

# State Legislative Brief

## TELANGANA

### The Telangana Hate Speech and Hate Crimes (Prevention) Bill, 2026

#### Key Features

- The Bill defines hate speech as any expression made in public view with an intention to cause injury, disharmony, or feelings of enmity, hatred, or ill-will against a person or community, to meet a 'prejudicial interest' based on certain grounds.
- Hate crime is defined as communication of hate speech, and is punishable with imprisonment term of one to seven years, and a fine for first offence.
- The Bill empowers the state government to authorise an officer to direct blocking or removal of hate crime material.
- Preventive action may be taken against a repeat offender to keep the peace, ensure good behaviour, and maintain public order.

#### Key Issues and Analysis

- Several forms of hate speech-related conduct are already regulated under existing laws. The Bill provides higher penalties than comparable offences under the BNS, 2023.
- State Legislature may not have legislative competence to provide powers to block or remove content.
- The Bill covers defamation as a harm under the hate crime offence. The question is whether this is appropriate. Defamation is regulated separately under criminal law.
- The Bill provides for compensation to victims. However, the party liable to pay compensation is not specified.

## PART A: HIGHLIGHTS OF THE BILL

### Context

The Constitution allows for some reasonable restrictions on freedom of speech and expression. Article 19(2) of the Constitution permits restrictions in the interest of specified grounds which include sovereignty and integrity of India, security of the state, public order, morality, defamation, or incitement to an offence. Various laws restrict speech in India. For example, the Bharatiya Nyaya Sanhita, 2023, (which replaced the Indian Penal Code, 1860) penalises speeches: (i) promoting enmity, hatred, ill-will, or disharmony between groups on grounds such as religion, race, place of birth, residence, language, caste, or community, (ii) making assertions prejudicial to national integration, or (iii) intending to outrage religious feelings.<sup>1</sup> Certain other laws prohibit speech that promotes: (i) feelings of enmity, hatred, or ill-will against persons from scheduled castes or scheduled tribes, or (ii) practice of untouchability.<sup>2,3</sup> Such restrictions on speech also apply to online spaces. Online intermediaries are required to take down content that has been flagged as unlawful.<sup>4</sup>

In December 2025, Karnataka passed a Bill to regulate hate speech and hate crimes.<sup>5</sup> The Governor reserved it for the President's consideration. As per news reports, the Union Home Ministry advised that the issues it sought to address were already substantially covered under the Bharatiya Nyaya Sanhita (BNS), 2023 and other existing laws.<sup>6</sup> The Odisha State Law Commission (2026) recommended a similar draft law on hate speech.<sup>7</sup>

The Telangana Hate Speech and Hate Crimes (Prevention) Bill, 2026 was introduced in the Telangana Assembly on March 29, 2026.<sup>8</sup> The Bill has been referred to a Select Committee (Chair: Mr Ponnampalapati Prabhakar).

### Key Features

- **Hate speech and hate crime:** The Bill defines hate speech as any expression made, published, or circulated in public view with an intention to cause: (i) injury, (ii) disharmony, or (iii) feelings of enmity, hatred, or ill-will, to meet a 'prejudicial interest'. Prejudicial interest means bias on specified grounds including: (i) religion, (ii) race, (iii) caste, (iv) sex, (v) sexual orientation, (vi) residence, (vii) place of birth, (viii) language, (ix) tribe, or (x) disability. It applies to such expressions against a living or dead person, class or group of persons, or a community. Such expressions may be through spoken or written words, signs, visible representations, or electronic communication. Hate crime is defined as communication of hate speech.
- **Penalties:** Hate crime is punishable with imprisonment between one and seven years and a fine of Rs 50,000 for first offence. Subsequent offences will be punishable with imprisonment of two to 10 years and a fine of one lakh rupees. All offences under the Bill are cognisable and non-bailable and may be tried by a Judicial

Magistrate of First Class. A victim may be awarded adequate compensation, calculated on the basis of the injury caused and the gravity of the impact of crime. If an organisation commits an offence, the organisation as well as the persons in charge of it will be held liable. Such persons may avoid liability if they prove that the offence was committed without their knowledge or that they exercised due diligence to prevent it.

- **Preventive action:** An Executive Magistrate or Special Executive Magistrate may take necessary preventive action against a repeat offender to keep the peace, ensure good behaviour, and maintain public order and tranquillity. They may do so if they have reason to believe that a repeat offender is likely to commit, or has threatened to commit, an offence under the Bill. A repeat offender is defined as a person or group of persons who have been charged with an offence under the Act at least once before.
- **Content removal:** A designated officer notified by the state government will have power to direct any service provider, intermediary, or person to block or remove hate crime material. They must remove such content from their domain, including electronic media.
- **Exemptions:** The Bill does not apply to any book, pamphlet, paper, writing, drawing, painting, representation, or figure (including in electronic form) whose publication is shown to be justified as being for the public good. This has to be on the ground that it relates to science, literature, art, learning, or other matters of general concern, or which is kept or used for bona fide heritage or religious purposes.

## PART B: KEY ISSUES AND ANALYSIS

### Need for the Bill

Bill:  
Clauses  
2, 3

The Bill seeks to regulate hate speech and hate crimes. Courts and expert bodies have cautioned against broad hate speech laws that may restrict protected speech. The Supreme Court (2014) observed that although restrictions on hate speech may be desirable, it may be difficult to confine them to a 'manageable standard' without restricting protected speech.<sup>9</sup> The Law Commission (2017), cautioned that restrictions on speech must be framed carefully to avoid unduly curtailing freedom of speech.<sup>10</sup> The Supreme Court (2020) observed that a universal definition of hate speech is difficult to formulate and its treatment depends on values sought to be protected, harm involved, and circumstances of the speech.<sup>11</sup> The Supreme Court (2015) distinguished between discussion, advocacy and incitement, holding that mere discussion or advocacy is protected and that restrictions under Article 19(2) become relevant when speech reaches the level of incitement.<sup>12</sup> The Supreme Court (2014) noted that implementation of existing laws could address hate speech to a considerable extent.<sup>9</sup> The Law Commission (2017) noted that existing laws already cover several forms of hate speech-related conduct.<sup>10</sup>

**Existing laws:** The Bharatiya Nyaya Sanhita, 2023 penalises speech: (i) promoting enmity, hatred, ill-will, or disharmony between groups on grounds such as religion, race, place of birth, residence, language, caste, or community, (ii) making assertions prejudicial to national integration, or (iii) intending to outrage religious feelings.<sup>13</sup> Certain other laws prohibit speech that promotes: (i) enmity, hatred or ill-will against members of scheduled castes or scheduled tribes or (ii) practice of untouchability.<sup>14,15</sup> Restrictions on speech have also been extended to online spaces, requiring intermediaries to take down speeches flagged as unlawful.<sup>16</sup>

The Law Commission (2017) had recommended introducing two additional offences: (i) incitement to hatred on specified grounds, including religion, race, caste, community, sex, gender identity, and sexual orientation, and (ii) causing fear, alarm, or provocation of violence against a person through gravely threatening or derogatory words or representations on specified grounds.<sup>10</sup> These recommendations were not incorporated in the Indian Penal Code, 1860 or the Bharatiya Nyaya Sanhita, 2023 which replaced it.

In December 2025, Karnataka passed a Bill similar to the one introduced in Telangana.<sup>5</sup> The Governor reserved it for the President's consideration. The Union Home Ministry stated that the concerns addressed by the Karnataka Bill were substantially covered by the Bharatiya Nyaya Sanhita, 2023 and other laws.<sup>6</sup> It stated that a separate state law could lead to duplication and lack of uniformity.

Bill:  
Clause 3

**Penalties under Bill more stringent than comparable laws:** The Bill defines hate speech as any expression made, published, or circulated in public view with an intention to cause: (i) injury, (ii) disharmony, or (iii) feelings of enmity, hatred, or ill-will, to meet a 'prejudicial interest'. Prejudicial interest means bias on specified grounds including: (i) religion, (ii) race, (iii) caste, (iv) sex, (v) sexual orientation, (vi) residence, (vii) place of birth, (viii) language, (ix) tribe, or (x) disability. It applies to such expressions against a living or dead person, class or group of persons, or a community. Such expressions may be through spoken or written words, signs, visible representations or electronic communication. The Bill penalises communication of hate speech. For the first offence, the Bill prescribes imprisonment between one and seven years, and a fine of Rs 50,000. Subsequent offences carry imprisonment of two to 10 years and a fine of one lakh rupees.

These penalties are more stringent than those for similar offences under existing laws. Under the Bharatiya Nyaya Sanhita, 2023, following offences are punishable with the maximum imprisonment of three years, with no prescribed minimum: (i) promoting enmity, hatred, ill-will, or disharmony between groups, (ii) imputations prejudicial to national integration, and (iii) outraging religious feelings.<sup>17</sup>

## Powers to remove or block content

*Bill:*  
Clause 6 A designated officer notified by the state government will have power to direct any service provider, intermediary, or person to block or remove hate crime material. They must remove such content from their domain, including electronic media. We discuss certain issues with these provisions below.

### State Legislature may not have legislative competence to provide for blocking of communication

Telecommunication, broadcasting, and other similar forms of communication are in the Union List of the Constitution.<sup>18</sup> Only Parliament may make laws on these subjects. Powers to direct removal or blocking of content from domains including electronic media amount to regulation of communication. Hence, state Legislature may not have legislative competence to provide for such powers.

Parliament has passed the Information Technology Act, 2000 which regulates online intermediaries and platforms, and also provides for blocking of information for public access on specified grounds.<sup>19</sup> Under this Act, the central government or its officers specially authorised by it are empowered to issue orders for blocking. The Tamil Nadu Prohibition of Online Gambling and Regulation of Online Games Act, 2022 also aims to provide for blocking access to certain online game services.<sup>20</sup> For this, it provides that the online gaming authority may recommend that the state government request the central government or an officer specially authorised by it, to exercise powers under the Information Technology Act, 2000.

In case of television broadcasting, the Cable Television Networks (Regulation) Act, 1995, passed by Parliament, empowers specified officers to prohibit transmission of programmes in public interest.<sup>21</sup> These officers include: (i) District Magistrate, Sub-divisional Magistrate, or Commissioner of Police in their local limits of jurisdiction, and (ii) any other officer authorised by the central or the state government in the specified limits of jurisdiction.

### No safeguards against power to remove or block content

The Bill places the power to remove content in the hands of an executive official without procedural safeguards. Such safeguards may be critical to protect the fundamental right to freedom of speech and expression. For comparison, the Information Technology Act, 2000 empowers the central government to direct the blocking of information online.<sup>19</sup> Such directions may be issued after reasons are recorded in writing. The Act further provides that such actions will be subject to the procedure and safeguards as may be prescribed. Rules under the 2000 Act constitute a review committee to scrutinise such directions.<sup>22</sup> The committee comprises: (i) the Cabinet Secretary, (ii) Secretary, Department of Legal Affairs, and (iii) Secretary, Department of Telecommunications.<sup>23</sup> The Bill does not have such requirements.

### Minimum rank of the designated officer not specified

The Bill does not specify the minimum rank of the designated officer who will exercise powers to block or remove content. Under comparable laws, similar powers are exercised by sufficiently high-ranking officials. For instance, the laws against organised crime in various states grant powers to intercept communication. Request for such an action must be placed by an officer not below the rank of the Superintendent of Police and must be authorised by Secretary of the Home Department.<sup>24,25,26</sup> The Bill on hate speech recommended by the Odisha State Law Commission, specifies the minimum rank to be Additional District Magistrate.<sup>7</sup>

## Whether defamation should be covered as a harm under hate speech law

*Bill:*  
Clauses 2(1), 2(3), 3 Hate crime is a punishable offence under the Bill and is defined as communication of hate speech. The Bill defines hate speech as any expression made, published, or circulated in public view with an intention to cause: (i) injury, (ii) disharmony, or (iii) feelings of enmity, hatred, or ill-will, to meet a prejudicial interest. It applies to such expressions against a living or dead person, class or group of persons, or a community. The Bill does not define ‘injury’. It also provides that any words or expressions not defined in the Bill will have meanings assigned under the following central Acts: (i) the Bharatiya Nyaya Sanhita, 2023 (BNS), (ii) the Bharatiya Nagarik Suraksha Sanhita, 2023, and (iii) the Information Technology Act, 2000. The Bharatiya Nyaya Sanhita, 2023 defines ‘injury’ as any harm illegally caused to a person, including harm to body, mind, property, or “reputation”.<sup>27</sup> Hence, it may be argued that the offence of hate crime under the Bill covers defamation as harm. The question is whether this is appropriate.

Currently, the Bharatiya Nyaya Sanhita, 2023 regulates defamation as a separate offence from those causing harm to body, mind, or property.<sup>28</sup> It is punishable with imprisonment up to two years, a fine, or both, or with community service. Separately, a person may file a civil suit against defamation.<sup>29</sup> Under the Bill, punishment

will be much higher: (i) imprisonment between one and seven years and a fine of Rs 50,000 for the first offence, and (ii) imprisonment between two and 10 years and a fine of one lakh rupees for subsequent offences.

## The party liable to pay compensation is not specified

Bill:  
Clause  
3(2)

The Bill empowers a Judicial Magistrate of First Class to award adequate compensation to the victim by calculating the injury caused due to the hate crime, depending upon the gravity of the impact. The Bill does not specify who is liable to pay the compensation. This is different from the Bharatiya Nagarik Suraksha Sanhita, 2023, which provides for two mechanisms: (i) a court may order the convict to pay compensation to the victim, or (ii) compensation may be provided from a victim compensation scheme constituted by the state government in coordination with the central government.<sup>30</sup>

## Comparison with other state laws

**Table 1: Comparison of laws regulating hate speech in select states**

| Feature                                          | Telangana                                                                                                                                                           | Karnataka (as passed by the state legislature)              | Odisha (as recommended by the Law Commission)                                                                                                                |
|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Definition of hate speech                        | Any expression in public view, with intention to cause injury, disharmony, enmity, hatred or ill-will against any person or group, to meet any prejudicial interest | Identical                                                   | Identical                                                                                                                                                    |
| Grounds of prejudicial interest                  | Religion, race, caste/community, sex, gender, sexual orientation, place of birth, residence, language, disability, tribe                                            | Identical                                                   | Identical                                                                                                                                                    |
| Definition of hate crime                         | Communication of hate speech by making, publishing, circulating, promoting, propagating, inciting, abetting or attempting such hate speech                          | Identical                                                   | Identical                                                                                                                                                    |
| Rank of officer empowered for removal of content | Not provided                                                                                                                                                        | Not provided                                                | Any officer not below the rank of Additional District Magistrate                                                                                             |
| Punishment for committing hate crime             | First offence: imprisonment of one to seven years and a fine of Rs 50,000;<br>Subsequent offences: imprisonment of two to 10 years and a fine of one lakh rupees    | Identical                                                   | First offence: imprisonment of one to five years and a fine of Rs 10,000;<br>Subsequent offences: imprisonment of two to seven years and a fine of Rs 50,000 |
| Preventive action                                | Applies specifically to repeat offenders who are defined as a person or group charged of an offence at least once under the Bill                                    | May be taken upon receiving information of a likely offence | Same as Karnataka                                                                                                                                            |
| Victim Compensation                              | The Court may award adequate compensation to the victim based on the gravity of impact of crime                                                                     | Identical                                                   | Identical                                                                                                                                                    |

Sources: Karnataka Hate Speech and Hate Crimes (Prevention) Bill, 2025; First Annual Report of the Odisha State Law Commission, 2026; PRS.

- Sections 196, 197, 299, 302, 353, the Bharatiya Nyaya Sanhita, 2023, <https://www.indiacode.nic.in/bitstream/123456789/20062/1/a202345.pdf>.
- Section 3(1)(u), the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, <https://www.indiacode.nic.in/handle/123456789/1920>.
- Section 7(1)(c), the Protection of Civil Rights Act, 1955, [https://www.indiacode.nic.in/bitstream/123456789/15434/1/protection\\_of\\_civil\\_rights\\_act\\_1955.pdf](https://www.indiacode.nic.in/bitstream/123456789/15434/1/protection_of_civil_rights_act_1955.pdf).
- Rule 3, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, <https://www.meity.gov.in/static/uploads/2024/02/Information-Technology-Intermediary-Guidelines-and-Digital-Media-Ethics-Code-Rules-2021-updated-06.04.2023-.pdf>.
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- “Not necessary”: Union Home ministry stalls Karnataka's hate speech bill, says existing legal framework adequate” Deccan Herald, May 25, 2026, <https://www.deccanherald.com/india/karnataka/not-necessary-union-home-ministry-stalls-karnatakas-hate-speech-bill-says-existing-legal-framework-adequate-newsalert-4015832>.
- First Annual Report, Odisha State Law Commission, April 2026, <https://law.odisha.gov.in/sites/default/files/2026-04/OSLC%20Annual%20Report.pdf>.

8. The Telangana Hate Speech and Hate Crimes (Prevention) Bill, 2026, [https://prsindia.org/files/bills\\_acts/bills\\_states/telangana/2026/Bill20of2026TG.pdf](https://prsindia.org/files/bills_acts/bills_states/telangana/2026/Bill20of2026TG.pdf).
9. Writ Petition (Civil) No 157 of 2013, Pravasi Bhalai Sangathan vs Union of India, March 12, 2014, <https://api.sci.gov.in/jonew/judis/41312.pdf>.
10. Report No 267: Hate Speech, the Law Commission of India, March 2017, <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081654-1.pdf>.
11. Writ Petition (Criminal) No 160 Of 2020, Amish Devgan vs Union of India, December 7, 2020, [https://api.sci.gov.in/supremecourt/2020/13316/13316\\_2020\\_38\\_1501\\_25056\\_Judgement\\_07-Dec-2020.pdf](https://api.sci.gov.in/supremecourt/2020/13316/13316_2020_38_1501_25056_Judgement_07-Dec-2020.pdf).
12. Writ Petition (Criminal) No. 167 Of 2012, Shreya Singhal vs Union of India, Supreme Court of India, March 24, 2015, <https://api.sci.gov.in/jonew/judis/42510.pdf>.
13. Sections 196, 197 and 299, the Bharatiya Nyaya Sanhita, 2023, [https://www.mha.gov.in/sites/default/files/250883\\_english\\_01042024.pdf](https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf).
14. Section 3(1)(u), the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, <https://www.indiacode.nic.in/handle/123456789/1920>.
15. Section 7(1)(c), the Protection of Civil Rights Act, 1955, [https://www.indiacode.nic.in/bitstream/123456789/15434/1/protection\\_of\\_civil\\_rights\\_act\\_1955.pdf](https://www.indiacode.nic.in/bitstream/123456789/15434/1/protection_of_civil_rights_act_1955.pdf).
16. Rule 3, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, <https://www.meity.gov.in/static/uploads/2024/02/Information-Technology-Intermediary-Guidelines-and-Digital-Media-Ethics-Code-Rules-2021-updated-06.04.2023-.pdf>.
17. Sections 196, 197 and 299, the Bharatiya Nyaya Sanhita, 2023, [https://www.mha.gov.in/sites/default/files/250883\\_english\\_01042024.pdf](https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf).
18. Entry No. 31, List-I, Seventh Schedule, The Constitution of India.
19. Section 69A, the Information Technology Act, 2000, [https://www.indiacode.nic.in/bitstream/123456789/13116/1/it\\_act\\_2000\\_updated.pdf](https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf).
20. Section 15(2), The Tamil Nadu Prohibition of Online Gambling and Regulation of Online Games Act, 2022, [https://prsindia.org/files/bills\\_acts/acts\\_states/tamil-nadu/2023/Act9of2023TamilNadu.pdf](https://prsindia.org/files/bills_acts/acts_states/tamil-nadu/2023/Act9of2023TamilNadu.pdf).
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26. Section 13, 14, The Andhra Pradesh Control of Organised Crime Act, 2001, [https://prsindia.org/files/bills\\_acts/acts\\_states/andhra-pradesh/2001/2001AP42.pdf](https://prsindia.org/files/bills_acts/acts_states/andhra-pradesh/2001/2001AP42.pdf).
27. Sections 2(14), The Bharatiya Nyaya Sanhita, 2023, [https://www.mha.gov.in/sites/default/files/250883\\_english\\_01042024.pdf](https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf).
28. Section 356, The Bharatiya Nyaya Sanhita, 2023, [https://www.mha.gov.in/sites/default/files/250883\\_english\\_01042024.pdf](https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf).
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30. Sections 395, 396, The Bharatiya Nagarik Suraksha Sanhita, 2023, [https://www.mha.gov.in/sites/default/files/2024-04/250884\\_2\\_english\\_01042024.pdf](https://www.mha.gov.in/sites/default/files/2024-04/250884_2_english_01042024.pdf).

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