
MEMES, MOCKERY, AND THE LAW: NAVIGATING THE SATIRICAL MINEFIELD OF DIGITAL ACTIVISM IN INDIA

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ABSTRACT

In India's rapidly evolving digital ecosystem, memes have emerged as potent instruments of political and social critique. This paper examines the transformation of memes from humorous content to tools of digital activism, especially during events such as the 2020–2021 farmers' protests and Operation Sindoor (2025). It critically evaluates the legal challenges meme creators face, including potential liabilities under copyright, defamation, obscenity, and communal harmony laws. With platforms like Instagram and Twitter serving both as amplifiers and regulators of content, the tension between freedom of speech under Article 19(1)(a) and its reasonable restrictions under Article 19(2) becomes increasingly significant. Judicial interpretations, particularly in *Shreya Singhal v Union of India*¹, underscore the evolving nature of online speech protections. The essay advocates for a nuanced legal framework and self-regulatory practices that safeguard satirical expression without compromising social harmony. Ultimately, it calls on lawmakers, courts, and creators to collaborate in balancing creativity with constitutional responsibility.

Keywords: Memes, Digital Activism, Free Speech, Satire, Indian Law, IT Act, Copyright, Defamation, Social Media, Article 19

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

INTRODUCTION

In the fast-changing digital world of India, memes have moved rapidly from the peripheries of net humour to the centre of public conversation, becoming a lingua franca for a generation that lives for humour, irony, and instant connection. With their powerful combination of humour, satirical wit, and visual spectacle, memes have moved beyond entertainment to become powerful tools of online activism shaping public opinion, questioning power, and even changing the course of political discourses. With such bite-sized pockets of creativity swamping spaces like Twitter, Instagram, and WhatsApp, they reflect the mood of a country where almost half of all internet users consume meme-based content on a regular basis. But this digital explosion of expression is not without its dangers: the same qualities that make memes so powerful their velocity, breadth, and disrespect also make them vulnerable to a maze of legal difficulties in India's complicated and frequently prohibitive regulatory landscape. This essay explores the meme phenomenon as online activism, demystifies the complex legal perils they walk, and provides a guide for creators interested in weaving satire together with legal caution within the parameters of Indian law.

THE RISE OF MEMES AS DIGITAL ACTIVISM IN INDIA

Memes have become a pervasive aspect of India's online culture, particularly on websites such as Instagram, Twitter, and Facebook. Their popularity stems from their capacity to simplify complicated political and social themes into bite-sized, shareable memes. Memes went a long way in refuting the government's narrative and bringing various groups together through satire during the farmers' protests of 2020-2021. Likewise, in the case of Operation Sindoor (2025), patriotic memes were forwarded in large numbers to counteract foreign disinformation, using humor and cultural nuance to create a sense of shared identity.

The strength of memes is that they can activate viewers who would be otherwise uninterested in conventional political discourses. By reducing difficult problems to simplistic terms and rendering them common, memes bring about public debate within a democratic framework where marginalized voices can contest dominant narratives. This type of online activism is especially successful in India, where an immense population is highly interconnected through social media.

Platforms such as Instagram and Twitter have been at the center of perpetuating meme culture.

Algorithms favor going viral, making high-quality memes popular among a broad population. In Operation Sindoor, for example, Instagram's Reels algorithm promoted patriotic content, and Twitter's Community Notes feature assisted in fact-checking disinformation². This double function of platforms as facilitators and moderators of digital dissent highlights the need for comprehending the legal framework surrounding the making and dissemination of memes.

LOL OR LEGAL TROUBLE?

Memes have come to occupy the center of India's online conversation, especially on Instagram, Twitter, and Facebook, where they reduce complicated political and social matters into shareable content. Memes during the 2020-2021 farmers' protests served to counter official narratives and bring disparate groups together through satire. So, too, did *Operation Sindoor* as patriotic memes countered foreign disinformation, and national pride and collective identity arose. Memes engage audiences often disinterested in traditional politics, democratizing public debate and amplifying marginalized voices in an increasingly connected India.

Platform algorithms prioritize viral content, ensuring memes reach vast audiences. During Operation Sindoor, Instagram boosted patriotic posts while Twitter fact-checked misinformation, highlighting platforms' dual role as enablers and regulators of digital dissent. This underscores the need for a clear legal framework governing meme creation and distribution.

Indian law harmonizes freedom of speech under Article 19(1)(a) with copyright, defamation, and platform restrictions. The Copyright Act, Section 52, allows "fair dealing" for criticism or satire, as upheld in *India TV v. Yashraj Films*³, but the boundary between parody and infringement is still ambiguous, particularly with transformative memes.

Freedom of expression isn't absolute Article 19(2) permits restrictions for public order, defamation, and incitement. The arrest of Kolkata influencer Sharmishta Panoli on charges under IPC Section 153A and IT Act Section 67 for memes ridiculing religious rituals during Operation Sindoor demonstrates such risks. The Calcutta High Court rejected bail on grounds of potential communal disharmony and quick spread online, evincing the conflict between

² Vineet Taneja, 'India's Got Latent: Comedy, Controversy, and the Limits of Free Speech' (LinkedIn, 2025) <https://www.linkedin.com/pulse/indias-got-latent-comedy-controversy-limits-free-speech-vineet-taneja-ww5sc>.

³ *India TV Independent News Service Pvt Ltd v Yashraj Films Pvt Ltd* 2012 SCC OnLine Del 4811.

digital activism and legal boundaries.

Platforms are required to remove illegal content within 36 hours under the IT Rules, 2021, and retain data for investigation. Twitter during Operation Sindoor obeyed most government requests for takedown, frequently citing national security. The Supreme Court in *Shreya Singhal v. Union of India*⁴ held intermediaries require "actual knowledge" prior to acting, but the speed of meme reproduction particularly by AI makes it challenging to enforce.

BALANCING HUMOR AND LEGAL RESPONSIBILITY IN INDIAN DIGITAL ACTIVISM

In India's vibrant digital landscape, humor especially in the form of memes has become a powerful tool for social and political commentary. Whether it's poking fun at a government policy or spotlighting societal hypocrisy, memes have a unique way of sparking conversation. But in a country as diverse and sensitive as India, creating humor that's both impactful and legally safe is not as simple as hitting "post."

At the heart of this balancing act is our constitutional right to freedom of speech⁵ and expression under Article 19(1)(a). It gives citizens the freedom to speak, publish, share, and even satirize. But this right doesn't operate in a vacuum. Article 19(2) of the Constitution allows for "reasonable restrictions" in the name of public order, morality, defamation, and national security. That means, while you may have the right to make a joke, you also carry the responsibility of ensuring it doesn't violate someone's dignity or incite communal unrest.

The Indian Penal Code and the Information Technology Act put these limits into sharp focus. For example, IPC Section 153A punishes speech that promotes enmity between different groups, while Section 295A deals with content that deliberately insults religious sentiments⁶. Section 499 covers defamation, and Section 67 of the IT Act⁷ targets obscene content online. For anyone engaging in digital activism through memes, knowing these laws isn't optional it's essential.

⁵ The Constitutional and Civil Law Blog, 'Satire and Freedom of Speech' (2020) <https://tcclb.wordpress.com/2020/10/13/satire-and-freedom-of-speech/>.

⁶ Indian Penal Code 1860, ss 153A, 295A, 499.

⁷ Information Technology Act 2000, s 67.

Judicial rulings offer some clarity. In *Shreya Singhal v. Union of India* the Supreme Court struck down the vague and arbitrary Section 66A of the IT Act⁸, reinforcing that free speech can't be curtailed without just cause. Meanwhile, in *Tata Sons Ltd. v. Greenpeace*⁹, the Court acknowledged that even corporations are fair game for satire if the critique is aimed at public interest. Courts generally support satire that's constructive and issue-focused¹⁰ but they're less forgiving when humor turns into hate, misinformation, or personal attacks.

So, where does that leave meme creators and digital satirists? With a big responsibility. In a culturally diverse country like India, what seems like a harmless joke to one person may deeply offend another. That's why creators need to be intentional. Ask: Does this meme punch up or punch down? Is it questioning power structures, or just reinforcing stereotypes? Humor can be bold without being cruel. It can provoke thought without inciting anger.

Practicing self-regulation something the courts often suggest is not about censorship; it's about empathy¹¹. Think twice before joking about caste, religion, gender, or other identity markers. Focus on critiquing ideas, not individuals. And when in doubt, choose to be clever rather than crass. Memes can be a force for good when they bring people together, challenge injustice, or spark needed conversations.

Staying informed is equally important. Laws are evolving, and so are community standards on platforms like Instagram, X (Twitter), and YouTube. Something legally permissible may still get removed if it violates a platform's guidelines. Knowing how these systems work helps creators avoid takedowns or bans. Moreover, being open to feedback from your audience isn't just smart it's respectful. Public sentiment shifts quickly, and humor that was acceptable yesterday might not land the same way today.

Finally, meme-makers can play a larger role in shaping the ecosystem they work in. Supporting clearer legal protections for satire and artistic expression, or advocating for digital literacy, can

⁸ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, r 3(1)(d).

⁹ *Tata Sons Ltd v Greenpeace International & Anr* 2011 SCC OnLine Del 4667.

¹⁰ Avinash Kotval, 'The Position of Political Satire in the Sphere of Free Speech and Expression' (The Amikus Qriaie, 27 June 2023) <https://www.calj.in/post/the-position-of-political-satire-in-the-sphere-of-free-speech-and-expression-avinash-kotval>.

¹¹ The Amikus Qriaie, 'Dark Humor in the Age of Free Speech: An Indian Constitutional Dilemma' (18 February 2025) <https://theamikusqriaie.com/dark-humor-in-the-age-of-free-speech-a-indian-constitutional-dilemma/> accessed 8 June 2025.

help build a healthier space for everyone. After all, memes are a modern language of protest and expression. They deserve both legal space and cultural respect.

In the end, crafting socially responsible and legally sound humor isn't about dulling creativity it's about sharpening it with purpose. When meme creators combine wit with awareness, they not only entertain but also elevate public discourse in a meaningful and lasting way.

CONCLUSION

Memes embody the beautiful tension at the heart of digital democracy: they give ordinary people a voice, sparking laughter and debate, yet at the same time, creators must tread carefully through a maze of legal risks and uncertainties. For India's lawmakers and judges, the challenge is to clarify the rules around parody and fair use, ensuring that the right to free speech is balanced with the need for public order and respect for others' rights. As technology evolves, so too must the laws especially in the face of AI-generated content that blurs the lines between creativity and infringement¹².

For the countless meme creators across the country, this means embracing both caution and creativity. By staying informed about the law, respecting the boundaries of satire, and understanding the real-world consequences of their work, creators can continue to use memes as powerful tools for change¹³. In a world where a single image or caption can go viral in minutes, the responsibility is greater than ever but so is the opportunity to shape conversations, challenge authority, and inspire a new generation of digital activists. The future of meme culture in India will depend not just on the courts and lawmakers, but on every creator who dares to speak truth to power one meme at a time.

¹² Nipun Malhotra, 'Jurisprudence of Convenience' (Verfassungsblog, 29 August 2024) <https://verfassungsblog.de/nipun-malhotra-free-speech/> accessed 8 June 2025.

¹³ Insights IAS, 'Supreme Court Judgment on Freedom of Speech' (2025) <https://www.insightsonindia.com/2025/04/08/upsc-editorial-analysis-supreme-court-judgment-on-freedom-of-speech/>.