

**Bill No. LXXIII of 2024**

**THE ONLINE HATE SPEECH (PREVENTION)**

**BILL, 2024**

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**BILL**

*to provide for the prevention and control of hate speech on online platforms, to promote digital harmony and responsible online behaviour, to define offences related to online hate speech and provide for penalties thereto, to create a regulatory framework for online platforms, and to provide for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

**CHAPTER I  
PRELIMINARY**

- 5     **1.**     (1) This Act may be called the Online Hate Speech (Prevention) Act, 2024.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.
- 10    **2.**     In this Act, unless the context otherwise requires—
- (a) “complainant” means any person who files a complaint or reports content on an online platform as potential online hate speech;

Short title and  
commencement.

Definitions.

- (b) “content” means any data, information, text, graphics, images, GIFs, audio, video, or other material that can be created, uploaded, shared, or viewed on an online platform;
- (c) “digital harmony” refers to a state of respectful and inclusive online interactions free from hate speech, discrimination, and communal disharmony; 5
- (d) “digital literacy” means the knowledge, skills and attitudes that allow individuals and communities to understand and use digital technologies and find, evaluate, and communicate information using online platforms while being both safe and empowered in an increasingly digital world; 10
- (e) “hate speech” means any communication that promotes or incites hatred, discrimination, or violence against an individual or group based on attributes including but not limited to race, religion, caste, ethnic origin, sexual orientation, gender, disability, or language; 15
- (f) “hate speech content” means such content published, propagated or disseminated on online platforms that leads to or aids in the commission of the offence of online hate speech as defined under section 3 of this Act;
- (g) “intermediary” will have the same meaning as assigned to it in clause (w) of sub-section (1) of section 2 of the Information Technology Act, 2000; 20
- (h) “online platform” means any website, application, or digital service that allows users to create, upload, share, or view user-generated content, including social media platforms, messaging services, and content-sharing websites; 25
- (i) “prescribed” means prescribed by rules made under this Act;
- (j) “responsible online behavior” means such ethical and respectful conduct, aimed at fostering positive digital citizenship and creating a safer online environment, exhibited by users when interacting with others and engaging in activities on the internet; 30
- (k) “significant social media intermediary” means a social media intermediary which primarily or solely enables online interaction between two or more users and allows them to create, upload, share, disseminate, modify or access information using its services, having number of registered users above such threshold as may be notified by the Central Government; 35
- (l) “user” means any person, who accesses or uses an online platform; and
- (m) “user verification” means the process of confirming a user’s identity on an online platform. 40

21 of 2000.

## CHAPTER II

### ONLINE HATE SPEECH

Online Hate Speech.

3. A user who intentionally uses, publishes, presents, produces, plays, provides, distributes or directs the performance of any speech on online platforms that:— 45
- (i) promotes or spreads, propagates or disseminates, provokes or arouses religious enmity and religious sentiment, discrimination, hatred, or violence against a person or group of persons or community; or 50

	(ii) denigrates a person or group of persons by reasons of their real or attributed characteristics or status, which includes religion, race, caste or community, sex, gender identity, sexual orientation, place of birth, national or ethnic origin, language, age, or disability;	
5	shall be guilty of the offence of online hate speech.	
	<b>4.</b> No legal proceedings shall be instituted against a user under section 3 for an action done in good faith during the course of engagement in: —	Protection of acts done in good faith by a user.
	(i) any artistic or creative performance or other form of expression, to the extent that such performance or expression does not advocate hatred or online hate speech; or	
10	(ii) any academic or scientific inquiry; or	
	(iii) fair and accurate reporting or commentary or critique in the greater public interest.	
	<b>5.</b> (1) Whoever commits the offence of online hate speech under this Act shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both:	Punishment for online hate speech by users.
15	Provided that the account of such user on the online platform shall be disabled for such period as may be prescribed.	
20	(2) For second or subsequent offence, the user shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine along with permanent shutdown of the account of such user on the online platform.	
	<b>CHAPTER III</b>	
25	<b>OBLIGATIONS AND REGULATIONS FOR ONLINE PLATFORMS</b>	
	<b>6.</b> Every online platform shall: —	Obligations of online platforms.
	(a) implement appropriate measures to prevent the spread of online hate speech;	
30	(b) develop and enforce clear community guidelines prohibiting online hate speech, with special consideration for India's diverse cultural and linguistic context;	
	(c) establish efficient mechanisms for reporting and reviewing potential online hate speech in multiple Indian languages;	
35	(d) remove or disable access to online hate speech content within twenty-four hours of receiving a valid complaint from a complainant;	
	(e) implement user verification mechanisms to reduce anonymous online hate speech;	
40	(f) provide to the Central Government, in such form and manner, regular quarterly transparency reports on online hate speech incidents and actions taken thereon;	
	(g) regularly send correction notices to the users in case unintentional and non-provocative online hate speech is propagated on digital platforms;	
45	(h) collaborate with Central Government agencies, local authorities and civil society organizations to promote digital literacy, responsible online behaviour and formulation of a framework for co-regulation.	

Appointment of Compliance and Grievance Officers.	7.	(1) Every significant social media intermediary shall appoint: (a) a Chief Compliance Officer, who shall be responsible for ensuring compliance with this Act and the rules made thereunder; (b) a Nodal Contact Person, who shall be responsible for round-the-clock coordination with law enforcement agencies in India; and (c) a Resident Grievance Officer, who shall be responsible for addressing complaints related to online hate speech on the platform. (2) The names and contact details of the persons appointed under subsection (1) shall be prominently displayed on the online platforms for information of all users.	5 10
Proactive monitoring and AI-based detection.	8.	Every significant social media intermediary shall deploy: — (a) technology-based measures, including automated tools or artificial intelligence, to proactively identify and remove online hate speech content; and (b) effective machine learning tools in order to develop abilities of the system to restrict the virality and propagation of online hate speech content: Provided that such measures shall be in consonance and consideration with the interests of free speech and expression, as provided in the Constitution of India.	15 20
User education and awareness.	9.	(1) Online platforms shall conduct regular awareness campaigns about responsible online behaviour and the consequences of engaging in or propagating online hate speech. (2) Online platforms shall provide to all users easily accessible resources on digital literacy, with special focus on India's diverse culture.	25
Penalties for online platforms.	10.	(1) Any online platform that fails to comply with any of the provisions of this Act shall be – punished with a fine which may extend to fifty lakh rupees. (2) In case of continued non-compliance against a specific number of complaints, as may be notified by the Central Government, an additional fine of ten lakh rupees per day may be imposed until the non-compliance is remedied.	30

## CHAPTER IV

### ADJUDICATION OF OFFENCES AND PENALTIES

Adjudicating Authority.	11.	(1) <b>The Central Government shall, within a year of commencement of this Act, by notification in the Official Gazette, establish an Adjudicating Authority for the purpose of holding inquiries and adjudging whether any person has committed a contravention of any of the provisions under this Act or of any rule, regulation, direction or order made thereunder which renders him liable to pay penalty or compensation.</b> (2) <b>The Adjudicating Authority shall consist of a Chairperson and two members, to be appointed by the Central Government, in such manner as may be prescribed:</b>  <b>Provided that the Chairperson shall be a person who has been a Judge of a High Court:</b>  <b>Provided also that no person shall be appointed as a member of the Adjudicating Authority unless he possesses such experience in the field of Information Technology and legal or judicial experience as may be prescribed by the Central Government.</b>	35 40 45 50
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5 (3) The Adjudicating Authority shall, after giving the person referred to in sub-section (1), a reasonable opportunity for making representation in the matter and if, on such inquiry, is satisfied that the person has committed the contravention, may impose such penalty or award such compensation as it thinks fit in accordance with the provisions of this Act.

(4) The Central Government shall provide such number of officers and staff to the Adjudicating Authority as it may deem fit for carrying out the purposes of this Act:

10        Provided that the officers and staff so appointed shall discharge their functions under the general superintendence of the Chairperson of the Adjudicating Authority.

15 (5) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson, members, officers and staff of the Adjudicating Authority shall be such as may be prescribed.

20 12. (1) The Central Government shall, within a year of commencement of this Act, by notification in the Official Gazette, establish an Appellate Tribunal to hear appeals against the decisions of the Adjudicating Authority, in such form and manner as may be prescribed.

Appellate  
Tribunal.

(2) An appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order issued by the Adjudicating Authority and it shall be in such form and manner and be accompanied by such fee as may be prescribed:

25        Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that there was sufficient cause for not filing it within that period.

30 (3) The Appellate Tribunal shall consist of a Chairperson and not more than two members to be appointed by the Central Government, in such form and manner as may be prescribed:

      Provided that the Chairperson shall be a person who has either been a Chief Justice of a High Court or a Judge of the Supreme Court:

35        Provided also that no person shall be appointed as a member of the Appellate Tribunal unless he possesses such experience in the field of Information Technology and legal or judicial experience as may be prescribed by the Central Government.

40 (4) On receipt of an appeal under sub-section (2), the Appellate Tribunal may, after giving the parties to the appeal, a reasonable opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against.

(5) The Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the Adjudicating Authority.

45 (6) The appeal filed before the Appellate Tribunal under sub-section (2) shall be dealt with as expeditiously as possible and endeavour shall be made by it to dispose of the appeal finally within six months from the date of receipt of the appeal.

50 (7) The Central Government shall provide such number of officers and staff to the Appellate Tribunal as it may deem fit for carrying out the purposes of this Act:

**Provided that the officers and staff so appointed shall discharge their functions under the general superintendence of the Chairperson of the Appellate Tribunal.**

**(8) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson and members and other officers and staff of the Appellate Tribunal shall be such as may be prescribed.**

Adjudicating Authority and Appellate Tribunal to have powers of civil court.

**13.** The Adjudicating Authority and the Appellate Tribunal shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence or affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for examination of witnesses or documents;
- (f) any other matter which may be prescribed.

Appeal against orders of Appellate Tribunal.

**14.** An appeal against the decision of the Appellate Tribunal shall lie to the Division Bench of a High Court having appropriate jurisdiction, before the confirming, modifying or annulling an order made or notice issued under this Act.

## CHAPTER V

### REPORTING

Reporting of registered online hate speech and convictions.

**15.** (1) The Adjudicating Authority shall prepare annually in such form and manner as may be prescribed, both national and State-wise data regarding:—

- (a) online hate speech cases registered and at their disposal;
- (b) persons convicted for the offence of online hate speech and hate crime by the Appellate Tribunal;

and copies thereof shall be forwarded to the Central Government.

(2) The Central Government shall cause the annual report to be laid before each House of Parliament, within a period of one year from the date of publishing of such report.

## CHAPTER VI

### MISCELLANEOUS

Promotion of digital literacy and digital harmony.

**16.** The Central Government shall, for the purpose of promoting digital harmony, in collaboration with the State Governments: —

- (a) conduct online and offline workshops to promote responsible online behavior on online platforms;
- (b) provide legal assistance to individuals or users affected by online hate speech - through relevant District Legal Services Authority as created under Legal Services Authority Act, 1987;
- (c) collaborate with civil society organisations in order to promote advocacy and outreach of this Act and rules and

**regulations made thereunder, effective use of online platforms and legal recourse available to curb online hate speech.**

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|----|------------|---|---|
| 5  | <b>17.</b> | No suit, prosecution, or other legal proceeding shall lie against the Central Government, the Adjudicating Authority, or any officer or employee thereof for anything which is done or intended to be done in good faith and in discharge of official legal duty under this Act.  | Protection of action taken in good faith and in discharge of official legal duty. |
| 10 | <b>18.</b> | The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.  | Act to have overriding effect.  |
|    | <b>19.</b> | If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing such difficulty.  | Power to remove difficulties.   |
| 15 | <b>20.</b> | (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.  | Power to make rules.  |
| 20 |            | (2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or |   |
| 25 |            | be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.   |   |

## STATEMENT OF OBJECTS AND REASONS

In recent years, India has witnessed an increase in the discrimination and dehumanization of marginalized groups through hate speech. Notably, hate speech is not defined in any current Indian law. While the provisions within the repealed Indian Penal Code, 1860 (IPC), and the provisions of Section 299 and Section 196 under the existing Bharatiya Nyaya Sanhita, 2023 (BNS) and the Information Technology Act, 2000 provide some recourse, they face significant challenges. Section 153A of the repealed IPC criminalized promoting enmity between groups and Section 295A penalized acts intended to outrage religious feelings. Section 196 of BNS provides punishment for promoting enmity between different groups on the grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony. Section 299 provides punishment for deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs. Additionally, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, issued under the Information Technology Act, 2000 impose obligations on social media platforms to proactively reduce hate speech, misinformation, and other harmful content. India is also bound by its international obligations under article 20(2) of the International Covenant on Civil and Political Rights, 1966, to prohibit hate speech.

Hate speech is particularly concerning as it creates a hostile environment that alienates victims, depriving them of opportunities and autonomy; it undermines victims' dignity and self-worth; and it entrenches societal stereotypes, leading to inequality and subordination. Social media platforms, with their vast reach and algorithmic amplification, have become breeding grounds for hate speech, exacerbating existing societal divisions and tensions.

Accordingly, to effectively prevent and control hate speech on online platforms, and to promote digital harmony and responsible online behaviour, this Bill proposes to:—

- (a) define offences related to online hate speech and provides penalties for such offences;
- (b) establish a regulatory framework for online platforms to prevent the spread of hate speech;
- (c) mandate online platforms to develop and enforce community guidelines prohibiting hate speech, with special consideration for India's diverse cultural and linguistic context;
- (d) require online platforms to implement user verification mechanisms to reduce anonymous hate speech and to provide regular transparency reports on hate speech incidents and actions taken;
- (e) ensure that online platforms establish efficient mechanisms for reporting and reviewing potential hate speech in multiple Indian languages, and mandates the removal or disabling of access to content determined to be hate speech within 24 hours of receiving a valid complaint;
- (f) oblige significant social media intermediary to appoint a Chief Compliance Officer, a Nodal Contact Person for coordination with law enforcement agencies, and a Resident Grievance Officer to address complaints related to hate speech;
- (g) mandate significant social media intermediaries to deploy technology-based measures, including automated tools or artificial intelligence, to proactively identify and remove hate speech content, balancing the interests of free speech and expression;

- (h) require online platforms to conduct regular awareness campaigns about responsible online behaviour and the consequences of engaging in hate speech, providing easily accessible resources on digital literacy;
- (i) establish penalties for non-compliance by online platforms, including fines that may extend to fifty lakh rupees and additional fines for continued non-compliance;
- (j) provide penalties for individual users who create or share hate speech content, including imprisonment and fines, with harsher penalties for repeat offenders;
- (k) create an Adjudicating Authority, consisting of a Chairperson and two members appointed by the Central Government, to hold inquiries under this Act;
- (l) establish an Appellate Tribunal to hear appeals against the decisions of the Adjudicating Authority;
- (m) grant the Central Government the power to make rules for carrying out the provisions of this Act and protect actions taken in good faith under this Act from legal proceedings.
- (n) to foster digital harmony and responsible use of social media and digital platforms and provides that the Central Government will collaborate and work closely with relevant stakeholders.

This Bill aims to embody the principles of '*Sarva Dharma Sadhbhavana*' as outlined in the Fundamental Rights, ensuring equal dignity for individuals and communities. As citizens of this great nation, we share the responsibility to uphold ethical values of harmony, respect, and fraternity. Consequently, the Bill proposes a co-regulation-based ethical digital framework to encourage responsible behaviour by both users and online platforms.

Hence, this Bill.

VIKRAMJIT SINGH SAHNEY

## FINANCIAL MEMORANDUM

Clause 11 of the Bill proposes to establish an Adjudicating Authority for holding inquiries and adjudging whether there has been any contravention of the provisions of the Bill and provides for appointment of Chairperson, members, officers and staff therein and salary and allowances payable thereto. Clause 12 proposes to establish an Appellate Tribunal to hear appeals against the decisions of the Adjudicating Authority and provides for appointment of a Chairperson, members and other officers and staff therein and salary and allowances payable thereto. Clause 16 provides for steps to be taken by the Central Government for promotion of digital literacy and digital harmony.

The Bill, therefore, if enacted, will involve, both non-recurring and recurring expenditure from the Consolidated Fund of India, amounting to rupees ten crore per annum.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 of the Bill empowers the Central Government to make provisions through an order to remove any difficulties likely to arise in giving effect to the provisions of the Bill, if enacted. Clause 20 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

As the orders and rules will relate to matters of details only, the delegation of legislative power is of a normal character.

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*(Shri Vikramjit Singh Sahney, M.P.)*