

3. Hate Speech & Hate Crimes Prevention Bill, 2025- Polity

Cabinet approves Karnataka Hate Speech and Hate Crimes (Prevention) Bill to prevent promotion of hate speech. The Karnataka Hate Speech and Hate Crimes (Prevention) Bill, 2025 establishes a stringent legal framework to curb speech causing social disharmony, making such offences cognizable and non-bailable with imprisonment up to seven years. It explicitly covers electronic communication and empowers state officers to order the takedown of hateful content from digital platforms.

Key Features of the Bill

Purpose and Scope

Objective- To prevent the spread of hate speech and hate crimes that cause injury or societal disharmony.

Applicability- The law applies to both individuals and institutions.

Definition of Hate Speech Hate speech includes any expression (spoken, written, signs, visible representations, or electronic communication) made with the intention to cause injury, disharmony, enmity, or ill-will.

Target- A person (alive or dead), a class/group of persons, or a community.

Protected Categories (Prejudicial Interest)- Religion, race, caste, community, sex, gender, sexual orientation, place of birth, residence, language, disability, or tribe.

Punishments and Legal Nature

Imprisonment- 1 to 7 years.

Fine- Up to ₹50,000.

Nature of Offence-

Cognisable- Police can arrest without a warrant.

Non-bailable- Bail is not automatic.

Trial- Triable by the Judicial Magistrate First Class.

Enforcement

Alignment- Incorporates provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for procedural uniformity.

Digital Regulation- A designated State officer is empowered to direct service providers or intermediaries to block or remove hate crime materials from their domains, including electronic media.

Impact of Hate Speech

Social Issues- Deepens divisions between communities, disrupts social cohesion, and can escalate into mob violence or riots.

Erosion of Values- Challenges constitutional principles of equality, fraternity, and dignity, and undermines secularism.

Psychological Harm- Causes anxiety, trauma, and long-term mental stress to victims.

Constitutional and Legal Context

Constitutional Provisions

Article 19(2)- Allows the State to place reasonable restrictions on the Freedom of Speech and Expression [Article 19(1)(a)] in the interests of the security of the State, public order, decency, morality, or incitement to an offense.

Existing Legal Framework

IPC / Bharatiya Nyaya Sanhita (BNS), 2023- Sections like 153A and 295A criminalize promoting enmity between groups and outraging religious feelings.

Representation of the People Act, 1951- Section 123(3) & 123(3A) prohibit political speech that promotes hatred or appeals to religion/caste during elections.

Relevant Supreme Court Judgments

Pravasi Bhalai Sangathan v. Union of India (2014)- The Court acknowledged the lack of specific legislation and recommended Parliament enact a comprehensive law.

Amish Devgan v. Union of India (2020)- ADDRESSED the balance between freedom of speech and the

need to maintain public order.

Challenges and Way Ahead

Challenges

1. **Digital Amplification**– social media allows rapid spread without fact-checking; encryption makes evidence collection difficult.
2. **Proving Intent**– Establishing *mens rea* (criminal intent) and linking speech directly to subsequent violence is legally complex.
3. **Definitional Ambiguity**– Lack of a precise statutory definition in central laws leads to subjective interpretation and inconsistent enforcement.

Way Forward

Balanced Framework– Protect free expression while curbing harm.

Clear Definitions– Adopt a comprehensive legal definition of hate speech for objective enforcement.

Accountability– Implement stronger mechanisms for digital platforms to remove harmful content swiftly.

Oversight– Establish an independent oversight mechanism for online harms.

Source– <https://www.thehindu.com/news/national/karnataka/cabinet-approves-karnataka-hate-speech-and-hate-crimes-prevention-bill-to-prevent-promotion-of-hate-speech/>

