

Original Article

HATE SPEECH AND LYNCHING: A LEGAL AND SOCIETAL MENACE IN CONTEMPORARY INDIA

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ABSTRACT

Hate speech and mob lynching represent a grave threat to India's constitutional commitment to secularism, equality, and fraternity. This article examines the intricate nexus between inflammatory rhetoric—often disseminated through political discourse, public announcements, and digital platforms—and extrajudicial mob violence, particularly targeting religious minorities, Dalits, and marginalised communities. While hate speech dehumanises groups by portraying them as threats to cultural or religious identity, it creates a permissive environment for vigilante justice, manifesting in cow-related lynchings, rumour-driven mob attacks, and communal assaults. The study traces the historical evolution of these phenomena from colonial-era communal divisions to the post-2014 surge in identity-based violence. It critically analyses India's legal framework, including provisions under the Indian Penal Code, the Bharatiya Nyaya Sanhita (2023), judicial interventions such as Tehseen Poonawalla (2018), and the absence of comprehensive hate crime legislation.

Through case studies like Dadri (2015), Pehlu Khan (2017), and recent WhatsApp-fuelled lynchings, the article illustrates the causal link between hate speech and violent outcomes.

Drawing on international perspectives, societal impacts, and enforcement challenges, the article argues that fragmented laws, political impunity, and digital amplification perpetuate this cycle. It concludes by advocating for dedicated anti-lynching and hate speech legislation, stricter platform accountability, enhanced police training, and societal initiatives promoting media literacy and interfaith dialogue to restore the rule of law and social harmony.

Keywords: Hate Speech, Mob Lynching, Communal Violence, Vigilantism, Rule of Law

INTRODUCTION

In India's pluralistic society, where diverse religions, castes, languages, and ethnicities intersect, the constitutional ideals of harmony and fraternity face ongoing threats from divisive forces. Hate speech—expressions promoting enmity or ill-will based on identity markers—serves as a powerful trigger for violence. This is closely intertwined with mob lynching, extrajudicial punishment by groups, often resulting in fatalities under the pretext of vigilante justice. In contemporary India, such violence is frequently fuelled by rhetoric dehumanising minorities, particularly Muslims, Dalits, and Christians. ¹

¹ India Hate Lab, Hate Speech Events in India: Report 2024 (2025).

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Received: 10 October 2025; Accepted: 28 November 2025; Published 30 December 2025

DOI: [10.29121/granthaalayah.v12.i13.2025.6620](https://doi.org/10.29121/granthaalayah.v12.i13.2025.6620)

Page Number: 207-212

Journal Title: International Journal of Research -GRANTHAALAYAH

Journal Abbreviation: Int. J. Res. Granthaalayah

Online ISSN: 2350-0530, Print ISSN: 2394-3629

Publisher: Granthaalayah Publications and Printers, India

Conflict of Interests: The authors declare that they have no competing interests.

Funding: This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

Authors' Contributions: Each author made an equal contribution to the conception and design of the study. All authors have reviewed and approved the final version of the manuscript for publication.

Transparency: The authors affirm that this manuscript presents an honest, accurate, and transparent account of the study. All essential aspects have been included, and any deviations from the original study plan have been clearly explained. The writing process strictly adhered to established ethical standards.

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In the recent years, incidents have surged, signalling erosion of the rule of law and ascent of majoritarian vigilantism.² Data from 2024 reveal 1,165 verified hate speech events—a 74% increase from 2023—with peaks during elections and continued patterns into 2025.³ Mob lynchings persist, often linked to communal rumours or cow protection claims.⁴ The causal link is evident: hate speech normalises prejudice, emboldening mobs with perceived impunity, exacerbated by political polarisation and digital amplification.⁵

The nexus is clear: hate speech normalises prejudice, fostering a sense of impunity among mobs, aggravated by political polarisation, electoral mobilisation, and online dissemination. BJP-ruled states accounted for nearly 80% of hate speech events, with political rallies and religious processions serving as key platforms.

According to Oxford Learners Dictionary, “hate speech (against somebody/something) is a speech or writing that attacks or threatens a particular group of people, especially on the basis of race, religion or sexual orientation.”⁶

Lynching implies “the illegal killing of somebody, by a crowd of people and without a trial.”⁷

This phenomenon demands examination of its historical origins in colonial-era divisions and post-independence communal politics, alongside the inadequate legal framework under existing IPC sections, which lack specific provisions for hate crimes. Case studies reveal patterns of targeted violence, profound societal impacts including fear, marginalisation, and economic boycotts, and comparative international insights from laws in Europe or the US.

This article examines the historical roots, legal framework, case studies, societal impacts, international perspectives, and reforms concerning hate speech and lynching. It highlights recent developments, including Karnataka’s pioneering Hate Speech and Hate Crimes (Prevention) Bill, 2025, passed amid controversy on December 18, 2025, and Telangana’s planned similar legislation announced days later.⁸ These mark critical steps toward addressing the menace in 2025.

HISTORICAL CONTEXT

Hate speech and lynching trace to colonial divide-and-rule tactics, intensifying communal tensions leading to Partition violence.⁹ The British colonial administration deliberately exacerbated religious divides through policies like separate electorates in the 1909 Morley-Minto Reforms, which sowed seeds of mistrust between Hindus and Muslims. This legacy persisted post-independence, manifesting in riots during the 1947 Partition that claimed over a million lives and displaced millions more. Post-independence, Article 19(2) permits restrictions on speech for public order and incitement.¹⁰ However, enforcement has been inconsistent, allowing hate speech to flourish in political arenas. The 1980s-1990s witnessed escalation via Hindutva mobilisation, preceding the 1992 Babri Masjid demolition and riots.¹¹ Lynching again gained notoriety post-2015 with Dadri case, ushering cow vigilantism.¹² Digital platforms amplified rumours, as in 2018 WhatsApp lynchings.¹³

In 2024-2025, hate speech spiked during elections, correlating with violence.¹⁴ Parallels with historical U.S. racial lynchings exist, but Indian cases often minimise hate motives.¹⁵ In United States, lynchings of African Americans in the Jim Crow era were overt acts of racial terror, documented by organizations like the NAACP. In India, investigations frequently attribute motives to personal disputes rather than bias, diluting accountability. Hate speech thus precedes lynching, entrenched in socio-political structures. It begins with subtle dehumanization—labelling groups as “anti-national” or “threats”—and escalates to calls for action.

Historical U.S. racial lynchings highlight identity-based dehumanisation, though Indian cases frequently downplay hate motives in investigations. Hate speech and lynching, embedding prejudice in socio-political structures. Recent reforms offer hope: Karnataka passed the pioneering Hate Speech and Hate Crimes (Prevention) Bill on December 18, 2025, imposing up to seven years’ imprisonment and victim compensation amid controversy. Days later, Telangana announced similar legislation for its budget session.

These measures signal progress toward safeguarding minorities and upholding constitutional secularism, countering the entrenched nexus of inflammatory rhetoric and vigilante violence.

² Id.

³ Id. (1,165 events in 2024, 74% increase)

⁴ Documented incidents in 2024-2025 (e.g., Aligarh, Haryana)

⁵ Supra note 1.

⁶ Oxford Learners Dictionary, hate speech

⁷ Ibid.

⁸ Karnataka Hate Speech and Hate Crimes (Prevention) Bill, 2025 (passed Dec. 18, 2025); Telangana announcement (Dec. 20-21, 2025)

⁹ Constituent Assembly Debates.

¹⁰ INDIA CONST. art. 19(2).

¹¹ Post-Babri cases.

¹² Dadri lynching case (2015).

¹³ WhatsApp incidents (2018).

¹⁴ India Hate Lab Report 2024.

¹⁵ Historical comparisons

LEGAL FRAMEWORK IN INDIA

India's legal framework for combating hate speech and associated violence, such as mob lynchings, has historically relied on fragmented provisions scattered across criminal laws, without a dedicated, comprehensive national statute. Until recent developments at the state level, authorities primarily invoked sections from the erstwhile Indian Penal Code (IPC), including 153A (promoting enmity between groups on grounds of religion, race, place of birth, residence, language, etc.), 295A (deliberate acts intended to outrage religious feelings), and 505 (statements conducing to public mischief). These provisions, while aimed at curbing expressions that foster hostility or disharmony, suffered from inconsistent application, low conviction rates, and interpretive ambiguities, often leading to selective enforcement or inadequate deterrence.¹⁶

A significant advancement came with the enactment of the Bharatiya Nyaya Sanhita (BNS) in 2023, which replaced the IPC. Section 103(2) of the BNS explicitly addresses mob lynching for the first time in central criminal law, prescribing severe penalties—death or life imprisonment, along with fines—for a group of five or more persons committing murder based on identity markers such as race, caste, community, sex, place of birth, language, personal belief, or similar grounds. This provision marks a recognition of the collective and bias-driven nature of such crimes, shifting from treating them merely as ordinary murder or rioting. Similarly, Sec. 111 of the Sanhita, defines and penalizes Organised Crime, covering serious unlawful activities like trafficking, cybercrimes, extortion, and economic offences by groups, introducing harsher penalties for syndicate members and abettors, moving beyond the old Indian Penal Code to tackle modern criminal syndicates effectively.¹⁷

The Supreme Court's landmark 2018 judgment in *Tehseen S. Poonawalla v. Union of India* played a pivotal role in highlighting the gravity of mob violence. Describing lynching as a form of "mobocracy" that erodes the rule of law, the Court issued detailed guidelines encompassing preventive, remedial, and punitive measures. These include appointing nodal officers (at least of Superintendent of Police rank) in every district to monitor and prevent incidents, identifying vulnerable areas for enhanced patrolling, ensuring fast-track trials, providing victim compensation, and mandating proactive FIR registration without complaints. The Court urged Parliament to consider enacting specific anti-lynching legislation to instil fear of law among perpetrators.¹⁸ However, implementation across states has been patchy, with delays in nodal officer appointments, inadequate compensation schemes, and persistent impunity in many cases.¹⁹

A notable shift emerged in December 2025 when Karnataka became the first state to enact dedicated legislation targeting both hate speech and hate crimes. The Karnataka Hate Speech and Hate Crimes (Prevention) Bill, passed by the Legislative Assembly on December 18, 2025, amid opposition protests, defines hate speech expansively as any expression—through words, visuals, signs, or electronic means—that promotes disharmony, enmity, hatred, or ill-will against individuals or groups based on religion, caste, race, gender, sexual orientation, language, disability, or similar identities. It treats hate crimes as acts of propagating or inciting such speech, imposing penalties ranging from one to seven years' imprisonment (with an amendment reducing the maximum from an initial proposal of ten years), fines up to ₹1 lakh, and provisions for victim compensation. The law introduces collective liability for organizations, requiring responsible persons to prove due diligence to avoid culpability.²⁰ It also empowers designated officers to order removal of offending content from online platforms, addressing digital amplification. Proponents justified the bill citing escalating communal incidents and a Supreme Court observation from May 5, 2025, emphasizing the urgent need to curb communal hatred via hate speech.²¹ Critics, particularly from the BJP, contended that it could be misused to stifle legitimate criticism, infringe on free speech under Article 19(1)(a), and target opposition voices or media, arguing existing laws suffice.²² Days later, on December 20, 2025, Telangana Chief Minister A. Revanth Reddy announced plans for analogous legislation in its budget session,²³ signalling a potential trend among states to fill perceived central voids.

Complimenting, these are obligations under the Information Technology Act, 2000, and the 2021 Intermediary Guidelines, which mandate prompt removal of unlawful content, including hate speech. Yet, enforcement remains lacking, with platforms often citing free expression concerns and authorities struggling with volume and identification.²⁴

Persistent challenges include the absence of a uniform national hate crime statute, vague definitions leading to overbroad or selective prosecutions, underreporting due to fear, and inadequate data tracking. While state initiatives like Karnataka's represent progressive steps toward accountability and victim redressal, balancing robust protections against hatred with constitutional safeguards for expression remains crucial to prevent misuse and uphold India's pluralistic ethos.

¹⁶ Indian Penal Code, 1860, §§ 153A, 295A, 505.

¹⁷ Bharatiya Nyaya Sanhita, 2023, § 103(2), § 111

¹⁸ *Tehseen S. Poonawalla v. Union of India*, (2018) 9 SCC 501.

¹⁹ Enforcement reports.

²⁰ Karnataka Hate Speech and Hate Crimes (Prevention) Bill, 2025 (penalties up to 7-10 years, compensation, removal powers)

²¹ Supreme Court observation (May 2025); Bill provisions.

²² BJP critiques; government justifications.

²³ Telangana CM announcement (Dec. 2025).

²⁴ Information Technology (Intermediary Guidelines) Rules, 2021

CASE STUDIES

India's landscape of cow-related vigilantism has been marked by recurring mob violence, often triggered by unsubstantiated rumours and fuelled by inflammatory rhetoric. The 2015 Dadri lynching exemplified this grim pattern: on September 28, Mohammad Akhlaq, a 52-year-old Muslim resident of Bisada village in Uttar Pradesh, was dragged from his home and beaten to death by a mob incited by temple announcements alleging cow slaughter. Forensic tests later suggested the meat in question was mutton, yet the baseless rumour mobilized hundreds, resulting in Akhlaq's murder and severe injuries to his son Danish. This incident, one of the earliest high-profile cases post-2014, highlighted how swiftly misinformation—amplified through local networks—could escalate into lethal communal frenzy.²⁵

Two years later, in 2017, a similar tragedy unfolded in Alwar, Rajasthan, involving dairy farmer Pehlu Khan (often referred to in reports as a parallel to earlier cases, though the original note mentions "Reblu Khan," likely a reference to related vigilantism). Khan and his companions were transporting legally purchased cattle when intercepted by cow vigilantes on the Delhi-Jaipur highway. Despite presenting purchase receipts, they were brutally assaulted; Khan succumbed to injuries days later. Video evidence captured the attack, yet initial investigations faced criticism for delays and perceived biases, underscoring systemic challenges in accountability. Pehlu Khan (2017) involved vigilantes using slurs.²⁶

Recent years have seen no abatement. In 2024–2025, incidents persisted with alarming frequency. In August 2024, Sabir Malik, a migrant worker from West Bengal living in Haryana's Charkhi Dadri, was lured and lynched by vigilantes over suspicions of consuming beef. Subsequent lab tests confirmed the meat was not beef, revealing the attack's foundation in mere rumour. In May 2025, Aligarh witnessed a vicious mob assault on four Muslim men accused of smuggling beef; forensic reports later verified no cow meat was involved. Days later, in Delhi's Vijay Nagar area, a shopkeeper faced similar violence over unproven allegations of selling cow meat.²⁷

These cases expose entrenched patterns: dehumanization through hate speech portraying victims as threats to cultural sanctity; rampant impunity, with acquittals or delayed justice eroding deterrence; and chronic underreporting, as fear silences communities and official data often misclassifies bias-motivated crimes. Rumours, spread via WhatsApp groups or public announcements, bypass verification, enabling mobs to act as judge and executioner. Vulnerable minorities—primarily Muslims and migrant workers—bear the brunt, fostering a climate of terror that undermines India's secular ethos and rule of law.

SOCIETAL IMPACT

Hate speech and lynching erode social cohesion, instilling minority fear, ghettoisation, and institutional distrust. This self-imposed isolation erodes interpersonal trust and communal harmony, while simultaneously breeding widespread distrust in state institutions—police, judiciary, and government—perceived as indifferent or complicit due to delayed responses and impunity for perpetrators.²⁸ Economically, families face ruin; democratically, bigotry normalises, the repercussions are devastating for victims' families. Sudden loss of breadwinners plunges households into poverty, disrupting education for children and pushing survivors into indebtedness or menial labour. Beyond individual tragedies, recurrent violence deters investment and tourism in affected regions, hampering local economies and exacerbating regional inequalities. Democratically, hate speech normalises bigotry, particularly during election cycles. Data from 2024–2025 reveal sharp surges in inflammatory rhetoric on public stages and digital platforms, weaponizing communal narratives for political gain.²⁹ Long-term, cycles perpetuate among youth. Youth in polarised environments internalise divisive stereotypes, making social reconciliation increasingly difficult.

Psychologically, survivors and communities suffer from collective trauma, manifesting in anxiety, depression, and a sense of alienation. Non-governmental organizations report increased mental health issues in lynching-affected areas, yet support services remain scarce. Culturally, these acts erode India's syncretic traditions, where festivals and customs once bridged divides, now becoming flashpoints for conflict.

Ultimately, hate speech and lynching do not merely claim lives; they fracture the foundational principles of equality, fraternity, and secularism enshrined in the Constitution. Without concerted interventions—legal, educational, and societal—these phenomena risk entrenching a fractured polity where fear supplants coexistence.

²⁵ Dadri reports.

²⁶ Pehlu Khan case.

²⁷ 2024–2025 incidents (e.g., Sabir Malik, Aligarh).

²⁸ Impact studies.

²⁹ Election surges (2024).

INTERNATIONAL PERSPECTIVES

The International Covenant on Civil and Political Rights (ICCPR, Article 20), mandates that states prohibit any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence. This provision establishes a mandatory restriction on freedom of expression to prevent severe harm, while emphasizing a high threshold to avoid overreach into protected speech.³⁰

Different jurisdictions interpret and apply such prohibitions variably, balancing free expression with societal protection. Germany employs ‘proportionality test’ for certain speech. This requires assessing whether limitations are suitable, necessary, and proportionate to legitimate aims, such as protecting human dignity or public peace, as rooted in constitutional jurisprudence and laws like those addressing incitement to hatred (Volksverhetzung).

The United States applies the ‘imminent danger test’.³¹ United States adopts a more permissive approach under the First Amendment. The Supreme Court in *Brandenburg v. Ohio* (1969) established the “imminent lawless action” test, protecting inflammatory speech unless it is directed at inciting or producing imminent lawless action and is likely to do so. This stringent standard reflects strong safeguards for political and advocacy speech, even when offensive or advocating illegal conduct abstractly. India could adopt the ‘Rabat Plan’s incitement’ threshold and improve hate crime tracking.³² The Plan outlines a six-part threshold test for assessing incitement: examining context, speaker’s position, intent, content/form, extent of dissemination, and likelihood/imminence of harm. This high-threshold tool ensures prohibitions target only severe cases meeting Article 20 ICCPR criteria, distinguishing genuine incitement from offensive but protected expression.

Additionally, enhancing hate crime tracking mechanisms is essential. India currently lacks comprehensive official data on bias-motivated crimes, relying on fragmented reports or non-governmental trackers. Improved systematic monitoring—categorizing incidents by motive, victim identity, and outcomes—would enable better policy responses, prosecution, and prevention, fostering accountability and social harmony. Countries like Canada, with their hate crime statistics program, demonstrate how data-driven approaches can inform targeted interventions.

Such reforms would align India’s framework with international standards, safeguarding both freedom of expression and vulnerable communities from genuine threats of hatred and violence. Collaborative efforts with organizations like the UN could provide technical assistance for implementation.

CHALLENGES AND RECOMMENDATIONS

Challenges: India confronts profound challenges in addressing hate speech and related violence, with systemic weaknesses undermining effective responses. Law enforcement remains a primary obstacle, as authorities frequently fail to act promptly or decisively against incendiary rhetoric, even when it escalates into mob violence or lynchings. This inertia is compounded by political patronage, where perpetrators often enjoy protection from influential figures or parties, eroding public trust in the justice system. The rapid proliferation of hate speech through digital platforms has further amplified the problem, enabling anonymous dissemination to vast audiences and fuelling real-world harm at unprecedented speeds.³³

Compounding these issues are operational failures within law enforcement. Police routinely misclassify hate-driven incidents—registering lynchings or communal attacks as ordinary crimes such as murder or rioting—thereby obscuring bias motives and preventing accurate data collection. Selective application of existing laws exacerbates the crisis: provisions intended to curb hate speech are sometimes weaponized against journalists, activists, and dissenters criticizing those in power, while inflammatory statements by dominant groups often go unpunished. This double standard not only perpetuates impunity but also chills free expression among marginalized voices.³⁴

Recommendations: To confront these entrenched challenges, comprehensive reforms are essential. First, India should enact a dedicated federal law prohibiting hate speech and hate crimes, including lynchings, drawing inspiration from progressive state models such as Karnataka’s framework. Such legislation would establish clear definitions, stringent penalties, and specialized investigation protocols, ensuring uniformity across the country and closing jurisdictional gaps that currently allow perpetrators to evade accountability.

Equally critical is the full implementation of the Supreme Court’s guidelines in *Tehseen Poonawalla v. Union of India* (2018), which mandate proactive measures like identifying lynching-prone areas, appointing nodal officers in every district, and ensuring fast-track trials. Strengthening these nodal officers—with enhanced training, resources, and independence—would improve

³⁰ International Covenant on Civil and Political Rights, art. 20.

³¹ *Brandenburg v. Ohio*.

³² Rabat Plan of Action.

³³ Poonawalla compliance gaps.

³⁴ Selective applications

coordination and response times. Building on positive precedents emerging from states in 2025, mechanisms for victim compensation should be streamlined, providing swift financial relief and rehabilitation support to affected families.³⁵

Beyond legal measures, proactive societal interventions are vital. Promoting counter-speech, encouraging civil society, influencers, and communities to actively rebut hateful narratives can dilute toxicity online and offline. Comprehensive media literacy programs in schools and public campaigns would equip citizens to critically evaluate information and recognize manipulation. Inter-community dialogues, facilitated by neutral organizations, could foster mutual understanding and reduce prejudices rooted in misinformation.

Finally, enforcing accountability on digital platforms is indispensable. Intermediaries must be compelled to swiftly remove unlawful hate content, enhance algorithmic transparency, and cooperate with law enforcement under robust guidelines. This multi-pronged approach—combining strong legislation, rigorous enforcement, educational initiatives, and platform responsibility—offers a pathway to mitigate the scourge of hate speech, protect vulnerable communities, and uphold India's constitutional commitments to equality, fraternity, and secularism.

CONCLUSION

Hate speech and lynching imperil India's core values of equality and fraternity. While the BNS and Karnataka's 2025 legislation represent advances, yet persistent violence in 2024-2025, demands urgent federal action, rigorous enforcement, and societal transformation. By building on recent reforms, India can dismantle this cycle, upholding pluralism, rule of law and justice.

The path forward requires collective will—from government to citizens—to reject division and embrace unity, ensuring that the nation's diversity remains its strength rather than a source of conflict. Only through sustained efforts can India reclaim its ethos of 'Sarva dharma Sambhava' (equal respect for all religions) and foster a society where every individual lives without fear.

³⁵ Substantive: Karnataka's model provides a timely template, justified by its pioneering definitions and mechanisms addressing 2025 realities.