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MEMES, SATIRE, AND ARTICLE 19(1)(A)

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INTRODUCTION

There is a moment in most Indian group chats when someone drops a meme about a politician, a policy, or a public figure, and someone else half-jokingly replies: "bhai, FIR mat khaana." The joke lands because it is not entirely a joke. In the era of digital comedy, the fear of legal consequences for online expression has quietly settled into how ordinary people communicate. And at the centre of that fear sits a question the courts have been wrestling with too: where does Article 19(1)(a) actually end?

WHAT THE CONSTITUTION SAYS AND WHAT IT DOESN'T

Article 19(1)(a) of the Indian Constitution guarantees every citizen the right to freedom of speech and expression. But it has always lived alongside Article 19(2), which allows the state to impose "reasonable restrictions" on speech.

The tension between these two provisions is not new. What is new is the arena in which that tension is being played out. Memes, reels, stand-up specials, satirical cartoons, and parody accounts now reach millions of people in hours. And when they offend someone with access to a police station, an FIR can follow just as quickly.

THE FIR AS A PRESSURE TOOL

One pattern that has become hard to ignore is how frequently the criminal law machinery gets activated against satire and political humour. A Supreme Court senior advocate, commenting on the trend, described it as the "weaponisation" of legal processes against those who hold contrary views to the political class.¹

¹ Sunil Fernandes, quoted in Ananthakrishnan G., *Judging a Joke: How Courts Are Navigating Free Speech Space in Age of Social Media*, The Print (July 17, 2025), <https://theprint.in/judiciary/judging-a-joke-how-courts-are-navigating-free-speech-space-in-age-of-social-media/2692200/>.

This is not a hypothetical concern. In 2021, comedian Munawar Faruqui was arrested and had shows cancelled following allegations of insulting religious sentiments. Kunal Kamra faced contempt proceedings for satirical commentary on political leaders.² And as far back as 2015, the comedy group All India Bakchod faced an FIR over its Knockout roast, accused of obscenity and moral indecency.³

These cases did not all end in conviction but the process itself becomes the punishment. A comedian who spends months fighting an FIR in multiple cities, scrambling to get bail, and watching their bookings dry up has already been silenced, regardless of how the case ends.

INDIA'S GOT LATENT & THE PROBLEM OF ONLINE COMEDY

No case in recent memory has illustrated this dynamic as vividly as the India's Got Latent controversy. In November 2024, YouTuber Ranveer Allahabadi appeared as a guest panelist on comedian Samay Raina's YouTube panel show and his clips containing sexually explicit remarks, particularly involving references to parents spread rapidly. The public backlash was immediate.⁴

Within days, FIRs were registered across multiple states.⁵ Allahabadi approached the Supreme Court seeking to obtain protection from arrest.⁶ What makes the IGL case particularly significant for the Article 19(1)(a) debate is not just the sheer number of FIRs across states, but what the Supreme Court did next. The bench, led by Justice Surya Kant, used the occasion to propose a national regulatory framework for online content. "We don't want any regulatory regime that leads to censorship, but it can't be free-for-all either," Justice Kant remarked.⁷

² *India's Top Court Moves to Regulate Comedians and Influencers' Speech*, Advox: Global Voices (Nov. 6, 2025), <https://advox.globalvoices.org/2025/11/06/indias-top-court-moves-to-regulate-comedians-and-influencers-speech/>.

³ Id.

⁴ *Allahabadi v. Union of India*, Global Freedom of Expression, Columbia University (Oct. 24, 2025), <https://globalfreedomofexpression.columbia.edu/cases/allahabadi-v-union-of-india/>.

⁵ *Ranveer Gautam Allahabadi v. Union of India*, W.P. (CrI.) No. 83/2025 (India); *India's Got Latent Row: Supreme Court Proposes Online Content Regulation; Allows Ranveer Allahabadi to Resume 'The Ranveer Show'*, Verdictum (Apr. 1, 2025), <https://www.verdictum.in/court-updates/supreme-court/indias-got-latent-row-ranveer-allahabadi-ashish-chanchlani-1569939>.

⁶ *Ranveer Gautam Allahabadi v. Union of India*, W.P. (CrI.) No. 83/2025 (India); *Ashish Anil Chanchlani v. State of Guwahati*, W.P. (CrI.) No. 85/2025 (India).

⁷ Justice Surya Kant, quoted in *India's Got Latent Row*, *supra* note 5.

COURTS HAVE NOTICED, BUT THE PICTURE IS COMPLICATED

The judiciary has, at times, pushed back firmly. In March 2025, the Supreme Court quashed an FIR filed against MP Imran Pratapgarhi for reciting an Urdu poem, holding that political critique through poetry, however uncomfortable, falls within the protective umbrella of Article 19(1)(a). The bench stated that 75 years into the republic, the country cannot be seen to be "so shaky on our fundamentals" that a mere recital of a poem, or stand-up comedy, can be alleged to lead to animosity or hatred among communities. The court went further and said that courts are duty-bound to protect literature such as "poetry, dramas, films, stage shows including stand-up comedy, satire and art," as they make the "lives of human beings more meaningful."⁸

That is a strong statement, and a welcome one. But it coexists with other judicial responses that point in a different direction.

In a case involving cartoonist Hemant Malviya, the Madhya Pradesh High Court described his cartoon in unflattering terms as "nothing but the sheer misuse of the freedom of speech and expression," calling it a deliberate provocation intended to outrage religious feelings and prejudicial to societal harmony.⁹ The Supreme Court later offered some protection to Malviya but described one of his cartoons as "objectionable," suggesting even the highest court does not always speak in one voice on these matters.

At the other end of the spectrum, the Karnataka High Court in April 2025 quashed an FIR filed against a person for sharing a satirical meme that criticized political figures and government policies, emphasizing that satire and criticism do not automatically constitute defamation unless made with malicious intent or based on falsehoods.¹⁰

THE DOCTRINE OF CHILLING EFFECT

Legal scholars have long worried about what is called the chilling effect. The doctrine, drawn from American constitutional jurisprudence and cited in several Indian Supreme Court cases, is meant to prevent legal sanctions that may lead individuals to suppress their exercise of a natural or legal right out of fear of consequences. In *R. Rajagopal v. State of Tamil Nadu*, the Supreme Court extended the actual malice standard to civil defamation and rejected prior

⁸ *Imran Pratapgarhi v. State of Gujarat*, (2025) SCC OnLine SC 756 (India) (Oka and Bhuyan, JJ.).

⁹ *What MP High Court's PM Modi Cartoon Ruling Means for Satire*, MediaNama (July 9, 2025), <https://www.medianama.com/2025/07/223-mp-high-court-ruling-pm-modi-rss-cartoon-satire/>.

¹⁰ *Karnataka HC Quashes FIR Filed Over Satirical Meme*, LawGratis (Apr. 22, 2025), <https://www.lawgratis.com/blog-detail/karnataka-hc-quashes-fir-filed-over-satirical-meme>.

restraint, noting that a strict liability regime would generate a chilling effect on freedom of speech.¹¹

When a meme page gets blocked overnight with no stated reason or when a comedian gets summoned across four states for the same set of jokes, the chilling effect is not theoretical. Analysts have noted that creators may resort to self-censorship to avoid judicial scrutiny in an already litigious environment, effectively self-imposing the silence that no court order formally required.¹²

WHERE DOES SATIRE END AND DEFAMATION BEGIN?

This is the genuinely hard question. The Supreme Court in *Subramanian Swamy v. Union of India* upheld the constitutional validity of criminal defamation under Sections 499 and 500 of the IPC, holding that freedom of speech is not absolute and that the right to reputation is an integral part of Article 21.¹³ Criminal defamation, the court held, is a reasonable restriction on free speech.

Satire, by its nature, exaggerates. It distorts to make a point. The entire genre works by hyperbolizing reality to expose something true beneath it. Courts in mature democracies have generally understood this. In *Hustler Magazine, Inc. v. Falwell*, the US Supreme Court held that satirical statements cannot be considered as describing facts, and that even offensive satire is protected unless it makes fabricated claims presented as real.¹⁴

India's courts have not been entirely hostile to this logic. But the consistency is missing. What is clearly satire to one bench is deliberate provocation to another, and that inconsistency itself becomes a form of legal uncertainty that creators and citizens have to navigate daily.

¹¹ R. Rajagopal v. State of Tamil Nadu, (1994) 6 SCC 632 (India).

¹² Apar Gupta, quoted in *India's Top Court Moves to Regulate Comedians and Influencers' Speech*, *supra* note 2.

¹³ Subramanian Swamy v. Union of India, (2016) 7 SCC 221 (India).

¹⁴ Hustler Magazine, Inc. v. Falwell, 485 U.S. 46 (1988).