Epistemologies of Hate: State Responsibility and Regulatory Failure in India's Protection of Coastal Adi-Drawida Christian Minorities

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Abstract

This paper critically examines the epistemological foundations of hate speech regulation in India, arguing that the Indian state's current legal architecture; centred on Sections 153A, 295A, and 505 of the Bharatiya Nyaya Sanhita (BNS) 2023, together with the Information Technology (IT) Act; produces what this paper terms a 'protection gap': a structural condition in which the law's textual guarantees of minority protection are systematically negated by selective enforcement, institutional acquiescence, and the epistemological erasure of multiply-marginalised communities. Drawing on the lived experience of Adi-Drawida Mala Christian communities in the coastal districts of Andhra Pradesh; specifically, the Guntur, Bapatla, and Krishna districts; the paper argues that the intersection of caste identity, religious minority status, and coastal economic marginalisation produces a distinctive vulnerability to identity-based hate speech for which India's current regulatory framework provides no adequate remedy. This paper employs a doctrinal and socio-legal methodology, supplemented by autoethnographic insights from the author's lived experience as a member of the Adi-Drawida Mala Christian community. The paper analyses the Constitutional (Scheduled Castes) Order 1950's denial of SC status to Dalit Christians as itself a state-sanctioned epistemological act; one that renders Dalit Christian communities juridically invisible and therefore uniquely susceptible to hate speech with diminished state accountability. The paper concludes with policy recommendations drawing on Karnataka's pioneering Hate Speech and Hate Crimes Prevention Bill 2025 and international human rights standards under the ICCPR.

Keywords: Hate speech regulation; intersectionality; state responsibility; Adi-Drawida Christians; Dalit Christian; Andhra Pradesh; minority

protection.

1. Introduction

On 12 April 2026; International Day for Countering Hate Speech; India presents a paradox. The Constitution of India enshrines, in Articles 14, 15, 19, 21, and 25, a comprehensive framework for equality, religious freedom, and the protection of minorities that has been described as among the most robust in the world (Austin, 1966). Yet the lived reality for religious and caste minorities in India; particularly those whose identities occupy the intersection of Scheduled Caste origin and religious minority status; increasingly diverges from these textual guarantees. As the Oxford Human Rights Hub (2026) documented, the developments between 2024 and 2026 reveal not episodic governance failure but a structural human rights concern rooted in deficient implementation and what Habermas (1996) would recognise as communicative distortion: the systematic denial of epistemic standing to those whose experiences of harm fall outside the dominant regulatory imaginary.

This paper takes as its ground-level reference the Adi-Drawida Mala Christian community of coastal Andhra Pradesh; specifically those inhabiting the fishing villages of Nizampatnam, Rentachintala, Jaggapuram, and the broader Krishna–Guntur coastal belt. The Mala community, classified as Scheduled Caste under Andhra Pradesh's social census, traces its origins to the pre-Aryan indigenous population of peninsular India. The community's conversion to Christianity; historically facilitated by the London Mission Society (LMS) and the Andhra Evangelical Lutheran Church (AELC); was both a theological and a social act: Christianity offered, in principle, the dignity of equality that the Hindu caste order systematically denied (George, 2024). Yet as the Constitution (Scheduled Castes) Order 1950 codified, conversion to Christianity or Islam strips Dalit communities of their Scheduled Caste status; and with it, their access to legal protections, reservations, and anti-discrimination remedies that remain available to Hindu Dalits. The author of this paper is himself a member of this community, and the GISELA association (Reg. No. 410); founded in 1999 in Tenali, Guntur District, by his parents to serve BPL families in coastal slum communities; constitutes the

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lived institutional context within which this analysis is grounded. The author's direct involvement with GISELA provides the autoethnographic grounding for this analysis and ensures contextually-informed interpretation of secondary sources.

The paper proceeds as follows. Section 2 reviews the existing legal and regulatory framework for hate speech in India, with particular attention to the transition from the Indian Penal Code (IPC) to the Bharatiya Nyaya Sanhita (BNS) 2023. Section 3 analyses the epistemological foundations of the protection gap, arguing that the 1950 Presidential Order functions as an act of juridical erasure. Section 4 examines the specific vulnerabilities of coastal Adi-Drawida Christian communities through an intersectional lens. Section 5 evaluates emerging state-level legislative responses, including Karnataka's Hate Speech and Hate Crimes Prevention Bill 2025. Section 6 draws on international human rights law; specifically the ICCPR and the Rabat Plan of Action; to propose a normative framework for reform. Section 7 concludes with targeted policy recommendations.

2. Literature Review

2.1. India's Hate Speech Regulatory Framework: A Critical Assessment

2.1.1. Constitutional Foundations and Their Inherent Tensions

India's constitutional approach to hate speech regulation reflects a deliberate tension between two competing values enshrined in Part III of the Constitution: the right to freedom of speech and expression under Article 19(1)(a), and the state's obligation to impose 'reasonable restrictions' in the interests of public order, decency, and national integrity under Article 19(2). This tension is not merely structural but epistemological: the determination of what constitutes a 'reasonable restriction' necessarily involves a value judgment about whose speech, whose harm, and whose dignity the state prioritises (Krishnaswamy, 2009). The Supreme Court of India addressed this directly in Shreya Singhal v. Union of India (2015) 5 SCC 1, striking down Section 66A of the IT Act as unconstitutionally vague and establishing that restrictions on speech must be precisely calibrated to demonstrable harm

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rather than anticipated public discomfort. Yet the judgment's liberatory intent has been inconsistently translated into prosecutorial practice.

Internationally, India is a State Party to the International Covenant on Civil and Political Rights (ICCPR), which under Articles 2(1), 26, and 27 obligates states to ensure non-discrimination, equal protection of the law, and the rights of religious and ethnic minorities. Article 20(2) of the ICCPR additionally obliges states to prohibit by law any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence. India's compliance with Article 20(2) has been consistently queried by the UN Human Rights Committee, which noted in its 2017 Concluding Observations that India lacked a standalone, comprehensive hate speech statute and that existing provisions were applied selectively and inconsistently (Human Rights Committee, 2017). As of April 2026, this observation remains substantially accurate at the national level.

2.1.2. The Bharatiya Nyaya Sanhita 2023: Continuity and Missed Opportunity

The Bharatiya Nyaya Sanhita (BNS) 2023, which replaced the Indian Penal Code (IPC) 1860 with effect from 1 July 2024, broadly retained the architecture of hate speech regulation while renumbering provisions. Section 196 BNS (formerly Section 153A IPC) continues to penalise acts promoting enmity between groups on grounds of religion, race, or place of birth. Section 197 BNS (formerly Section 153B IPC) addresses assertions prejudicial to national integration. Section 299 BNS (formerly Section 295A IPC) criminalises deliberate and malicious acts intended to outrage religious feelings. The structural problem is not the absence of these provisions but their practical application: as the Law Commission of India's Report No. 267 on Hate Speech (2017) documented, provisions such as Section 295A are far more frequently invoked against minority religious voices; including those of Dalit Christians defending their faith traditions; than against the majoritarian hate speech they were ostensibly designed to regulate.

The BNS 2023's most significant omission is its failure to incorporate the Law Commission's 2017 recommendations for a specific standalone hate speech offence that: (a) defines hate speech with reference to protected

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characteristics; (b) creates a tiered sentencing framework proportionate to severity; (c) establishes victim-centred remedies; and (d) explicitly addresses the intersection of caste identity and religious minority status. The Karnataka Hate Speech and Hate Crimes Prevention Bill 2025 has since moved to partially fill this gap at the state level, prescribing penalties of one to seven years for first offences and up to ten years for repeat offences, while covering grounds including religion, caste, gender, and disability (Bar and Bench, 2025). However, the Bill's sweeping preventive powers; including pre-emptive restrictions on public assembly based on police opinion that an offence 'may' be committed; raise serious concerns about misuse against the very minorities it purports to protect, a risk that historical experience with sedition and UAPA provisions makes far from hypothetical (Singh, 2025).

2.1.3. The Digital Amplification Problem and Selective State Response

The Centre for the Study of Organised Hate (CSOH) documented that during India's April–June 2024 general elections, 266 anti-minority hate speeches by senior political leaders were live-streamed simultaneously on YouTube, Facebook, and X (formerly Twitter) (Singh, 2025). Of the total 1,165 documented hate speech events, 995 were first shared on social media, with Facebook hosting 495 incidents. Despite formal reporting, Facebook removed only three videos; leaving 98.4% of documented hate content accessible (Singh, 2025). This selective inaction is not technologically neutral: research demonstrates that platform engagement algorithms systematically amplify emotionally charged and divisive content, creating what Nadler et al. (2018) termed 'outrage cascades' that intensify the harm of identity-based rhetoric at exponential speed. For geographically remote coastal fishing communities with limited institutional recourse, such as the Adi-Drawida Christian communities of Nizampatnam and Bapatla; the viral spread of de-humanising content on WhatsApp and Facebook constitutes a qualitatively different threat than print-era hate speech, yet receives no qualitatively different regulatory response.

3. Research Method

This study utilizes a qualitative methodological approach to analyze the Hate speech Governance Framework in India from both a doctrinal and socio-legal

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perspective as well as its effect on Coastal Adi-Drawida Christian minorities residing in Andhra Pradesh (AP). The use of secondary data such as constitutional provisions, legislation, case law, policy documents, academic literature and international human rights framework were utilized as the basis of this research; with attention being given to specific legal documents (some of which include BNS 2023, The Constitution (Scheduled Castes) Order, 1950 and relevant case law) that provide a critical analysis of the issues being discussed. Moreover, secondary data analysis supplemented by autoethnographic insights from the author's community involvement. A case study method of data collection has been implemented to capture the lived experiences of these Coastal Adi-Drawida Christians in Andhra Pradesh, focusing on how their(s) caste/religion/and economic marginalization contribute to their vulnerability to Hate Speech. The thematic content analysis of the data provides insight into the main issues such as legal gaps, selective enforcement of laws and Hate Speech as it relates to the digital world. Furthermore, an intersectional and epistemic injustice framework was also used to understand the structural discrimination that exists in this population and the deficiencies in policy.

4. Analysis

4.1. Epistemological Erasure: The 1950 Presidential Order as Hate Speech Precondition

This paper argues that the Constitution (Scheduled Castes) Order 1950; which restricts SC status to persons 'professing the Hindu, Sikh, or Buddhist religion' under paragraph 3; functions not merely as a benefits-allocation mechanism but as an epistemological act: it determines who counts as a legally cognisable victim of caste-based harm, and thereby shapes the entire structure of state responsibility for hate speech targeting these communities. As the Ranganath Mishra Commission Report (2007) documented with extensive sociological evidence, Dalit Christians and Dalit Muslims continue to suffer the same forms of caste-based discrimination; including exclusion from common spaces, economic boycotts, inter-dining prohibitions, and targeted slurs; as their Hindu counterparts. The difference is juridical: by converting to Christianity, the Mala community of Andhra Pradesh does not cease to be the

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target of caste-based hate speech, but it ceases to be an entity in whose name the SC/ST (Prevention of Atrocities) Act 1989 can be invoked.

The Andhra Pradesh High Court's decision in Akkala Rami Reddy v. State of Andhra Pradesh (2025) exemplifies this paradox. The court quashed SC/ST Act proceedings where the complainant was a Dalit Christian pastor, adhering to the 1950 Order's restriction despite overwhelming evidence of caste-motivated harassment. As the Sabrang India editorial (2025) observed, the judgment 'limits the Court's understanding of caste and faith'; treating religious conversion as a juridical device for dissolving caste identity, when the community's lived experience demonstrates the persistence of caste-based targeting regardless of religious affiliation. This legal position creates what Miranda Fricker (2007) would identify as 'testimonial injustice': a structural condition in which the credibility of Dalit Christian testimony about caste-based harm is systematically deflated by the institutional apparatus itself.

The epistemological dimension of this erasure is critical to understanding hate speech dynamics. Hate speech, as Waldron (2012) has argued, attacks not merely the feelings of targets but their standing in the community as equal citizens; their 'dignitary status.' The 1950 Order's denial of SC status to Dalit Christians performs a precisely analogous function at the juridical level: it communicates, through the authoritative medium of constitutional law, that the dignity claims of this community are of a lesser order than those of Hindu Dalits ; and thereby provides implicit epistemic cover for private actors who target Dalit Christians with the specific double-discrimination of anti-Christian religious hatred combined with casteist abuse. The result is a vulnerability to intersectional hate speech; simultaneously targeting caste origin and Christian identity ; for which no single provision of Indian law provides complete remedy.

4.2. The Coastal Adi-Drawida Christian Communities of Andhra Pradesh: An Intersectional Analysis

4.2.1. Historical and Sociological Context

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The Adi-Drawida Mala community of Andhra Pradesh's coastal districts represents a distinctive intersection of caste, religion, and occupational marginality. In the Telugu-speaking territories, the Mala community has historically been classified as Adi-Andhra; 'original Andhras'; reflecting the same assertion of pre-Aryan indigenous identity articulated by the broader Adi-Drawida movement across South India (Nethra, 2025). Mass conversion to Christianity among Mala families in districts such as Guntur and Krishna began in the nineteenth century under the influence of the London Mission Society (LMS), the American Baptist Mission, and the AELC; with education and literacy as explicit instruments of social mobility. As Santha Kumari Yedla ; founder of the GISELA association and herself a Mala Christian from Rentachintala, Guntur District ; wrote in her life narrative (2011): 'The ancestors of my parents have been Hindus living in the Kurnool District in the Rayalaseema Region, but the great grandparents of my parents converted to Christianity when missionaries of the LMS preached the gospel to them. They belonged to the MALA community of the Adi-Drawidas, which are called in India also "Outcasts" or "Untouchables" or "Parias."'

This account is not exceptional but representative of the social biography of thousands of coastal AP families whose identity combines Scheduled Caste origin, Christian faith, and coastal fishery livelihoods. In the Nizampatnam Harbour area, the Bapatla coastal belt, and the Krishna delta communities surrounding Jaggapuram, these families occupy the triple margin of India's social hierarchy: Dalit by caste heritage, Christian by religion, and coastal fisherfolk by occupation; a combination that historically excluded them from both the dominant-caste Hindu social order and the formal institutions of the post-colonial developmental state. The GISELA Reg. No. 410 association's 25-year work among slum communities in Tenali; beginning in 1999 with ten children from a BPL fishing family neighbourhood; constitutes ground-level evidence of the structural deprivation produced by this triple marginalisation.

4.2.2. Patterns of Hate Speech Targeting in Coastal Adi-Drawida Christian Communities

The hate speech targeting of Dalit Christian communities in coastal AP takes three analytically distinguishable but empirically overlapping forms. First, anti-conversion rhetoric; fuelled by state-level anti-conversion legislation and

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the political mobilisation of Hindutva organisations ; frames Christian missionary activity as a threat to Hindu civilisational continuity, thereby positioning Mala Christian communities not as autonomous rights-bearing subjects but as instruments of foreign cultural aggression. The Library of Congress (2024) documented that religious freedom conditions in India continued to deteriorate in 2023–2024, with 'reinforced discriminatory nationalist policies, perpetuated hateful rhetoric, and failed response to communal violence disproportionately affecting Muslims, Christians, Sikhs, Dalits, Jews, and Adivasis.' For coastal communities in Guntur district, this rhetoric has material consequences: documented cases of social boycott of Dalit Christian fishing cooperatives, denial of access to common harbour landing facilities, and targeted harassment of women belonging to GISELA-affiliated Self-Help Groups.

Second, caste-based slurring and occupational de-humanisation; the use of pejorative caste names, the association of the community with 'impure' occupations (fish drying, net mending, manual labour), and the denial of inter-dining and inter-worship ; persists in coastal AP communities despite formal Constitutional prohibition. As Fricker (2007) argues, this form of epistemic injustice is particularly insidious because it operates through seemingly ordinary social interactions that deny the cognitive authority of targets to narrate their own experiences of harm. Dalit Christian voices asserting identity-based harm are routinely re-categorised by enforcement agencies as 'civil disputes' rather than recognised as hate speech, reflecting the 'both sides' policing practice documented by the Oxford Human Rights Hub (2026) in multiple Indian states.

Third, and most novel, is the digital amplification of identity-based hate targeting coastal minority communities through WhatsApp forwards and Facebook groups operating in Telugu language; content that Indian hate speech monitoring organisations have documented as systematically evading detection by platforms whose AI moderation systems are trained predominantly on English-language data (Singh, 2025). For Adi-Drawida women operating solar fish drying cooperatives under the GISELA Shakti Ecopreneur programme; coastal entrepreneurs attempting to access EU export markets through BlueNova Energy's India–EU FTA corridor; targeted hate

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content portraying Dalit Christian women in degrading terms circulates in local social media ecosystems with near-total impunity, with measurable chilling effects on their economic participation and social mobility.

5. Discussion

5.1. Evaluating Emerging State-Level Regulatory Responses

Karnataka's Hate Speech and Hate Crimes Prevention Bill 2025 represents the most substantive state-level attempt to fill the gap left by the BNS 2023's continued reliance on IPC-era provisions. The Bill defines hate speech as including speeches, writings, digital and visual expressions that foster hatred, ill-will, or enmity on grounds of religion, caste, gender, sexual orientation, language, and disability (Bar and Bench, 2025). Its inclusion of caste as a protected characteristic alongside religion is particularly significant for Dalit Christian communities: it acknowledges, implicitly, that caste-based targeting does not dissolve upon religious conversion. The Bill also introduces collective liability for organisations that systematically promote hate; a provision with potentially significant application to the organised circulation of anti-minority content through political party social media operations of the kind documented by CSOH (Singh, 2025).

However, three critical weaknesses limit the Bill's utility for Adi-Drawida Christian communities specifically. First, the Bill applies only within Karnataka, leaving the identical community in Andhra Pradesh without equivalent protection. Second, the Bill's pre-emptive policing powers; allowing restriction of public assembly where police form an opinion that an offence 'may' be committed; reproduce precisely the discretionary authority that has historically been deployed against minority communities, activists, and journalists rather than those perpetrating hate speech. Third, the Bill does not address the 1950 Presidential Order's denial of SC status to Dalit Christians, leaving the structural juridical erasure that renders this community uniquely vulnerable entirely unaddressed at the state level. For Andhra Pradesh specifically, the AP Innovation and Startup Policy 4.0 (2024–29) acknowledges climate technology and coastal community development as policy priorities; creating an opening for state-level policy integration that

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connects coastal minority economic empowerment with regulatory hate speech protection in a single, coherent framework.

5.2. International Human Rights Standards and the Normative Case for Reform

The Rabat Plan of Action on the Prohibition of Advocacy of National, Racial, or Religious Hatred (UN Human Rights Committee, 2012) provides the most sophisticated international framework for calibrating states' obligations under Article 20(2) ICCPR. The Rabat six-part threshold test; assessing context, speaker, intent, content, extent, and likelihood of harm; establishes that not all speech offensive to minorities constitutes prohibitable hate speech, but that speech which combines the targeting of protected characteristics (caste, religion) with the amplification of historical stigma in contexts of existing structural inequality warrants state prohibition and effective sanction. The coastal Adi-Drawida Christian communities of AP satisfy multiple elements of this threshold test: they are multiply protected characteristics groups; the speech targeting them occurs in contexts of documented structural inequality; it amplifies colonial-era stigmatisation; and it demonstrably produces chilling effects on the social and economic participation of community members.

Article 27 of the ICCPR obliges states to ensure that persons belonging to ethnic, religious, or linguistic minorities 'shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.' India's obligation under Article 27 is not discharged by the mere formal absence of prohibitory legislation; the Oxford Human Rights Hub (2026) is correct that 'persistent failure to provide effective remedies amounts to institutional acquiescence, transforming private violence into state responsibility.' The GISELA community's 25-year experience in Tenali demonstrates precisely this dynamic: a community whose social capital, economic resilience, and cultural continuity are systematically undermined by a combination of private hate speech and state failure to intervene; a failure that, under Article 2(3) ICCPR, engages India's international legal responsibility.

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6. Policy Recommendations

On the basis of the foregoing analysis, this paper advances seven specific policy recommendations directed to the Government of Andhra Pradesh, the Government of India, and civil society actors engaged in minority rights advocacy.

First, the Government of India should urgently implement the Law Commission's 2017 recommendation for a standalone hate speech statute at the national level, incorporating the Rabat Plan of Action threshold test and explicitly listing caste as a protected characteristic independent of religious affiliation. The BNS 2023's failure to do so represents a missed legislative opportunity that should be addressed in the next parliamentary session.

Second, the Constitutional (Scheduled Castes) Order 1950 must be amended to extend SC status; and with it, the protections of the SC/ST (Prevention of Atrocities) Act 1989; to Dalit Christians and Dalit Muslims who continue to experience caste-based discrimination regardless of their religious affiliation. The Supreme Court of India has this matter under active consideration; the Government of India should facilitate expeditious resolution consistent with the Ranganath Mishra Commission (2007) recommendations and the empirical evidence of continued discrimination.

Third, the Government of Andhra Pradesh should introduce state-level hate speech legislation modelled on but improving upon Karnataka's 2025 Bill; specifically removing the pre-emptive policing provisions, narrowing the definition of 'cognisable offence' to require evidence of actual incitement risk rather than police opinion, and including an explicit provision recognising the intersectional vulnerability of Dalit Christian coastal communities.

Fourth, the AP Fisheries Department and the National Fisheries Development Board should establish a dedicated hate speech and harassment reporting mechanism for coastal fishing community members; particularly women SHG leaders operating solar fish drying and processing enterprises; integrated

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with the existing grievance redress infrastructure under the PM Matsya Sampada Yojana.

Fifth, digital platforms operating in India; particularly Meta (Facebook, WhatsApp) and Google (YouTube); must be required by law to invest proportionately in Telugu-language hate speech detection infrastructure, subject to mandatory transparency reporting and enforceable takedown timelines of no more than 24 hours for content found to meet the Rabat threshold. The Karnataka 2025 Bill's provision for collective organisational liability for systematic hate content distribution should be adopted nationally.

Sixth, the National Commission for Minorities should be empowered and resourced to conduct systematic investigation of hate speech incidents targeting intersectionally vulnerable communities; including Dalit Christian coastal minorities; and to file suo motu complaints before state human rights commissions, reducing the burden on individual community members to navigate complex legal processes alone.

Seventh, the AP Innovation and Startup Policy 4.0 (2024–29) should be amended to include an explicit provision recognising the right of coastal minority women entrepreneurs; including GISELA SHG members and solar fish drying cooperative leaders; to a hate-speech-free economic environment, and to link access to SEEDAP seed funding and NABARD WSHG microfinance to documented government compliance with ICCPR Article 27 obligations.

7. Conclusion

The epistemologies of hate; the knowledge frameworks through which hate speech is classified, regulated, and contested; are never politically neutral. In India, the dominant regulatory epistemology of hate speech embeds a series of prior hierarchical determinations: that caste identity dissolves upon religious conversion; that 'both sides' are equally responsible when minority communities resist harassment; that digital platforms' inaction is a technical rather than a political problem; that the coastal fisherfolk of Guntur and

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Bapatla districts fall outside the primary community of concern for national hate speech policy. This paper has argued that each of these determinations is empirically contestable, juridically problematic under India's own constitutional commitments and international obligations, and materially harmful to the Adi-Drawida Mala Christian communities whose lives and livelihoods depend on the state fulfilling; rather than systematically failing; its responsibility to protect.

The GISELA association's 25-year presence in Tenali; the Gisela Frink Public School educating BPL children in coastal slum communities since 1999; the Home for Blessed Buds providing residential care to full orphans; the DDU-GKY training programmes producing solar-maritime hybrid workers from the Mala fishing community; the BlueNova Energy solar ferry and mangrove restoration programmes creating green employment along the same coastline from which this community has fished and prayed for generations; is evidence that the community possesses the social capital, resilience, and organisational capacity to participate fully in India's development. What it requires from the state is not paternalism but the fundamental legal infrastructure of equal citizenship: hate speech protection without juridical erasure; economic opportunity without social boycott; dignity without the perpetual requirement to prove, against the weight of colonial-era law, that it exists.

India's obligations under the ICCPR are not aspirational guidelines but binding international legal commitments. The International Day for Countering Hate Speech is an appropriate occasion to remind the state that those commitments extend, without exception or hierarchy, to the Adi-Drawida Mala Christian women of Nizampatnam who dry fish in the morning sun and navigate the same digital platforms that stream hatred at scale; and whose epistemic standing as equal citizens of India's constitutional republic must be defended not only in text, but in practice.

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