

## Free Speech vis-a-vis Freedom of Religion in India: A Conundrum

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### Abstract

With the motto of 'Unity in Diversity' within religious multiplicity, India recognises an inclusive list of religions including Hinduism, Islam, Christianity, Sikhism, Zoroastrianism, Buddhism, Jainism, Judaism, and Bahaism. In order to maintain 'secularism', the Indian Constitution ensures its citizens freedom to practice, profess and believe in any religion. But the disharmony triggers when religious freedom of certain individuals gets affected by 'hate speech' made by some others under the cover of free speech. Though 'hate speech' is never a part of free speech, still in the absence of any clear description of the same in any statute, the miscreants often try to misuse it in disturbing the peaceful social fabric. **The purpose:** This paper has tried to explore the factors responsible for inciting such disturbances. This paper further analysed the legal provisions and judicial decisions on free speech and freedom of religion, the poor enforcement of existing laws and loopholes in the socio-legal system those need reformation. **Methodology:** Both doctrinal and non-doctrinal method of study has been adopted here. The primary data gathered through collection of responses from different groups by circulation of questionnaire. The secondary data collected through journal articles, books, judicial decisions and online sources. **The results:** The researcher has provided the entire findings of the survey as well as suggested for certain timely modifications to overcome the situation after analysing the collected data. **Conclusion:** In conclusion, the researcher suggested for amendments in the existing statutes with stringent penalties for 'hate speech' to maintain harmony in the society.

**Keywords:** Constitution- Freedom- Hate Speech- India- Religion

## Introduction

India is a democratic nation, governed by its populace. The preamble of the Indian Constitution unequivocally indicates that it is the people of India who have adopted, enacted, and bestowed upon themselves the constitution. The Largest Written Constitution grants significant power to both citizens and non-citizens through the Fundamental Rights. The Constitution has been drafted with consideration for all necessary aspects benefiting the people of India. It has conferred liberties upon the citizens, albeit not absolutely, to prevent the potential exploitation of those freedoms. Nevertheless, certain individuals use these freedoms, resulting in disturbances that undermine the harmonious social fabric.

In India, freedom of speech and freedom of religion both are guaranteed as fundamental rights under the Constitution. **Freedom of speech** is protected by Article 19(1)(a) of the Constitution, that endows all citizens of the country with the right to speak and to express their opinions freely within the territory of India. However, the freedom provided under Article 19(1)(a) is not unqualified but is subjected to certain rational limitations for protecting larger interest, such as public order, decency, morality, the sovereignty and integrity of India, friendly relations with other states etc. Furthermore, speech that incites violence or hatred is also restricted under the Indian law. **Freedom of religion** is also protected by the Constitution under Article 25 guaranteeing the citizens of India the right to freely profess, practice and propagate any religion of their choice. However, similar to freedom of speech, this right is also not absolute, but is subjected to reasonable restrictions on the grounds of public order, morality & health.

In India, religious belief forms an integral part of one's life and any speech that offends a religion or religious group can cause communal discord and violence. The government has enacted laws to punish those who deliberately and maliciously insult others' religious beliefs. Often, the government worked to balance free speech with religious emotions. Judicial interpretation and clarification of both rights have also been significant. Despite all these efforts made by the executive and the judiciary, still some loopholes exist there in law for which the clash between both the freedoms is not coming to an end. It is crucial for individuals and institutions to respect both the rights and to find out a way to coexist peacefully.

## Literature review

Due to multi-religious and multi-linguistic populations, the state regulates free speech and promotes contextual secularism to ensure communal cohesion and religious neutrality. The author studied Hindu-Muslim students' behaviour and perceptions of religious intolerance and violence. After investigation and self-observation, the author concluded that secular and non-secular persons must feel fellow-feeling to maintain peace. The author also suggested contextual secular-multiculturalism to reduce

intercultural tensions. The author primarily addresses Hindu-Muslim problems and does not mention other religions or legal perspectives needed to reform.[1]

Recent complaints have been filed against Karnataka Minister Munirathna for alleged hate speech against Christians. Munirathna, the Horticulture Minister in the Basavaraj Bommai government, said in an interview on March 31<sup>st</sup> that Christians are also converting slums. He added that they should be expelled if they're here only for conversion. The Rajarajeshwarinagar police charged the BJP MLA from RR Nagar with promoting enmity under Sections 117 (abetting a crime), 153A of the Indian Penal Code (promoting hatred between groups or religion), and 125 of the People's Representation Act (promoting hatred between classes during elections).[2]

The editor of Avadhnama, an Urdu daily was charged with hurting religious sentiments for publishing a cover of Charlie Hebdo magazine after the terrorist attack on its office in Paris. The Bombay High Court held that the editor had the right to publish the cover as part of her freedom of speech and expression and that it did not amount to hurting religious sentiments.[3]

The author examines the conceptualisation of tolerance and respect, which he believes are at the heart of religion-specific constitutional register, and how it affects religious freedom interpretation in a Comparative Constitutional Interpretation article. In "S.R. Bommai vs Union of India"[4], Supreme Court judges Justice Sawant and Justice Kuldip Singh stated that religious tolerance is part of secularism enshrined in our Constitution, and the state should respect all religions. In the essay, Hinduism is the only authentic religion that fits with secularism as declared in the Indian Constitution, while Islam is the least tolerant and a threat to secularism. Political justifications for liberal democracies to respond to religious diversity most often emphasise tolerance and respect, the report found.[5]

Since India is a signatory to numerous treaties and Conventions, it is its bounden duty to protect and advance all human rights including freedom of speech and expression. However, because the Indian government gives precedence to freedom of religion over free speech, the tussle between both the freedoms is becoming more intense. According to him right of religion is a part of right of speech. The author in this paper has made a survey taking the opinions of several Indian students belonging to different religions to find out the cause of conflict between both the rights and then concluded that the Indian government can resolve the strife between right to free speech and the right to freely practice one's religion through contextual secularism and multiculturalism. The author has also highlighted a case [6], where the Supreme Court of India emphasised on the major prominence of tolerance and respect for the societies and the court placed the responsibility of tolerance on individuals rather than on groups by using 'Gandhian multicultural' notion.[7]

Dina Nath Batra, a retired schoolteacher and head of the Hindu nationalist group (The Shiksha Bachao Andolon Samiti), complained that Wendy Doniger's book "Hindus: An Alternative History" denigrated Hinduism and violated Indian laws which ceases

publication of the book by Penguin Books. According to Doniger's book, "the lingam" in Hindu temples, which symbolises Lord Shiva, represents the male genital organ in erection. Such views are offensive and should be forbidden, according to the SBAS. The author noted that India banned Salman Rushdie's novel "The Satanic Verses" and Joseph Lelyveld's "biography of Mahatma Gandhi". Indian intellectuals are divided over freedom of expression. Religion-based speech restrictions abuse the law. The author opined that, since the late 1940s, Modi's election was the first time Indians of all castes, classes, and regions supported Hindutva ideals. [8]

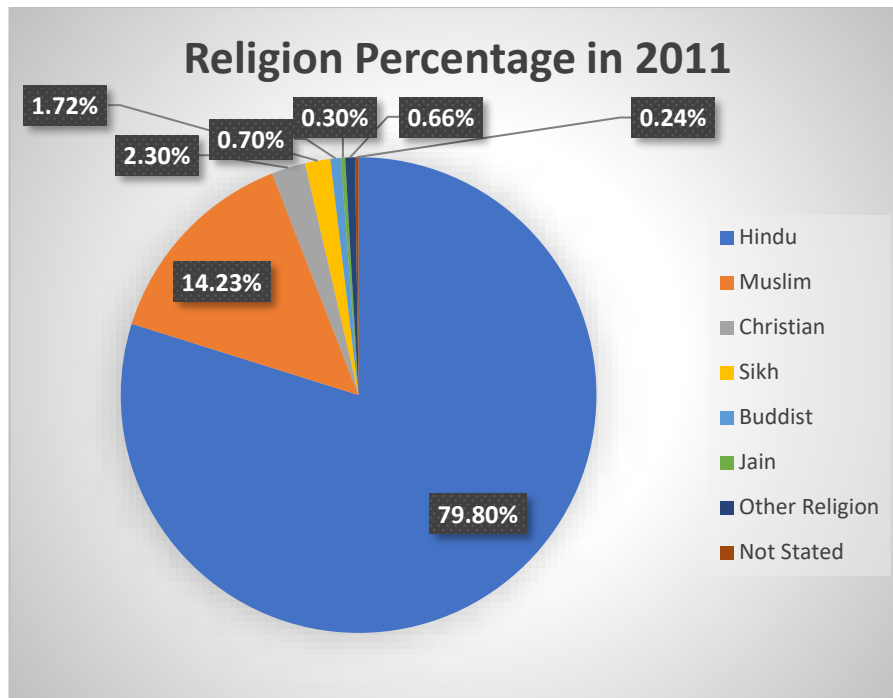
### Methodology

In this study the researcher has adopted both doctrinal and non-doctrinal mode of study. This research is descriptive-analytic in nature. For the purpose of writing the research paper, the primary and secondary data are taken into account. Primary data have been collected by using 'questionnaire' as a research tool to gather pertinent information from respondents. The sample size of this study is 56. Questionnaires have been sent through emails to the respondents and the findings of the study have been represented graphically in the form of pie charts. The secondary sources of data are the judicial decisions, books and journal articles.

### Concept and legislative framework

#### Concept

- a) Freedom of speech and expression [article 19 (1)(a)]- Sharing one's thought freely with others is a blessing that has been endowed upon the citizens of India by the Constitution itself under Freedom of Speech and Expression [Article -19(1)(a)] being the most cherished right. Though the freedom is not absolute, it has no punitive character for certain speeches that citizens freely adhere. But there is a fine line of difference among free speech, hate speech and speeches those incite violence. Constitution doesn't allow hate speech or any kind of speech that can spread hatred in the society or incite violence against any group or individual, but literally what speech constitutes hate speech is still not clarified either in the Constitution or in any other statute.
- b) Freedom of religion [articles 25 – 28] - The Preamble of Constitution of India declares India to be a secular country. Though the word 'secularism' is inserted only in the 42<sup>nd</sup> Constitutional Amendment, but the very concept of secularism was already present there inherently since the commencement of the Constitution. Secularism considers the state not to confine itself to any particular religion. State is neutral in the matter of religion and provides equal respect to each religion. But the citizens of the state have freedom to profess, practice and propagate any religion of their own choice, faith and belief. And every individual also has to provide equal respect to everyone's religious views and sentiments. State eliminates discrimination on the ground of religion.



Source: Census 2011

As per the 2011 census report, out of the entire 1.21 billion populace of the country, around 79.80% counting almost 966 million have declared themselves to be Hindus, 14.23% counting around 172 million declared as Muslims, 2.3% means almost 27.8 million Christians, 1.72% means about 20.8 million Sikhs, 0.70% calculating about 8.5 million are Buddhists and 0.37% counting about 4.5 million are Jains. Furthermore, around 8 million people are found to profess other religions beyond these above mentioned six major religions.

### Legislative Framework

#### 1.) Constitutional Provisions:

As the Article confines itself into the conflicts between freedom of speech & freedom of religion, thus the following Fundamental Rights protecting the above-mentioned freedoms are essential to mention-

- Article 19 that guarantees the right to freedom of speech and expression to all the citizens of India although with six reasonable restrictions.
- Provisions Relating to Freedom of Religion are enshrined within Articles 25 to 28 under the part of Fundamental Rights. Whereas Article 25 speaks for Freedom to profess, practice & propagate any religion, Article 26 gives the freedom to manage one's own religious affairs, Article 27 provides the freedom not to pay taxes for the promotion of any particular religion compulsorily &

Article 28 enshrines no compulsion to attend the religious instruction or religious worship in certain educational institutions.

2.) Statutory Provisions:

a) Indian Penal Code, 1860

- Section 153A- Encouraging hostility between various groups on the basis of religion, race, place of birth, residency, language, etc., and engaging in behaviour that undermines efforts to maintain concord
- Section 295- Injuring or defiling place of worship with the intention to insult the religion of any class
- Section 295A- According to this section any deliberate and malicious acts, with the intention to outrage religious feelings of any class by offending its religion or religious faith and beliefs.
- Section 298- Deliberate intend to wound the religious feelings of any person through uttering words, making sound and gesture in front him
- CHAPTER IXA OF IPC of Offences Relating to Elections - Despite IPC having provisions dealing with offence relating to elections, the same has failed to effectively address the issue of hate speech. The said chapter only deals with the modus operandi of election.

b) The Representation of People Act, 1951

- SECTION 8 of the Act makes a person disqualified from contesting an election if he is found to be convicted of indulging in any act that amounts to illicit use of freedom of speech and expression.
- SECTION 123(3A) and 125 of the Act considers promotion of any kind of hostility on grounds of religion, race, caste, community or language in connection with election as a corrupt electoral practice.

c) The Religious Institutions (Prevention of Misuse) Act, 1988

- SECTION 3(g) of the Act forbids religious institutions or the persons in control over it to permit the use of its property with the intent to encourage or attempting to encourage any kind of disharmony, feelings of enmity, hatred, ill-will among the persons belonging to different religious, racial, language or regional groups or castes or communities.

3.) International Treaties:

- The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, recognizes the rights to freedom of speech and religion as fundamental human rights.

- The International Covenant on Civil and Political Rights (ICCPR)  
Article 18- Recognizes the right to freedom of thought, conscience, and religion.  
Article 19- Reaffirms the right to freedom of expression

#### 4.) Regulatory Bodies:

- Press Council of India: It is an autonomous statutory body created by the Parliament to oversee the conduct of the print media in India and safeguard the freedom of the press.
- Ministry of Information and Broadcasting: It is a government ministry that regulates the print and electronic media in India, and is responsible for formulating policies related to freedom of speech and expression.
- National Human Rights Commission (NHRC): It is an independent organisation created by the government to defend and advance human rights, particularly the freedom of speech and of religion.
- National Commission for Minorities: It is a statutory body established by the government to safeguard the rights of minority communities in India, including the right to freedom of religion.

#### **Loopholes in the statutory provisions**

- There is no law which can show clearly what amounts to hate speech. India requires specific laws on hate speech in order to prevent misuse of freedom of speech and expression which is one of the foremost reasons behind the conflict between free speech and religion.
- There are neither National Anti-conversion laws nor any provision that restrict misuse of free speech regarding conversion in India, which is necessary to prevent forced, inducive and manipulative conversion. The Central Government has not enacted any anti-conversion laws in India however 12 states in India have laws of their own but there is a need for stringent National law to prevent forceful religious conversions all over the nation. The anti-conversion law required to protect the cultural and social consistency of the country. Law should be made so that any individual willing to convert has to take permission and reasons to be recorded for such conversion in order to prevent use of coercion or any other ill intention for conversion.
- There is no direct Anti-blasphemy law in India dedicatedly dealing with blasphemy. Punjab is the only state in India having separate law relating to blasphemy. Blasphemy laws needed to criminalize speech or actions that are deemed to be offensive to God and any particular religion.
- Online platform is the most used and popular way now-a-days to share views which has also turned into a forum for expressing hatred. Indian government has the authority to regulate online content under the Information Technology

(IT) Act but the said Act does not contain any provisions for specifically addressing religious conflicts. Nevertheless, its provisions regarding the regulation of online content and intermediaries could have implications for the use of electronic communication in relation to religious matters in India.

## Discussion

### Clash between free speech and freedom of religion

Freedom of speech and expression can be used both as sword and shield. But using speech as a tool for blasphemy should be a punishable offence. Blasphemy is usually defined as an utterance or speaking offensive about deity, God or to an object considered sacred, that shows contempt, disrespects or insults towards them. It is usually a speech offence that affects the religious sentiments.[9] There is no law made in India in order to deal with blasphemy, but IPC/BNS has provisions to tackle insult to religious views among groups or communities which is not enough to curb the issues.

These two rights are juxtaposed because freedom of speech and expression is quintessential for professing, practicing, propagating and sharing one's religious views, faith and beliefs. Free thinkers face legal issues, violence, and social pressure between these liberties. Hate speech contributes to conflict. Hate speech violates a religious group's right to freedom of religion by hurting their sentiments. Due to its diverse religious and cultural population, India has had much debate on this matter. There were 646 hate speech and offences against Muslims and 232<sup>1</sup> against Christians from 2014 to 2022. India has struggled with religious hatred and violence. Hate speech and violence are not protected by free speech. The line between free expression and hate speech is blurred, causing disputes.

Religious conversions play a major part in the conflict between these two rights. Even if freedom of religion allows people to choose and practise their religion without interference, forcing someone to convert is a violation. But those who engage in such actions often claim freedom of speech as a justification, arguing that it is their right to express their religious views and persuade others. Recently, a movie directed by Sudipto Sen, 'The Kerala Story' released in 5<sup>th</sup> May 2023, based on true events showing how freedom of speech is misused to manipulate people to convert their religion and recruit Kerala women to ISIS as terrorists or sex slaves. Maulvi Yaqoob estimates 9,000 Madrasa conversions in the past 15 years. Most Adivasis turned to Christianity in the 19th century because they were classified as untouchables in other religions. In the 'Lavanya suicide case'[10], where a 17-year-old girl committed suicide after being tortured to convert to Christianity in order to continue her study in Tamil Nadu, the Supreme Court of India stated that forced and fraudulent religious conversion is a

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<sup>1</sup>Source: Act Now for Harmony and Democracy (ANHAD)



thought-provoking and dangerous matter that could shake national security and infringe the right of freed persons. The Supreme Court of India urged the centre for specific preventive measures related to the same issue, but no law has been enacted or amended.

The term 'love jihad' refers to the purported act of Muslim men marrying Hindu women in order to convert them to Islam. The issue has been controversial, with some arguing that it is a conspiracy theory used to demonize Muslims, while others argue that it is a real phenomenon. The issue has led to clashes between communities and debates about freedom of religion and free speech.

Since independence from British colonial rule, widespread religious violence and riots have intermittently occurred in India. Although India is a multi-religious nation, the dispute between Hindu and Muslim is persisting since 7th and 8th centuries when Islam was introduced in India. Till today a little ignition through speech is enough to start over the violence between religious communities at any time anywhere in India.

The concrete definition of the term 'Religious minority' has not been provided anywhere in the Constitution of India but the same is enshrined under article 29 and article 30 of the Constitution. The only communities which are recognized under National Commission for Minorities Act, 1992, made by the Central Government, are regarded as minority communities. Minority religions denotes to those religions which are fewer in number in India. Sometimes the religious minority people are involved in spreading hatred in the society through their derogatory statements against majority religions. The inferior feeling and weak enforcement of existing laws for protection of their minority rights may be the reason of such behaviour.

In the petition filed by former BJP spokesperson, Ashwini Kumar Upadhyay, the Election Commission of India told the Supreme Court that due to lack of any specific laws the political parties are escaping from punishment for making any derogatory statement against any religion during election. Any statement given by the people's representatives have very much impact on every common man. It may use as weapon to incite communal violence. The petition filed by Upadhyay, demanded effective laws to control hate speech and rumour-mongering to protect freedom of speech and expression.

In recent years, the massive use of social media and the internet become weapon to spread religious hate speech and propaganda. Indian authorities launched the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 to regulate social media and online content. However, the guidelines require intermediaries like social media sites to delete objectionable content, including religiously insensitive or offensive content. Controlling online platforms and holding them accountable for violent or discriminatory content is necessary.

The dispute between free speech, expression and freedom of religion gives rise to violence, public riots, increasing religious animosity and curfew etc. Religious intolerance offends religious sentiments through voicing derogatory opinion against it.

If communal harmony is need to be maintained then one should avoid provoking such sentiments. The freedom of expression plays a crucial role in fetching social change and religious reorganization. But people now-a-days are afraid to express anything related to religion thinking they might hurt others religious feelings as they fail to understand the thin line difference between hate speech and free speech. So, law need to be reform in this particular matter soon as possible.

## Findings

The questionnaire survey report:

The questionnaire consists of 20 relevant questions. There are 56 respondents throughout India has given their valuable responses in the survey. Some pertinent findings are:-

1. 64.3% respondents thinks that hate speech is the major cause of disturbance in the society now-a-days where 25% population says it is partially true. Freedom of speech cannot cover up hate speech of people in any matter.

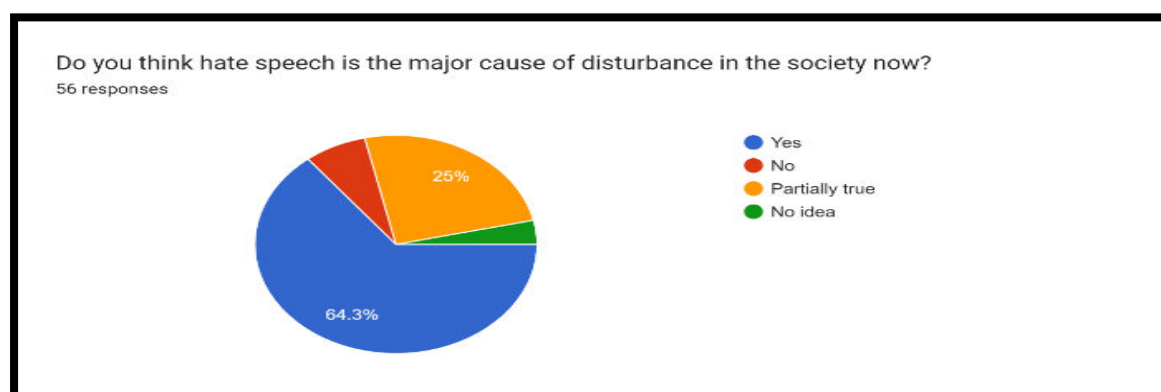


Figure 1. Pie chart showing opinion of respondents on hate speech being the major cause of disturbance in the society now-a-days.

2. In the opinion of 92.9% of respondents, the hate speech against religions has increased in India. 3.6% respondents have contrary opinion and rest 3.6% respondent are not sure about the matter which shows that they are not aware of the matter of concern.

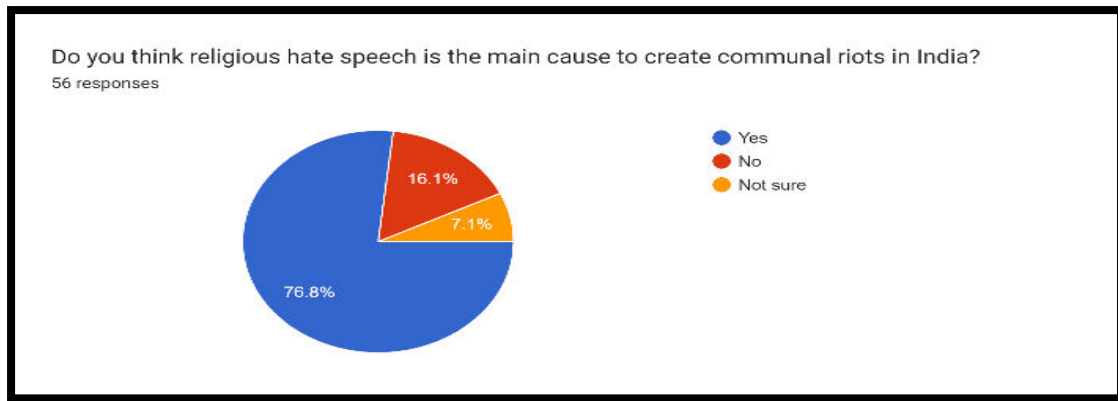


Figure 2. Pie chart depicting summary of respondent's perception on increase of hate speech against religions in India.

3. According to 76.8% of respondent, religious hate speech is the main cause to create communal riots in India where as 16.1% respondents disagreed to the cause and rest 7.1% are not sure about the main cause.

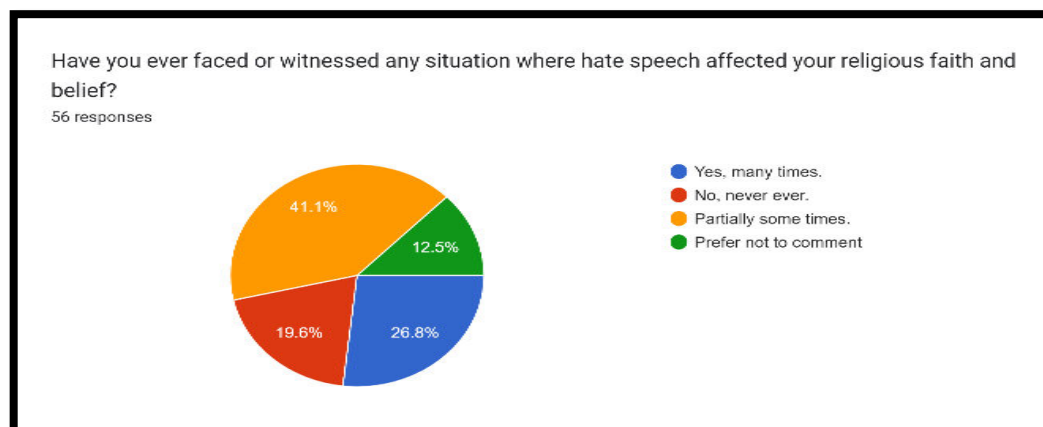


Figure 3. Shows opinion of respondents believing that religious hate speech is the main cause to create communal riots in India.

4. Apart from others 26.8% respondents agreed that they have faced or witnessed many times some situations where hate speech affected their religious faith and belief where 41.1% agreed that they have partially sometimes faced or witnessed certain situations of same kind. In this case 12.5% respondents prefer not to comment on the matter which can be interpreted that they are afraid of sharing their views.

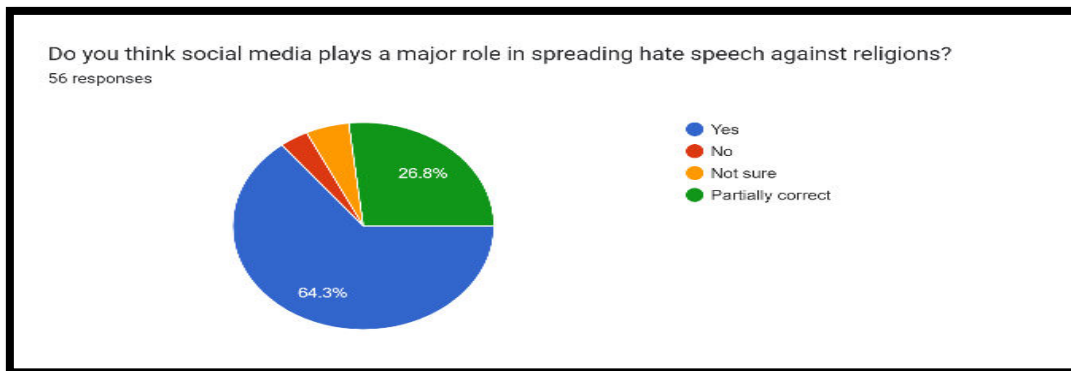


Figure 4. Shows percentage of respondents who have witnessed hate speech affecting religious faith and belief.

- 64.3% respondents consider social media plays a major role in spreading hate speech against religions where 5.4% were not sure about the fact and 26.8% thinks that it is partially correct. Only few respondents gave their responses in negative way.

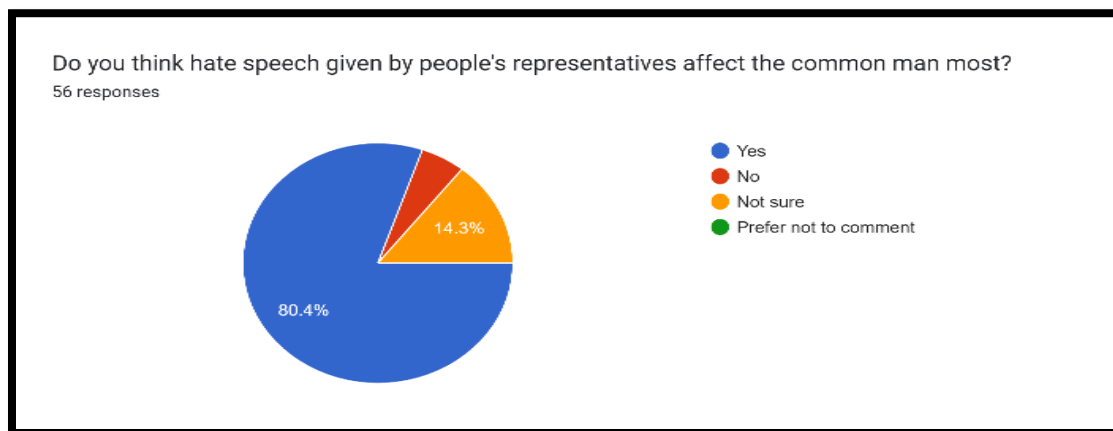


Figure 5. Opinion of respondents thinking social media is the main cause of spread of hate speech against religions.

6. People’s representatives are the person who act for, speak for the people and serve the people. People will mostly listen and belief them as they represent people. What they say has very much impact on common people. Here 80.4% respondents think that any hate speech given by people’s representatives will definitely affect the common man most.

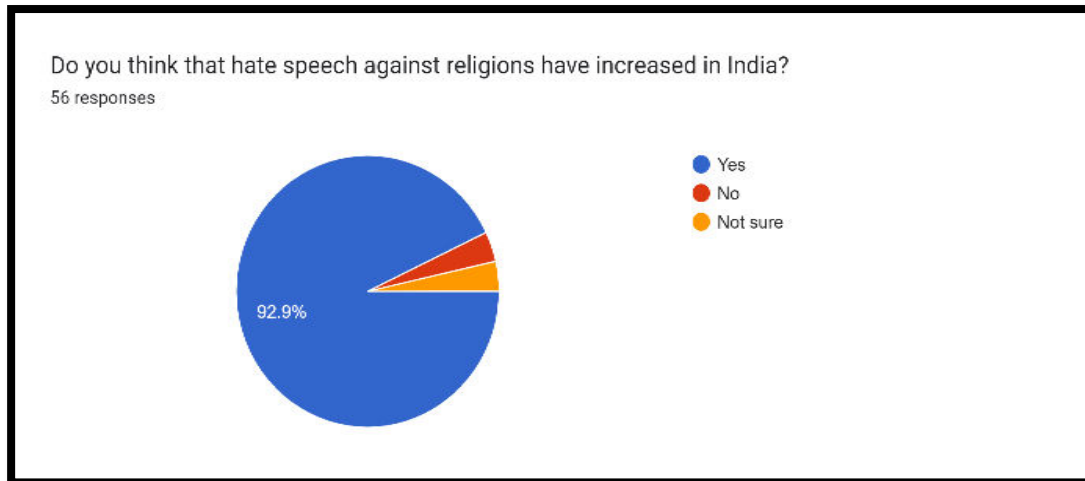


Figure 6. Summary showing number of respondents believing that hate speech given by the people’s representatives affects the common man most.

7. Religious minority means less number of populations of a particular religion in a country or any state. According to 42.9% of respondents agrees that the religious minorities play active roles in spreading hate speech in communities. The inferior feeling of the minority groups incites them to spread hatred in the society.

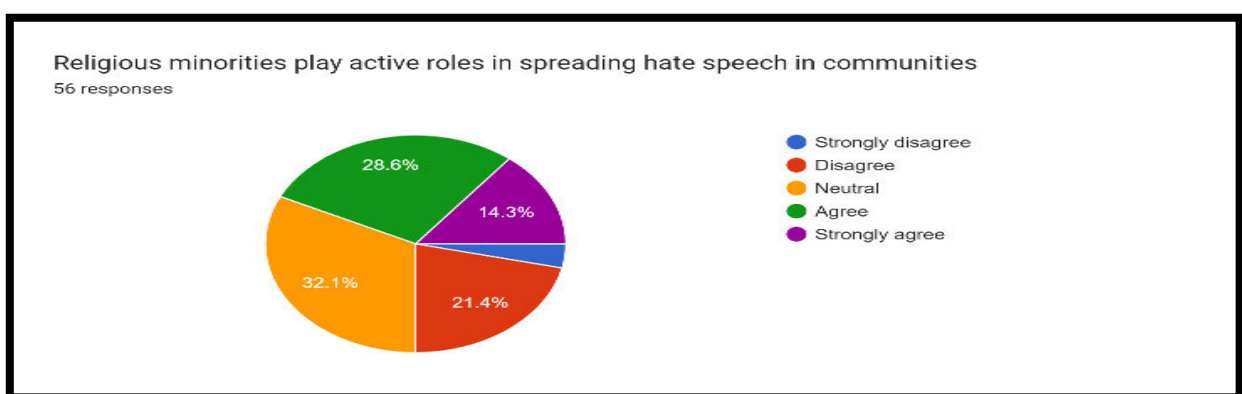


Figure 7. Depicts the percentage of respondents thinking that religious minorities play active role in spreading hate speech.

8. Education plays a key role to welcome reforms in every sector. Here 60.7% respondents agree that educational institutions must include religious teachings in their curriculum. More literacy leads to less violence. People should aware of every religion and respect all religions.

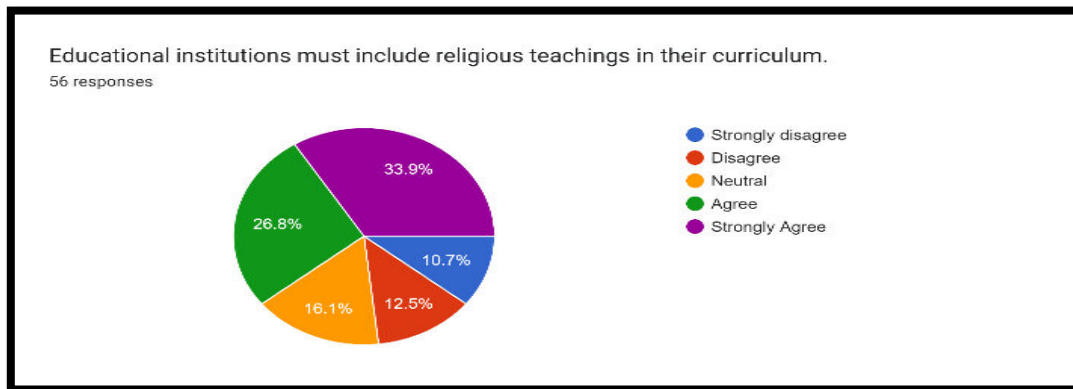


Figure 8. Shows number of respondents agreeing upon religious teaching being a part of curriculum must be included under educational institutions.

9. 51.8% respondents agree that freedom of speech has been misused and is responsible to incite people for religious conversions which lead to communal violence. People using the right to freedom of speech to manipulate others religious belief which give rise to hate speech against one and other religions.

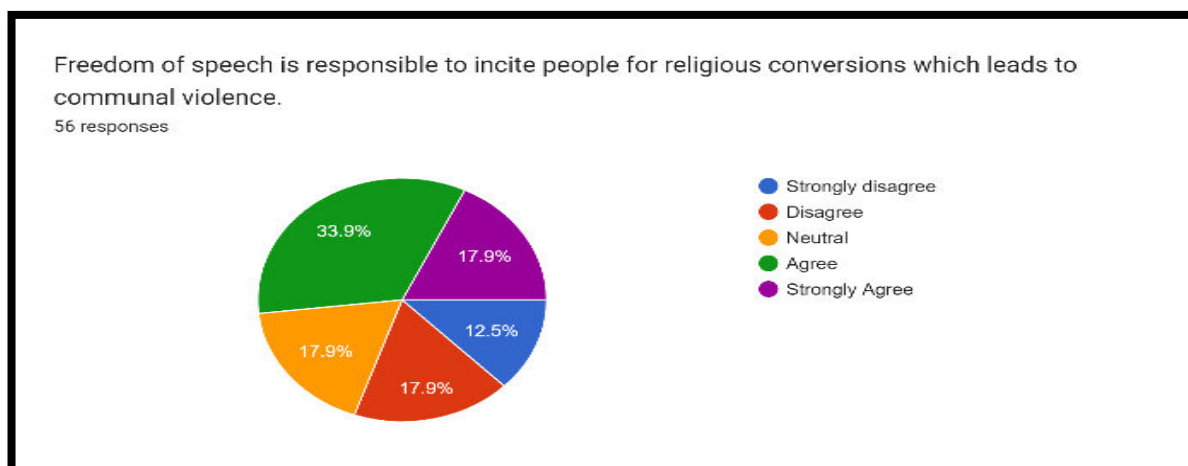


Figure 9. Shows percentage of respondents agreeing that right to freedom of speech is being misused to incite people for religious conversion.

10. Freedom of speech and expression as enshrined under Article 19(1)(a) of Constitution of India is not an absolute right, it has reasonable restrictions on 8 grounds and the survey clears it that they are not sufficient enough to curb the menace increasing in the society now-a-days as 73.2% of the population thinks that restriction need to be imposed on freedom of speech and expression on the ground of hate speech also. By such amendment the hate speech against any religion may be curtailed in some extent.

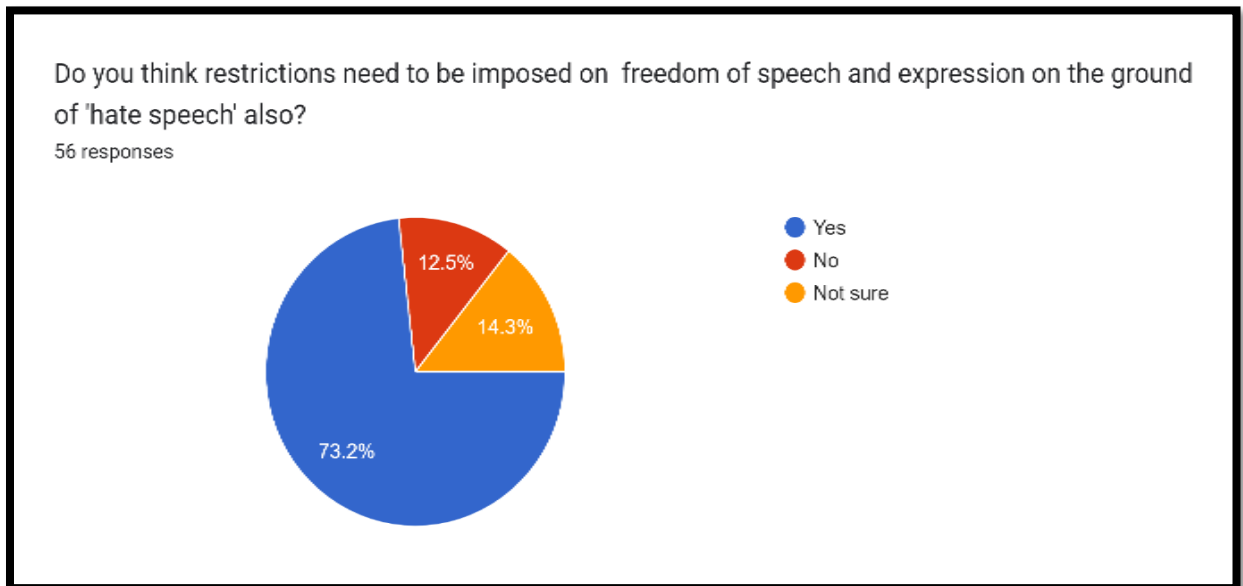
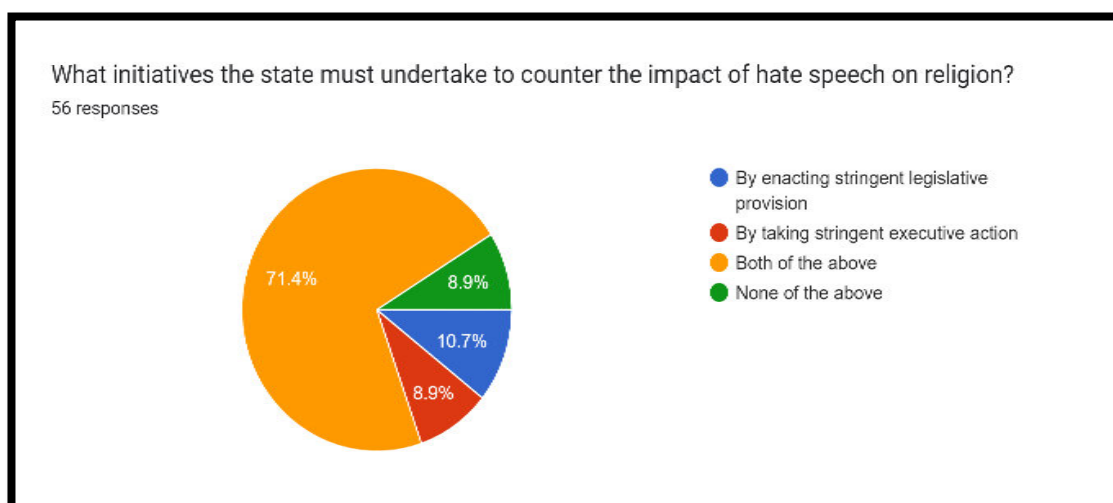


Figure 10. Depicts number of respondents suggesting imposition of restriction on freedom of speech on the ground of hate speech.

11. 71.4% of respondents suggests that state can counter the impact of hate speech on religion:



- By enacting stringent legislative provisions &
- By taking stringent executive actions against it

Figure 11. Pie chart depicts summary of respondent's perception regarding the initiative that must be taken by the state to curb hate speech against religion.

The survey made it clear that the loopholes in laws play vital role in increasing the clash between both the freedoms and poor enforcement of existing laws fails to solve the problem. So, enactment of stringent law is the need of the hour.

### Cases related to the controversy

Recently, in “*Amnah Bint Basheer vs. Central Board of Secondary Education*”[11], which is also known as ‘Hijab Case’, it has been argued that wearing a Hijab should be protected as a form of expression, within the right to freedom of speech and expression approved under Article 19(1)(a), however it was held by the Karnataka High Court that Hijab is not the indispensable to be carry out for religious practices, so, University uniform discipline must be maintained.

Another case of “*Kamlesh Tiwari vs. Union of India and Others*”[12], who was an Indian politician and founder of Hindu Samaj Party in 2017 and was a Hindu nationalist leader was murdered in 18<sup>th</sup>October 2019 for allegedly making derogatory remarks about Prophet Muhammad. The case highlights the tensions between free speech and religious sentiments, and difficulty in balancing these two values in a diverse society like India. The case is still ongoing, with several suspects arrested.

The “*M. Siddiq (D) Thr. L.Rs vs. Mahant Suresh Das &Ors*”[13], which is popularly known as ‘The Babri Masjid-Ram Mandir dispute’ is a longstanding legal and religious dispute in India over a piece of land in Ayodhya, Uttar Pradesh. The controversy encompasses around the claim of Hindus that the site is the birthplace of Lord Ram and the existence of a temple on the site before the Babri Masjid was built. The issue has led to communal violence and debates about religious freedom and free speech.

In another case of “*Dr. Das Rao Deshmukh v. Kamal Kishore NanasahebKadam*”[14], the appellant solicited votes with a banner that read, "teach a lesson to Muslims." The Supreme Court ruled that there was no requirement to justify the poster because the act itself represents as *res ipsa loquitur*, that it would incite communal animosity and cause strife among the societies. It was provoking, offensive and against the secular framework of the nation.

In December 2019, a peaceful sit-in protest was organized in Shaheen Bagh, Delhi, against the Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC). The campaign was criticized by some as being anti-Hindu, and there were attempts to have it shut down by force. The issues of free speech and religious



discrimination arisen in the case of “Amit Sahni vs. Commissioner of Police & Ors.”[15], is still continuing to be debated.

In another instance, a Christian pastor couple from Kerala was detained by the state police for coercing Adivasis in the Kodagu district to become Christians. It is a case of forcible conversion. Over a thousand of Hindu workers in the Kodagu district’s coffee fields are alleged of being illegally converted by the couple. According to report the pastor couple caught guilty by some members of Bajrang Dal while attempting to convert a tribal couple into Christians, who then filed a formal complaint in Manchahalli village of Kodagu district. The couple gets arrested by the police thereafter.

### Suggestions

The suggestions given here are based on the entire study and the survey reports:

- There should be proper distinction provided in law by reforming it, between,
  - i. normal attack on religious groups through freedom of speech and expression which is permitted as justification of truth even being intolerant and
  - ii. attack which is extremely hateful and amounts communal violence which spreads hatred in the society
- Strict laws should be made to balance both the freedoms enshrined under Constitution of India by which neither of them will be harmful for one another and people should not be in dilemma to choose any one of them as a prevailing one. Stringent law required to end the tug of war.
- There should be enactment of new Acts or amendment of existing Acts required relating to Anti-conversion and Anti-blasphemy law to curb the conflict between both the freedoms.
- The Uniform Civil Code should require to be enacted by which the vulnerable sections of society, including religious minorities get protected and it also simplify the laws that currently segregated basing on religious beliefs.
- Now-a-days social media is a powerful tool for spreading hate speech, commenting derogatory statements, sharing posts that inciting violence. Government should take effective steps to ensure that the online websites, social media are not used to spread hate speech or instigate violence. Operative law required to be made in this behalf and strict enforcement of such laws should be confirmed.
- Education is a key factor in promoting understanding and tolerance between religious groups. The government should promote culture of respect for religious diversity by promoting religious pluralism in schools, workplaces and other public places, by education and awareness for development of interfaith cooperation between the communities and respect for all religions, by which people hesitate to use freedom of speech against any religion.

- There should be reform in law to protect religious minority people in India from facing discrimination on the ground of their religions which is another reason for such clash between both the freedoms.
- Stringent law is required against hate speech made by the public functionaries which leads to communal riots because most of the times they escape punishment due to lack of legal provisions against hate speech. The people's representatives should be careful while giving any statement to public during elections as they have higher impact on individual or groups. Reformation in law should be made so that the higher authorities abide the law in order to maintain public order, harmony and social peace.

## Conclusion

'Secularism' forms the most sacrosanct feature of the Indian Constitution. Keeping in view the pluralistic nature of the Indian society the Constitution makers have inserted each and every provision in the Constitution with utmost care and caution. Each of the provisions has its own sanctity which is to be respected by all irrespective of any class, caste, creed or religion. But by efflux of time, unnecessary disturbance is created by some people by transgressing their limits of free speech. Spreading hatred in the society by undermining any religion through 'hate speech' was never & can never be a part of free speech. The Constitution makers have never intended for mob lynching, riot, mayhem etc. being result due to the spread of 'hate speech' by some people under the guise of freedom of speech and expression. Taking the loopholes of the Constitutional as well as statutory provisions and in the absence of any strict penal action for 'hate speech', some people dare to spread hatred in the society. Harmony between freedom of religion and free speech is sine-qua-non for a peaceful society. As India surpassed all other countries to become the largest populated country of the World, it becomes imperative for all the inhabitants to avoid unnecessary litigations based on religious sentiments so as to maintain peace & tranquillity in the nation. At the same time, it becomes highly essential for the legislature to think of amending the statutes to include all forms of 'hate speech' against any religion- be it visual or vocal, to be dealt with strict penal provisions to ensure 'secularism' in its true letter & spirit.

**Conflict of interests:** The authors declare that they have no conflict of interests.

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