



The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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THE DIGITAL TRIAL: THE GROWING IMPACT OF ONLINE DEFAMATION IN INDIA

— Muskan

INTRODUCTION

The influence of social media in India has grown at an extraordinary pace. With more than 900 million internet users, India is now the world's largest and fastest-growing digital market.¹ The internet has undeniably expanded the freedom of expression, allowing individuals unprecedented access to information and public discourse. Yet this same openness has given rise to one of the gravest cyber harms of the present century: online defamation. A single social media post, tweet, reel, or manipulated video can irreparably damage a person's reputation within minutes, often reaching millions of viewers before the truth can be established or clarified.

Online defamation has emerged as a serious and escalating cyber-legal concern in India. Manipulated content, false allegations, and coordinated misinformation campaigns increasingly affect individuals, businesses, celebrities, and public officials alike. The sheer reach of digital communication has transformed defamation from a private grievance into a matter of national concern, one capable of shaping India's image abroad. A recent example is the wave of online abuse directed at cricketer Travis Head's wife by a section of Virat Kohli's fan base following an on-field exchange between the two players² — an episode that illustrates how quickly personal disputes can escalate into coordinated digital harassment.

UNDERSTANDING ONLINE DEFAMATION

¹World Economic Forum, [Global Risks Report 2025](#) (Jan. 2025), identifying misinformation and disinformation as the foremost short-term global risk and noting India's position as the world's largest internet market.

²See ["Travis Head's Wife Faces Online Abuse Over Virat-Travis Spat"](#), Deccan Chronicle (May 2026).

Defamation, in its classical sense, refers to the publication of false information with the intention of harming the reputation of a person or entity.³ When such false information is communicated through digital platforms — social media, blogs, websites, or short-form video content — it is termed online defamation.⁴

Defamation exposes victims to harassment, threats, and a steady erosion of reputation. Online, it manifests through false accusations circulated on social media, the generation of deepfake videos, fabricated reviews targeting businesses, and the spread of rumours across online forums. Unlike traditional defamation, digital content spreads rapidly and is accessible globally, often causing damage that is severe and, in practical terms, irreversible.

RISING INCIDENTS IN THE DIGITAL AGE

The rapid proliferation of social media influencers and AI-generated content has fuelled a corresponding rise in cyberbullying and online defamation.⁵ Information can now be published without fact-checking or editorial oversight, and false narratives frequently spread faster than the corrections that follow them.

Recent data indicates that a significant proportion of digital users have encountered false rumours and deepfakes with little accountability attached to their creators, resulting in serious harm to the character and standing of the individuals concerned.⁶ The anonymity afforded by social media handles often emboldens users to make defamatory statements without regard for the legal consequences. The emergence of artificial intelligence has further complicated matters: deepfake technology can now generate fabricated videos and images⁷ that are increasingly difficult to distinguish from authentic content. This was starkly illustrated in the case of YouTuber Payal Gaming (Payal Dhare), whose fabricated video was circulated widely

³The Bharatiya Nyaya Sanhita, 2023, § 356 (India), [full text](#).

⁴The Information Technology Act, 2000, No. 21 of 2000 (India), [full text](#).

⁵National Crime Records Bureau, [Crime in India 2023](#), recording a 31.2% year-on-year rise in registered cybercrime, including offences of online harassment and defamation.

⁶World Economic Forum, [Global Risks Report 2025](#), supra note 1.

⁷UNESCO, ["Deepfakes and the Crisis of Knowing"](#) (2025), on the growing difficulty of distinguishing synthetic from authentic content.

online, causing significant reputational and psychological harm before Maharashtra Cyber Police confirmed the footage to be an AI-generated deepfake.⁸

RECENT EXAMPLES OF ONLINE DEFAMATION IN INDIA

Several high-profile incidents in recent years illustrate the scale of the problem.

In 2026, journalist Anjana Om Kashyap and TV Today Network filed a defamation suit before the Delhi High Court seeking damages arising from an online campaign that allegedly harmed their reputation through coordinated digital abuse.⁹ The case illustrates how public figures are increasingly turning to formal legal remedies to counter reputational attacks conducted on digital platforms.

The harm caused by online defamation now extends well beyond individual reputations, reaching into public opinion, electoral narratives, and the electoral process itself. Political actors have, at times, deployed misleading campaigns through social media as an instrument of electoral strategy, a concern that the Election Commission of India has formally acknowledged.¹⁰ During election cycles, the use of deepfakes has become common enough to prompt regulatory intervention, with fabricated videos circulated to damage the credibility of political opponents, spread misinformation, and sow confusion among voters. Political parties are now known to operate dedicated digital or "IT cell" teams to manage online narratives, a trend that has drawn continued scrutiny from the Election Commission.¹¹

Corporate entities have not been spared either. Indian courts have, in more than one instance, granted interim relief and directed the removal of online content found to be defamatory of a

⁸See ["Payal Gaming Deepfake Case: Maharashtra Cyber Police Confirms Viral Video Was Fake"](#), India TV News (Dec. 19, 2025); ["Maharashtra Cyber Registers FIR in Deepfake Video Case Involving YouTuber Payal Gaming"](#), Free Press Journal.

⁹See ["Anjana Om Kashyap, TV Today Network File ₹2 Cr Defamation Suit Against Khan Sir"](#), Exchange4Media (Jun. 7, 2026); [Anjana Om Kashyap v. Faisal Khan](#), 2026 SCC OnLine Del 4621 (Delhi High Court, summons issued).

¹⁰Election Commission of India, Advisory on Responsible and Ethical Use of Social Media by Political Parties (May 2024), discussed in [Business & Human Rights Resource Centre](#).

¹¹See ["ECI Cracks Down on Deepfakes Before Bihar Polls"](#), MediaNama (Oct. 2025), tracing successive ECI advisories on synthetic and AI-generated election content.

company's reputation, underscoring that digital creators and publishers can be held legally accountable for circulating unverified allegations against businesses.¹²

LEGAL FRAMEWORK GOVERNING ONLINE DEFAMATION

Indian law recognises reputation as an important facet of an individual's dignity and personal rights.

Article 19(1)(a) of the Constitution guarantees the fundamental right to freedom of speech and expression.¹³ However, Article 19(2) permits the State to impose reasonable restrictions on this freedom in the interest of, among other grounds, defamation.¹⁴ The right to free speech, therefore, does not extend to making false statements that damage another person's reputation.

Under the Bharatiya Nyaya Sanhita, 2023 (BNS), defamation continues to be treated as a criminal offence.¹⁵ A person found guilty may face punishment, including a fine, imprisonment, or both, as prescribed by law.

Beyond criminal liability, victims may also pursue civil remedies.¹⁶ Courts are empowered to award monetary damages, order the removal of defamatory content, grant injunctions restraining further publication, and, in appropriate cases, direct the issuance of a public apology.

Although the Information Technology Act, 2000 does not itself define "online defamation," electronic records — including screenshots, emails, social media posts, videos, and digital metadata — are routinely relied upon as evidence in court proceedings involving defamatory digital content.¹⁷

¹²See, illustratively, ["India: Court Allows Adani Subsidiary to Demand Removal of Content It Deems Defamatory"](#), Reporters Without Borders (RSF), on interim orders obtained by a corporate entity directing the removal of allegedly defamatory online content.

¹³Constitution of India, art. 19(1)(a), [full text](#).

¹⁴Constitution of India, art. 19(2), [full text](#).

¹⁵The Bharatiya Nyaya Sanhita, 2023, § 356, *supra* note 2.

¹⁶See [Subramanian Swamy v. Union of India](#), (2016) 7 SCC 221, upholding the constitutional validity of criminal defamation and recognising reputation as an aspect of the right to life under Article 21.

¹⁷The Information Technology Act, 2000, *supra* note 3, on the admissibility and evidentiary treatment of electronic records.

CHALLENGES IN ADDRESSING ONLINE DEFAMATION

Despite the availability of these legal remedies, significant challenges remain.

First, anonymous accounts frequently make it difficult to identify the individuals responsible for defamatory content.¹⁸ Many defamatory campaigns originate from fake profiles or accounts operating outside Indian jurisdiction, complicating both identification and enforcement.

Second, digital content spreads rapidly across multiple platforms simultaneously. Even where a court orders the removal of defamatory material, copies frequently continue to circulate through screenshots, reposts, and archived versions that fall outside the scope of the original order.

Third, legal proceedings can be time-consuming and expensive.¹⁹ Victims are often required to pursue lengthy litigation before obtaining meaningful relief, during which period the underlying reputational harm continues to compound.

Finally, courts must carefully balance freedom of expression against the right to reputation.²⁰ Excessive restriction risks suppressing legitimate criticism and investigative journalism, while under-regulation risks enabling misinformation and character assassination to proceed unchecked.

CONCLUSION

Online defamation has become one of the most pressing legal challenges of India's digital age.²¹ The unprecedented reach of social media, combined with emerging technologies such as artificial intelligence and deepfakes, has significantly increased the potential for reputational harm. While digital platforms create valuable opportunities for expression and public participation, they also impose a corresponding responsibility to communicate truthfully and responsibly.

¹⁸National Crime Records Bureau, [Crime in India 2023](#), supra note 4, on the cross-border and anonymised character of a significant share of reported cybercrime.

¹⁹See generally [Law Commission of India reports and studies on judicial delay](#), addressing pendency and the protracted timelines that commonly attend civil litigation, including defamation suits.

²⁰Subramanian Swamy v. Union of India, (2016) 7 SCC 221, supra note 14.

²¹World Economic Forum, [Global Risks Report 2025](#); UNESCO, ["Deepfakes and the Crisis of Knowing"](#), supra notes 1 and 6.

As recent cases demonstrate, Indian courts are increasingly prepared to intervene when online content crosses the line from legitimate criticism into defamation. Legal action alone, however, cannot resolve the problem in its entirety. Greater digital literacy, responsible online conduct, effective platform moderation, and sustained public awareness remain equally essential to addressing online defamation at its source.²²

²²UNESCO, ["Deepfakes and the Crisis of Knowing"](#), supra note 6, on the need for media and information literacy as a complement to legal remedies.