



INTEGRITY
EDUCATION

BALANCING THE REPUBLIC

Hate Speech, Constitutional
Values and Media Freedoms

CORPORATE LAW

Dr. Wasim Ahmad | Dr. Gaurav Gupta

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Editors

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PREFACE

In 2018, the Supreme Court of India, in *Tehseen S. Poonawalla v. Union of India*, cautioned that hate speech and mob violence, if unchecked, could corrode the very fabric of the nation. The Court reminded us that liberty and equality are not adversaries but constitutional companions, each sustaining the other. This judicial observation captures the central dilemma of our age—how to preserve the vitality of free speech while ensuring it does not become a weapon to divide or harm.

The right to freedom of speech and expression, enshrined in Article 19(1)(a) of the Constitution, is among the most cherished guarantees of our democracy. It enables citizens to articulate their views, challenge authority, and contribute to the collective shaping of public life. Yet, the framers of the Constitution understood that this right could not be limitless. Article 19(2) authorizes reasonable restrictions in the interests of sovereignty, security, public order, decency, morality, and other constitutionally recognized concerns.

The enduring challenge lies in finding the constitutional balance between liberty and restraint. In the twenty-first century, this task has grown more complex. The emergence of digital platforms, algorithm-driven amplification, and AI-generated content has transformed both the scale and nature of public discourse. Speech now travels faster, reaches farther, and influences more deeply than ever before. While these innovations have enriched democratic engagement, they have also facilitated the rapid spread of disinformation, deepfakes, and incendiary rhetoric capable of undermining social harmony. Against this backdrop, regulating hate speech requires not only legal precision but also constitutional sensitivity. The questions are profound: How do we ensure the marketplace of ideas remains open and vibrant without letting it be overwhelmed by narratives that erode equality and dignity? How can the State intervene against harmful speech without crossing into overreach or suppressing legitimate dissent?

Balancing the Republic: Hate Speech, Constitutional Values, and Media Freedoms seeks to address these pressing questions. This volume gathers diverse scholarly perspectives, offering a comprehensive exploration of hate speech through legal, constitutional, and comparative lenses. The chapters traverse critical themes—judicial interpretations of free expression, intermediary liability in the digital era, the regulation of satire and dissent, the monetization of polarizing content, and the potential of counter-speech as a democratic remedy. Comparative and international case studies underscore that the struggle to balance liberty with responsibility is a challenge faced by democracies across the globe.

Dr. Arnita Mishra
Dr. Karunesh Shukla

This work does not embrace absolutism neither the extreme of unbridled speech nor the excess of overregulation. Instead, it aims for a constitutional middle path: safeguarding legitimate expression while curbing speech that imperils the constitutional promise of fraternity and public peace. It recognizes that law alone cannot secure this balance. A sustainable approach demands an engaged civil society, responsible media practices, educational initiatives, and a culture of mutual respect.

As editors, we have sought to provide a resource for judges, lawyers, policymakers, journalists, educators, and citizens one that clarifies the nuanced interplay between liberty and its lawful limits. We hope it will not only inform legal and policy debates but also inspire a deeper commitment to constitutional morality in public discourse. The Republic's stability rests on our ability to defend freedom and responsibility in equal measure a balance that requires vigilance, fairness, and the courage to uphold both.

Editors
Dr. Wasim Ahmad
Dr. Gaurav Gupta



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ABOUT THE BOOKS



The Legal Dimension of Cyberstalking is a preliminary Analytical Study in a comprehensive academic exploration of one of the most alarming and fast-evolving threats in the digital age termed stalking. As a Master of Laws (LL.M.) from the Faculty of Law, Integral University, Lucknow, India, the book critically examines how cyberspace has enabled a new form of harassment and surveillance. With a focus on India's legal framework, the book investigates how national and international laws attempt to regulate and combat cyberstalking, while addressing legislative gaps, language, and gender justice. Dr. Ahmad has written and edited several research publications, reported peer-reviewed journals, and worked on the historical evolution of violence against women, cyberstalking, and challenges behind the behavior and cyberstalking of and mutual consent. He has actively participated in numerous national and international conferences and has offered a critical insight, he has also contributed to several books on civil torts including the USA, UK, Australia, Japan, and Germany. Dr. Ahmad's academic contributions, Dr. Ahmad has been engaged in postgraduate research supervisor and research on multiple academic and institutional committees, legal professionals, and policymakers, the book not only critiques the current legal mechanisms but also offers policy suggestions, preventive strategies, and a detailed victimological approach to the



Dr. GAURAV GUPTA is an Assistant Professor of Law in the Faculty of Law, Integral University, Lucknow, with over 12 years of enriching experience in teaching and legal research. He holds a Ph.D. in Sedition Law from Bundelkhand University and an LL.M. from Babasaheb Bhimrao Ambedkar University. A UGC-NET and Junior Research Fellowship (JRF) awardee, Dr. Gupta has a strong academic foundation backed by scholarly contributions. He has edited three academic books published by reputed publishers. His scholarly contributions comprise 12 research papers featured in national and international peer-reviewed journals, including publications indexed in SCOPUS and ABDC. Additionally, he has contributed 14 book chapters to edited volumes by leading publishers, including Springer and Taylor & Francis. He has successfully convened numerous academic initiatives such as Value-Added Courses, Faculty Development Programs, and National Seminars. Dr. Gupta is a member of the reviewer panel for three national and international journals. He is actively associated with various academic and professional bodies, including the AILTC, YHAI and the Indian Red Cross Society. His areas of academic interest include Environmental Law, Law and Technology, Forensic Law, Human Rights, and Legal Research Methodology. As a budding scholar who deeply believes in continuous learning, Dr. Gupta remains committed to academic excellence and strives to bridge the gap between theory, practice, and public engagement through his research and teaching

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2.

Media Narratives and Speech in Digital Times

**T Saroja Devi*

ABSTRACT

The powerful tools for shaping the public opinion, identity and discourse is nothing but the Media platform in the current Digital era. In both propagating and countering hate speech, whereas the dual role played by the television, social media and online platforms. These platforms have sometimes led towards misinformation and hate speech, and also have the great impact to fuel division by understanding how these media channels are essential by rapid information dissemination in order to be more facing the world in counter hate equal to the contribution in the media channels- particularly the television and social media.

The main study in this topic focuses on examining the role of television, social media and online platforms in spreading or combating hate. To lead towards the reduction of the risks factor in the digital sphere and the positive potential impacts of media that are fostering more inclusiveness currently. Visual media is one of the most growing forms of media it leads towards the people over an instant and parts are very massive. The fourth pillar of democracy is the media with the role of watchdog, and also with the reasonable and responsible is credited to the social media, due to the various revolutions around the globe. Indian constitution under article 19(1)(a) has been guaranteed for the freedom of the press, highly used to initiate contempt and hatred in order to achieve illicit political means and other similar purposes.

Keywords : *role of television, online platforms, social media, freedom of speech.*

INTRODUCTION

The powerful tools for shaping the public opinion, identity and discourse is nothing but the Media platform in the current Digital era. In both propagating and countering hate speech, whereas the dual role played by the television, social media and online platforms. These platforms have sometimes led towards misinformation and hate speech, and also have the great impact to fuel division by understanding how these media channels are essential by rapid information dissemination in order to be more facing the world in counter hate equal to the contribution in the media channels. Particularly the television and social media.

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impacts of media that are fostering more inclusiveness currently. Visual media is one of the most growing forms of media it leads towards the people over an instant and parts are very massive. The fourth pillar of democracy is the media with the role of watchdog, and also with the reasonable and responsible is credited to the social media, due to the various revolutions around the globe. Indian constitution under article 19(1)(a) has been guaranteed for the freedom of the press, highly used to initiate contempt and hatred in order to achieve illicit political means and other similar purposes.

THE POWER OF DIGITAL MEDIA IN SHAPING NARRATIVES

The media has changed into mass influence in the form of identities, public view, carry forward towards a passive instrument to a dynamic entity. The way narratives are revolutionized by influencing Digital media, social media platforms, online news portals, blogs, video streaming services. Political movements, social views and legal decisions are the impacting view in the media world that helps to speak about the media hate speech

In the past, the primary tools for narrative construction were radio, newspapers and television. Only the narratives play a vital role in giving the structured account of events that gives meaning to information. However, in the present individuals, influencers and even bots can construct widespread narratives by traditional editorial scrutiny. The journalistic ethics, editorial reviews and gatekeeping processes are the past pathway followed in the media. The Narrative construction in the Digital Era forms the platforms like Twitter, Instagram, YouTube allows the storytelling power of digital media, so therefore it leads in its immediacy, interactivity.¹ For example, a video posted on social media will become viral within minutes, so the information the public receives will shape the opinion.² These interactions of the public opinion will lead to the public perception events faster than official reporting.³

Using the Algorithms lies while creating the powers of digital media that is “filter bubbles” and it is based on the media user preferences, for popularity. The Individuals with their beliefs are predominantly exposed to the information. For

¹ “Storytelling on Social Media: The Rise of Micro-Narratives”, *available at*: <https://www.researchgate.net/publication/387793657> (last visited on Jul. 5, 2025).

² Jonah Berger and Katherine L. Milkman, “What Makes Online Content Go Viral?” (2012), *available at*: <https://jonahberger.com/wp-content/uploads/2013/02/ViralityB.pdf> (last visited on Jul. 5, 2025).

³ *Encyclopædia Britannica*, “Mass media and social media”, *available at*: <https://www.britannica.com/topic/public-opinion/Mass-media-and-social-media> (last visited on Jul. 5, 2025).

instance, conservative political views the user may only see how support the information they may only see news while another views the opposite of the liberal. At the same time, to propagate state approved narratives by using digital media also by state actors and political groups. By using the whatsapp groups, you tube influencers and facebook pages etc. for instance during the election the public opinion can significantly swing. Dual roles of digital media are empowering and manipulating forward democratic expression.

Between the truth and the opinion, the rise of the fake news, deep fakes and clickbait headlines are the direct consequences of the race for virality. Truth often takes a backseat to sensationalism, It becomes very difficult to undo the damage. Absence of ethical oversight allows many platforms towards the spread of hate speech and biased information.

The power of digital media continues to grow, it is a platform of reform, expression and resistance. As there is an increase in society there is a dependency on sources of digital information and there is a necessary need for stronger ethical standards, media literacy and technological regulation.

BLURRING THE LINE IN BOTH - FREE SPEECH AND HATE SPEECH

Differentiating free speech and hate speech in a country like India, is a very hard task because of political polarisation, cultural sensitivity, linguistic diversity and cultural sensitivities. Freedom of speech allows the society to express opinions and participate in civil life. But in the digital age, this freedom has increasingly clashed with the need to curb hate speech which can provoke discrimination, societal harm and violence.

Article 19(1) (a) of the Indian Constitution says that free speech is the freedom of one's right without Governmental restraint. Hate speech includes the expressions of discrimination, violence, hostility against individuals or groups based on attributes like caste, religion, gender, race, sexual orientation. freedom of speech is a fundamental right mpowers citizens to speak out the thoughts, contribute to public debates and criticize authority, but Article 19(1)(a) is not absolute it places a reasonable restrictions under the Article 19(2) to avoid the person from using the law into wrong way the Constitution gives restrictions they are threatens national security, public order, morality. Today's Digital era, developed social media provides the ground for misinformation, divisive narratives and targeted harassment before the speech was limited to private but now it has a way to spread to a global audience. In the development of social media, the speech which was earlier limited to private. Now it has a way to spread a wide global

audience. While this shift is crucial for fostering inclusivity, it also provides a breeding ground for misinformation, divisive narratives, and targeted harassment.

IMPACT ON MARGINALIZED COMMUNITIES

Marginalized communities like religious minorities, Dalits, Adivasis, LGBTQ + individuals and women are on digital media platforms by hate speech and toxic narratives. The mental and social impacts of online hate on marginalized groups are significant. Regular encounters with derogatory language, stereotypes, and menacing remarks can lead to anxiety, depression, and self-censorship, especially in younger individuals. For instance, numerous Dalit activists and Muslim journalists in India have stated that they endure constant online harassment merely for sharing their experiences or challenging prevailing narratives. This harmful atmosphere discourages civic engagement and reinforces systematic marginalization. Additionally, when online hate speech leads to real-life violence—illustrated by mob lynchings driven by false WhatsApp rumors or targeted communal assaults—it exacerbates fear and insecurity within these communities. Consequently, digital hate evolves into not just a mode of expression but a mechanism of oppression, perpetuating long-standing inequalities and social exclusion under the pretext of free speech. In the absence of strong digital safeguards and inclusive policies, the internet risks evolving into a domain that stifles the very voices it was intended to uplift.⁴ On the other hand, many genuine instances of hate speech—like those promoting violence against minorities or marginalized groups—are often justified as “freedom of expression,” particularly when they have the backing of political or social power.

ROLE OF TELEVISION, SOCIAL MEDIA AND ONLINE PLATFORM

The powerful role in shaping the public discourse in today’s world connects the world through television, social media and online platforms. increasingly becomes the tool for hate speech and misinformation. Television news, particularly during prime-time debates, has emerged as a prominent source of divisive narratives. Numerous news channels, motivated by TRP rankings and political biases, frequently exaggerate issues and promote aggressive discussions under the guise of nationalism or religious fervor. Hosts regularly provoke disputes among communities or feature divisive individuals who express openly hateful sentiments.

Social media platforms such as Facebook, Twitter (now X), Instagram, and YouTube have an extensive reach and influence. They enable users to create, share, and amplify content without any editorial oversight. Although this feature has

⁴ Janet B. Ruscher, *Hate Speech* (Cambridge University Press, published online Dec. 4, 2024).

enabled numerous individuals to express their views, it has also contributed to the dissemination of hate speech, false information, and inflammatory videos without any oversight. Particularly in rural areas, WhatsApp forwards have been linked to mob lynchings fueled by misinformation, as demonstrated by the incidents in Maharashtra and Jharkhand in 2018.⁵ Likewise, Twitter has been utilized to promote hashtags aimed at specific religious or caste groups, frequently orchestrated by coordinated troll networks.⁶

Digital platforms frequently struggle to respond quickly, even when content evidently breaches their established guidelines. Algorithms that emphasize engagement often promote divisive or harmful content, as such material generates more interaction and response. This creates an environment where hateful speech is not only tolerated but is also rewarded. Additionally, the anonymity provided by the internet encourages users to share harmful or violent material without facing consequences.

Urgent steps to be taken in order of immense potential positive communication they are ethical journalism, strict content regulation.

Technology has also changed the way that media products are distributed to consumers and the way consumers interact with each other. The notion of watching Television or seeing a movie has been transformed into a single experience. There is no path to the digital environment, with different sectors of the media industry taking different tasks.⁷ The emergence of new technologies has created a significant opportunity for the rapid growth of both print and digital media. The OTT platforms and digital news websites have become well-established and are functioning effectively. Introducing a code of ethics for news publishers would assist in combating fake news in digital media by establishing a system of accountability for publishers, while also ensuring fairness between online and offline news outlets. The code of ethics should guide OTT and Digital media to draw their own Lakshmana rekha and the Self-Regulating Mechanisms should provide a quick grievance redressal to the public.⁸

⁵ NPR, "Fake News Turns Deadly in India" (Jul. 18, 2018), *available at*: <https://www.npr.org/2018/07/18/629731693/fake-news-turns-deadly-in-india> (last visited on Jul. 5, 2025).

⁶ Pew Research Center, "The Future of Free Speech, Trolls, Anonymity and Fake News Online" (Mar. 29, 2017), *available at*: <https://www.pewresearch.org/internet/2017/03/29/the-future-of-free-speech-trolls-anonymity-and-fake-news-online/> (last visited on Jul. 5, 2025).

⁷ Christopher S. Reed, *Digital Media Law* (Routledge, 2022).

⁸ G.V.S. Jagannadha Rao, *Ethics Code for Social Media, OTT, and Digital Media* (Asia Law House, 2021).

FOURTH PILLAR: FREEDOM OF PRESS

In 18th century British India, the progression of the Nationalist movement sometimes necessitated the implementation of restrictive laws to diminish the influence of the print media.⁹ The preamble of the Indian Constitution guarantees all the citizens right to explore, to receive and circulate the information and ideas for this specific purpose. In democratic system of government, free press is an asset by infusing life and emerging the right to acquire information and opinions without any hindrance and to propagate them across borders. In India, the fourth pillar of democracy is the media after the Legislature, Executive and Judiciary. This freedom not only to write and publish by the author deems appropriate, but also allows the dissemination of information and restricts circulation. Freedom of press, as per Dr. Ambedkar the chairman of the Drafting Committee clearly mentioned that there is no special rights given especially for the press, both the press and an individual enjoyed the same freedom of expression.

Press freedom is the guarantee by a government of free public speech often through a state constitution for its citizens and association of individuals extended to members of news gathering organizations, and their publications reporting.

The freedom of press is considered to be the most important right which must be protected in a democratic society. Same way the freedom of information can be enjoyed only if there are sources from which information can flow. These sources, again, would be available where there is a right to speech and expression.

In the context of the media, it's important to note that the press can also convey the opinions of others, provided those opinions are sincerely held and believed to be true. The duty of the media, including both print and broadcast formats, is to share information and ideas that the public has a right to know. If it fails in this duty, the press cannot fulfill its function as a "public watchdog."

The most crucial one that must be safeguarded in a democratic society, is only possible when there is a community of free speech and expression without any hate and fake news. However, concerning the press, the freedom of expression and the right to information go hand in hand. Although the press serves as a channel for expression, the actual information may belong to another party. Unless both of these freedoms are utilized together, they would be ineffective.¹⁰

⁹ State, Emergency, and the Rule of Law: Evolution of Repressive Legality in Nineteenth-Century British India *Chicago Journal of International Law*, available at: <https://cjl.uchicago.edu/print-archive/state-emergency-rule-law-evolution-repressive-legality-nineteenth-century-british/> (last visited on Jul. 5, 2025).

¹⁰ Naval Prabhakar and Narendra Basu, *Media, Ethics and Law*

A crucial question has long been emerging concerning the balance between privacy and the public good, particularly when assessing the tension between the media's freedom to share information and individuals' right to privacy. Currently, there is no codified law regarding the right to privacy; however, a personal data protection bill was drafted in 2019 to seek constitutional acknowledgment. This bill was introduced to safeguard individuals' privacy from media encroachments. The rationale behind granting such expansive freedoms is to allow the press and media to operate without undue restrictions. The personal data protection legislation has strengthened the essential right to privacy for every individual.

Media and privacy - freedom of the press and the right to privacy are generally considered as complementary provisions. The concept of personal liberty, along with the right to freedoms, has led to the establishment of the right to privacy. In both India and the United States, the judiciary has been asked to address the balance between these seemingly conflicting rights. The tension between the rights of the press and the right to privacy is more a matter of perception than reality. While there are circumstances where one may supersede, the basic focus is to make a balance between both the rights. In fact the judicial approach has not merely been one of attaining balance, but has actually been an attempt to create a structure where these rights complement each other.

DIGITAL DIVIDE IN JOURNALISM

Too often journalists use the internet without properly checking the reliability of sources. There is also an increasing problem. For example, for opinion, ideas and basic information to be credible from these countries, it is necessary to have it available in on-line form. This discrepancy adds to the isolation of media and journalists within these regions. It is imperative to develop ways from these countries. This is not just a matter of improving the diversity and plurality of global information services, it is also about creating a process whereby journalists and media in poorer regions can themselves resist political and other pressures that they currently face.

The digital divide is experienced bitterly by media professionals in the least developed countries who lack the abilities or do not have access facilities. It worsens de facto the existing disparities between the journalists of the north and their colleagues in the south. Freelancer, the fast growing community of journalists worldwide, are particularly victims of these inequalities. Their access to communication infrastructures and capacity to check their sources is often very limited.

A. Internet and free speech

The development of the Internet opens new possibilities for achieving freedom of speech using methods that do not depend on legal measures. A small minority has questioned whether involuntary commitment laws, when the diagnosis of mental illness leading, in whole or in part, to the commitment, was made to some degree on the basis of the speech or writings of the commitment individuals, violate the right of freedom of speech of that individuals, in jurisdiction where that is relevant.

B. Modernization of media

But one fears that in the entire modernization and revolution process of the Indian media, human rights rights take a back seat. This fear is further compounded due to the constant changes in the global economic pattern, which began with the introduction of the WTO six years ago. The concept of “human rights” came into existence way back in 1948 with the UN’s universal Declaration to that effect, in India the National Human Rights Commission came into existence 45 years later, in 1993 with “ The Protection of Human Rights Act 1993. The Human Rights Commission of the state was established only two years ago and is still in its early development phase. It is disappointing to observe that in none of the educational institutions, colleges, or universities offering journalism courses are topics such as the Indian Constitution or human rights included. The apathy of these powers and therefore sometimes it is not taken seriously, as the structures passed by it have little bearing on the editor, reporter, printer and publisher of the newspaper.

The printer media has played a significant role during the last twenty-five years or so in reporting the violation of Human Rights. However, of late the printed media has been receiving stiff competition from television with the advent of news channels such as star news, zee tv and Aaj Tak were thrown to air. This healthy competition between print and electronic media has compelled them to carve out a new kind of readership and viewership in other areas such as fashion, health care, environment, sports etc.¹¹

ROLE OF MEDIA TO REDUCE CONFLICT

The content quickly gets viral by the social media, reaching millions within minutes, it amplifies both constructive discourse and toxic speech. In legal gaps, many hate speech cases go unpunished especially when the person belongs to political or religious groups.

¹¹ *Id.*

The media can play a crucial role in societies that is a positive aspect plagued by strife. International organizations and NGOs are becoming increasingly convinced that an impartial and varied media is nearly as vital as emergency aid in nations experiencing warfare; in countries transitioning to a free and accountable press that tracks human rights violations and encourages diversity. Conversely, a biased or hate-driven media can undermine nearly all other efforts aimed at peacebuilding. The continuum can help NGOs determine how to approach and effectively use the media. It is also useful to conventional journalists in examining their work and the potential impacts of that work, beyond traditional limitations.

The implementation of new rules to handle internet censorship and hate speech is one of the most advanced in this field. Many nations have put in place rules and regulations requiring internet platforms to remove dangerous or unlawful information. The subject of media ownership and concentration is another area where legislators are attempting to update current legislation. Media ownership is heavily centralised in many nations, with a few numbers of corporations owning the vast majority of media channels. This could result in possible conflicts of interest, as well as a lack of diversity and representation in the media.

LEGAL AND ETHICAL CHALLENGES IN REGULATING HATE SPEECH

The main goal of media laws, is to prove that journalists and media professional and ethical practices and to stop from involving in unethical behaviour. It is necessary to regulate procedures at set boundaries for freedom of expression and also guard against abuses. Legislation that protects individuals from slander and hate speech, promotes ethical standards in journalism, and establishes independent regulatory bodies to oversee media practices.¹²

Media quality means good service to the various groups in the population. There are two traditional policies to ensure good service using law and trusting the market, both negative the law aims to abuse by business. It is undoubtedly necessary, yet both fascists and communists have shown how perilous the law—along with the courts, the state, and the government—can be for freedom of expression.¹³

¹² Vision of Humanity, “The Eight Pillars of Positive Peace”, *available at*: <https://www.visionofhumanity.org/the-eight-pillars-of-positive-peace/> (last visited on Jul. 5, 2025).

¹³ Tempest Magazine, “No Free Speech for Fascists” (May 2021), *available at*: <https://tempestmag.org/2021/05/no-free-speech-for-fascists-excerpted/> (last visited on Jul. 5, 2025).

Conversely, while it is believed that the market should exploit the state, the subpar content from numerous commercial media outlets, their attempts at manipulation. Thus, it may be necessary to explore a third, more constructive, and less risky solution—namely, media ethics. This could play a role in addressing a critical challenge in mass communication: on one side, when free enterprise diminishes, press freedom also declines; on the other side, the media cannot genuinely be free to cater to society if their leadership prioritizes profit above all else.¹⁴

The rise of digital media towards misinformation and fake news, which can overshadow legitimate investigative journalism efforts by addressing the decision to disclose such information is often driven by a sense of moral obligation. The journalists have a duty to inform the public and hold those in authority accountable. They must also balance their duty report with the legal consequences of publishing classified information.

Ethical challenges prioritize the public interest and the greater good. And investigative journalism should focus on matters of public concern, malpractices and injustices that have significant societal implications.¹⁵

CONCLUSION

In the 21st century, there is a transformation in digital media from a passive information channel to a powerful agent of social, political and cultural influence. The digital platforms such as whatsapp, You tube, facebook and instagram have become primary sources for millions. These platforms not only mirror public sentiment but also influence it. Simultaneously, as India increases its digital footprint, it has the potential to misguide, fracture, and radicalize its communities. To guarantee that digital narratives are truthful rather than divisive, several fundamental measures are necessary. These measures include enhanced accountability, improved media literacy, and greater transparency in algorithms.

It is essential to find a balance between press freedom and the right to a fair trial. The relationship between the media, public perception, and legal judgments is intricate. Numerous indicators demonstrate that today's media in India has lost its independence and has become a spokesperson for the government, thereby significantly curtailing freedom of speech and expression. This situation runs

¹⁴ Professional Marketing Concepts, *Northern Arizona University*, available at: <https://www2.nau.edu/~rgm/ha400/class/professional/concept/Article-Mkt-Con.html> (last visited on Jul. 5, 2025).

¹⁵ *Supra* note 11.

counter to the fundamental principles of democracy and contradicts established precedents. Media organizations must understand that in a democratic society, they serve as the fourth estate and must uphold the truth rather than propagate falsehoods. The government must also recognize that in a democracy, it should be open to criticism to improve and serve society better. The judiciary should take an active stance against hate speech and the spread of propaganda for the benefit of society.¹⁶ Implementing strict laws to address media organizations that disseminate fake news and hate speech could significantly contribute to fostering social harmony.

The digital age has also transformed the landscape of journalism in India. However the rise of fake news and hate speech into the form of social media platforms, online portals and digital tools have empowered citizens from promoting greater public participation. The erosion of trust in the media has also posed challenges to the impact of these practices.



¹⁶ Susan Crawford, “The Communications Crisis in America”, *Cardozo School of Law Faculty Articles*, available at: <https://larc.cardozo.yu.edu/context/faculty-articles/article/1147/view/content/uc.pdf> (last visited on Jul. 5, 2025).