



Polity / Fundamental Rights & Constitutional Law

Prominent activists and religious leaders have urged the Supreme Court to recognise hate speech as a constitutional tort, arguing that it causes systemic discrimination and undermines constitutional guarantees of equality, dignity and fraternity.

A constitutional tort allows the State to be held vicariously liable for violations of fundamental rights by its officials, providing compensation beyond criminal or civil remedies. Its constitutional basis lies in Article 300(1), which permits the Union and States to sue or be sued, read with Article 294(b) on inherited liabilities. Recognising hate speech within this framework would strengthen State accountability for rights violations.

APSC relevance

Relevant for GS on fundamental rights, constitutional remedies and evolving jurisprudence on State liability.