Cham, 2021. 41-68.
23. Shah, Shubha, Shivani Sinha, and Neetika Kumari. "Freedom of Speech and National Integration."
28. Ushama, Thameem. "ISLAMOPHOBIA IN INDIA DURING THE COVID-19 CRISIS: A SURGE OF STIGMATIZATION, VILIFICATION AND MURDER." *Al-Shajarah: Journal of the International Institute of Islamic Thought and Civilization (ISTAC)* 26.1 (2021): 71-98.
29. Vyas, Mohan K. "National Integration and the Law: Burning Issues and Challenges." *Journal of Indian School of Political Economy* 7.2 (1995): 296-325.