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# Short-Form Content and the Law Navigating Legal Boundaries of Reels and Memes

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## ABSTRACT

*The short-form content particularly reels and memes has an exponential growth in recent years. Due to this we can see difference in form of expression it is easy to expression in this era because of the short form content. Platforms like insta, you-tube, Facebook, tik tok(currently banned) and many more helps the users to make content which is humorous, sarcastic and often socially impactful. With the rise of the sort-form content there are also growing legal challenges like hate speech, copyright infringement, defamation, breach of privacy, platform accountability etc. which have not been enough legally explored yet. This essay examines the legality of short-form content in India and globally. It talks about important legal framework, landmark cases, accountability of platforms and duties of content creators. It gave us balance approach between freedom to make content and their accountabilities.*

## I. INTRODUCTION

In this digital era, short-form content became prominent among users for communication and entertainment. Platforms like you-tube(shorts), Instagram, tik tok and many more allow users to create humorous, engaging and impactful content. There are majorly two types of short-form content first is reels (they are video graphic content whose time span vary from 15 to 60 second) and other is memes (they are in static visual format like in image, GIF etc with a text on it). Any person who has access of smartphone and internet connection can create and consume this content easily. As the popularity of short-form content rise we should pay focus on its legality. These include copyright infringement, defamation, privacy violation, spread of fake news and hate speech. There is very blurry line between expression and offence in this era. The Indian legal system have certain laws regarding the challenges but they cannot cope up with the rise of digital formats and innovative contents. In this essay we understand the legality of short form content.

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## II. KEY LEGAL ISSUES

1. **Copyright and Fair Use:** The primary legal concern with reels and memes is copyright infringement. The sort-form content often uses a piece of movies, famous songs, television clips etc and they are generally protected under the Indian Copyright Act, 1957. There are some exceptions under section 52 of the Act commonly known as fair dealing<sup>1</sup>. Indian law permits fair dealing<sup>1</sup> for some purposes such as criticism, review, research, private use.

2. **Defamation and Reputation:** Under section 356 of Bharatiya Nyaya Sanhita, defamation is defined as making a statement that injures the reputation of another person which includes false imputation that can harm their reputation. Most of the time memes and reels targets celebrities or public figures through humorous or satirical way. One of the famous example of this is the Tanmay Bhat-Lata Mangeshkar controversy in 2016 in which comedian did voice over to parody a conversation between cricketer Sachin Tendulkar and singer Lata Mangeshkar. Some defended the comedian by saying it was just for a comedy on the other hand some say it was offensive and demeaning. FIRs were filed under defamation and obscenity laws although no prosecution took place.

3. **Right to Privacy and Publicity:** Under Article 21 of Indian Constitution, right to privacy has been recognized as a fundamental right. This was mainly established by the landmark case Justice K.S. Puttaswamy v. Union of India (2017)<sup>2</sup>. If someone use another person's image, video or personal data in unauthorized way then it can amount to violation of this fundamental right. Celebrities and public figures also enjoy the right to publicity it is a legal right to control the commercial use of their name, image or personality. For example, if a Reeler or Memer use the face of some celebrity or public figure to create a parody video or humorous content through deep fake then it could breach their privacy.

4. **Freedom of Speech v Hate speech:** In Article 19(1) of Indian Constitution, freedom of speech is defined and restriction of this right like public order, decency and morality is defined under Article 19(2). Many reels and memes contain mocking of religion, stereotypes, insult of communities or violent message which may invites action under Section 196 of BNS (promoting enmity between groups) and Section 299 of BNS (deliberate and malicious acts intended to outrage religious sentiments) and IT Acts. In the case of Shreya Singhal v Union of India (2015)<sup>3</sup> of Supreme Court, the court struck down the Section 66A of the IT Act which criminalized offensive online speech which was often misused to suppress the satirical and humorous content. By struck down this section judiciary gave the hope to the people of India that it is okay to say something which is your right to freedom of speech.

5. Misinformation and Deep fakes: The exponential growth of AI and deep fakes also push the misinformative content which is often used in short-form content. Deep fakes are used to create realistic but false videos of some individuals saying or doing something which they have not done. When this technology goes in the hand of bad doers, they use it to spread misinformation, damage reputation, promoting something, influence public opinion or even worse. Currently Indian does not have ample law to deal with this deep fake content. However, there are various provisions under the BNS, IT Act and Cyber laws on identity theft and cyber harassment.

### **III. PLATFORM RESPONSIBILITY AND NEED FOR LEGAL LITERACY AMONG CREATORS**

Under the Information technology Rules (2021), social media platforms are defined as intermediaries and have a specific legal obligations like appointing a chief compliance officer, Nodal officer and grievance officer, publish community guidelines and content removal mechanisms, remove or disable unlawful content within 36 hours of notification. These social media platforms or intermediaries have a “safe harbor” which means a legal provision to eliminate legal and regulatory liability in certain situations under the Section 79 of IT Act. however, we should ask them question regarding the algorithm which push users to watch hateful content or misinformative content. Apart from just regulation and responsibilities of social media platforms we should also pay attention to the legal literacy among creators. Most of the content creators does not know about the legal implications of the content they create and share. There are many misconceptions like assuming memes and reels are harmless fun without any legal consequences, ignoring the privacy rights of individuals featured in content etc. Without any delay the government or institutions should start digital legal literacy especially for students, youngsters, influences and content marketers. NGOs, educational institutions, legal professionals and social media should collaborate to provide essential resources, knowledge, workshops and campaign which promote the ethical content creations. There is a famous saying by Nelson Mandela that education is the most powerful weapon which you can use to change the world. If we education creators about their role they play in the society and their impact in the society then they take their responsibilities more seriously.

### **IV. GLOBAL PERSPECTIVES ON SHORT-FORM CONTENT**

In United States, there are one of the broadest protection for creative expression under the First Amendment. They have the fair use doctrine which allows to use copyrighted works, comment, news reporting, criticism and parody.

The European Union have the copyright directive which includes a meme exception under Article 17 which allows user to use copyrighted work, comment, news reporting, criticism and parody. However, the implementation of this vary from state to state.

China has the strict digital censorship implementation they often ban memes or short videos which looks like politically motivated. In china content creators are monitored under a social credit system and platforms are held directly liable.

While Australia and Canada use fair dealing<sup>1</sup> approach like India but slightly in a expansive manner. There more or like similar problems like in India.

India must strike a balance between protecting digital creativity and preventing misuse by learning from these international examples while maintaining its socio-legal realities.

## **V. CONCLUSION**

Short-form content like reels and memes are different but powerful forms of expression as compare to other forms. They are creative and engaging but they also introduced so many legal challenges like copyright infringement, manipulate public opinion, deep fakes, hate speech and many more which have to be addressed with clarity and nuance. India have the foundational laws but they lags in their enforcement, interpretation and awareness.

To overcome these laggings India have to make a comprehensive legal frame work that recognize the unique nature of digital content which also reinforces platform accountability and promote legally educated content creators who works ethically. Just like we teach how to use digital tools we also teach them digital ethics. Court must continues to act as the guardian of free speech protecting creative and satirical expression but forced censorship. For the growth of the country India should not only focus on creative freedom but also to its legal responsibilities to ensure the digital space remains open, respectful and law-abiding. To make the country more progressive and growthful we have to pay more focus on digital ethics in this digital era.

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**VI. REFERENCES**

1. Indian Copyright Act, 1957, Section 52 :-This section provides exceptions for “fair dealing” with copyrighted material for purposes such as criticism, review, and reporting.
2. Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1 :-The Supreme Court held that the right to privacy is a fundamental right under Article 21 of the Constitution.
3. Shreya Singhal v. Union of India, (2015) 5 SCC 1 :-This landmark judgment struck down Section 66A of the IT Act, 2000, safeguarding online freedom of speech.

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