
BETWEEN FREEDOM AND CONTROL: JUDICIAL PERSPECTIVES ON DIGITAL EXPRESSION IN INDIA

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ABSTRACT

The paper examines the evolving relationship between judicial institutions and digital free speech in India within the framework of constitutional democracy. It explores how the rapid expansion of digital platforms has transformed public discourse by amplifying diverse voices while simultaneously creating challenges such as misinformation, hate speech, and inconsistent content moderation. Drawing on historical and contemporary case studies—including the Emergency (1975–77), the controversies surrounding Taslima Nasrin, M.F. Husain, JNU protests, Padmaavat, CAA protests, and recent incidents involving comedians and digital creators, the paper analyses how courts have responded to tensions between freedom of expression and the need to maintain public order and social harmony.

The discussion highlights the judiciary's role as a guardian of fundamental rights under Article 19 of the Constitution, while also acknowledging the limitations imposed by reasonable restrictions. It argues that the digital age has intensified the complexity of balancing individual liberty with regulatory oversight, especially in a landscape increasingly influenced by private platforms. Ultimately, the paper emphasizes the need for a nuanced legal framework that safeguards free expression while addressing the risks posed by unregulated digital communication in a diverse and democratic society.

Keywords: Digital Free Speech, Judiciary, Article 19, Social Media Regulation, Freedom of Expression, Constitutional Law, Hate Speech, Misinformation, India, Content Moderation

INTRODUCTION

The emergence of digital media platforms has brought profound changes in the public discourse space in India. Individuals have been provided with easily accessible forums to voice opinions and share knowledge. First, it has provided the power to marginalised and disadvantaged groups to take part in a dialogue which was once dominated by the elites. It has empowered youth from small cities to emerge as influencers. Secondly, scholars, journalists, and other professionals use platforms such as X and blogs to conduct analysis and criticise important political and global events in the country and worldwide. Thus, they exercise their democratic right to freedom of expression.¹

However, with such freedom of expression comes an array of problems. Lack of appropriate regulation and checks and balances has caused the spread of disinformation and other kinds of content which can harm social cohesion. Dr. B.R Ambedkar famously noted that “Constitutional morality is not a natural sentiment. It has to be cultivated”. That means that without proper checks and balances the digital media has the potential to cultivate constitutional immorality just like constitutional morality. This quote reveals how important it is to exercise digital freedom within constitutional parameters. Instances of false information causing violent actions, communal strife, and weakening democracy are abundant in modern India.

In addition, the lack of clear regulations in social media companies' content moderation practices is yet another issue that creates controversy. They implement policies to filter out harmful content. However, there is little consistency in their interpretation, and the definition of such content is too vague. Consequently, there might be cases when someone who would have shared his or her opinion will feel reluctant to do so for the fear of being penalised for violating the terms of use. “Crises and deadlocks when they occur have at least this advantage that they force us to think”² – that is the message from Pt. Jawaharlal Nehru and it is highly applicable in the given situation.

Digital platforms are extremely helpful when it comes to reinvigorating public debate. Firstly,

¹ Jyoti Panday, *Freedom of Expression in a Digital Age: Effective Research, Policy Formation & the Development of Regulatory Frameworks in South Asia*, Ctr. for Internet & Soc’y (Apr. 21, 2015), <https://cis-india.org/internet-governance/events/freedom-of-expression-in-digital-age>.

² Sang Ah Lee et al., *Current Challenges to Media Freedom in India*, Ctr. for Freedom of the Media (CFOM) (2017), <https://cfom.org.uk/wp-content/uploads/2017/08/Student-Comp-2016-17-Final-India-case-study.pdf>

they help social movements to get momentum and become prominent. For example, such movements as #MeToo gained popularity and was able to generate a lot of interest and raise public awareness. Another benefit of digital media is that the flow of information becomes diverse and provides different narratives, whereas traditional media tends to stick to just a few.

On the one hand, digital spaces provide freedom and opportunities to include more people in the public discourse and make it more democratic and vibrant. On the other hand, it is possible to abuse these freedoms. If exercised irresponsibly, it could threaten values such as equality and social cohesion. Therefore, regulation of digital media is necessary, in addition to being desirable. This chapter will try to analyse controversies connected with regulating online speech.

Discussion Freedom of speech has always been one of the most debatable topics as it is often hard to find a balanced solution. Today, it has become even more difficult due to rapid digital development. Freedom of speech includes expressing one's views and challenging authority, participating in discussions, and raising questions. Digital media allows people to use freedom of speech effectively and efficiently. However, this process is not entirely smooth due to various controversies arising around freedom of speech in the digital age.

Firstly, the question of what kind of content should be banned arises as there is no definite answer to this problem. There is a risk of self-censorship when someone is not willing to express his or her opinion for fear of being penalised. The definition of harmful content and regulation are vague. That leads to the fact that people feel reluctant to voice their opinions. Therefore, proper regulation is necessary.

Secondly, the problem of hate speech and misinformation is also relevant. Digital media makes it easy for everyone to share information regardless of its validity and accuracy. Thus, there is a risk of disinformation which could harm others. In addition, some individuals try to use the Internet for the purpose of inciting hatred, insulting others or making offensive statements, thus violating their rights. Again, regulation is the answer to this problem.

In conclusion the digital media is a double-edged sword which, on the one hand, has the potential to cause great harm if used irresponsibly and without proper regulation. On the other hand, it helps to achieve many positive goals. Therefore, there is a need to regulate digital media in a manner that would ensure that everyone would be able to express his or her opinion

freely without feeling intimidated by threats of punishment. To paraphrase Rabindranath Tagore, “the objective is to let the mind be without fear, navigating through the digital alleys of thoughts, where words emanate from the depth of truth”. Thus, as one plunges into the digital era's promise and peril, it becomes not only relevant but necessary to pave the path for retaining democratic sanctities while maintaining digital egalitarianism³.

For this reason, this chapter will attempt to evaluate these universal standards and comparative frameworks in order to understand how the freedom of expression is becoming redefined in the digital age. In other words, this chapter will attempt to find the balance in order to regulate liberty versus regulation, the role of the state versus private platforms, and the efforts that should be taken in order to develop a legal system that is based on a perfect balance in order to protect individual rights but at the same time avoid risks connected with communication in the digital age. In other words, this chapter is aimed at finding such a balance.

THE EMERGENCY AND PRESS CENSORSHIP (1975-1977)

This era, in association with Indira Gandhi, especially the period of the Emergency in India, acts as a strong example of the vulnerability of freedom of expression in periods of heightened governmental control. Although justified on the basis of national security and public order at the time, this period saw the imposition of heavy curbs on the freedom of citizens. The press faced stringent censorship measures, with journalists being arrested, newspapers being suspended or forced into submission, and even media organizations facing threats and intimidation.

The period also made clear that even the institutions charged with protecting human rights, like the Supreme Court of India, were not entirely immune to the pressures of the executive branch. However, in the aftermath of the Emergency, the judiciary has made efforts to rebuild public faith in their ability to protect constitutional rights and freedoms. The need for an independent press was stressed more often because it is one of the foundations of a democratic society. Without the freedom and courage of journalists, it would be difficult for the courts to protect the rights of individuals and provide them with a fair trial. The press-judiciary connection, therefore, became a mutually dependent relationship, with each entity having its significance for maintaining democracy. As Justice P.N. Bhagwati stated, “If the journalists are forcibly

³ May Chidiac & Mireille Chidiac El Hajj, *Digital Media and Freedom of Expression: Experiences, Challenges, Resolutions*, 17 Global Media J. 1 (2019)

silenced, the role of judiciary would be reduced to a nullity.”

The Emergency has proved to be a seminal event when it comes to debates on free speech since it shows us how fast a democratic system can slip into becoming authoritarian through suppression of free expression. The media is considered to be the “fourth pillar” of democracy as it ensures that there is oversight over those who hold positions of authority in society. In the modern era of technology, this has extended to social media sites wherein the flow of information is instantaneous and shapes opinions in the public domain at an accelerated pace. This has certainly made it easier for people to access information; however, there is a risk of abuse of this platform. This can include spreading rumors and manipulating the narrative. Thus, while the government has every right to regulate such practices, it is important that they take care so as not to repeat history.

In our present times, when the medium has extended itself into social networking sites where rapid dissemination of information takes place, along with instant formation of public opinion, the scope of such censorship has only increased further, but the threat of its abuse looms large. This may be in the form of dissemination of disinformation or the manipulation of narrative to serve a certain ideological purpose. Hence, even though regulation of any form of content that is detrimental to the state is necessary from the government's point of view, this regulation must proceed with prudence lest the mistakes of history repeat themselves.⁴

THE TASLIMA NASRIN CONTROVERSY (1994)

The controversy that surrounded the work of Taslima Nasrin, a Bengali writer, in 1994 is one such case where there was a critical time for the testing of India’s dedication to the provision of Article 19 on Freedom of Speech as laid down in the Constitution of India. In her novel titled "Lajja," she narrated the difficulties faced by Hindu minorities living in Bangladesh, and this aroused the ire of some religious factions. Soon enough, Nasrin found herself in a controversy-filled arena where she was charged with blasphemy and even demanded that she be arrested and deported.

As tensions rose, the Indian government filed charges against Nasrin for violating Section 295A of the Indian Penal Code, which is a clause punishing any deliberate attempts to insult

⁴ Jhumur Ghosh, *Indira Gandhi's Call of Emergency and Press Censorship in India: The Ethical Parameters Revisited*, 7 Global Media J. (Indian ed.) 1 (2016).

or hurt the feelings of a religious group. It was not merely a legal action but a catalyst for a larger discussion across the country on the extent of freedom of expression. The central question here lies in striking a balance between the right to voice an opinion, even if it may be a contentious one, and the necessity of social peace in a nation where religion and culture form a mosaic of diversity.

The incident involving Nasrin is noteworthy due to its representation of the balancing act performed by a multi-religious society like India. Firstly, there exists the need to protect citizens' constitutional rights, which include the freedom to air out one's opinions, irrespective of how unpopular they might seem. Secondly, the government must guarantee that such opinions do not provoke social tension or unrest among the population. Some of the critics of the government's decision pointed out that it showed the government's inclination toward conceding to the demands of religious authorities, thus negating the concept of freedom of speech.

In conclusion, the debate brings out the age-old conflict in Indian democracy about balancing freedom of speech with the duty to preserve communal harmony. As is well known from the judgments of many courts, freedom of expression, although important, is not unlimited but should operate within constitutional limits. It must be used in such a way as to allow due consideration for the rights and feelings of others so that no freedom interferes with another. As put by Justice J.S. Verma, "The freedom of expression cannot be absolute or beyond constitutional confines and should always be exercised in a manner which would not conflict with others' equally important freedoms."

THE M.F. HUSAIN CONTROVERSY (2006)

Maqbool Fida Husain's issue in the year 2006 marks an important incident in the long-running saga of the discussion regarding artistic freedom in India. As the country's leading artist, he was embroiled in numerous disputes and lawsuits for portraying some of the Hindu gods in his art in a way that offended certain sections of society. While it all started out as innocent artistic freedom, it soon snowballed into large-scale protests, legal battles, and campaigns against Husain led by extremist organizations. Ultimately, the sheer intensity of pressure made him leave India, the land he identified so much with, into self-exile.

This incident poses fundamental queries regarding the extent of artistic freedom in a democratic

society. Fundamentally, it addresses the question of how much a person can exercise his or her freedom of expression through his art form without crossing any boundaries. This event also highlighted the responsibility of the state to ensure the safety of artists from any attacks. Many writers suggested that the failure of the government in protecting Husain from the threats and persecution he faced showed negligence on the part of the government in ensuring artistic freedom. It goes without saying that in a country like India where art forms are an essential part of the culture, it is imperative on the part of the government to provide a safe and enabling environment for artists to flourish even if their art makes them unpopular. Justice K.S. Radhakrishnan once said, *"A society that does not respect its artists, is doomed to desolation"*.

On the other hand, the intricacies of managing a multicultural society such as India make this task difficult. Considering the vast array of religious and cultural emotions prevalent in the country, it becomes essential for the government to tread carefully on the thin line between safeguarding the liberty of expression and preserving social stability. As the Husain case demonstrates, an uncontrolled reaction to any creative activity can lead to the stifling of creativity, while at the same time, unrestricted creative expression can offend deeply held sentiments. In essence, this case brings to light the necessity of finding a balance between the need to nurture artistic innovation and the respect due to sensitive issues arising from a multicultural society. In India, the state does not play just the role of a referee; it also acts as a mediator of public morale.⁵

THE JNU SEDITION CASE (2016)

The episode of Jawaharlal Nehru University gained significance when it emerged as one of the important subjects of debate regarding freedom of expression, nationalism, and dissent in modern India. This debate was triggered by an event in which some students, notably Kanhaiya Kumar, who happened to be the student union president at that time, were accused of shouting slogans that were anti-national in nature. As a result, they were charged under laws relating to sedition, which had been inherited from British rule and were frequently viewed as misused laws.⁶

⁵ See Manoj Mitta, *M.F. Husain: A Casualty of His One Painting*, Times of India (June 10, 2011), <https://timesofindia.indiatimes.com/india/mf-husain-a-casualty-of-his-one-painting/articleshow/8795317.cms>.

⁶ S.L.A., *Does Section 124-A, I.P.C. Contravene Article 19(1)(a) of the Constitution?*, 1 J. Indian L. Inst. 185 (1958).

The public response to the incident was very polarized. While some people called for action against the individuals to preserve the integrity of the country, others saw their arrest as a move against the right to freedom of speech. The debate that arose from the situation brought up the issue of whether it is acceptable to suppress dissenting views in the name of patriotism, no matter how much they go against the grain. This case presented the challenge of finding a balance between safeguarding national interests and protecting democratic rights, especially freedom of speech. Former Supreme Court Judge Rohinton Fali Nariman said, *“Speech may be silenced for the sake of freedom; we may have to put up with noise to ensure one’s freedom of speech”*.

This incident has also reopened the discussions on the viability of using sedition laws in the modern democratic set-up. Initially framed at a time when India was under the colonial control of the British empire and aimed to prevent any form of rebellion against the British, these sedition laws have since become controversial in the context of contemporary constitutional principles. The lengthy process of hearing of the JNU case has brought into light the general ambivalence prevailing within the judiciary about implementing such laws in today's India.

It is clear from this case that there is a necessity for reconsideration of some of these legal mechanisms that may act as impediments to freedom in democracy. The incident proves that the law which protects the interests of the State can be used in such a way that its own existence becomes vulnerable. Thus, the whole controversy helps to emphasize one basic tenet of democracy; that is to say, a democracy should give enough scope for disagreement to flourish in itself⁷. The primary point that emerges from the discussion on the controversy is that the existing legislation needs to be revised in order to eliminate any contradiction of democracy by itself.

In summary, the incident at Jawaharlal Nehru University reflects the delicate equilibrium between preserving national unity and ensuring individual liberty in a democracy. It is evident from the incident that dissent, regardless of how confrontational it might appear, forms part of democratic discourse rather than acting as a danger to it. The incident also underscores the dangers inherent in basing decisions on archaic legislation, such as laws of sedition, which may lack congruence with current constitutional ideology. Going forward, it will be crucial for the

⁷ See *JNU Sedition Case: Kanhaiya Kumar, Umar Khalid and Others Face Trial*, **The Wire** (Feb. 16, 2021), <https://thewire.in/law/jnu-sedition-case-umar-khalid-kanhaiya-kumar-delhi-court>.

courts and the legislative branch to review these laws in light of their constitutionality. The essence of a democracy is not the suppression of dissent but, rather, the promotion of discourse. A democracy thrives not by silencing opposing voices, but by allowing space for dialogue, debate, and critical thought, thereby strengthening its foundational principles.

THE PADMAAVAT CONTROVERSY (2018)

Sanjay Leela Bhansali, the director of the film *Padmaavat*, found himself at the epicenter of a national controversy when he released his film in 2018. The film was criticized widely by the Karni Sena, as well as some factions of the Rajput community. They believed that Bhansali had distorted facts regarding history and also portrayed the character of Padmavati, the queen of Rajputs, in a very disrespectful manner. From mere criticism, the situation soon spiraled out of control into violent protests, death threats to actors, as well as calls for a total ban of the film.

However, the Central Board of Film Certification did give clearance to the film after making some changes to it. Nevertheless, some state governments refused to allow the screening of the film, stating that law-and-order would be disturbed. It was argued that the movie distorted the historical facts and disrespected the legacy of Queen Padmavati. The initial criticism gave way to widespread agitation involving violence, threats to the cast and crew of the film, as well as demands for an outright ban of the movie.

This case finally made its way to the Supreme Court of India, where the court re-emphasized the significance of the freedom of speech and expression as a fundamental right. The court emphasized that after the proper certification of any movie, states should not exercise their power of ban arbitrarily. On the other hand, the job of the state officials should be to maintain peace and security in such a manner that expression does not become the victim of threat or public pressure. It is the duty of the authorities to guarantee safety and peace so that the artist's voice may be protected from intimidation or pressure from the public. In essence, the case has proven to be an important one regarding the judiciary being the guardian of artistic liberty within the context of maintaining a balance between personal and social spheres.⁸

⁸ See *Padmaavat: Why a Bollywood Epic Has Sparked Fierce Protests*, BBC News (Nov. 21, 2017), <https://www.bbc.com/news/world-asia-india-42048512>

THE CITIZENSHIP AMENDMENT ACT PROTEST (2019-2020)

The year 2019 saw the emergence of an important political development when the Citizenship Amendment Act became the law of the land in December. This act aimed at extending the citizenship of India to certain religious minorities of the neighboring countries. However, many were opposed to the move, as they perceived the Citizenship Amendment Act as being discriminatory against a certain group of people due to their religion. They believed that it violated the basic principles of the Indian constitution. Thus, mass protests against the act began.

With the escalation of protests against the CAA bill, the government took different actions in an attempt to preserve law and order within the country. Some of these actions included issuing prohibitory orders and implementing curfews in certain regions of the country, suspending internet services, and arresting several activists. In some cases, individuals were arrested on grounds of violating strict legal provisions such as those for sedition. While the government justified its actions as necessary precautions to maintain peace, critics accused it of being excessively restrictive of the people's democratic rights.

The events associated with the protests against the anti-CAA bill shed light on the existing conflict between state power and personal freedoms in a democratic system of governance. Freedom of speech and assembly are essential features of democratic governance, but the manner in which the government dealt with the protests generated doubts about the extent of control the government could exercise over citizens' freedoms. This was especially because some of the measures taken by the government could be perceived as being unreasonable.

Moreover, the event brought into focus the increasingly important role of cyberspace in the formation of political movements. Social networks were instrumental in organizing demonstrations, informing people, and garnering support for the cause. However, the blocking of internet services made clear that control over cyberspace has the potential to affect the realization of basic rights in today's society. This connection between traditional forms of activism and cyber activism brought another dimension to the incident.

In summary, while the government's crackdown on the demonstrations was certainly a wake-up call regarding the rule of law in India, it also provided much-needed food for thought regarding the current state of democratic freedoms in the country. It shed light on the need for

a delicate balance between maintaining public order and safeguarding civil rights and freedoms. In other words, this incident is an illustration of how democratic regimes should not only be able to pass legislation but also tolerate criticism and dissent. This story is a clear indication of how strong a democracy can be in its capacity to make laws while at the same time being able to embrace dissent, critique, and respect for citizens' rights despite any political conflicts that may arise.⁹

THE ARREST OF COMEDIAN MUNAWAR FARUQUI (2021)

In January 2021, a popular comedian Munawar Faruqui was arrested on the charge of hurting religious sentiments in one of his stand-up comedies. Allegedly, he had mocked deities of the Hindu religion, which caused the arrest along with his companions based on section 295A of the IPC. The said law states the penalties for committing deliberate acts that have an objective to hurt the religious sentiments of others. In this case, the main attention should be given to the fact that there was no evidence provided in the form of video recordings, meaning that such accusations might not be justified.

As it was mentioned above, this incident became the starting point for discussions regarding the role of humor in society and how far stand-up comedies can go in their performances. Firstly, it is important to mention that criticism is one of the key components of such shows. In addition, the performer needs to demonstrate exaggerations and use his/her imagination to provide a proper reaction. Nevertheless, in such a multi-ethnic country as India, where people might be extremely sensitive about matters related to religion, there are high risks of offending someone.

On a higher plane, this incident highlighted some important concerns regarding the possibility of exploitation of laws meant to protect freedom of expression. Laws like Section 295A are well-intentioned attempts to ensure communal harmony. However, they are often faulted for their application in scenarios where the requirement of "malicious intent" cannot be proven. Critics felt that the actions of the authorities would serve as a deterrent for artists and performers who might refrain from addressing delicate issues out of fear of being prosecuted

⁹ Bikash Singh, *Protests Against the Citizenship Amendment Act (CAA) Are Back in Northeast India After a Lull*, **Economic Times** (Aug. 18, 2022), <https://economictimes.indiatimes.com/news/politics-and-nation/protests-against-the-citizenship-amendment-act-caa-are-back-in-northeast-india-after-a-lull/articleshow/93631625.cms>

under the law.

Interim bail was awarded by the Supreme Court of India to Faruqui in February 2021. However, the case did not only bring about interim bail; rather, it marked the impact that such controversies may have in discussions regarding freedom of art in India. The discussion highlights the difficulties of artists using satire as their method of expression as well as the need for an appropriate balance when regulating certain laws relating to freedom of speech. The case provides a good example of the interplay between these three aspects to set the scope within which freedom of speech operates in present-day India.¹⁰

INDIA'S GOT LATENT CONTROVERSY (FEB 2025)

This controversy emerged in the month of February in 2025 in the YouTube show titled 'India's Got Latent'. This controversy started when Ranveer Allahbadia along with Apoorva Mukhija who were appearing as a guest on the program made a sexually suggestive and quite offensive statement to a contestant in the show. This act soon became viral and generated a lot of controversy, resulting in many people criticising it as vulgar and obscene.

After this act became a topic of criticism, police complaints were filed against Allahbadia, Raina, Apoorva, among others related to the show, regarding the promotion of obscenity in the show. The situation was investigated not only at the level of the states but even higher institutions and regulatory bodies took cognisance of the matter in view of the digital space. Statements were recorded from both Allahbadia and Raina, among others, by Maharashtra Cyber cell.

The drama also affected individuals involved professionally and personally. Allahbadia personally issued an apology for making such remarks. On the other hand, Samay Raina made sure that all episodes were taken off YouTube, adding that he would work with the concerned authorities. Other people who had a connection to the controversial episode also suffered massive harassment.

Ranveer and Apoorva, in response, disclosed that they had been receiving violent and threatening messages online. Specifically, Apoorva shared screenshots on Instagram from

¹⁰ *Why Comedian Munawar Faruqui Was Arrested: A Timeline*, Hindustan Times (Jan. 28, 2021), <https://www.hindustantimes.com/india-news/why-comedian-munawar-faruqui-was-arrested-a-timeline-101611823703715.html>.

some of the many hateful comments she has been receiving following the viral video, with many comments being threats of physical and sexual violence and acid attacks. In her Instagram post, she clarified that the shown messages were just a small percentage of the hatred directed at her since then.

On a wider scale, this event initiated a national discussion on the extent of freedom in comedy and internet usage in India. It prompted an essential inquiry into whether there are any bounds in a socially conscious community regarding the use of humor and satire and whether the current legislation is applied properly and excessively. In addition, many authors believe that such events reveal the dilemma between artistic freedom and societal standards while drawing attention to increased demands for internet content control.

In general, the dispute involving Samay Raina and Ranveer Allahbadia became a prominent illustration of how digital platforms can quickly increase the dissemination of information and responses, transforming a minor comment into a significant legal, social, and political scandal. Hence the case highlighted the challenges for balancing the expression in the digital realm.¹¹

THE KUNAL KAMRA AND RSS CONTROVERSY (NOV, 2025)

The incident in question related to an act performed by Kunal Kamra in which the comedian uploaded a picture of himself wearing a t-shirt (with a dog urinating over the letters RSS) which had been considered to ridicule the Rashtriya Swayamsevak Sangh(RSS). It must be noted that despite Kamra denying the claim that the said post was done during one of his performances, it still gained huge traction among the internet users. The design of the T-shirt worn by the comedian has been alleged to insult the Rashtriya Swayamsevak Sangh(RSS). Following the incident, various political leaders criticized Kamra's actions, stating that they found the content of the post offensive and provocative. Many leaders have warned the comedian about facing legal repercussions for this act.

The event can be contextualized within the larger trend of friction between comedians and the political establishment in India. As Kamra, whose comedy style is marked by its political nature, has often been embroiled in such disputes, there have always been debates surrounding

¹¹ See *India's Got Latent Controversy: Samay Raina and Ranveer Allahbadia Appear Before Maharashtra Cyber Cell Amid the Ongoing Issue*, Times of India (Apr. 15, 2026), <https://timesofindia.indiatimes.com/tv/news/hindi/indias-got-latent-controversy-samay-raina-and-ranveer-allahbadia-appear-before-maharashtra-cyber-cell-amid-the-ongoing-issue/articleshow/120329058.cms>

the boundaries of freedom of speech. While the former insists that satire and critique form an integral part of democracy, the latter holds the view that such acts of expression may sometimes overstep the boundary of respect and become provocative.

In general, the case was instrumental in reigniting debates on the limits of creative and political expressions in the modern era. This is because it poses pertinent queries as to whether criminal action is an effective way to respond to acts of satire and how this approach may affect freedom of speech. In general, the incident has opened up new debate on the restrictions surrounding political and artistic expressions in the era of technology. Important issues like the use of legal warnings as well as state intervention as the response for satire come into play, which might result in a chilling effect on free speech. It is evident that despite the passing of time, the issue on the balance between free expression and politics remains relevant today.¹²

This is illustrated by the fact that when freedom of speech is not controlled, and left at the disposal of individuals, it often tends to wound the feelings of others under the guise of exercising their right to speak freely. This means that such frameworks serve as both enablers and provocations for freedom of expression

CONCLUSION

As we saw above in the case of the Munawar Faruqui controversy, the Maqbool Fida Husain controversy, or protests by students in the Jawaharlal Nehru University, the Citizenship Amendment Act (CAA), and more recently the cases of Kunal Kamra and Ranveer Allahbadia all point towards the difficulties brought in the age of unregulated or loosely regulated social media.

Indeed, in our contemporary age of the Internet, it becomes increasingly difficult to separate reality from fiction, fact from fiction in the sense that many incidents that took place in the past would never have gotten out to the general public unless through print media. But today, the rise of social media has enabled these events to get instant national coverage within minutes. Thus, social media has emerged as one of the most potent venues for the escalation and creation of such controversial events.

¹² The Times of India, *Not clicked at comedy club: Kunal Kamra wears T-shirt mocking RSS; BJP warns of police action*, Times of India (Nov. 2025), <https://timesofindia.indiatimes.com/india/not-clicked-at-comedy-club-kunal-kamra-wears-t-shirt-mocking-rss-bjp-warns-of-police-action/articleshow/125582432.cms>

Firstly, social media has been responsible for the instant circulation of content. In the examples listed above, the contents were either performances in case of Faruqui or Allahbadia or even the art of M.F. Husain. All of these pieces of content went viral within minutes and reached millions of people who were able to react to them. However, in such circumstances, the content goes around much quicker than the actual truth of the issue gets to be revealed.

Secondly, one should mention the spread of misinformation on these platforms and selective narratives. As a result of this practice, certain individuals have been receiving a lot of support from certain groups, while others were facing strong opposition. Thus, there can be instances when the wrong content gets promoted and spread throughout social media.

Thirdly, unregulated social media also results in trial by public opinion. In cases of Kunal Kamra or even M.F. Husain, the backlash that followed could reach levels beyond imagination before anything got resolved legally and formally. Thus, in such instances, people start acting based on their perception of the matter, not the real truth behind it, making things go even further.

In addition to these challenges, unregulated social media makes the content moderation extremely subjective and inconsistent. Depending on the community where one resides and depending on one's political affiliation, people tend to have a certain attitude towards certain individuals or movements. In such circumstances, people might find some content to be offensive while others consider them to be harmless.

Finally, in the modern day, social media platforms have privatized the control of the content posted there. In other words, companies behind these social media outlets have complete discretion whether to delete content or to allow it. This creates an imbalance between individuals and state institutions and the freedom of expression of the former. Thus, overall, it is safe to argue that social media contributes greatly to the occurrence of controversies in our society. On one hand, these media help to protect citizens' freedoms and to promote certain views; on the other hand, it allows for quick escalation of conflicts and misunderstandings that may harm the well-being of our society.