
CANCEL CULTURE AND THE INDIAN CONSTITUTION: A LEGAL AND SOCIAL CROSSROAD

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ABSTRACT

Cancel culture, though born in the realm of public morality and social accountability, has gradually turned into a parallel form of trial where social media replaces the courtroom and public opinion replaces evidence. In India, where freedom of speech is a fundamental right under Article 19(1)(a), cancel culture raises pressing constitutional concerns. This article attempts to unpack the growing phenomenon of cancel culture in India and evaluates whether it aligns or conflicts with constitutional protections such as freedom of expression, dignity, right to reputation, and the presumption of innocence. Through the lens of constitutional law and case law analysis, this paper explores the extent to which cancel culture challenges legal safeguards and proposes a measured, rights-based approach that acknowledges the harm of both unchecked speech and unchecked judgment.

Keywords: Cancel Culture, Article 19, Freedom of Speech, Public Morality, Constitutional Law, Trial by Media, Right to Reputation

1. Introduction

Over the past decade, social media has evolved from a platform of connection to a courtroom without procedure. In this new digital landscape, individuals can be 'cancelled' boycotted, fired, trolled, or permanently shamed for a post, statement, or sometimes even a past act. Cancel culture, often hailed as a tool of social justice, increasingly resembles a mob-led execution of accountability, often devoid of nuance or evidence.

In India, this trend collides with a constitution that guarantees freedom of speech, protection of dignity, and the rule of law. Can cancel culture co-exist with Article 19 and the presumption of innocence? Or does it pose a silent threat to fundamental rights? This article seeks to address that very tension.

2. What is Cancel Culture? A Brief Socio-Legal Overview

Cancel culture refers to the practice of publicly calling out or boycotting individuals, often on social media, for behavior deemed offensive, problematic, or unjust. It can range from public outrage to organized efforts to remove someone's influence or livelihood.

Globally, cancel culture has brought attention to serious issues like sexual harassment, racism, and abuse of power. However, it has also shown a dangerous potential to misfire often lacking due process, leading to reputational damage, mental health crises, and irreversible professional consequences.

3. Article 19(1)(a) and the Boundaries of Free Speech

Article 19(1)(a) of the Indian Constitution guarantees the right to freedom of speech and expression to all citizens. However, under Article 19(2), this right is subject to reasonable restrictions in the interest of public order, decency, morality, defamation, or contempt of court.

Cancel culture often arises from the very exercise of this freedom of users expressing their views. But when this expression becomes organized shaming or economic coercion, does it still fall within the bounds of constitutional protection? Can collective outrage be a legitimate form of dissent, or does it turn into a digital witch hunt?

4. Cancel Culture vs. Right to Reputation

The right to reputation is a part of the right to life under Article 21 of the Constitution. The Supreme Court in *Subramanian Swamy v. Union of India* (2016) upheld the constitutionality of criminal defamation, affirming that reputation is a foundational aspect of personal dignity.

When someone is 'cancelled', often without trial or defense, their reputation suffers instantly and sometimes permanently. This creates a clash between the rights of the person expressing outrage and the person being targeted. Unlike a court, cancel culture does not wait for evidence; it relies on virality.

5. The Danger of Prejudging: Presumption of Innocence Undermined

Indian criminal jurisprudence rests heavily on the principle that an accused is presumed innocent until proven guilty. However, cancel culture creates a parallel environment where accusations alone can destroy lives. In cases like Rhea Chakraborty or Aryan Khan, media-fueled cancel campaigns shaped public perception long before the courts could intervene.

Such social media trials undermine the legal process, placing personal judgment above judicial scrutiny. Even if later acquitted, the damage is already done - a reality that the law currently fails to address.

6. Legal Remedies and Their Limitations

Theoretically, victims of cancel culture can seek recourse through defamation suits (civil or criminal), cyberbullying laws under the IT Act, or complaints under the IPC. However, these remedies are slow, reactive, and often ineffective against the rapid and anonymous nature of online backlash.

Moreover, courts have not yet developed a jurisprudence that distinctly identifies cancel culture as a rights-violating phenomenon, which makes enforcement scattered and weak.

7. The Middle Path: Balancing Social Accountability with Constitutional Rights

This article does not deny the need for social accountability. Many movements under the umbrella of cancel culture like #MeToo have been necessary and revolutionary. But

accountability must be anchored in fairness. Speech must be protected, but so must be dignity, process, and justice.

One possible legal evolution could be to recognize and differentiate between justified public criticism and orchestrated digital harassment. A new jurisprudential lens is needed, one that values both democratic expression and the right to a fair reputation.

8. Conclusion

Cancel culture has blurred the lines between dissent and digital vigilantism. In a democracy governed by rule of law, justice cannot be served through hashtags and cancel campaigns. While the Constitution empowers free speech, it also obliges us to use that speech responsibly, without turning platforms into lynching grounds.

India stands at a legal and cultural crossroads. If we are to preserve both liberty and dignity, cancel culture must be critically examined - not only as a social trend but as a potential constitutional challenge.