



International Journal of Humanities & Social Science Studies (IJHSSS)

A Peer-Reviewed Bi-monthly Bi-lingual Research Journal

ISSN: 2349-6959 (Online), ISSN: 2349-6711 (Print)

ISJN: A4372-3142 (Online) ISJN: A4372-3143 (Print)

Volume-XI, Issue-I, January 2025, Page No.64-72

Published by Scholar Publications, Sribhumi, Assam, India, 788711

Website: <http://www.ijhsss.com>

DOI: 10.29032/ijhsss.v11.i1.008

India's struggle with Hate Speech: A Critical Analysis of Electoral Rhetoric, Minority Stigmatization, and Digital Aggression

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Received: 01.01.2025; Accepted: 25.01.2025; Available online: 31.01.2025

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Abstract

The article critically examines the growing prevalence and impact of hate speech in India, a phenomenon that threatens the nation's democratic fabric and societal harmony. Hate speech, characterized by its divisive and inflammatory nature, targets individuals based on race, religion, caste, gender, and other identities. The study explores its various dimensions, including its role in electoral politics, online platforms, and its disproportionate effect on marginalized communities such as minorities, Dalits, and women. Through historical and descriptive analyses, the paper highlights how hate speech perpetuates exclusionary politics, communal tensions, and societal divisions, often leading to violence and discrimination. It also underscores the complicity of media and political strategies in normalizing hate speech. The paper advocates for the enforcement of existing legal frameworks, public awareness initiatives, and a collective societal commitment to address the issue. Furthermore, it stresses the need for robust regulations to curb the proliferation of hate speech, especially online, and to uphold India's constitutional values of equality, pluralism, and inclusivity.

Key words: Hateful Rhetoric; Criminalization; Politics; Fake News; Communal Conflict.

Introduction: Hate ideologies often shape a "social common sense" that gradually transforms into the deeply held beliefs of significant sections of society, frequently finding expression as hate speech. Any statement that disparages or denigrates a person or group because of traits including race, ethnicity, nationality, religion, gender, sexual orientation, or handicap is considered hate speech. Despite the lack of a consensus definition, Helen Darbishire defines hate speech as statements that promote hatred, especially against people of a certain race, nationality, or religion. The defining attribute of hate speech lies in its

effects: it fosters fear, incites violence, perpetuates division, promotes prejudice, and encourages discrimination. Crucially, hate speech targets individuals not as persons but as representatives of their communities, laying the groundwork for communal violence. This violence deepens divides between groups, often resulting in both physical and psychological ghettoization. Ultimately, this can lead to severe social discrimination, culminating in extreme outcomes such as the physical elimination of targeted groups, as evidenced in historical events like the persecution of Jews.

There are two approaches to conceptualize hate speech in the Indian context: first, as a "concentrated expression of sectarian-communal ideology," and second, as rooted in exclusionary politics. Such exclusionary practices may be based on religion, regional identity, language, or other factors. A prominent example is the rhetoric of Bal Thackeray, head of Shiv Sena who positioned himself as a defender of the Marathi identity. His hostility toward various religious and linguistic groups began with anti-South Indian campaigns and later escalated into anti-Muslim rhetoric. The Sri Krishna Commission, established to investigate the 1992-93 Bombay riots, highlighted how hate speech was a major factor in igniting communal violence. According to the report, communal unrest was fueled by provocative propaganda from Hindu communal groups and divisive articles in magazines like *Navakal* and *Saamna*, orchestrated by Shiv Sena and its official, including Thackeray. This pattern of exclusionary politics was later perpetuated by his nephew, Raj Thackeray, who targeted North Indian migrants, accusing them of taking jobs meant for the Marathi people.

Hate speech remains a contentious issue in India, debated extensively within legislative bodies, courts, and the public sphere. The problem has intensified in recent years due to the proliferation of hateful and polarizing content, especially on social media and television. Politicians increasingly use offensive statements, amplified by media, as tools for immediate political gain across states. While earlier instances of hate speech were often confined to election periods, the current media environment has rendered such rhetoric pervasive and continuous. Despite legal provisions restricting certain forms of speech under the guise of free expression, exclusionary politics based on language, religion, and region remain prevalent.

Targeting and verbal abuse based on personal characteristics, especially directed against vulnerable groups like Muslims, LGBTQ+ people, and Scheduled Tribes and Scheduled Castes (ST/SC), are increasingly common in India. Online platforms have exacerbated this issue, as technological advancements provide broader avenues for the dissemination of hate speech. While many justify their comments as exercising the freedom of expression guaranteed by the Indian Constitution's Article 19(1)(a), they often overlook the restrictions imposed by Article 19(2), which prohibits expressions that harm decency, morality, public order, or incite violence. The judiciary has repeatedly scrutinized and upheld these limitations. Additionally, hate speech is addressed under several provisions using the Indian Criminal Code in order to avoid societal discord.

The proliferation of hate speech, particularly online, generates anxiety, frustration, and vulnerability among targeted communities. While technology has facilitated global connectivity, it has also become a tool for spreading hatred. It is imperative for individuals to recognize their responsibility to foster unity and refrain from disseminating divisive rhetoric. Effective enforcement of existing laws and a collective societal commitment to harmony are essential to counter the growing menace of hate speech in India.

Methodology: The methodology employed for this study integrates both historical and descriptive approaches. The necessary data and information have been sourced from a wide range of secondary materials, including books, scholarly articles, academic journals, newspapers, blogs, reports published by governmental and non-governmental organizations, as well as credible online resources. This multifaceted approach ensures a comprehensive and critical analysis of Indian hate speech.

Hate Speech During Election: The advent of hate speech in India's political sphere paralleled the expansion of communal beliefs, which were embodied by organizations like the Hindu Mahasabha, Rashtriya Swayamsevak Sangh (RSS), and Vishwa Hindu Parishad (VHP) on the one hand, and the Muslim League on the other. These movements propagated concepts of nationhood rooted in singular religious identities, which often translated into animosity toward other communities, manifesting as inflammatory hate speech. Electoral campaigns in India, marked by intense competition, popular slogans, and heightened religious and caste-based polarization, often witness candidates resorting to incendiary rhetoric to secure votes. Reports frequently highlight inflammatory speeches targeting religious minorities during elections.

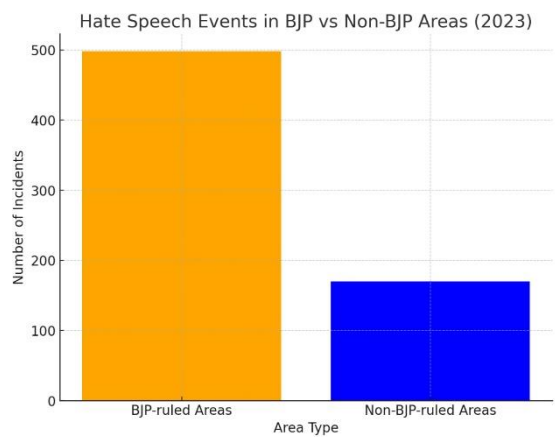
For instance, the Supreme Court affirmed the disqualification of a Shiv Sena candidate for making disparaging remarks against Muslims during a Mumbai Assembly election in the 1995 case of *Ramesh Yashwant Prabhoo v. P.R. Kunte*. Similarly, elections to the Gujarat Assembly in December 2002 were preceded by a divisive campaign led by the BJP and VHP, marked by hate speech following the communal violence in Godhra. The BJP's electoral victory in Gujarat was largely attributed to this campaign. In another example, during the 2019 Lok Sabha elections, Yogi Adityanath faced a 72-hour campaign ban imposed by the Election Commission for making inflammatory statements. In 2023, Congress MLA Aftab Uddin Mollah was arrested for alleged hate speech targeting Hindu priests and linking them with criminal activities. Moreover, data reveals that over 100 current MLAs and MPs have reported instances of hate speech in India. Acknowledging the severity of this issue, Rajiv Kumar, the chief election commissioner, encouraged political parties in March 2024 to steer clear of hate rhetoric when running for office, emphasizing that elections must not involve bloodshed or violence, and violations of the law would face immediate action.

Hate speech during elections has a significant consequence: it fosters electoral mobilization along communal lines, often yielding electoral benefits. It has increasingly become a tool of political strategy, amplified during election seasons. The support of

political leaders for incendiary rhetoric and the complicity of public officials have enabled hate speech to dominate public discourse. For instance, the 2023 Ram Navami violence, which led to deaths and arrests across six states, and incidents like student clashes at Jawaharlal Nehru University (JNU) during the festival, underscore the rising tide of communal tensions. Similarly, the vitriolic language during the Delhi Assembly elections and the subsequent riots represents a troubling decline in political and public discourse. The lack of inner-party democracy and reliance on dynastic politics, celebrities, and financial resources by political parties further erode the foundations of democratic governance.

Hate speech has also become pervasive in the media and online platforms, influencing both electoral campaigns and daily life. Abusive rhetoric targeting minority communities, coupled with disinformation campaigns, has normalized trolling and the spread of fake news. This desensitizes citizens to anti-minority narratives, undermining the ethical and moral principles of democracy. According to the India Hate Lab, 668 documented hate speech incidents targeting Muslims occurred in 2023, with 75% reported in BJP-governed states, union territories, and the national capital. Such trends highlight the systemic nature concerning hate speech within Indian society.

The acceptance of hate speech as usual poses significant risks, as it has the potential to incite violence and erode democratic values. It is imperative to unequivocally condemn hate speech and ensure strict legal action to prevent further deterioration of public discourse and safeguard societal harmony.



Source: India Hate Lab (2023).

Hate Speech Against Minority: The prevalence of hate speech against Muslims, Christians, and other minority communities in India has escalated to levels that are alarming for a democratic society. This rhetoric often finds expression through targeted violence, acts of extremism, communal clashes, state repression (e.g., demolition drives), discriminatory legislation (such as anti-conversion laws and restrictions on religious attire), and structural violence. These dynamics have led to incidents such as attacks on individuals, religious sites, and calls for retaliation, resulting in loss of lives and widespread unrest.

For instance, following the 2014 general elections, Christians faced violence in Uttar Pradesh, including attacks on churches and physical assaults in Jaunpur, Bulandshahr, Ghaziabad, and Hapur. In December of the same year, the Rashtriya Swayamsevak Sangh's Dharma Jagran Vibhag planned a Shuddhikaran (purification) ceremony to "reconvert" Christians to Hinduism, though it was eventually cancelled. Similarly, during the Delhi Assembly elections in 2020, Pravesh Verma, an MP for the Bharatiya Janata Party (BJP) made divisive remarks targeting Muslims, accusing anti-CAA protesters of posing threats to public safety, which exacerbated existing communal tensions. Hate speech by figures such as Mahant Bajrang Muni Udasin in Sitapur, Uttar Pradesh, in April 2022, further exemplifies the normalization of communal polarization. On this occasion, he publicly issued threats of sexual violence against Muslim women, fostering animosity and fear.

The vilification of Muslim communities extended to educational contexts as well. For instance, Assam Chief Minister Himanta Biswa Sarma made disparaging remarks in 2022 about madrasa education, suggesting it hindered career aspirations and should be confined to private religious instruction. In Rajasthan, a far-right leader at a Vishwa Hindu Parishad event in 2023 propagated conspiracy theories and communal hate against Muslims and Christians, accusing them of conversions, coercion, and historical atrocities. The same year, the ethnic conflict in Manipur between the Meitei and Kuki communities highlighted the dangerous role of hate speech and misinformation, leading to heinous crimes such as rape, the deaths of over 200 individuals, and the displacement of more than 70,000 people.

During the COVID-19 pandemic, hate speech against Muslims reached new heights as members of the Hindutva political spectrum portrayed the Muslim community as carriers of the virus and threats to national health. Even Delhi Chief Minister Arvind Kejriwal linked the Nizamuddin Markaz event to the spike in COVID-19 cases in Delhi. Hate rhetoric also targeted Dalits and tribal communities, often in subtle and layered forms. Messages on social media platforms justified untouchability through "social distancing" and stigmatized Dalits as unhygienic. Tribals faced discrimination due to racialized assumptions about their physical appearance, with some equating them to the Chinese, who were scapegoated as the origin of the pandemic. This led to widespread job losses among Dalit and tribal workers, as employers from dominant castes dismissed them without notice, exacerbating their economic precarity.

The systematic marginalization of minorities, fueled by Hindu nationalism, has raised critical questions about India's commitment to its secular and democratic ideals. According to the National Human Rights Commission (NHRC), 60% of minority arrests are unwarranted, and 75% of complaints lodged with the commission pertain to police misconduct. Furthermore, the space for human rights activism is rapidly shrinking. Social and civil rights activists, including advocates for marginalized groups, increasingly face state hostility, including harassment, imprisonment, and in some cases, extrajudicial killings. Rather than being recognized as vital contributors to democratic discourse, they are often labelled as threats to national security.

The pervasive culture of hate speech in India extends beyond religious minorities, targeting women and other vulnerable groups, thereby eroding the nation's foundational principles of inclusivity and equality. These developments underscore the urgent need for introspection and reform to safeguard India's democratic ethos and pluralistic identity.

Hate Speech Online: Online hate speech encompasses a broad spectrum of expressions, including offensive and divisive content, reflecting how technological advancements can simultaneously present both opportunities and threats. In India, this issue is increasingly significant, as the anonymity and vast reach of the internet enable individuals and groups to disseminate harmful and discriminatory content, exacerbating societal tensions and divisions in a short span of time. Moreover, India's growing illiberal tendencies have drawn criticism from influential policymakers in the West, tarnishing its global reputation. The proliferation of hate speech in India's digital space amplifies these concerns, posing challenges to its foreign policy. For instance, online hate speech has strained relations with Bangladesh, a historically friendly neighbour, with liberal voices condemning Citizen Amendment Act (CAA) and the National Register of Citizens (NRC) of India. These measures are widely perceived as state mechanisms for sowing discord and targeting marginalized communities to achieve domestic political gains. Simultaneously, these actions have provided Pakistan, India's long-standing adversary, with an opportunity to highlight alleged anti-Muslim campaigns in India on the global stage.

Online violence against women is another critical dimension of digital hate speech. Such violence, rooted in gender-based discrimination, violates women's human rights and undermines the pursuit of gender equality. During a 2018 Amnesty International India event in New Delhi addressing online violence against women, journalist Rana Ayyub shared her experiences of receiving rape and death threats on platforms like Twitter, highlighting the indifference of these platforms to her complaints. Similarly, threats of rape and sexism have been directed against Kavita Krishnan, the secretary of the All-India Progressive Women's Association and a member of the Politburo of the Communist Party of India (Marxist-Leninist). She emphasized that online violence must be treated seriously, as it often escalates into physical abuse. The hostility faced by women in virtual spaces frequently leaves them feeling vulnerable and disempowered.

Hate speech related to caste also remains pervasive, affecting millions worldwide and often culminating in extreme violence. Prior to its prohibition in India, TikTok used to be a platform where members often displayed pride in their caste, sometimes leading to real-world violence. For instance, a youth was reportedly killed in southern India due to caste-related conflicts on TikTok. According to Wired magazine, TikTok eliminated 36,365 videos violating religion and hate speech guidelines between November 2018 and April 2019. Many of these videos featured communal rhetoric under caste-related hashtags, with users lip-syncing to songs and movies glorifying their caste identity.

Caste-based hate speech has also intersected with communal and religious rhetoric. Hate speech in the community, especially from Hindutva leaders, has provoked aggressive

campaigns against the eating of beef, predominantly aiming Muslim communities. According to a Human Rights Watch investigation, from May 2015 to December 2018, vigilante violence over beef consumption resulted in at least 44 deaths across 12 Indian states, with 36 victims being Muslims. Hate speech has similarly been weaponized against Dalit communities, often leading to physical violence and oppression. The intersection of caste and gender discrimination compounds the vulnerability of Dalits, exposing them to heightened levels of violence and sexual abuse.

For instance, in September 2020, Devji Maheshwari, a Dalit activist and attorney from Gujarat, who penned regarding caste-based horrors and critiqued Brahminism on Facebook, was fatally attacked with a sharp weapon by Bharat Raval, according to police charges. Despite its prevalence in caste-affected societies, caste-based hate speech remains largely unaddressed in global human rights discourse. Unlike hate speech rooted in gender, race, or sexual orientation, caste-related hate speech has not been explicitly acknowledged in international agreements pertaining to human rights protection and the abolition of discrimination.

The unchecked proliferation of online hate speech across various axes of identity—religion, gender, caste, and more—highlights the urgent need for robust regulatory frameworks and broader international recognition of its harmful impacts.

Recommendations:

Legal and Policy Measures:

- Strengthen enforcement of existing laws under the Indian Penal Code and the Constitution, such as Article 19(2), to effectively curb hate speech without compromising freedom of expression.
- Develop clear guidelines for political campaigns, ensuring accountability for inflammatory rhetoric during elections.

Technological Interventions:

- Collaborate with social media platforms to establish robust content moderation mechanisms and combat the spread of hateful narratives.
- Encourage digital literacy initiatives to inform people about the negative effects of hate speech and appropriate online conduct.

Community Engagement:

- Foster interfaith and intercultural dialogues to build societal cohesion and reduce prejudice.
- Encourage civil society organizations to document and report hate speech incidents, creating a repository for analysis and policy advocacy.

Global Collaboration:

- Align national policies with international human rights frameworks, emphasizing the importance of combating hate speech as a global concern.

- Engage in bilateral and multilateral dialogues to address the transnational implications of online hate speech.

Educational Reforms:

- Integrate modules on diversity, tolerance, and civic responsibility into educational curricula to instil values of inclusivity and empathy among future generations.

Conclusion: The article highlights the pervasive and multifaceted impact of hate speech on Indian society, emphasizing its role in undermining democratic values and social harmony. It critically analyses how hate speech manifests through electoral politics, online platforms, and targeted rhetoric against minorities, perpetuating communal and societal divisions. Despite the existence of legal provisions to curb hate speech, their enforcement remains inconsistent, enabling the normalization of exclusionary practices. The study underscores the need for a collective societal effort, stricter regulatory measures, and enhanced public awareness to counteract the growing menace of hate speech and safeguard India's pluralistic identity.

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