

How to Legally Remove Defamatory Content from Google, Instagram and Facebook

Introduction

The rise of social media and proliferation of the digital age it has become is the rise in online Defamation, cyber harassment, false accusations clowning impersonation and reputation attack. Now, lies and defamatory statements can be published instantly across Google Instagram, Facebook Youtube X (previously known as Twitter) and any other website which may cause damages to individuals and companies financially and personally. Fake videos, false rumors, reviews, screenshots and posts are online for a long time and reputation damage can be done in seconds. Reputation management is an integral part of the right to life and personal liberty guaranteed under Article 21 of Indian constitution¹.

Indian courts have consistently held that the internet can never work as a 'shield' to unlimited reputational damages and illegitimate online harassment. Yet, the law as such, seeks to strike a balance between the right to free speech and expression under Article 19(1)(a)² and that of dignity and privacy. The combination of technology, free speech, privacy and platform accountability has made online defamation one of the most prominent newest areas of research in cyber law.

Understanding Online Defamation

Defamation generally refers to any false statement made about a person that harms their reputation in the eyes of society. Under Indian law, defamation may be both civil and criminal in nature.

Online or digital defamation occurs when defamatory content is published through:

- social media posts,
- websites,
- blogs,
- videos,
- online reviews,
- fake accounts,
- or search engine results.

The Indian Penal Code, now replaced under the Bharatiya Nyaya Sanhita (BNS), criminalizes defamation³ and provides remedies against individuals spreading false and harmful allegations. Additionally, victims may file civil suits seeking damages, injunctions, and removal of defamatory material.

The Supreme Court in *Subramanian Swamy v. Union of India* upheld the constitutional validity of criminal defamation laws and observed that the right to reputation is an integral part of Article 21⁴.

¹ Constitution of India, art. 21.

² Constitution of India, art. 19(1)(a).

³ Bharatiya Nyaya Sanhita, 2023, ss. 356–35.

⁴ *Subramanian Swamy v. Union of India*, (2016) 7 SCC 221.

Legal Procedure for Removing Defamatory Content from Google, Instagram, and Facebook

Deleting defamatory materials from digital content can be achieved through a combination of the platform grievance system and legal procedures under Indian law. The first step involves the individual unhappy with the posting of the defamatory content reporting the complainant through the respective grievance mechanisms of Google, Facebook, and Instagram against impersonation harassment, fake account creation, privacy violations, or defamation respectively. If there is failure on the part of the platform, the complainant can send the former a legal notice informing him of the incident and requesting that he immediately delete the said content and refrain from publishing it thereafter. In cases where a serious damage to reputation is caused, the victim might approach the civil court for an injunction and a takedown order which directs the intermediary to remove or disable access to the illegal material. To obtain criminal remedies, the defamatory content has to constitute a cyber offence such as cyber harassment, identity theft and stalking under the cyber laws. Position of Indian courts on the liability of the intermediary or digital platform for the liability of the digital platform in the publication of unlawful material has been evolving along the lines of *Shreya Singhal v. Union of India*⁵ and *Swami Ramdev v. Facebook Inc*⁶ rulings.

The first and most immediate step is usually reporting the content directly through the platform's grievance or reporting mechanism⁷. Platforms such as Google, Instagram, and Facebook provide systems allowing users to report:

- harassment,
- impersonation,
- fake accounts,
- privacy violations,
- copyright infringement,
- and harmful or defamatory content.

Google also provides legal removal request mechanisms for certain categories of unlawful content. Similarly, Meta platforms such as Instagram and Facebook operate under community standards and grievance systems addressing harmful and abusive content.

If platform reporting mechanisms fail, the affected individual may issue a legal notice to:

- the original uploader,
- website owner,
- intermediary,
- or social media platforms.

A legal notice generally demands:

- immediate removal of content,
- cessation of defamatory publication,
- apology or retraction,

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

⁶ *Swami Ramdev v. Facebook Inc.*, 2019 SCC OnLine Del 10701.

⁷ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

- and preservation of evidence.

Where the defamatory content causes serious harm, the victim may approach the civil court seeking an injunction directing removal of the content and restraining further publication. Courts in India increasingly grant interim injunctions in cases involving serious reputational injury and online harassment.

In *Swami Ramdev v. Facebook Inc.*⁸, the Delhi High Court dealt extensively with removal of defamatory online content and examined intermediary obligations concerning global takedown orders.

Intermediary Liability and Platform Responsibility

The liability of the likes of Google, Facebook and Instagram are largely dealt with by Section 79 of the Information Technology Act, 2000⁹ and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Indian intermediaries are unlikely to get safe harbour under Indian law if they simply play a custodial role, and can get immune if acting as a neutral host and carrying out due diligence obligations. This protection may be lost if an intermediary does not act after it has been received with legal takedown directions or court orders.

When it comes to *Shreya Singhal V. Union of India*, the Supreme Court noted that INTERMEDIARIES are under duty to remove unlawful content only when they receive a valid court order or govt. order here. Also, issues on intermediary responsibility and onus of defamatory content were discussed in *Google India Pvt. Ltd. v. Visaka Industries*¹⁰. Such rulings reflect the rising legal consensus requiring online intermediaries to be more responsible when they have knowledge of unlawful or harmful content.

Criminal and Civil Legal Remedies

Victims of online defamation may pursue both criminal and civil remedies depending upon the severity of harm caused.

Criminal remedies may include filing complaints for:

- defamation,
- cyber harassment,
- impersonation,
- identity theft,
- Stalking,
- or publication of obscene material. Civil remedies generally involve:
- injunctions,
- compensation claims,
- damages for reputational harm,
- and permanent takedown orders.

Where fake accounts or manipulated content are involved, victims may also seek investigation through cyber crime cells and law enforcement authorities. In serious cases involving privacy

⁸ *Swami Ramdev v. Facebook Inc.*, (2019) 263 DLT 689.

⁹ Information Technology Act, 2000, s. 79.

¹⁰ *Google India Pvt. Ltd. v. Visaka Industries*, (2020) 4 SCC 162.

violations, morphing, or AI-generated deepfakes, constitutional privacy protections recognized in Justice K. S. Puttaswamy v. Union of India¹¹ may also become relevant.

Conclusion

Online defamation now poses one of the most serious legal challenges of our times. In minutes, the rapid dissemination of damaging content via search engines and social media sites can result in profound damage to a person's reputation, state of mind, and finances. Authorities like Google, Instagram, Facebook etc have some sort of internal reporting system. Yet serious issues can only be resolved by way of legal notices, injunctions, court proceedings or cybercrime complaints. Indian courts are considering balancing free speech protection under the constitution with digital reputation, privacy and dignity. That is reflected in the subsequent development of Indian courts on intermediary liability, platform accountability and online governance is implying that the digital platforms have to take more responsibility when unlawful and defamatory content is brought to their notice.

To wrap up, defamation can be successfully removed by taking appropriate actions at appropriate time, keeping proper evidence, using the platforms in the expected direction, and where needed, with the help of judicial directions (under cyber law, defamation law and the director regulations).

¹¹ *Justice K. S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.