

# **THE TELANGANA EQUALITY, HATE SPEECH AND HATE CRIMES (PREVENTION, PROTECTION AND EQUAL CITIZENSHIP) BILL, 2026**

A BILL to preserve constitutional fraternity, equality, dignity and equal citizenship; to prevent hate speech and hate crimes directed against persons or groups on prohibited grounds; to provide civil and criminal remedies for such conduct; to establish an independent Equality and Hate Crimes Commission; to protect legitimate freedom of speech, academic inquiry, religious discourse and political dissent; to provide compensation, rehabilitation and victim assistance to affected persons and groups; and for matters connected therewith or incidental thereto.

## **PREAMBLE**

WHEREAS the Constitution of India constitutes a sovereign, socialist, secular, democratic republic founded upon the values of justice, liberty, equality and fraternity;

AND WHEREAS Articles 14, 15, 19, 21, 25, 38, 39A, 46 and 51A(e) collectively impose a constitutional obligation upon the State to secure equality of status and opportunity and to promote harmony transcending religious, linguistic, regional and sectional diversities;

AND WHEREAS hate speech, organised hate campaigns and hate crimes threaten the constitutional promise of equal citizenship by creating fear, exclusion, discrimination, displacement and violence directed against identifiable groups and individuals;

AND WHEREAS unrestricted suppression of speech is equally inconsistent with constitutional democracy and therefore restrictions upon expression must remain reasonable, proportionate and strictly confined to Article 19(2) of the Constitution;

AND WHEREAS the State is under a positive constitutional obligation not merely to punish hatred but to secure conditions in which every citizen may equally participate in public life without fear, exclusion or discrimination;

BE it enacted by the Telangana State Legislature in the Seventy-seventh Year of the Republic of India as follows: ~

## **CHAPTER I**

### **PRELIMINARY**

#### **1. Short title, extent and commencement**

(1) This Act may be called the Telangana Equality, Hate Speech and Hate Crimes (Prevention, Protection and Equal Citizenship) Act, 2026.

(2) It extends to the whole of the State of Telangana.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions.

(4) The Government shall endeavour to bring all substantive provisions of this Act into force within one year from the date of assent.

## **2. Statement of constitutional principles**

Every authority exercising powers under this Act or under any other law for the time being in force shall recognise that ~

(a) freedom of speech and equal citizenship are complementary constitutional values;

(b) criticism of religion, ideology, philosophy, history, culture, government, political parties, institutions or public figures is constitutionally protected;

(c) only expression which intentionally and substantially threatens the equal enjoyment of constitutional rights by others may be regulated under this Act;

(d) the least restrictive interpretation consistent with constitutional values shall always prevail;

(e) criminal liability shall be confined to serious, intentional and harm-linked conduct; and

(f) this Act shall be applied uniformly without discrimination on the basis of religion, caste, community, language, ideology or political affiliation.

## **3. Objects**

The objects of this Act are ~

(a) promotion of constitutional fraternity;

(b) protection of equal citizenship and equal dignity;

(c) prevention of discrimination motivated by prejudice;

(d) prevention of organised hate campaigns and targeted digital incitement;

(e) prevention of hate crimes;

(f) protection of vulnerable, minority and deprived communities;

(g) protection of legitimate freedom of expression;

(h) promotion of peaceful democratic dialogue;

(i) provision of civil and criminal remedies, compensation and rehabilitation; and

(j) establishment of institutional mechanisms for equality promotion and accountability.

## **CHAPTER II**

### **DEFINITIONS, PROTECTED EXPRESSION AND INTERPRETATION**

#### **4. Definitions**

In this Act, unless the context otherwise requires, ~

(a) "communication" means every oral, written, printed, electronic, digital, visual, symbolic or audiovisual expression capable of being communicated to one or more persons;

(b) "protected characteristic" means religion, race, ethnicity, caste, tribe, language, national origin, place of birth, residence, descent, sex, gender, gender identity, sexual orientation, disability, occupation, or any analogous characteristic protected by constitutional equality principles;

(c) "protected group" means an identifiable class of persons sharing one or more protected characteristics;

(d) "deprived group" means a protected group which, by reason of prejudice, exclusion, discrimination or targeted hostility, suffers disadvantage in access to security, education, employment, housing, health, legal remedies or equal participation in public life;

(e) "equality" means substantive equality enabling every citizen to participate fully and equally in public life without discrimination, intimidation or exclusion;

(f) "discrimination" means any direct or indirect differentiation resulting in denial of equal opportunity, equal dignity or equal access on prohibited grounds;

(g) "hostility" includes sustained public encouragement of exclusion, segregation, discrimination, social boycott or targeted intimidation directed against protected persons or protected groups;

(h) "violence" includes physical injury, destruction of property, intimidation, credible threats, organised coercion and targeted acts causing fear for physical safety;

(i) "digital platform" means every intermediary, social media service, website, application, messaging service or electronic communication platform;

(j) "hate speech" means any public communication which, viewed objectively, read or heard as a whole, and considered in its full context, surrounding circumstances and the speaker's intention, intentionally and directly advocates, promotes, incites, or is reasonably likely to produce violence, discrimination, hostility, exclusion or imminent public disorder against an identifiable protected person or protected group;

Explanation I. ~ Expression shall be evaluated in its entirety and not by isolated words or sentences.

Explanation II. ~ The mere causing of offence, insult, hurt sentiments, theological disagreement, historical criticism or political disagreement shall not constitute hate speech.

Explanation III. ~ Historical criticism, theological disagreement, constitutional debate, academic discussion, satire, journalism, artistic work or political advocacy shall not become hate speech merely because they are

unpopular or offensive.

(k) "organised hate campaign" means coordinated communication, mobilisation, funding, dissemination or facilitation by two or more persons or organisations intended to create systematic hostility, discrimination, exclusion, intimidation or targeted violence against protected persons or protected groups;

(l) "hate crime" means any offence punishable under law, committed wholly or substantially because of prejudice relating to a protected characteristic;

(m) "victim" includes ~

(i) the directly injured person;

(ii) family members and dependent persons;

(iii) displaced, traumatised or excluded persons affected by the act or campaign;

(iv) organisations representing affected communities; and

(v) groups suffering collective injury;

(n) "good faith expression" means expression made without intent to incite prohibited harm and for bona fide religious, academic, artistic, literary, journalistic, scientific, historical, legal, political or public-interest purposes : provided that wherever any question arises as to whether or not an act or statement was made in good faith, it shall be the responsibility of the actor/s or speaker/s to prove the claimed good faith; provided further that an act or statement made without due care and attention shall unless the contrary is proved, be presumed to have been done without such good faith, the presumption being rebuttable by the actor/s or speaker/s;

(o) "imminent public disorder" means a real and proximate risk of violence, targeted hostile action or serious public disorder and not a speculative, remote or hypothetical possibility;

(p) "Commission" means the Telangana Equality and Hate Crimes Commission established under this Act;

(q) "Review Committee" means the Independent Hate Speech Review Committee constituted under this Act; and

(r) "prescribed" means prescribed by rules made under this Act.

## **5. Protected expression**

Nothing contained in this Act shall criminalise or create civil liability merely because expression consists of ~

(a) academic discussion;

(b) scientific research;

(c) historical analysis;

(d) journalistic reporting;

(e) satire;

(f) artistic expression;

- (g) literary criticism;
- (h) religious exposition;
- (i) theological disagreement;
- (j) constitutional advocacy;
- (k) political dissent;
- (l) criticism of governmental action;
- (m) criticism of religion, scripture, prophets, gods, ideology or social practices;
- (n) advocacy of peaceful reform, secularism, religious reform, atheism, conversion, opposition to conversion, personal law reform or constitutional change; or
- (o) criticism of organisations, institutions or historical figures, unless such expression independently satisfies every ingredient of an offence under this Act.

## **6. Constitutional interpretation**

Every Court and authority exercising jurisdiction under this Act shall interpret this Act ~

- (a) consistently with Articles 14, 19, 21, 25 and 26 of the Constitution;
- (b) consistently with constitutional morality, secularism, substantive equality and fraternity;
- (c) consistently with India's international human rights obligations in so far as they are relevant; and
- (d) in favour of the interpretation that preserves both freedom of speech and equal citizenship where two interpretations are reasonably possible.

## **7. Principles governing application**

No person shall incur criminal liability under this Act unless ~

- (a) intention or knowledge is established beyond reasonable doubt;
- (b) context is considered;
- (c) audience and reach are considered;
- (d) the likelihood of prohibited harm is established;
- (e) proportionality is satisfied; and
- (f) less restrictive alternatives are unavailable or inadequate.

## **8. Factors to be considered by Court**

In determining whether communication constitutes hate speech or whether an offence is aggravated under this Act, the Court shall consider ~

- (a) the social and political context;
- (b) identity, office, influence and authority of the speaker;
- (c) intended audience and actual audience;
- (d) medium employed and scale of dissemination;
- (e) repetition, frequency and coordination;

- (f) historical circumstances;
- (g) actual consequences;
- (h) likelihood of violence, exclusion or discrimination;
- (i) existence of organised campaigns;
- (j) good faith; and
- (k) public interest.

## **9. Burden of proof**

- (1) Every accused shall be presumed innocent.
- (2) The prosecution shall establish beyond reasonable doubt ~
  - (a) intention or knowledge;
  - (b) communication;
  - (c) prohibited ground;
  - (d) substantial and proximate likelihood of harm where required; and
  - (e) causation, where alleged.
- (3) No presumption adverse to freedom of speech shall arise merely because expression concerns religion, politics, history, ideology or identity.

## **CHAPTER III**

### **OFFENCES**

#### **10. Hate speech**

- (1) Whoever intentionally communicates hate speech as defined under this Act shall be guilty of an offence.
- (2) No person shall be convicted unless the prosecution establishes beyond reasonable doubt ~
  - (a) intention or knowledge of the probable consequences;
  - (b) communication to the public or a substantial section thereof; and
  - (c) a direct and objectively ascertainable connection between the communication and the promotion, incitement or substantial likelihood of violence, discrimination, hostility, exclusion or imminent public disorder against a protected person or protected group.
- (3) Mere negligence, carelessness, inadvertence or misunderstanding shall not constitute an offence.
- (4) Whoever commits an offence under this section shall be punishable with imprisonment which may extend to three years, or with fine, or with both.

#### **11. Aggravated hate speech**

Whoever commits hate speech ~

- (a) while holding constitutional office or public office;
- (b) while exercising police powers or judicial or quasi-judicial authority;
- (c) while acting as office-bearer of a registered political party;

- (d) while acting as office-bearer of an educational institution;
  - (e) while acting through mass media or digital media reaching a substantial audience;
  - (f) while acting as a religious functionary exercising influence over a congregation; or
  - (g) as part of a coordinated campaign,
- shall be punishable with imprisonment of not less than one year but which may extend to seven years, and shall also be liable to fine.

## **12. Organised hate campaign**

(1) Whoever organises, finances, coordinates, knowingly disseminates, materially facilitates or knowingly participates in an organised hate campaign shall be punishable with imprisonment which may extend to ten years and fine.

(2) The Court may additionally order ~

- (a) forfeiture of funds or property used for the campaign;
- (b) attachment of proceeds;
- (c) prohibition upon further organised activity of a similar kind; and
- (d) mandatory corrective, counselling or constitutional literacy programmes.

## **13. Hate crime**

Whoever commits any offence under any law substantially motivated by prejudice relating to a protected characteristic shall, in addition to punishment under such law, be liable under this Act with imprisonment which may extend to seven years and fine.

Explanation. ~ Evidence of motive may include previous speeches, digital communications, organisational affiliation, patterns of conduct, manifestos, recorded statements, selection of victim, or any other relevant circumstance.

## **14. Incitement**

Whoever intentionally advocates imminent violence, discrimination or targeted exclusion against a protected person or group shall be punishable under this Act irrespective of whether the violence, discrimination or exclusion ultimately occurs.

## **15. Public officials**

(1) Any public servant who ~

- (a) intentionally refuses protection to a victim;
- (b) fails or refuses to register a complaint relating to an offence under this Act;
- (c) incorrectly or incompletely records material information relating to such offence;

(d) intentionally delays, suppresses or derails investigation;  
(e) suppresses, destroys or withholds evidence; or  
(f) intentionally discriminates between similarly situated victims,  
shall be punishable with imprisonment which may extend to five years, and shall also be liable to departmental consequences.

(2) For the purposes of this section, failure to properly investigate, failure to provide protection, or failure to record material facts without just cause shall amount to misconduct under this Act.

### **16. Witness intimidation, retaliation and obstruction of relief**

(1) Whoever threatens, coerces, intimidates or causes injury, deprivation of rights or property loss to any complainant, victim, witness, relief worker, investigator or community representative in relation to proceedings under this Act shall be punishable with imprisonment which may extend to five years and fine.

(2) Whoever obstructs or disrupts relief work, rehabilitation measures, victim assistance, emergency shelter, food supply, medical support or legal aid under this Act shall be punishable with imprisonment which may extend to three years and fine.

(3) Whoever prematurely dismantles or causes the unlawful closure of a relief camp, safe shelter or victim-assistance facility established in relation to offences under this Act shall be punishable with imprisonment which may extend to three years and fine.

### **17. Offences by organisations**

Where an offence under this Act is committed by an organisation, association, institution, trust, society, corporation, political entity or digital platform, the organisation and every person responsible for its management shall be deemed guilty unless such person proves ~

- (a) absence of knowledge;
- (b) reasonable preventive measures;
- (c) immediate corrective action; and
- (d) cooperation with lawful authorities.

### **18. Repeat offenders and disqualification**

(1) A second conviction within ten years under this Act shall attract enhanced punishment, including double fine and such additional imprisonment as the Court considers just within the statutory maximum.

(2) A person convicted under section 11 or section 12 may, in addition to punishment, be disqualified by the Court from holding specified public or organisational office for a period not exceeding six years, subject to applicable constitutional and statutory requirements.

## **CHAPTER IV**

### **PROCEDURE, SANCTION AND SAFEGUARDS**

#### **19. Independent Hate Speech Review Committee**

(1) No prosecution for an offence under sections 10, 11, 12 or 14 shall commence except upon written sanction granted by the Independent Hate Speech Review Committee.

(2) The Committee shall consist of ~

- (a) a retired High Court Judge as Chairperson;
- (b) one Senior Advocate having experience in constitutional law;
- (c) one former Director General of Police or equivalent officer;
- (d) one expert in human rights or civil liberties; and
- (e) one expert in media law, digital communications or social sciences.

(3) The Committee shall be independent and shall record reasons in writing for every decision.

#### **20. Decision and hearing**

(1) Before sanctioning prosecution, the Review Committee shall consider ~

- (a) the full impugned material in context;
- (b) evidence of intent, reach and likely harm;
- (c) whether the communication falls within protected expression; and
- (d) whether prosecution is proportionate.

(2) Except in narrowly tailored urgent cases involving immediate and grave risk, the person against whom sanction is sought shall be given notice and a reasonable opportunity to be heard.

(3) Every sanction order shall be a speaking order containing facts, evidence, constitutional considerations, protected-speech analysis and reasons.

(4) Absence of such reasons shall render sanction invalid.

#### **21. Designated investigating officer**

Only an officer not below the rank of Deputy Superintendent of Police specially trained in constitutional rights, digital evidence and hate-crime investigation shall investigate offences under this Act.

#### **22. Investigation standards**

Every investigation under this Act shall collect and preserve ~

- (a) complete speech or communication, and not fragments alone;
- (b) digital evidence, audio, video and transcripts where available;
- (c) contextual and surrounding circumstances;
- (d) expert opinion where necessary; and
- (e) evidence favourable as well as adverse to the accused.

### **23. Duty of fair investigation**

The investigating officer owes an equal duty to the complainant, the accused and the Court, and shall not suppress exculpatory evidence.

### **24. Review of delayed or defective investigation**

(1) Where no charge sheet is filed within three months from registration of the First Information Report, the case shall be reviewed by a supervisory panel constituted by the Commission in consultation with the Director General of Police.

(2) The panel may recommend fresh investigation, transfer to another officer, or constitution of a Special Investigation Team where fairness so requires.

### **25. Special Courts**

(1) The State Government shall, in consultation with the High Court, designate one or more Courts of Session as Special Courts for the speedy trial of offences under this Act.

(2) The High Court may transfer cases under this Act to another competent Special Court within the State where fair trial, witness safety or public confidence so requires.

(3) The Special Court may order de novo trial where the interests of justice so require owing to substantial procedural unfairness or deliberate suppression of evidence.

### **26. Arrest and bail**

(1) No arrest shall be made under this Act except in accordance with the Bharatiya Nagarik Suraksha Sanhita, 2023, and after recording reasons in writing.

(2) Every Court considering bail shall balance ~

(a) the constitutional presumption of innocence;

(b) seriousness of allegations;

(c) likelihood of repetition;

(d) safety of victims and witnesses;

(e) risk of intimidation or destruction of evidence; and

(f) freedom of expression and personal liberty.

(3) No person shall be denied bail merely because the expression concerns religion, politics, history or ideology.

### **27. No reverse burden**

Nothing in this Act shall reverse the presumption of innocence or impose a reverse burden except where expressly authorised by a constitutionally valid law.

## **CHAPTER V**

### **DIGITAL COMMUNICATION AND PREVENTIVE ORDERS**

#### **28. Removal orders**

- (1) Content shall not be removed merely because it is offensive or unpopular.
- (2) Removal or disabling access may be directed only where ~
  - (a) the content satisfies the definition of hate speech;
  - (b) immediate harm is reasonably apprehended; and
  - (c) reasons are recorded in writing.
- (3) Every order shall be narrowly tailored to the least restrictive extent necessary.

#### **29. Notice and hearing**

- Except in emergencies, the author, publisher or platform shall receive ~
- (a) notice;
  - (b) copy of complaint or material grounds;
  - (c) reasonable opportunity to respond; and
  - (d) hearing where necessary.

#### **30. Emergency orders**

- (1) Temporary blocking without prior notice may be ordered only where immediate violence or targeted harm appears imminent.
- (2) Such order shall automatically lapse within seventy-two hours unless confirmed after hearing by the Review Committee or the competent Court.

#### **31. Least restrictive alternative**

Authorities shall prefer warning, contextual labelling, correction, age restriction, limited visibility, partial removal or targeted disabling over complete blocking wherever reasonably possible.

## **CHAPTER VI**

### **CIVIL REMEDIES, VICTIM RIGHTS, RELIEF AND REHABILITATION**

#### **32. Civil relief**

- Any victim may seek ~
- (a) injunction;
  - (b) declaration;
  - (c) public apology;
  - (d) correction or retraction;
  - (e) removal of content;
  - (f) damages;

- (g) rehabilitation; or
- (h) any other appropriate equitable relief.

### **33. Representative and class actions**

Registered civil society organisations, human rights organisations, minority organisations, women's organisations, disabled persons' organisations or constitutional bodies may institute representative proceedings on behalf of affected groups, and class proceedings may be instituted where numerous persons are affected.

### **34. Rights of victims**

Every victim shall have the right ~

- (a) to dignity;
- (b) to participation;
- (c) to information;
- (d) to legal aid;
- (e) to counselling;
- (f) to rehabilitation;
- (g) to compensation;
- (h) to witness protection; and
- (i) to speedy proceedings.

### **35. Compensation**

Compensation under this Act may include ~

- (a) medical expenses;
- (b) psychological treatment and trauma support;
- (c) loss of livelihood;
- (d) property damage;
- (e) reputational injury;
- (f) educational loss;
- (g) relocation expenses;
- (h) legal costs; and
- (i) any other proven consequential loss.

Explanation. ~ The Court may impose compensatory fines having due regard to the actual and indirect loss caused to victims, and may attach or forfeit property used in the commission or financing of the offence to the extent permitted by law.

### **36. Rehabilitation**

- (1) The State shall provide, wherever necessary, ~
  - (a) temporary shelter;
  - (b) food and clothing;

- (c) counselling and mental-health support;
- (d) educational assistance;
- (e) employment and livelihood assistance;
- (f) legal aid;
- (g) relocation support; and
- (h) community rehabilitation.

(2) Rehabilitation may extend to displaced, traumatised or indirectly affected persons and groups where the competent authority or Court finds such relief necessary.

### **37. Victim Assistance Fund**

(1) There shall be constituted the Telangana Equality and Hate Crime Victim Assistance Fund.

(2) The Fund may be utilised for medical care, legal aid, counselling, temporary accommodation, educational assistance, livelihood restoration, camp support, food support and community rehabilitation.

### **38. Non-discrimination in relief**

While providing relief, compensation, rehabilitation or assistance under this Act, there shall be no discrimination on the ground of sex, caste, community, descent, religion, language, ideology or political affiliation.

## **CHAPTER VII**

### **THE TELANGANA EQUALITY AND HATE CRIMES COMMISSION**

#### **39. Establishment of Commission**

(1) The State Government shall establish an independent statutory body to be known as the Telangana Equality and Hate Crimes Commission.

(2) The Commission shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to sue and be sued in its own name.

(3) The Commission shall function independently of executive control except as expressly provided by this Act.

#### **40. Composition**

The Commission shall consist of ~

- (a) a Chairperson;
- (b) four full-time Members; and
- (c) four part-time Members.

#### **41. Qualifications and diversity**

- (1) The Chairperson shall be a retired Judge of the Supreme Court or of a High Court possessing demonstrated commitment to constitutional rights.
- (2) The Members shall include persons having special knowledge in constitutional law, criminal law, human rights, digital communications, social sciences, minority rights, women's rights, disability rights and media ethics.
- (3) No less than one-half of the Members shall belong to historically disadvantaged or under-represented communities.
- (4) At least three Members shall be women.

#### **42. Appointment Committee**

Appointments shall be made by the Governor upon recommendations of a Committee consisting of ~

- (a) the Chief Minister;
- (b) the Leader of Opposition in the Legislative Assembly;
- (c) the Chief Justice of the High Court for the State of Telangana or nominee;
- (d) the Chairperson of the State Human Rights Commission; and
- (e) the Advocate General.

#### **43. Tenure and removal**

- (1) Members shall hold office for five years and shall be eligible for one further term.
- (2) No Member shall be removed except after inquiry conducted by a sitting or retired High Court Judge on grounds of proved misbehaviour, incapacity, conviction involving moral turpitude, financial impropriety or persistent failure to perform duties.

#### **44. Functions**

The Commission shall ~

- (a) promote equality and constitutional fraternity;
- (b) reduce discrimination;
- (c) study emerging trends in hate speech and hate crimes;
- (d) assist victims;
- (e) recommend legislation and policy;
- (f) conduct research and public hearings;
- (g) issue advisories, Good Practice Codes and Equal Opportunity Practice Codes;
- (h) conduct Equality Audits of public authorities, educational institutions, police departments, local bodies, universities, public sector undertakings and private institutions receiving public funds; and
- (i) intervene before Courts or Tribunals in substantial questions concerning equality, fraternity or constitutional freedoms.

## **45. Powers**

The Commission shall possess all powers of a Civil Court, including the power to ~

- (a) summon witnesses;
- (b) examine witnesses on oath;
- (c) require production of documents and digital material;
- (d) order discovery and inspection;
- (e) appoint commissions; and
- (f) collect and preserve electronic evidence.

## **46. Persons likely to be prejudicially affected to be heard**

If at any stage of any inquiry, audit, report or public hearing under this Act, the Commission considers it necessary to inquire into the conduct of any person or is of opinion that the reputation of any person is likely to be prejudicially affected, it shall give such person a reasonable opportunity of being heard and to produce evidence in defence.

## **47. Register and reporting**

(1) The Commission shall maintain a State Hate Crime Register containing the nature of offence, protected characteristic involved, district, investigation status, prosecution status, conviction rate and victim assistance provided.

(2) Personal identities shall remain confidential except where disclosure is authorised by law.

(3) The Commission shall submit an Annual Equality Report to the Legislature containing hate crime statistics, conviction rates, digital trends, institutional performance and legislative recommendations.

(4) The Report shall be laid before the State Legislature.

## **CHAPTER VIII**

### **PUBLIC AUTHORITIES, EDUCATION AND PREVENTION**

#### **48. Positive equality duty**

Every public authority shall have due regard to ~

- (a) eliminating discrimination;
- (b) promoting equality;
- (c) promoting fraternity;
- (d) protecting vulnerable groups; and
- (e) encouraging peaceful democratic participation.

#### **49. Equality impact assessment**

Before implementing any major policy likely to affect protected groups, Government Departments shall prepare an Equality Impact Assessment in such manner as may be prescribed.

### **50. Police duties**

Every police officer shall ~

- (a) register complaints without discrimination;
- (b) provide immediate protection where needed;
- (c) record bias indicators;
- (d) inform victims of their rights; and
- (e) assist access to legal aid, compensation and rehabilitation.

### **51. Constitutional literacy and prevention**

The Government shall promote programmes relating to constitutional values, secularism, fraternity, equality, responsible digital communication, critical thinking and media literacy, and may encourage educational institutions to establish voluntary Equality Clubs promoting dialogue and peaceful disagreement.

## **CHAPTER IX**

### **MISCELLANEOUS**

#### **52. Malicious complaints**

Whoever knowingly institutes false proceedings under this Act with intent to harass another shall be punishable with imprisonment which may extend to two years and fine, and shall additionally be liable for compensation.

#### **53. Compensation for wrongful prosecution**

Any person acquitted after malicious, unconstitutional or demonstrably bad-faith prosecution under this Act shall be entitled to compensation recoverable from the responsible authority after due inquiry.

#### **54. Protection for good faith**

- (1) No suit, prosecution or other legal proceeding shall lie against the Government, the Commission, any authority or any public servant for anything honestly, reasonably and in good faith done under this Act.
- (2) Good faith shall require absence of malice, reasonable inquiry, proportional action and constitutional compliance.
- (3) Where deliberate omission, hostile action or bad faith is alleged against an officer or the Government, the burden of establishing good faith shall lie on the officer or Government concerned.

## **55. Protection against political misuse**

No prosecution, investigation, preventive action, removal order or other coercive measure shall be initiated solely because expression ~

- (a) criticises Government;
- (b) criticises religion, ideology or social practice;
- (c) criticises political parties or constitutional institutions;
- (d) supports peaceful reform; or
- (e) advances unpopular opinions.

## **56. Notice to Commission in constitutional proceedings**

Where the constitutional validity of this Act, or any substantial action taken under it, is challenged before any High Court or the Supreme Court, notice shall be given to the Commission, and the Commission shall be entitled to appear and assist the Court.

## **57. Non-derogation**

The remedies under this Act shall be in addition to and not in derogation of any remedy available under any other law, provided that no person shall be punished twice for the same offence.

## **58. Severability**

If any provision of this Act is declared unconstitutional, the remaining provisions shall continue to operate to the fullest extent possible.

## **59. Periodic review**

Every five years an Independent Constitutional Review Committee consisting of retired judges, constitutional scholars, civil society representatives and digital rights experts shall review the operation of this Act and submit recommendations to the Legislature.

## **60. Overriding constitutional principle**

Nothing contained in this Act shall be interpreted ~

- (a) to establish blasphemy;
- (b) to create a right not to be offended;
- (c) to prohibit criticism of religions, ideologies or public institutions;
- (d) to suppress academic inquiry, journalism, peaceful political advocacy, satire, art or literature; or
- (e) to privilege any religion, community, ideology or viewpoint, except where such expression intentionally and directly satisfies the statutory definition of hate speech or hate crime under this Act.

## **61. Rule-making power**

(1) The Government may, by notification, make rules for carrying out the purposes of this Act.

(2) The rules shall, in particular, provide for ~

(a) procedure of the Review Committee;

(b) investigation standards and training;

(c) victim assistance and rehabilitation;

(d) functioning of the Commission and the Fund;

(e) Equality Audits and Equality Impact Assessments; and

(f) digital-content review procedures.

(3) The Government shall frame the principal rules under this Act within three months of the commencement of the relevant provisions.

(4) Every rule made under this Act shall be laid before the State Legislature and shall be subject to modification or annulment by it.

## **STATEMENT OF OBJECTS AND REASONS**

The Constitution of India guarantees not merely freedom of speech but equal dignity, equal status and equal citizenship to every person. Hate speech and hate crimes undermine these constitutional guarantees by creating fear, exclusion, discrimination, displacement and violence directed against protected persons and communities. Equally, democracy cannot survive if legitimate criticism, religious discourse, academic inquiry or political dissent are suppressed merely because they offend prevailing opinion.

This Bill therefore adopts a constitutionally balanced approach. It criminalises only intentional expression that, viewed objectively and in context, directly incites violence, discrimination, hostility, exclusion or imminent public disorder against protected persons or groups while expressly preserving criticism, debate, scholarship, journalism, artistic expression and peaceful advocacy. It creates independent institutional safeguards before prosecution, strengthens investigation standards, provides civil remedies and victim rights, expands compensation and rehabilitation, imposes liability upon failing public officials, and establishes an independent Equality and Hate Crimes Commission for research, oversight and equality promotion.

The Bill is intended to operate as an equality-promoting constitutional measure rather than as a censorship statute, thereby giving practical effect to Articles 14, 15, 19, 21, 25, 38, 39A, 46 and 51A(e) of the Constitution of India while maximising resilience against constitutional challenge.

## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 61 of the Bill empowers the Government to make rules for carrying out the purposes of the proposed legislation. The matters in respect of which rules may be made relate principally to procedure, administration, investigation

standards, victim assistance, Commission functioning and related operational details. The delegation of legislative power is therefore of a normal character.

### **MEMORANDUM REGARDING FINANCIAL IMPLICATIONS**

The Bill involves expenditure from the Consolidated Fund of the State on account of the establishment and functioning of the Telangana Equality and Hate Crimes Commission, the Independent Hate Speech Review Committee, training of investigating officers, designation of Special Courts, and creation and operation of the Telangana Equality and Hate Crime Victim Assistance Fund.

### **NOTE ON LEGISLATIVE COMPETENCE**

In so far as any provision of this Bill may operate in a field also occupied by Parliamentary legislation, the Bill may, if necessary, be reserved for the consideration of the President under Article 254(2) of the Constitution.

This is the strongest clean legislative version to take forward on the basis of the three documents presently on record.