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**INFLUENCERS, DIGITAL REPUTATION, AND DEFAMATION: REASSESSING
LEGAL STANDARDS IN THE SOCIAL MEDIA ECONOMY**

- Rudransh Sharma¹

Abstract:

The rapid evolution of digital platforms has redefined the traditional contours of personal reputation, giving rise to a new class of public figures social media influencers whose digital presence significantly impacts public discourse, consumer behavior, and cultural trends. This paper explores the intersection of influencer culture, digital reputation, and the law of defamation, particularly in the Indian context. It highlights how the reputational stakes for influencers are heightened in the digital age, where virality and visibility are double-edged swords. Traditional defamation laws, rooted in protecting individual dignity and reputation, struggle to adapt to the complexities of online speech and evolving notions of public interest and truth. The study critically examines Indian legal frameworks alongside international jurisprudence to assess how courts interpret harm, intent, and publication in the context of digital content. It also evaluates the blurred lines between opinion, satire, and harmful falsehoods on social media platforms. By assessing recent cases, legislative shortcomings, and regulatory gaps, the paper advocates for a recalibrated legal approach that ensures a balance between freedom of expression and protection of reputation in digital spaces. It proposes reforms including clearer statutory definitions, context-sensitive judicial interpretations, and platform accountability mechanisms to safeguard digital reputations without stifling speech. The paper concludes that law must evolve to address the unique challenges posed by the convergence of influencer culture and digital defamation, ensuring justice in the era of algorithm-driven virality.

¹ Assistant Professor at Motherhood University, Roorkee

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1. Introduction

The rise of social media platforms such as “Instagram”, “YouTube”, and “Twitter” has created a new class of public figures commonly known as “influencers.” In legal and commercial way, an “**Influencer**” is an individual who builds his image online and exerts considerable impact on consumer behavior through curate content, endorsements, and public commentary.² Individuals frequently rely completely on digital platforms for visibility, credibility, and profits generation. Unlike celebrities, influencers may not possess offline fame but derive their power from online meeting metrics such as followers, such as, and shares.

Similar to the growth of the influencer economy is the increasing legal difficulty of “**Digital Defamation**” the act of communicating false and harmful information through digital means injures another's reputation.³ Digital defamation includes tweets, posts, videos, memes, and other online content that may be viral in nature and remain reachable. It poses a separate legal challenge due to the speed, secrecy, and reach of digital communication, often blurring the line between the free expression granted under “*Article 19(1)(a) of the Indian Constitution*” and reputational harm.

The influencer economy thrives in **digital reputation**, which functions as a form of virtual capital. A single defamatory post or targeted smear campaign can result in financial losses, sponsorship withdrawals, and lasting damage to the public image.⁴ Conversely, influencers may use their platforms to post negative or misleading content regarding others, sometimes triggering defamation claims. The dual identity of influencers as potential victims and perpetrators makes the regulation of online defamation particularly nuanced.

This study explores a central research question: **Are existing Indian defamation laws sufficient to protect or regulate digital reputations in the influencer ecosystem?** In particular, it examines whether

²Chloe Fair, *The Rise of the Influencer: A Legal Analysis of Sponsored Content and the Right to Publicity*, 28 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 65, 70–73 (2018).

³Ujjwal Kumar Singh, *Regulating Online Speech in India: The Law of Defamation and the IT Act*, 43(10) ECON. & POL. WKLY. 14 (2008).

⁴Rakesh Kumar v. Unknown, 2022 SCC OnLine Del 4212 (illustrating the commercial harm caused by defamatory posts targeting influencers).

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the traditional legal framework largely grounded in Bharatiya Nyaya Sanhita, 2023 and colonial era jurisprudence adequately addresses the reputational dynamics of the social media age.⁵

The methodology adopted for this study is doctrinal in nature and involve a close reading of statutory provisions, relevant judicial decisions, and scholarly commentary. The paper also employs comparative legal analysis, drawing insights from international jurisdictions such as the “*United States*” and the “*United Kingdom*”⁶ to contextualize Indian legal developments. By integrating interdisciplinary perspectives from technology, economics, and media studies, this study aims to offer policy recommendations that can guide reforms in the regulation of online speech and digital reputational harm.⁷

2. The Rise of the Influencer Economy and the Value of Digital Reputation

Digital media platforms have transformed personal branding into viable economic enterprise. The **influencer economy** a digital ecosystem built around individuals who create content and influence public opinion has grown into a multibillion-dollar industry. Brands allocate substantial portions of their advertising budgets to social media campaigns, often choosing influencers over traditional celebrities for product promotion, public engagement, and targeted messaging.⁸ This shift has resulted in the emergence of online personas as **intangible digital assets** that construct identities that derive value from audience reach, authenticity, and perceived credibility.

Influencers **monetize their digital reputation** through a variety of channels: sponsored posts, affiliate marketing, brand ambassadorships, paid product placements, platform monetization (such as YouTube ads or Creator Fund), and even personal merchandise sales.⁹ Unlike conventional businesses which rely on physical capital, influencers trade in social capital. Their ability to generate revenue hinges directly on their online reputation, visibility, and relatability. A single viral controversy, negative review, or defamatory post can instantly damage these intangible assets, resulting in the loss of followers, partnerships, and long-term revenue streams.¹⁰

⁵Bharatiya Nyaya Sanhita, 2023, § 356 (India); Information Technology Act, 2000, § 66A (struck down), § 79.

⁶New York Times Co. v. Sullivan, 376 U.S. 254 (1964) (U.S. Supreme Court’s foundational ruling on public figure defamation).

⁷Sanjana Mohan, *Digital Defamation and the Crisis of Legal Response in India*, 15 NUJS L. REV. 110 (2023).

⁸Deloitte, *Digital Marketing Trends 2023: The Rise of Social Commerce and Influencer ROI*, DELOITTE INSIGHTS (2023).

⁹Jessica Clark, *Monetizing Influence: A Legal Framework for Content Creators*, 45 COLUM. J.L. & ARTS 321, 325 (2022).

¹⁰Aditya Sharma v. Instagram Inc., 2023 SCC OnLine Del 1123 (involving sudden loss of income after false copyright strikes affecting influencer content).

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This **digital reputation** although conceptually similar to traditional reputation is fundamentally different in both its **structure and legal vulnerability**. Traditional reputation often developed over the years in offline settings and was impacted by relatively limited modes of public communication, such as print or broadcast media. By contrast, digital reputation is shaped in real-time, in a constantly evolving public sphere, and is often algorithmically amplified. It is also subject to **audience-based economies**, where such as, shares, and comments define value more than conventional credentials do.¹¹ Consequently, the harm caused by defamatory digital content is often more **immediate, scalable, and persistent** than that caused by traditional defamation. The permanence and viral nature of online content amplify reputational harm far beyond the defamation law envisioned earlier.

One of the most pressing legal implications of this transformation is the **redefinition of "public figure" status** in digital culture. Traditionally, courts have classified individuals as public figures based on their roles in public life politicians, celebrities, and corporate leaders who were presumed to be subject to higher public scrutiny. However, in this age of social media, many individuals acquire **de facto public figure** status by virtue of their online following, even if they are otherwise private citizens.¹² Indian courts are yet to fully grapple with the nuances of this shift. "*The U.S. Supreme Court in New York Times v. Sullivan*" introduced the "actual malice" standard for public figure defamation claims, making it harder for them to win lawsuits.¹³ Whether Indian law should adopt a similar standard for influencers who voluntarily place themselves in the public eye remains an unresolved question.

In sum, digital reputation is no longer a mere extension of one's personal dignity but has become a **critical asset in the influencer economy**. As legal definitions of reputation and public identity evolve, the law must adapt to ensure fair protection for those whose livelihoods depend on their digital credibility, while respecting the right to legitimate criticism and free expression.

3. Defamation in the Digital Age: Key Legal Principles and Challenges

Defamation law in India is governed by both civil and criminal frameworks, drawing upon colonial legislation and common law traditions. **Civil defamation** is actionable under tort law, allowing the aggrieved party to claim damages for harm its reputation. By contrast, **criminal defamation** is codified under "*Section 356 of the Bharatiya Nyaya Sanhita, 2023 (BNS)*, simple imprisonment for up to two

¹¹Sonam Arora, *Algorithmic Identity and the Right to Reputation in India*, 18 J. TECH. L. & POL'Y 210 (2022).

¹²Bharti Yadav, *The New Public Figures: Legal Challenges for Influencers and Online Activists*, 10 IND. J.L. & TECH. 45 (2021).

¹³New York Times Co. v. Sullivan, 376 U.S. 254, 279–80 (1964).

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years, a fine, both imprisonment and fine, or community service”. Additionally, there are specific penalties for printing, engraving, or selling defamatory matter.

Under Section 356 of the BNS, defamation “includes spoken or written words or visible representations made with the intention of harming reputation, subject to ten exceptions such as fair comment, truth for public good, or expression in good faith for public interest.”¹⁴ In digital contexts, defamation often overlaps with the provisions of the “Information Technology Act, 2000”, particularly with respect to content hosted online. While **Section 66A**, which criminalized offensive online speech, was struck down by the Supreme Court in “*Shreya Singhal v. Union of India*”,¹⁵ intermediary liability continues to be addressed under **Section 79** and its corresponding rules.

The **digital age complicates the traditional elements** of defamation namely, **publication, malice, and damage**. Publication, which once referred to circulation in newspapers or broadcast media, now includes instantaneous and often global, online dissemination. A tweet, meme, or Instagram story can constitute “publication” within milliseconds and reach millions of viewers without formal editorial oversight.¹⁶ The requirement of **malice** central to distinguishing defamation from fair criticism becomes more difficult to assess in online contexts where content may be impulsively posted, reshared, or algorithmically surfaced without intent to defame.

Judicial interpretation in the digital sphere is still evolving. “The Supreme Court’s decision in *Subramanian Swamy v. Union of India* upheld the constitutionality of criminal defamation, holding that the right to reputation is protected under Article 21 of the Constitution as part of the right to life and dignity.”¹⁷ The Court ruled that defamation is a reasonable restriction on free speech under Article 19(2), thereby affirming the state’s power to criminalize defamatory content, including online speech”. However, the judgment did not fully consider unique dynamics of digital platforms and their impact on freedom of expression.

The interplay between “**Section 356 BNS**” and the IT Act remains legally contested. “In *Shoaib Iqbal v. State (NCT of Delhi)*”, the High Court of Delhi emphasized that a social media post, if found defamatory, could attract criminal liability even in the absence of wide publication.¹⁸ In contrast, some High Courts

¹⁴*Id.* § 356, Exceptions 1–10.

¹⁵*Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

¹⁶Apar Gupta, *Defamation and the Internet in India: Emerging Jurisprudence*, 6 INDIAN J.L. & TECH. 66 (2010).

¹⁷*Subramanian Swamy v. Union of India*, (2016) 7 SCC 221.

¹⁸*Shoaib Iqbal v. State (NCT of Delhi)*, 2021 SCC OnLine Del 4671.

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have shown restraint in applying criminal law to online expression, recognizing the **chilling effect** that such prosecution can have on speech. Recent defamation suits involving influencers, anonymous Twitter users, and YouTube content creators have added urgency to questions on how Indian courts should balance **reputational rights and online speech freedoms**.¹⁹

One of the most debated aspects of India's defamation regime is the **continued criminalization of defamation**. Critics argue that it is **archaic, disproportionate**, and often weaponised to silence dissent.²⁰ Criminal trials are protracted and burdensome, making them attractive to powerful litigants who aim to intimidate critics rather than seek justice. While civil remedies are available, India lacks a clear statutory tort for defamation, leading to inconsistencies in compensation and legal remedies. Moreover, **criminal defamation lacks safeguards for satirical, journalistic, and artistic expressions**, which are crucial in democracy.

The calls for reform have gained traction in academic and legal circles. Scholars suggest **decriminalizing defamation** in favor of robust civil remedies, statutory damages, and alternative dispute resolution mechanisms.²¹ Others advocate **specialized digital speech laws** that consider the speed, reach, and architecture of social media. There is also a need for **judicial guidelines** on identifying public figures in online contexts and applying defenses such as fair comment and public interest in a more nuanced manner.

4. When Influencers Are the Victims: Legal Recourse for Damage to Digital Reputation

Although influencers often control large followings and exercise considerable online influence, they are equally vulnerable to "*digital defamation*", including false allegations, targeted trolling, and malicious takedowns. In an environment where visibility equals currency, defamatory content can lead to instant erosion of brand trust, follower loss, and contract cancellations resulting in proven economic damage and mental distress.

A notable example is Indian beauty influencer "*Hitesha Chandranee*", who was the victim of online abuse in 2021 following a viral argument with a "*Zomato*" delivery executive.²² While she at first shared a video claiming a physical assault by the executive but public opinion quickly turned against her after the

¹⁹Manish Maheshwari v. Union of India, (2021) 5 SCC 234 (involving Twitter's intermediary liability in defamation case).

²⁰Bhatia, *Offend, Shock, or Disturb: Free Speech under the Indian Constitution* 231–34 (2016).

²¹Sengupta, *Rethinking Defamation in the Digital Age*, 12 NUJS L. REV. 85 (2021).

²²Zomato Delivery Row: Bengaluru Influencer Faces Trolling," NDTV (Mar. 2021), <https://www.ndtv.com>.

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counter video was surfaced by the zomato executive, leading to trolling, and loss of credibility. Despite no formal adjudication of guilt, her digital persona was tarnished in a matter of hours. Similarly, **American YouTuber James Charles** suffered significant backlash and brand de-platforming after unverified allegations of misconduct spread across social media, leading to a measurable drop in followers and sponsorships.²³ These cases reveal that **disproportionate and irreversible reputational fallout** influencers endure, often without timely legal redress.

The primary legal challenge for influencers in such situations is **proving harm and quantifying damages**. In conventional defamation cases, plaintiffs must demonstrate reputational loss in a definable community. For influencers, however, reputation is a **commercial asset**, tied directly to metrics such as engagement rate, brand partnerships, and follower count. While Indian law does not yet recognize **digital reputation as a quantifiable economic right**, courts have begun acknowledging its value.²⁴ However, the absence of clear legal standards for calculating such losses, especially in the fast-moving influencer economy, makes compensation elusive.

Another critical issue is **jurisdiction**. Online defamation often originates from anonymous or foreign-based users, complicating the filing of complaints or issuing summons. Indian courts have recognized that even a single download of defamatory content within India can confer jurisdiction,²⁵ but cross-border enforcement remains difficult. Furthermore, many social media platforms operate from jurisdictions outside India, requiring **mutual legal assistance treaties (MLATs)** or diplomatic channels for investigation and redress, which are typically slow and bureaucratic.

The **anonymity of perpetrators** adds another layer of complexity. “*While Section 91 of the Code of Criminal Procedure*” allows courts to direct platforms to disclose user identities, platforms often cite privacy policies or jurisdictional constraints to delay or deny disclosures.²⁶ Influencers, therefore, face a **time-sensitive dilemma**: take swift action before content goes viral or risks irreversible damage. Unfortunately, the lack of robust user verification standards has exacerbated this loophole.

Against this backdrop, the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021** were notified to hold platforms accountable. These rules impose **due diligence**

²³Kat Tenbarge, *James Charles Loses Millions of Followers Amid Allegations*, INSIDER (May 2021).

²⁴Poonam Aggarwal v. Google India Pvt. Ltd., 2018 SCC OnLine Del 1194.

²⁵*Swami Ramdev v. Facebook, Inc.*, (2019) SCC OnLine Del 10701 (allowing global takedown of defamatory content accessible in India).

²⁶Code of Criminal Procedure, 1973, § 91.

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obligations on intermediaries, requiring them to publish grievance redressal mechanisms, remove unlawful content within 36 hours of notice, and appoint a Chief Compliance Officer in India.²⁷ Rule 4(1)(d) mandates monthly compliance reports, while Rule 4(2) compels **traceability of originators** of specific messages on significant social media platforms, particularly for content that may defame or harm others.

However, these rules have raised **constitutional concerns** regarding privacy, free expression, and overbroad state surveillance. Moreover, in practice, platforms have been **inconsistent in enforcement**, often delaying takedowns or failing to act unless public pressure escalates. Influencers are left to navigate this **bureaucratic and technologically opaque** terrain with little clarity regarding enforcement or remedy timelines. Courts have begun recognizing this problem for instance, in *Khushbu v. Kanniamal*, the Supreme Court emphasized protecting public personalities from baseless allegations²⁸ but systemic reforms remain limited.

A growing number of influencers have turned to **civil suits for injunctions and damages**, although these are often expensive and slow-moving. Precedents remain scarce, with few Indian courts explicitly addressing influencer-specific defamation claims. In *Annapurna Vishwanathan v. Twitter Inc.*, the plaintiff a fashion influencer successfully obtained a takedown order against false and sexually explicit posts, signaling evolving judicial sympathy for such claims.²⁹ Still, the absence of digital-specific legal definitions for "celebrity," "brand harm" or "digital goodwill" leaves significant gaps in enforcement.

In summary, while influencers are at the center of the digital economy, they remain **legally under protected** from reputational harm. Procedural delays, jurisdictional obstacles, and insufficient platform accountability mechanisms complicate legal recourse. The law must evolve to recognize **digital reputation as an economic right**, introduce **streamlined grievance redressal mechanisms**, and ensure **platform compliance** through transparent and accountable governance.

5. Influencers as Defamers: Legal Risks and Responsibilities in Content Creation

While influencers are frequently victims of online defamation, they can also be perpetrators either intentionally or inadvertently by posting defamatory statements, reviews, or accusations regarding

²⁷Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, G.S.R. 139(E).

²⁸*Khushbu v. Kanniamal*, (2010) 5 SCC 600.

²⁹*Annapurna Vishwanathan v. Twitter Inc.*, 2022 SCC OnLine Bom 1453.

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individuals, brands, or competitors. In the content-driven digital marketplace, where **virality often rewards controversy**, influencers may face legal consequences for publishing false, misleading, or unverified claims, especially under **civil and criminal defamation laws**.

A key legal principle is that **defamation does not distinguish between traditional media and social media users**. In *“Tata Sons Ltd. v. Greenpeace International”*, the Delhi High Court observed that defamatory statements made on digital platforms must be judged using the same standards as those published in print or broadcast.³⁰ This applies equally to influencers, who, by virtue of their reach and public engagement, are often considered **“public communicators.”** Their speech is more likely to be held to higher standards of diligence, especially when they impact reputation at scale.

A prominent example is YouTuber **Dhruv Rathee**, who faced a defamation notice from Dabur India Ltd. for alleging misleading advertisements and unethical practices in a video regarding Ayurvedic products. Although the matter did not proceed to trial, it highlights the **growing friction between corporate reputation and influencer commentary**. Another instance involved **Makeup influencer Marlena Stell** in the U.S., who faced legal threats after posting a YouTube video criticizing former business partners.³¹ The backlash underscored that **consumer-facing content, even under the guise of “honest reviews,” can cross into defamation if not properly substantiated**.

One of the main legal risks that influencers face is **failure to verify facts before publication**. While *“freedom of expression under Article 19(1)(a) protects opinion, Indian courts distinguish opinions from false assertions of fact”*.³² For instance, in *“S. Khushboo v. Kanniammal”*, the Supreme Court clarified that unsubstantiated allegations or sweeping generalizations without due care might be actionable.³³ If an influencer accuses a brand of fraud or an individual of misconduct without evidence, they risk liability under section 356 BNS and may also face suits for **commercial disparagement** or **injurious falsehood**.

In civil proceedings, brands pursued **damages and injunctive relief** against influencers whose content has allegedly tarnished brand image. For example, in *Dabur India Ltd. v. Ashok Kumar*, the court granted an injunction against misleading advertisements shared on social media.³⁴ Similar reasoning has been extended to YouTubers and bloggers whose content affects stock prices, consumer trust, or professional

³⁰*Tata Sons Ltd. v. Greenpeace International*, 2011 SCC OnLine Del 4667.

³¹Lauren Strapagiel, *YouTuber Faces Lawsuit Over Beauty Brand Allegations*, BUZZFEED NEWS (2021).

³²Indian Const. art. 19(1)(a); *Romesh Thappar v. State of Madras*, AIR 1950 SC 124.

³³*S. Khushboo v. Kanniammal*, (2010) 5 SCC 600.

³⁴*Dabur India Ltd. v. Ashok Kumar*, 2008 SCC OnLine Del 1747.

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reputations. Influencers who monetize their channels may be held to a **quasi-journalistic standard of accountability**, especially when their content borders investigative claims or public accusations.

Consumer Protection (E-Commerce) Rules, 2020, and subsequent **endorsement guidelines issued by the Ministry of Consumer Affairs**, further emphasize that influencers must disclose material connections, paid promotions, and sponsorships.³⁵ Failure to do so may mislead audiences and increase such as likelihood that courts will treat their speech as **commercial rather than personal**, thereby subjecting it to stricter scrutiny. In this context, defamation intersects with **unfair trade practices** and deceptive marketing creating **interdisciplinary liability** across tort, contract, and regulatory law.

A unique dimension of influencer defamation is **amplification of harm** through engagement. Such as, retweets, and algorithmic promotion can exponentially increase damage caused by defamatory statements. Courts have begun to acknowledge the multiplier effect. In "*Swami Ramdev v. Facebook Inc.*", the Delhi High Court ordered the global takedown of defamatory content, recognizing that once content goes viral, its impact is not localized.³⁶ For influencers, this means **greater care must be taken not just in content creation but in platform behavior**, including pinning, boosting, or linking to harmful material.

Furthermore, influencers may face criminal complaints not only just for primary publication but also for **republishing or endorsement** of defamatory content. This extends to collaborations, live sessions, and shared platforms, thus raising questions regarding **shared liability**. Although Indian courts are yet to establish consistent standards in this context, foreign jurisprudence has moved toward recognizing **joint liability in collaborative content production**, particularly where intent and awareness can be proven.³⁷

India's Approach and Alignment with Global Trends

India, such as the U.S., recognizes the potential for **freedom of speech** to conflict with the **right to reputation**. The Indian defamation law under Section 356 of the BNS provides broad protections against reputational harm, including online defamation. However, the **notion of "public figure"** is less clearly defined than in the U.S. or EU. In "*Subramanian Swamy v. Union of India*", the Supreme Court reaffirmed that **defamation laws** can be applied to both private and public figures, but the legal **burden**

³⁵ *Endorsement Guidelines for Celebrities and Influencers*, Ministry of Consumer Affairs (Jan. 2023).

³⁶ "*Swami Ramdev v. Facebook, Inc.*, (2019) SCC OnLine Del 10701".

³⁷ *Monroe v. Hopkins*, [2017] EWHC 433 (QB) (UK case where a celebrity was held liable for retweeting defamatory content).

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of proof is different. Public figures must meet a higher threshold for proving malice, which complicates the ability of influencers to claim protection from defamation.

Despite recent advances in regulating online content through the **IT Rules, 2021**, India still lacks a comprehensive framework for influencer liability, particularly when considering **paid content**, influencer **collaborations**, and platform **accountability**. The **Information Technology Act (2000)** and related amendments provide regulatory support for online content moderation, but these provisions primarily focus on **intermediary liability** and **privacy protections** rather than defamation. Therefore, **India's legal framework** is still evolving, and there is room for modification regarding how it balances the business welfare of influencers with the protection of other reputations.

Legal Reforms and Future Directions: Protecting Online Reputations in India

As the influencer economy grows and people rely more on digital platforms, the risk of personal and professional reputations online increases. While current Indian laws such as the “*IT Act, 2000 and BNS's*” defamation provisions offer some protection, they are not enough for today's digital challenges.³⁸

1. Updating Defamation Laws for the Internet Age

Section 356 of Bharatiya Nyaya Sanhita was created for print and traditional media. Today, harmful online posts can become viral instantly, making it harder to track and prove harm. The Supreme Court, in “*Subramanian Swamy v. Union of India*”, upheld criminal defamation law, but critics say that this may restrict online speech.³⁹ A new law is required for digital defamation, addressing anonymity, virality, and platform responsibility. The EU's Digital Services Act is a strong model that holds platforms accountable for removing harmful content.⁴⁰

2. Making Digital Platforms More Responsible

The “*IT Rules, 2021*” require social media platforms to manage complaints, but safe harbor protections under the IT Act still shield them from most legal liability.⁴¹ This allows platforms to delay or ignore the

³⁸ Information Technology Act, No. 21 of 2000, § 79, Acts of Parliament, 2000 (India); Bharatiya Nyaya Sanhita, 2023 (India).

³⁹ *Subramanian Swamy v. Union of India*, (2016) 7 SCC 221 (India).

⁴⁰ Regulation 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and Amending Directive 2000/31/EC (Digital Services Act), 2022 O.J. (L 277) 1.

⁴¹ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, G.S.R. 139(E) (India).

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removal of the defamatory content. Reforms could include limiting safeharbor when platforms ignore harmful content and require swift action and better user identification.

3. Holding Influencers Accountable

Influencers often shape public opinion and promote brands. Although the “*Consumer Protection (E-Commerce) Rules, 2020*” require them to label paid posts, they are not fully liable for reputational harm caused by their content.⁴² India could adopt rules such as the UK’s Communications Act, 2003, which requires responsible broadcasting and fact-checking before sharing harmful or misleading content.⁴³

4. Strengthening Privacy and Data Protection

“*India’s Personal Data Protection Bill*” aims to secure user data and prevent misuse. This bill could be improved to prevent people from using private data in defamatory ways. A “right to be forgotten,” similar to the EU’s GDPR, would help individuals remove outdated or harmful online content that affects their reputation.⁴⁴

5. Educating Influencers regarding the Law

Many influencers lack legal knowledge of what they can or cannot post. Legal training through government-supported programs and online workshops can help avoid accidental defamation or IP violations. Encouraging ethical content creation through education and self-regulation can reduce legal disputes and create a more positive digital environment.

Conclusion

As the influencer economy expands, digital reputation becomes more important than ever. Influencers have major influence on public opinion and consumer choice through social media. However, this influence comes with the risk of online defamation, and India’s current legal system based on the BNS and IT Act is not well-equipped to handle the speed and complexity of the digital world.

⁴² Consumer Protection (E-Commerce) Rules, 2020, G.S.R. 462(E) (India).

⁴³ Communications Act 2003, c. 21, § 319(2)(a) (UK).

⁴⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation), 2016 O.J. (L 119) 1.

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Traditional defamation laws such as Section 356 BNS were cerate for print media, not viral online content. Cases such as “*Subramanian Swamy v. Union of India*” show how courts struggle “*to balance free speech and protection from reputational harm*” online. This highlights the need for clearer laws for digital defamation and platform responsibilities.

Reforms are needed to hold platforms accountable, introduce digital-specific defamation laws, and protect influencers from unfair attacks. Global models such as the “*EU’s Digital Services Act*” and reforms in Australia provide helpful examples for India. Legal education for influencers is also essential. By understanding their rights and responsibilities, influencers can reduce legal risks and promote ethical content. In short, India’s legal system must evolve with the influencer economy. A balanced legal approach protecting both free speech and reputations can help build a safer, more responsible digital space.

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