



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution- Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

OFFENSIVE SPEECH OR PROTECTED EXPRESSION? RETHINKING CONSTITUTIONAL LIMITS ON ONLINE COMEDY THROUGH THE INDIA'S GOT LATENT CONTROVERSY

-Vani Jain

ABSTRACT

The Digital Era today has brought significant changes in the lives of people. The power of social media platforms have become supreme and words suddenly hold greater value because of public scrutiny. This transformation has created difficult questions concerning the constitutional limits of offensive, vulgar and provocative expression. This article revolves around the controversy of Youtube's comedy show India's Got Latent that became a national debate due to remarks made by some personalities that were labelled as explicit and obscene. As a result, multiple criminal complaints under the Bharatiya Nyaya Sanhita, 2023 and Information Technology Act, 2000 by the state were filed. The proceedings resulted in intervention of the Supreme court and consequently quashing of all the complaints. This article analyzes from a constitutional point of view, the essence of Article 19(1)(a) and Article 19(2) along with landmark Supreme court's judgments on online content. It reflects two sides of a coin: on one hand, it argues that mere offensive words shall not be equated with criminal terms such as 'Obscene' or 'Vulgar' and on the other it reflects how expression shall be regulated in terms of online comedy through a strict regulatory framework promoting peace and harmony in the state.

INTRODUCTION

Humour has long occupied an important space in democratic societies. Satire, parody, ridicule and comedy allow individuals to express, comment on and question conventional ideas, thought processes and social norms in a manner that may depart from traditional forms of discourse. In the digital era, however even a joke delivered before a limited audience rapidly travels through millions

via social media platforms, generating mixed reactions to situations and potentially becoming an overnight controversy. Thus, the line between expression and legal restrictions has become increasingly blurred in context of online comedy.

This is exactly where the India's Got Latent Controversy comes under spotlight where remarks made in front of a few people on a live comedy show were labelled as 'Obscene' and 'Explicit' by the public and were condemned resulting in widespread outrage including First Information Reports, multiple criminal complaints under the Bharatiya Nyaya Sanhita, 2023 and over 42 people summoned for questioning¹. This controversy raised concerns over public order, decency and morality citing a fundamental question under Indian free speech jurisprudence: When does offensive speech cross the boundary of protected expression and become speech that a state may legitimately restrict?

The Constitution of India is the supreme body for the protection of fundamental rights. Article 19(1)(a) of the Constitution guarantees freedom of speech and expression that gives a qualified right to the citizens as the state may impose reasonable restrictions under Article 19(2) on grounds such as public order, decency, morality, defamation and incitement of an offence.² The constitutional challenge therefore lies not in asking whether an action has consequences but in determining whether such consequences justify state interference with a fundamental right.

This article argues how offensiveness, vulgarity and obscenity are not absolute terms that constitute a sufficient constitutional basis to prosecute comedians and criminalising their content. Restrictions on online comedy must be traceable to the grounds mentioned under Article 19(2) in order to justify state actions. The controversy has drawn people to think contextually and draw a line between content being merely distasteful or actually being offensive to attract criminal liability.

THE INDIA'S GOT LATENT CONTROVERSY: FROM COMEDY TO CONSTITUTIONAL LITIGATION

India's Got Latent hosted by comedian Samay Raina became highly popular through Social Media platforms such as YouTube and Instagram where he released format based shows that included

¹ TOI Entertainment Desk, Samay Raina's 'India's Got Latent' Controversy Explained: Ranveer Allahbadia's Remark, FIRs and Show Revival, Times of India (Apr. 9, 2026), [Samay Raina's 'India's Got Latent' controversy explained: Ranveer Allahbadia's remark, FIRs and show revival](#)

² INDIA CONST. art. 19, cl. 1(a), cl. 2

popular guest appearances, provocative humour and deliberate personal jokes every week. The show became popular due to its raw and edgy humor that attracted young generation to consume and appreciate such content. In February 2025, remarks made by Youtuber Ranveer Allahbadia in one of the episodes gained attention of people who labelled them as ‘Vulgar’ and ‘Obscene’. The controversy initially became a topic of national debate but rapidly moved to initiate a legal dispute. The proceedings against the youtuber and those involved in the episode included allegations under Section 67 of Information Technology Act, 2000³, Section 294 of Bharatiya Nyaya Sanhita, 2023⁴, The Cinematograph Act, 1952⁵ and the Indecent Representation of Women (Prohibition) Act, 1986⁶ while notices were issued by Maharashtra Cyber Cell and National Commission for Women. The Supreme Court while condemning such acts intervened and provided interim protection to Ranveer Allahbadia on certain conditions including restrictions on further dissemination of any digital content and not only directed the ‘Latent’ team to take down the existing episodes of the comedy show but also barred them to release new episodes. The proceedings subsequently expanded beyond the original controversy, including allegations concerning insensitive remarks relating to persons with disabilities made in connection with the programme.

The case took a turning point when in August 2026, Honourable Supreme Court of India under its power of Article 142⁷ of the Indian Constitution quashed the criminal complaints and FIRs against the show in lieu of subsequent efforts made such as fundraising initiatives and awareness programmes concerning persons with disabilities.⁸

Thus the broader question forces us to think: Are there sufficient legal standards under the Indian law developed in order to claim that whatever was said or done by a comedian haven’t met the expected rules laid down or does it attract criminal liability merely because it hurt sentiments of a few people? The Supreme Court of India has from time to time delivered tremendous judgments that shall clearly explain the evolving nature of how Judicial Activism has reviewed online comedy from a neutral point of view; prosecuting those who are demeaning and protecting those who are demeaning yet respectful. But the question still remains the same: Is there a clear test?

³ Information Technology Act, No. 21 of 2000, § 67 (Ind.).

⁴ Bharatiya Nyaya Sanhita, No. 45 of 2023, § 294 (Ind.).

⁵ Cinematograph Act, No. 37 of 1952 (Ind.).

⁶ Indecent Representation of Women (Prohibition) Act, No. 60 of 1986 (Ind.).

⁷ INDIA CONST. art. 142.

⁸ *Ranveer Gautam Allahbadia v. Union of India*, W.P. (Cr.) No. 83 of 2025 (S.C. Aug. 14, 2026).

BEYOND THE LAWS: ARTICLE 19(1)(A) AND ARTICLE 19(2)

The constitutional debate cannot only be viewed from the Freedom of Expression point of view. The preamble to the constitution expressly speaks of both 'Liberty' of thought, expression, belief, faith and worship and 'Fraternity' i.e. maintaining the dignity of the individual.⁹ It is important for the state to maintain a constitutional balance between satire, provocation, dark humor while ensuring that exercise of such liberty does not overstep the dignity of other. Article 19 is one of the most important fundamental rights enumerated in the Indian Constitution being an essential right of the 'Golden Triangle' spectrum as reiterated in *Maneka Gandhi vs Union of India*.¹⁰ Article 19(1)(a) is understood in different contexts when it comes to protecting words made by people and communities. However this right is not at all absolute. Article 19(2) puts reasonable restrictions on certain grounds such as public order, decency or morality on which a person's remarks may be considered as grave and provocative and not suitable to align with the morals of Indian society leading to criminal convictions. In case of online comedy, it poses a dilemma in the minds of people as to what extent can comedians be protected under its umbrella. What may appear as offensive to one might not be offensive to another. This approach is subjective in nature. The answer is, there can never be a straight jacketed formula to this. Freedom of speech and expression is not absolute especially in this context because the state cannot give limitless power to a comedian to express themselves or make fun regardless of thinking that even youngsters might watch it. However, the state can ensure that the grounds mentioned in the constitution are carefully scrutinised when it comes to online comedy. The supreme court has in the case of *S. Rangarajan vs P Jagjivan Ram*¹¹ explained that Article 19's protection also extends to digital conversations on social media platforms and restrictions could only be imposed if the grounds mentioned under Article 19(2) are purely satisfied. It is extremely crucial for states to interpret the law. This means that a person cannot simply be prosecuted just because majority of the audience in the room were offended due to jokes made on religion, caste, color or even personal life. What may be distasteful to hear does not necessarily attract punishment if it does not satisfy the grounds mentioned in the constitution. A joke that transforms a hostile environment might not even fall under the bracket of vulgarity or obscenity. The state cannot merely punish someone just because publicly such a joke was not

⁹ INDIA CONST. pmb.

¹⁰ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

¹¹ *S. Rangarajan v. P. Jagjivan Ram*, (1989) 2 SCC 574, 594–96.

welcomed and resulted in public criticism, rather it shall actually assess whether the remarks were so demeaning as to hurt the mankind and were cruel to humanity. The state has a duty to protect lawful expression rather than surrendering to threats or intimidation.

OBSCENITY, MORALITY, DECENCY IN DIGITAL ERA

The use of social media platforms has developed over time with millions of accounts scrolling through such comedian's content. Those who are not able to afford a live show desire to have a glimpse on social media out of curiosity to know what exactly is dark humour. Even the Latent controversy highlighted different reactions by different age groups. The controversy attracted culpability under Section 67 of Information Technology Act criminalising publication and transmission of obscene material electronically. The Bharatiya Nyaya Sanhita, 2023 that replaced the Indian penal code criminalises obscene acts, words or songs in public under Section 294 subject to statutory compulsion. However, such threshold of obscenity does not always arise out of words which are merely offensive. Thus obscenity and offensiveness shall never be placed on equal footing. Morality and Decency are subjective terms holding different meanings to different persons. These terms demonstrate the constitutional danger of regulating speech through undefined concepts. The Supreme Court in its historical judgment of *Shreya Singhal vs Union of India*¹² struck down section 66A of the Information Technology Act, 2000 holding that its vague and unambiguous language was not suitable for restricting online speech.¹³ The court has in several judgements laid down the principle that obscene material shall not be judged in isolation.¹⁴ This principle shall also be applicable on online comedy and that statements by comedians shall not be strictly scrutinized making them self censor their content. Likewise, in *Kaushal Kishor vs State of Uttar Pradesh*¹⁵ very clearly explained the scope of Article 19(2) of the Indian Constitution that laws restricting online comedy shall follow a structural approach and state must challenge only those actions which are legally and constitutionally reasonable.

APPLICATION OF CONSTITUTIONAL FRAMEWORK

¹² *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

¹³ Information Technology Act, No. 21 of 2000, § 66A (India) (struck down 2015).

¹⁴ *Aveek Sarkar v. State of West Bengal*, (2014) 4 SCC 257, 266–67.

¹⁵ *Kaushal Kishor v. State of Uttar Pradesh*, (2023) 4 SCC 1.

The state is the only source of trust that citizens have when it comes to deprivation of their rights and it is their sovereign duty to protect them in order to ensure peace and order. However, one can never neglect the other side of the coin i.e. dignity of the comedians. On one hand states are required to ensure that all the citizens co-exist amicably without any state of anarchy. The disadvantaged must be protected by the state at all costs so that their long history of oppression and vulnerability doesn't get scrambled by the comedians for fun. On the other hand shows like Latent are the bread and butter of comedians who get constant validation and fame through their humour. In such a case sudden and complete disruption of the same may lead to total loss of everything they have earned. The fact that the platform is digital makes it more complicated due to wide range of audience having different opinions, vague meanings, continuous trolling and decontextualised meanings. Thus it is very necessary in the digital era to make sure that only those words/statements or actions must be put into danger that actually fulfill the legal threshold laid down by the constitution. The joke made on India's Got Latent can be condemned on social and ethical grounds without answering whether criminal prosecution is justified. Law and morality overlap, but they are never identical. Thus the broader idea is to minimize the restrictions and maximize harmony by putting less restrictive measures such as age restrictions, children mode, content warnings, platform modification without applying strict conditions.

THE TURNING POINT

This controversy took an outstanding turning point when the honorable Supreme Court on 14 August 2026 quashed all the First Information Reports and Criminal Proceedings against Comedian Samay Raina and others involved after acknowledging subsequent efforts made by them including raising funds for persons with disability, apologizing on social media platforms and complying with all other guidelines by the court.¹⁶ The decision shall not be perceived as one protecting online comedy under Article 19(1)(a). Subsequently, few days later in August 2026 Comedian Samay Raina was felicitated by Maharashtra Cyber Cell for his contribution to the cyber awareness short film called 'Digital arrest'.¹⁷ This marked a significant lesson that it is not necessary for the state to levy legal restrictions on comedians for offensive online speech. India

¹⁶ *Ranveer Gautam Allahabadia v. Union of India*, W.P. (Cr.) No. 83 of 2025 (S.C. Aug. 14, 2026).

¹⁷ Hadi Khan, *Samay Raina Felicitated by CM Fadnavis at Mumbai Event: 'Mera aur Cyber Cell ka Rishta Bahut Purana Hai'*, TIMES OF INDIA (Aug. 27, 2026), [Samay Raina felicitated by CM Fadnavis at Mumbai event: 'Mera aur cyber cell ka rishta bahut purana hai' | Mumbai News - The Times of India](#)

believes in restorative justice. The court appreciated the efforts made to rectify the errors that has hurt somebody else. But not to ignore, some areas are indeed sensitive and shall never be touched upon. The court still believes that states must not ignore the unlawful online speech that may affect a community at a macro level. However this case makes another valid angle that criminal proceedings are not always the solution of all the offensive content.

This exposes an important regulatory problem: India requires clearer standards and definitions for distinguishing online comedy that is offensive as well as harmful and online comedy that is simply objectionable.

WAY FORWARD

Online comedy in India shall not only be restricted but regulated in a fair manner and shall adopt a Context-Content-Consequence approach. Firstly, By assessing whether the concerned statement was said due to bad intention or was made mindlessly without any ill motive. Secondly, the content shall be carefully examined by a committee set up by the state to review what was actually said without any exaggeration or dramatic details. And finally the consequence as in whether it resulted in any kind of violence, public unrest or disorder. Then it should be equated with constitutional proportionality by balancing it with guidelines mandated by the Indian constitution and whether it falls under any ground specified in Article 19(2). Even if a legal restriction is found, it is really necessary to criminalise the act or statement shall be the ultimate question.

CONCLUSION

The India's Got Latent Controversy was a crucial episode in understanding how legal dynamics are involved in almost every sphere of our life be it entertainment, sports, news or politics. It is important to understand that the Constitution of India is at the apex when it comes to regulation of online comedy. It taught us to respect the state as well as the comedians. Offensive speech is not necessarily obscene speech, vulgarity is not necessarily criminality and public outrage is not always a constitutional ground for restricting speech. However, the power of social media shall never be underestimated and if it can make a mountain out of a molehill, it can also very well punish those who are responsible in hurting sentiments of a population. But the extent of legal punishment shall always be proportionate to the actions undertaken.