



ISSN: 2583-7753

# LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 4 | Issue 2

2026

DOI: <https://doi.org/10.70183/lijdlr.2026.v04.203>

© 2026 LawFoyer International Journal of Doctrinal Legal Research

Follow this and additional research works at: [www.lijdlr.com](http://www.lijdlr.com)

Under the Platform of LawFoyer – [www.lawfoyer.in](http://www.lawfoyer.in)

---

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal Legal Research has decided to publish this submission as part of the publication.

---

In case of any suggestions or complaints, kindly contact ([info.lijdlr@gmail.com](mailto:info.lijdlr@gmail.com))

To submit your Manuscript for Publication in the LawFoyer International Journal of Doctrinal Legal Research, To submit your Manuscript [Click here](#)

---

# CRIMINALISATION OF ONLINE BEHAVIOUR: MEME CULTURE, DARK HUMOUR & FREE SPEECH UNDER INDIAN LAW A LEGAL ANALYSIS & PROPOSAL OF THE CONTEXTUAL HARM TEST

---

Rohit Prasad Pal<sup>1</sup>

## I. ABSTRACT

*The rapid evolution of internet culture, particularly meme culture and dark humour, has significantly outpaced the legal and judicial frameworks governing online expression in India. Digital satire, parody, and humorous content have emerged as important forms of public discourse; however, creators frequently face criminal proceedings under laws that were not designed to address the unique characteristics of online communication. This article examines the tension between the constitutional guarantee of freedom of speech and expression under Article 19(1)(a) of the Constitution of India and the potential criminal liability arising from online conduct under the Bharatiya Nyaya Sanhita, 2023 (BNS) and the Information Technology Act, 2000. Employing a doctrinal legal research methodology, the study analyses relevant constitutional provisions, statutory frameworks, judicial precedents, and scholarly literature relating to online speech regulation. Particular attention is devoted to BNS provisions concerning defamation, public mischief, promoting enmity, obscenity, and religious offence, as well as Sections 67 and 67A of the Information Technology Act, 2000. The article evaluates the manner in which these provisions have been applied to memes, political satire, and dark humour, highlighting the absence of a coherent legal standard for distinguishing protected expression from punishable conduct. To address this doctrinal gap, the article proposes a Contextual Harm Test (CHT), a four-pronged analytical framework requiring consideration of: (i) communicative intent, (ii) actual or probable harm, (iii) audience reception within the relevant digital community, and (iv) the proportionality of criminal prosecution as*

---

<sup>1</sup> Lawyer at District and Session court (India). Email: rohitprasadpal9911@gmail.com

*a response. The proposed framework draws upon constitutional free speech principles, the harm principle, and contemporary proportionality jurisprudence. The article argues that adoption of the CHT by courts or through legislative reform would promote greater consistency, protect legitimate online expression, and ensure that criminal sanctions are reserved for conduct causing genuine and demonstrable harm.*

## **II. KEYWORDS**

Meme culture, Free speech, Bharatiya Nyaya Sanhita, Contextual Harm Test, Online expression.

## **III. INTRODUCTION**

On March 17, 2021, authorities in Uttar Pradesh detained a 22-year-old Twitter user for allegedly posting a meme that satirized the current State Minister. This meme, which was a roughly edited image accompanied by satirical text, led to charges under the now-invalid Section 66A of the Information Technology Act, 2000, along with accusations of defamation and sedition. Although the individual was eventually released, the incident highlights a concerning trend: the use of criminal law as a heavy-handed tool against expressions that, in a liberal constitutional framework, would typically warrant no more than a civil response, if any.

India boasts one of the largest and most inventive online communities globally. Indian memes, often crafted in multiple languages such as Hindi, English, and various regional languages, provide commentary on topics like politics, religion, cinema, gender, and social class with a distinct irreverence. This form of digital expression has become a recognized part of public discourse. However, meme creators frequently encounter FIRs, arrests, and lengthy criminal proceedings for content that arguably serve only to entertain or provoke thought.

The legal landscape governing such expression is a complex mix of re-enacted colonial-era laws, modern digital statutes, and judicial precedents that were not designed with internet humor in mind. The Bharatiya Nyaya Sanhita, 2023, which has

replaced the Indian Penal Code, 1860, continues to include offences such as defamation (Section 356), public mischief (Section 353), obscene acts and songs in public places (Section 296), and promoting enmity (Section 196), all of which have, directly or indirectly, been invoked in matters involving online content creators and digital expression. The Information Technology Act, 2000, further complicates matters through provisions such as Sections 67 and 67A, which regulate the publication and transmission of obscene and sexually explicit material in electronic form and have frequently been invoked in cases involving online content creators and digital expression.

In this context, the article aims to achieve three objectives. Firstly, it outlines the constitutional framework of free speech and its current limitations. Secondly, it examines the specific provisions of the BNS and IT Act that are most used against online humor, evaluating their relevance to meme culture and dark comedy. Lastly, and most crucially, it suggests a "Contextual Harm Test" as a judicial and legislative mechanism to differentiate between criminal online expression and protected speech.

#### **A. Research Objectives**

1. To examine the constitutional framework governing freedom of speech and expression under Article 19(1)(a) of the Constitution of India and its permissible restrictions under Article 19(2).
2. To analyse the applicability of the Bharatiya Nyaya Sanhita, 2023 and the Information Technology Act, 2000 to online humour, meme culture, and dark comedy.
3. To evaluate the adequacy of existing legal standards governing criminal liability for online expression.
4. To propose a Contextual Harm Test as a structured framework for distinguishing protected online speech from legitimately punishable conduct.

## **B. Research Questions**

1. To what extent does Article 19(1)(a) protect meme culture, satire, and dark humour disseminated through digital platforms?
2. How are the provisions of the Bharatiya Nyaya Sanhita, 2023 and the Information Technology Act, 2000 applied to online humorous expression, and what legal challenges arise from such application?
3. What do doctrinal inconsistencies exist in the judicial treatment of criminal liability arising from online humour and satirical content?
4. Can a contextual and harm-based legal framework better balance freedom of expression with the prevention of genuine online harm?

## **C. Research Methodology**

This study adopts a doctrinal legal research methodology. The research is primarily based on the analytical examination of constitutional provisions, statutory enactments, judicial precedents, and legal principles relating to freedom of expression and criminal liability for online conduct in India. Primary sources include the Constitution of India, the Bharatiya Nyaya Sanhita, 2023, the Information Technology Act, 2000, and relevant decisions of the Supreme Court and High Courts.

Secondary sources include academic literature, commentaries, journal articles, policy reports, and scholarly writings concerning digital speech, meme culture, and online regulation. The study employs a qualitative analytical approach to evaluate the existing legal framework and to develop the proposed Contextual Harm Test as a normative model for assessing criminal liability arising from online humour and satirical expression.

# **IV. THE CONSTITUTIONAL FRAMEWORK: ARTICLE 19(1)(A) AND ITS LIMITS**

## **A. The Scope and Assurance**

The Indian Constitution, through Article 19(1)(a), provides every citizen with the right to freely express themselves. This right has been broadly interpreted by the Supreme Court. In the case of *Romesh Thappar v. State of Madras* (1950), the Court emphasized that free speech is a cornerstone of a democratic society. Later, in *Secretary of the Ministry of Information & Broadcasting v. Cricket Association of Bengal* (1995), the Court expanded this right to encompass the receipt of information and expression via electronic media. Importantly, in *Shreya Singhal v. Union of India* (2015), the Court confirmed that online expressions, even those that might offend, are protected under Article 19(1)(a).

However, this freedom is not without limits. Article 19(2) allows the State to place "reasonable restrictions" on speech for reasons such as national sovereignty, state security, international relations, public order, decency, morality, contempt of court, defamation, or incitement to an offense. The critical question in the context of online humor is determining when a meme or satirical content crosses from protected speech into territory warranting legal restriction.

### **B. Shreya Singhal and the Repeal of Section 66A**

The decision in *Shreya Singhal v. Union of India* (2015) is a pivotal moment for online speech in India. The Supreme Court invalidated Section 66A of the IT Act, which penalized sending "offensive" or "menacing" messages online, deeming it unconstitutional. The Court found the provision too vague and broad, as terms like "offensive" and "menacing" were undefined, allowing arbitrary arrests for content causing mere annoyance.

The Court also made a significant distinction between "discussion," "advocacy," and "incitement," asserting that only direct incitement to illegal acts can justify speech restrictions. This framework is crucial for understanding meme culture: a meme criticizing a politician is advocacy, not incitement. Despite the *Shreya Singhal* ruling, authorities still use other laws like defamation, sedition (now repealed), and obscenity against online content, creating a chilling effect similar to that of Section 66A.

## V. BHARATIYA NYAYA SANHITA, 2023: RELEVANT PROVISIONS AND THEIR APPLICATION TO ONLINE HUMOUR

### A. Defamation (Section 356 BNS)

Section 356 of the BNS replicates the defamation provisions of the old IPC (Sections 499- 500) with minor modifications. Criminal defamation under Indian law is unique in the common law world - most jurisdictions have decriminalised it, preferring civil remedies. In India, making or publishing any imputation concerning a person, intending to harm their reputation, constitutes criminal defamation punishable with imprisonment of up to two years.

The provision's application to memes is fraught with doctrinal difficulty. First, memes are frequently hyperbolic - exaggeration is their currency. In *Subramanian Swamy v. Union of India* (2016), the Supreme Court upheld criminal defamation as constitutionally valid and reaffirmed that truth constitutes a defence only when the imputation is made for the public good, as recognised under the statutory exceptions to criminal defamation. The Court also recognised protections for good-faith publications and fair comment on matters of public interest, subject to the requirements prescribed by law.

A meme satirising a politician's policy decision, even if it employs exaggeration or fictional attribution for satirical effect, may attract protection under the recognised exceptions relating to good-faith comment on matters of public interest, particularly where the underlying factual basis is substantially true and the publication serves a legitimate public purpose.

Second, criminal defamation requires the imputation to refer to a specific, identifiable person. Many political memes use recognisable imagery - photographs, known faces - leaving creators exposed. However, the mens rea requirement (the intention to harm reputation, not merely to amuse) should operate as a substantive filter. Courts have rarely applied this filter rigorously in the context of online satire, leading to the

criminalisation of content that is plainly humorous in intent.

### **B. Public Mischief and Creating Enmity (Sections 353 & 196 BNS)**

Section 353 BNS (erstwhile Section 505 IPC) penalises making, publishing, or circulating any statement, rumour, or report that may cause fear or alarm to the public, or that may incite any class or community of people to commit an offence against another class. This provision is increasingly invoked against memes relating to inter-religious subjects, political satire that "alarms" public figures, or dark humour about sensitive events (natural disasters, deaths, communal incidents).

Section 196 BNS (formerly Section 153A IPC) penalises the promotion of enmity between groups on grounds such as religion, race, place of birth, residence, language, caste, or community. The provision has increasingly been invoked against online content, including communal memes and satirical material involving religious or community identities. While the constitutional validity of restrictions on speech promoting communal disharmony has been recognised in Indian constitutional jurisprudence, the Supreme Court in *Balwant Singh v. State of Punjab* (1995) clarified that criminal liability cannot arise merely because speech causes offence or discomfort. Rather, the impugned words must disclose a real and proximate tendency to promote enmity, incite hostility, or disturb public order.

### **C. Obscenity (Section 296 BNS & Sections 67/67A IT Act)**

Section 296 BNS penalises obscene acts and songs performed in or near public places, while Sections 67 and 67A of the Information Technology Act, 2000 specifically criminalise the publication or transmission of obscene and sexually explicit material in electronic form. Together, these provisions form an important part of the legal framework governing obscenity-related offences in both physical and digital spaces. The test for obscenity in India has evolved from the Victorian-era Hicklin Test, adopted in *Ranjit D. Udeshi v. State of Maharashtra* (1965), to the Contemporary Community Standards Test endorsed by the Supreme Court in *Aveek Sarkar v. State of West Bengal* (2014). In *Aveek Sarkar*, the Court expressly moved away from the

Hicklin approach and held that allegedly obscene material must be evaluated from the perspective of an average reasonable person applying contemporary community standards. The Court emphasized that content should be assessed as a whole and in its proper context, rather than from the standpoint of those who may be particularly susceptible to immoral influence.

Dark humour, particularly adult memes involving sexual innuendo, crude imagery, or taboo subjects, occupies a genuinely contested space. The Contemporary Community Standards Test adopted in *Aveek Sarkar* allows courts to assess allegedly obscene content within its social and communicative context. Consequently, content that an average person, applying contemporary community standards, would regard as humour, satire, or artistic expression should not attract criminal liability merely because certain individuals or groups find it offensive or distasteful. However, the application of this standard has been inconsistent, and the police's power of arrest (under Section 67 IT Act, which is a cognisable offence) creates a deterrent effect far in excess of any eventual judicial finding.

## **VI. MEME CULTURE AND DARK HUMOUR: A SOCIO-LEGAL PHENOMENOLOGY**

### **A. What Is a Meme? The Legal Challenge of Defining the Form**

Coined by evolutionary biologist Richard Dawkins in 1976 to describe units of cultural transmission, the word "meme" has been repurposed to describe a specific genre of internet communication: typically, an image, video, or piece of text overlaid with humorous or ironic commentary, designed to spread virally across digital platforms. Legally, a meme is simultaneously a creative work (potentially protected by copyright), a statement (potentially defamatory, seditious, or obscene), and a form of political speech (potentially protected by Article 19(1)(a)).

Courts have not formally defined "meme" in any Indian judgment as of the time of writing. This definitional vacuum is itself a legal problem: the same image-and-text

combination may be characterised as art, satire, news commentary, or hate speech depending entirely on the framing adopted by the prosecuting authority. Without a stable legal definition, the classification is left entirely to the discretion of police and magistrates at the pre-trial stage precisely where the chilling effect is most acute.

### **B. Dark Humour as Social Commentary**

Dark humour - comedy that treats subjects conventionally considered taboo (death, disease, violence, disaster) with levity - has a long intellectual heritage, from Jonathan Swift's "A Modest Proposal" to contemporary stand-up comedy. Its function, sociologists argue, is cathartic and critical: by laughing at that which frightens or oppresses us, we assert cognitive control over it. In the Indian context, dark humour about caste, religion, poverty, and political corruption performs a genuine function of subaltern critique.

The legal system, however, tends to treat dark humour with suspicion precisely because it disrupts the conventional boundary between the serious and the trivial. A meme that jokes about a tragic event may be read by a court not as cathartic commentary but as callous disregard - and this moral reading can translate, without adequate doctrinal safeguards, into criminal attribution. The absence of judicial education on internet culture exacerbates this risk: judges who did not grow up with memes may lack the cultural literacy to assess intent and reception accurately.

## **VII. TOWARDS A CONTEXTUAL HARM TEST: A PROPOSED FRAMEWORK**

Given the doctrinal incoherence identified above, this article proposes the "Contextual Harm Test" (CHT) as a normative framework for courts and law enforcement to evaluate potential criminal liability arising from online humour. The CHT is modelled on - but distinct from - the "harm principle" of John Stuart Mill, the "tendency test" of Indian constitutional law, and the proportionality doctrine developed in *Anuradha Bhasin v. Union of India* (2020). It is composed of four

sequential prongs:

### **A. Prong 1: Communicative Intent**

The first question is: what was the primary communicative purpose of the content? Was it to amuse, to satirise, to comment, to shock - or to harm, intimidate, or incite? Intent cannot be inferred from the content alone; the entire context must be assessed - the platform (Twitter/X, Instagram, WhatsApp group, public website), the creator's prior content and stated purpose, the audience, and the medium's conventions.

This prong operationalises the "good faith" exceptions already present in BNS defamation provisions and extends them to all online speech offences. Courts should adopt a presumption that content shared on platforms conventionally used for humour (meme pages, comedy accounts) is presumptively communicative rather than harmful.

### **B. Prong 2: Actual or Probable Harm**

Second: did the content cause, or was it reasonably probable to cause, concrete, identifiable harm to a person or a group? "Harm" here must be understood narrowly - reputational damage demonstrable by evidence, provable incitement to violence, or empirically verifiable psychological injury. Hurt sentiments, offences, or displeasure are insufficient. This prong draws directly from the Shreya Singhal framework: the tendency to cause harm must be real, proximate, and not remote or conjectural.

### **C. Prong 3: Audience Reception**

Third: how would a reasonable member of the relevant online community receive the content? This is the community standards test, adapted for digital contexts. The "relevant community" is not the broadest possible Indian public, but the platform-specific audience for whom the content was created. A meme posted on a subreddit dedicated to dark humour must be judged by the standards of that community - not by the standards of someone who encounters it out of context in a WhatsApp forward.

This prong requires courts to consider expert evidence on internet culture and

community norms - an innovation that Indian courts have not systematically embraced but that is becoming indispensable as digital expression becomes the dominant mode of public communication.

#### **D. Prong 4: Proportionality of Criminal Response**

Even if the first three prongs are satisfied, the final question is: is criminal prosecution the proportionate response? Could the harm be adequately addressed through civil defamation, platform takedowns, or regulatory action? The Supreme Court in *K.S. Puttaswamy (Privacy) v. Union of India* (2017) embedded proportionality as a constitutional doctrine in fundamental rights analysis. Applying this to online speech, criminal prosecution - with its attendant arrest, bail conditions, and social stigma - should be the last resort, reserved for cases of serious, concrete harm that cannot be remedied otherwise.

#### **E. The Contextual Harm Test in Summary**

- 1. Prong 1-Communicative Intent:** Was the primary purpose to harm or to communicate/satirise?
- 2. Prong 2-Actual or Probable Harm:** Was there real, proximate harm beyond mere offence?
- 3. Prong 3 -Audience Reception:** How would the relevant online community reasonably interpret the content?
- 4. Prong 4-Proportionality:** Is criminal prosecution the least restrictive adequate remedy?

### **VIII. APPLYING TO THE CONTEXTUAL HARM TEST: CASE STUDIES**

#### **A. The Munawar Faruqi Case (2021)**

Comedian Munawar Faruqi was arrested in Indore in January 2021 under Section 295A IPC (now BNS Section 299 -deliberate acts to outrage religious feelings) before he had even performed the allegedly offensive material. The complaint alleged that he

"intended" to make offensive religious jokes. Applying the CHT: (1) communicative intent was plainly artistic and comedic; (2) no actual harm was demonstrated - no performance had taken place; (3) a comedy club audience expects and consents to edgy content; (4) preventive arrest is wildly disproportionate to anticipated artistic expression. The Supreme Court's eventual grant of bail was correct; the CHT would have prevented arrest at the threshold.

### **B. The 'Sulli Deals' and 'Bulli Bai' Cases (2021-22)**

The Sulli Deals and Bulli Bai apps, which used photographs of Muslim women sourced from social media and displayed them as fictitious 'bids', represent a paradigm case at the opposite end of the spectrum.

Applying for the CHT:

1. The communicative intent was clearly malicious; the purpose was to harass, humiliate, and intimidate identifiable individuals.
2. The harm was concrete and severe, with targeted women reporting psychological distress, reputational injury, and fear for their safety.
3. No reasonable community standard would regard non-consensual sexualised targeting as protected humour or satire.
4. Criminal prosecution was proportionate given the gravity of the conduct.

Beyond criminal liability, such conduct also raises significant concerns regarding the unauthorised use and processing of personal data. Under the Digital Personal Data Protection Act 2023, the non-consensual collection, dissemination, and misuse of identifiable personal images may attract regulatory consequences and provide an additional framework for protecting the rights and dignity of affected individuals.

### **C. Political Memes Against Elected Officials**

Numerous FIRs have been registered across states against individuals who shared or created memes mocking Chief Ministers, Prime Ministers, and other political figures.

Applying for the CHT:

1. Political satire is among the most protected forms of expression in any democracy; the communicative intent is civic, not harmful;
2. Political figures, by entering public life, have reduced expectations of protection from criticism, including satirical criticism;
3. Political memes are received by online communities as conventional forms of political commentary;
4. Criminal prosecution for political satire is the least proportionate response imaginable.

Such FIRs should not survive judicial scrutiny if the CHT is applied.

## **IX. COMPARATIVE PERSPECTIVES: WHAT CAN INDIA LEARN?**

The United States, through the First Amendment, offers almost absolute protection to satirical and humorous speech about public figures. In *Hustler Magazine v. Falwell* (1988), the US Supreme Court held that even deeply offensive parody of a public figure is constitutionally protected. Germany's approach is more nuanced. its Basic Law protects artistic freedom but also protects human dignity, leading to a balancing exercise not unlike the proposed CHT. The European Court of Human Rights, in cases such as *Handyside v. United Kingdom* (1976), has endorsed the principle that free expression protects not only ideas that are received favourably but also those that "offend, shock or disturb."

What India can most usefully import be the American distinction between public figures (who must tolerate much broader criticism, including satire) and private persons (who retain fuller protection from false and harmful speech). Indian defamation law does not draw this distinction with the clarity that the constitutional framework would permit. A legislative amendment to BNS Section 356 explicitly creating a higher threshold for defamation claims by public figures arising from satirical or humorous online content would align Indian law with its own

constitutional free speech values.

Unlike Indian criminal defamation law, which requires truth to be coupled with a showing of public good, American defamation jurisprudence generally treats truth as a complete defence irrespective of the publisher's motive.

## X. LEGISLATIVE AND POLICY RECOMMENDATIONS

Drawing on the above analysis, this article makes the following recommendations:

- 1. Statutory Definition of Satire and Parody:** The BNS and IT Act should be amended to include a definitional clause recognising satire and parody as protected forms of expression, subject to the CHT framework.
- 2. Non-Cognisability of Online Humour Offences:** Offences arising solely from online humorous expression should be made non-cognisable, requiring a magistrate's prior approval before an FIR is registered. This will prevent the arrest-as-punishment phenomenon.
- 3. Public Figure Exception in Defamation:** BNS Section 356 should be amended to provide that public figure politicians, bureaucrats, judges, celebrities can only bring criminal defamation complaints arising from online content if the content is demonstrably false in fact (not merely unflattering in characterisation) and was made with actual malice.
- 4. Mandatory Pre-Charge Judicial Review:** Before any person is charged under BNS Sections 196, 294, 353, or 356, or IT Act Sections 66A (if re-enacted), 67, or 67A, for online expression, a Judicial Magistrate should be required to conduct a preliminary satisfaction hearing applying CHT principles.
- 5. Judicial Training on Digital Culture:** The National Judicial Academy should incorporate mandatory training on internet culture, meme semiotics, and platform norms in its curriculum for trial court judges and magistrates.
- 6. Anti-SLAPP Provisions for Online Expression:** India should enact anti-SLAPP

(Strategic Lawsuits Against Public Participation) legislation that allows courts to dismiss meritless criminal complaints aimed at silencing online critics and satirists, and to award costs against complainants who bring such complaints.

7. **Data Protection Remedies for Misuse of Personal Images:** The Digital Personal Data Protection Act, 2023 should be integrated into the regulatory response to harmful online conduct involving the misuse of personal photographs, identity-linked content, or other digital personal data. In cases where individuals are targeted through the non-consensual use of their images, the law should prioritise consent-based corrective measures, data removal mechanisms, and regulatory remedies alongside criminal sanctions. This approach would provide victims with meaningful redress while avoiding the over-criminalisation of online expression that does not cause comparable harm.

## **XI. CONCLUSION**

Meme culture and dark humour are not peripheral to democratic life they are, increasingly, its vernacular. The person who makes a meme mocking a minister's policy is doing what the person who writes an op-ed or shouts a slogan has always done: participating in the discursive life of a republic. The law must be equipped to tell the difference between the satirist and the harasser, between the comedian and the agitator.

The current Indian legal framework comprising colonial-era offences re-enacted in the BNS, provisions of the Information Technology Act, emerging data protection legislation, and inconsistent judicial interpretation have yet to develop a coherent and principled approach to online expression and digital harm. It over criminalises expressive behaviour that Article 19(1)(a) is designed to protect, and it under-protects the victims of genuinely harmful online conduct by diverting investigative resources toward the prosecution of satirists.

The Contextual Harm Test proposed in this article is not a licence for unrestricted

online expression. It is a structured, principled framework that operationalises the constitutional balance already embedded in Article 19(1)(a) and (2). It draws on existing Indian jurisprudence - Shreya Singhal, Aveek Sarkar, Anuradha Bhasin, Puttaswamy and extends them coherently into the domain of digital humour. Its adoption, whether by judicial innovation or legislative amendment, would mark a mature and necessary step in the evolution of Indian free speech law. The internet does not stop evolving, and neither does the law but the law must be deliberate about the direction of its evolution. In a constitutional democracy, the default must always be more speech, not enforced silence.

## **XII. REFERENCES**

### **A. Constitutional Provisions**

1. Constitution of India, Article 19(1)(a) and Article 19(2)

### **B. Legislation**

1. Bharatiya Nyaya Sanhita, 2023 - Sections 196, 296, 299, 353, 356
2. Information Technology Act, 2000 - Sections 66A (struck down), 67, 67A
3. Indian Penal Code, 1860 (repealed) - Sections 153A, 295A, 499-500, 505
4. Digital Personal Data Protection Act, 2023; Digital Personal Data Protection Rules, 2025

### **C. Cases**

1. Shreya Singhal v. Union of India, (2015) 5 SCC 1
2. Subramanian Swamy v. Union of India, (2016) 7 SCC 221
3. Aveek Sarkar v. State of West Bengal, (2014) 4 SCC 257
4. Anuradha Bhasin v. Union of India, (2020) 3 SCC 637
5. K.S. Puttaswamy (Privacy) v. Union of India, (2017) 10 SCC 1
6. Balwant Singh v. State of Punjab, (1995) 3 SCC 214

7. Romesh Thappar v. State of Madras, AIR 1950 SC 124
8. Ranjit D. Udeshi v. State of Maharashtra, AIR 1965 SC 881
9. Hustler Magazine, Inc. v. Falwell, 485 U.S. 46 (1988) (US Supreme Court)

#### **D. Secondary Sources**

1. M.P. Jain, *Indian Constitutional Law* (8th ed., LexisNexis, 2018)
2. H.M. Seervai, *Constitutional Law of India* (4th ed., N.M. Tripathi, 1991) Lawrence Lessig, *Code: Version 2.0* (Basic Books, 2006)
3. Dawkins, R., *The Selfish Gene* (Oxford University Press, 1976) [origin of the term 'meme'] Internet Freedom Foundation Reports on FIRs Against Online Expression (2019–2024)