
FROM INFLUENCERS TO HARM: THE ROLE OF SOCIAL MEDIA INFLUENCERS IN SPREADING MISINFORMATION AND ITS CRIMINAL CONSEQUENCES

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ABSTRACT

The rapid growth of social media has transformed the way information is created, shared, and consumed. Social media influencers have emerged as powerful digital figures capable of shaping public opinion, consumer behaviour, and societal perceptions. While influencers play an important role in spreading awareness and promoting products and ideas, the dissemination of false or misleading information through their platforms has become a matter of serious concern. Such misinformation can result in significant harm, including health risks, financial losses, public panic, and erosion of public trust in institutions.

This research paper examines the role of social media influencers in spreading misinformation and analyses whether they can be held criminally liable when such misinformation causes harm to individuals or society. The paper explores the different forms of misinformation, the factors contributing to its spread, and its social and legal consequences. It further analyses the existing legal framework in India, including the Bharatiya Nyaya Sanhita, 2023, the Information Technology Act, 2000, the Consumer Protection Act, 2019, and the constitutional guarantee of freedom of speech and expression under Article 19(1)(a), along with the reasonable restrictions imposed under Article 19(2). Relevant judicial pronouncements have also been examined to understand the scope of legal accountability for influencers.

The study adopts both doctrinal and empirical research methods. The doctrinal analysis is based on statutes, case laws, books, journal articles, and government reports, while the empirical component consists of questionnaire responses collected from law students to assess public awareness and perceptions regarding influencer accountability. The paper concludes that although social media influencers enjoy the fundamental right to freedom of speech and expression, this right carries corresponding responsibilities. Effective enforcement of existing laws, greater transparency, responsible

content creation, and enhanced digital awareness are essential to curb the spread of misinformation and ensure accountability in the digital ecosystem.

Keywords: Social Media Influencers, Misinformation, Criminal Liability, Freedom of Speech, Digital Platforms, Consumer Protection, Bharatiya Nyaya Sanhita, Accountability.

CHAPTER 1: INTRODUCTION

1.1 MEANING OF SOCIAL MEDIA INFLUENCERS

In today's digital age, social media has become one of the most important sources of information and communication. Platforms such as Instagram, YouTube, Facebook, and X (formerly Twitter) are used by millions of people every day to obtain news, entertainment, educational content, and product recommendations. As a result, certain individuals who have a large online following and can influence the thoughts, opinions, and decisions of others have emerged. These individuals are commonly known as social media influencers.

According to **Andreas M. Kaplan & Michael Haenlein** "Social media is a group of Internetbased applications that build on the ideological and technological foundations of Web 2.0, and that allow the creation and exchange of user-generated content."¹

A social media influencer is a person who has the ability to influence the opinions, choices, and behavior of a large number of people through the content they share online. They regularly create posts, videos, blogs, or other forms of content and build a strong relationship with their followers. Over time, followers begin to trust their views and recommendations, making influencers powerful voices in the digital world. In contrast to traditional celebrities who become famous through movies, television shows, sports, or other forms of mainstream media, social media influencers gain popularity through their activities on digital platforms. They regularly interact with their followers by sharing content, responding to comments, and engaging in discussions. This direct connection helps them build a sense of trust and familiarity with their audience. As a result, followers often view influencers as relatable individuals and are more likely to trust their opinions and recommendations. As mentioned by **ASCI** "Someone having access to an audience and the power to affect the purchasing opinions or

¹ Andreas M. Kaplan & Michael Haenlein, Users of the World, Unite! The Challenges and Opportunities of Social Media, 53 Bus. Horizons 59, 61 (2010).

decisions of consumers.”²

Today, social media influencers are active in a wide range of fields, including fashion, beauty, fitness, health, education, technology, travel, finance, and politics. For instance, a fitness influencer may share exercise tips and healthy lifestyle advice, while a finance influencer may provide information about savings, investments, or financial planning. Because many influencers have a large number of followers, their views can influence public opinion, consumer choices, and even social attitudes. This growing influence makes them important participants in the modern digital communication landscape.

1.2 MEANING OF MISINFORMATION

Misinformation refers to false, inaccurate, or misleading information that is shared without the intent to deceive. While the individual spreading such information may believe it to be true, misinformation can nevertheless mislead the public, distort perceptions, and cause social, political, economic, or health-related harm. The rise of digital communication and social media platforms has significantly accelerated the spread of misinformation, making it a major challenge for governments, legal systems, and society. According to **Claire Wardle and Hossein Derakhshan**, “misinformation refers to false information that is shared, but no harm is meant.”³ In other words, misinformation consists of inaccurate or misleading information that is circulated without the intention to deceive. However, despite the absence of malicious intent, misinformation can still cause significant social, economic, and legal harm when it spreads among a large audience. For example, imagine that a social media influencer comes across an online post claiming that drinking a particular herbal beverage can cure a serious illness. Believing the information to be accurate, the influencer shares it with their followers without verifying its authenticity from reliable medical sources. Later, health experts confirm that the claim is false and lacks scientific evidence. Although the influencer did not intend to deceive anyone, the information may mislead followers and encourage them to rely on ineffective remedies. This is an example of misinformation because the false information was shared without any intention to cause harm or mislead the public.

In today’s social media world, some people share unverified, exaggerated, or misleading

² Advert. Standards Council of India, Guidelines for Influencer Advertising in Digital Media (2021).

³ Claire Wardle & Hossein Derakhshan, Information Disorder: Toward an Interdisciplinary Framework for Research and Policy Making 20 (Council of Europe Report DGI(2017)09, 2017).

information to gain more likes, views, shares, or followers. In many cases, they may not verify whether the information is true before posting it. As a result, false information can spread rapidly and mislead the public.

1.3 IMPORTANCE OF THE STUDY

The present study is important for understanding the growing influence of social media influencers and the legal implications arising from the spread of misinformation. The significance of the study can be understood through the following points:

1. To understand the role of social media influencers in shaping public opinion and consumer behavior.
2. To examine how misinformation spreads through social media platforms and reaches a large audience within a short period of time.
3. To analyze the social, economic, reputational, and psychological harm caused by false or misleading information.
4. To study the increasing influence of digital content creators in areas such as health, finance, education, politics, and commerce.
5. To examine the legal responsibilities and accountability of social media influencers in the digital age.
6. To analyze the applicability of the Bharatiya Nyaya Sanhita, 2023, in addressing harmful consequences arising from misinformation.
7. To study the role of the Information Technology Act, 2000, in regulating online content and digital communications.
8. To examine the protection available to consumers under the Consumer Protection Act, 2019, against misleading advertisements and endorsements.
9. To analyze the relationship between freedom of speech and expression and the reasonable restrictions imposed under the Constitution of India.

10. To identify the criminal and civil consequences that may arise when influencers spread false or misleading information.
11. To contribute to discussions on digital governance, ethical communication, and responsible use of social media platforms.
12. To suggest measures for promoting transparency, accountability, fact-checking, and ethical conduct among social media influencers.

1.4 OBJECTIVES OF THE STUDY

The present study seeks to examine the growing role of social media influencers in shaping public opinion and spreading information through digital platforms. With the increasing prevalence of misinformation on social media, the study aims to analyze the legal implications arising from the spreading of false or misleading information and the extent of accountability that may be imposed on influencers. The specific objectives of the study are as follows:

1. To understand the concept and role of social media influencers in the digital age.
2. To examine the meaning, nature, and various forms of misinformation disseminated through social media platforms.
3. To analyze the influence of social media influencers on public opinion, consumer behavior, and decision-making.
4. To identify the factors that contribute to the spread of misinformation through influencer generated content.
5. To examine the social, economic, reputational, and psychological harm caused by misinformation.
6. To analyze the legal responsibilities and accountability of social media influencers for the dissemination of false or misleading information.
7. To study the applicability of the Bharatiya Nyaya Sanhita, 2023, in addressing offences arising from misinformation.

8. To examine the role of the Information Technology Act, 2000, in regulating digital content and online communications.
9. To analyze the protection available under the Consumer Protection Act, 2019, against misleading advertisements and endorsements by influencers.
10. To examine the constitutional balance between freedom of speech and expression under Article 19(1)(a) and the reasonable restrictions under Article 19(2) of the Constitution of India.
11. To suggest legal and policy measures for promoting transparency, accountability, and responsible communication among social media influencers.

CHAPTER 2: ROLE OF SOCIAL MEDIA INFLUENCERS

2.1 TYPES OF INFLUENCERS

According to **Engel et. al. 2024**, influencers may be classified on the basis of follower count, content specialization, and platform of engagement.⁴

A. Classification Based on Audience Size

1. Mega Influencers

Mega influencers are individuals with more than one million followers on social media platforms. They are usually celebrities, athletes, actors, musicians, or public figures whose influence extends across national and international audiences. Due to their extensive reach, brands often engage them for large-scale promotional campaigns. However, the vast audience they command also means that any misinformation disseminated by them can have far-reaching consequences.

2. Macro Influencers

Macro influencers generally possess between 100,000 and one million followers. Unlike mega influencers, they often gain popularity through their expertise or content creation within a

⁴ Elena Engel, Katharina Karsay et al., Social Media Influencers and Adolescents' Health: A Scoping Review of the Research Field, 348 Soc. Sci. & Med. 116792 (2024).

specific niche such as technology, fashion, education, or fitness. Their audience perceives them as knowledgeable and trustworthy, thereby enhancing their persuasive capacity.

3. Micro Influencers

Micro influencers typically maintain a follower base ranging from 10,000 to 100,000 individuals. They enjoy stronger engagement rates and closer relationships with their followers. Because of their perceived authenticity, recommendations made by micro influencers often carry significant persuasive value despite their comparatively smaller reach.

4. Nano Influencers

Nano influencers are content creators with fewer than 10,000 followers. Their influence is generally limited to local communities or highly specialized interest groups. Nevertheless, they often enjoy the highest levels of audience trust and interaction, making them increasingly attractive for targeted promotional campaigns.

B. Classification Based on Content Specialization

1. Lifestyle Influencers

Lifestyle influencers share content relating to daily routines, travel, relationships, fashion, and personal experiences. Their influence stems primarily from the relatability of their content and the aspirational lifestyles they portray.

2. Health and Wellness Influencers

These influencers provide information regarding healthcare, fitness, nutrition, and wellness practices. Given the potential impact of their advice on public health, the dissemination of inaccurate medical information by such influencers may result in significant societal harm, as witnessed during the COVID-19 pandemic.

3. Financial Influencers (Finfluencers)

Finfluencers create content related to investments, stock markets, cryptocurrencies, and personal finance. Due to the possibility of financial losses resulting from misleading advice, financial regulators have increasingly focused on monitoring their activities. The Securities

and Exchange Board of India (SEBI) has introduced regulatory measures aimed at preventing unregistered individuals from providing investment advice under the guise of influencer content.

4. Political Influencers

Political influencers engage in discussions concerning public policy, elections, governance, and ideological issues. Their content can significantly affect democratic discourse and electoral decision-making. Consequently, concerns regarding political misinformation and disinformation have attracted substantial scholarly and regulatory attention.

5. Religious and Spiritual Influencers

Religious leaders, spiritual gurus, and motivational speakers increasingly utilize social media platforms to disseminate religious teachings and moral guidance. Their substantial influence over followers may create concerns when unverified claims or misleading information are presented as factual truths.

6. Educational Influencers

Educational influencers disseminate knowledge relating to law, science, history, economics, and various academic disciplines. While they contribute positively to public education, inaccuracies in educational content can mislead large audiences and perpetuate misinformation.

The classification of social media influencers demonstrates that their impact varies according to the size of their audience and the nature of the content they produce. While mega and macro influencers possess greater reach, micro and nano influencers often enjoy higher levels of trust and engagement. Similarly, influencers operating in sensitive fields such as health, finance, politics, and religion have the potential to significantly affect public perception and decisionmaking. Therefore, the spreading of false or misleading information by influencers may result in social, economic, political, or public health harms. Understanding these classifications is therefore essential for analyzing the legal responsibilities of influencers and the criminal consequences that may arise from the spread of misinformation through digital platform.

2.2 HOW INFLUENCERS AFFECT PEOPLE'S OPINION

In the contemporary digital era, social media influencers play a significant role in shaping public opinion and individual decision-making. Their influence stems from the trust, credibility, and personal connection they develop with their followers through regular interaction on digital platforms. According to **Freberg et al.**, “social media influencers are perceived by audiences as credible, persuasive, and relatable individuals whose opinions can significantly affect public attitudes and behaviours”.⁵

Influencers affect public opinion in various ways. They influence consumer choices by endorsing products and services, shape social attitudes by discussing contemporary issues, and contribute to political discourse by sharing their views on matters of public importance. **Brown and Hayes** observe that influencers have become powerful marketing and communication tools because individuals are more likely to trust recommendations from people they admire or relate to than from traditional advertisements.⁶ A notable example of misinformation spread through social media occurred during the COVID-19 pandemic. During this period, false claims regarding vaccine safety, miracle cures, and preventive measures were widely circulated online. Several influencers and public figures shared unverified medical information, which was rapidly spread among their followers.

The widespread circulation of such content created confusion and contributed to vaccine hesitancy among sections of the public. It also undermined efforts by health authorities to provide accurate scientific information. Recognizing the seriousness of this issue, the **World Health Organization (WHO)** described it as an “infodemic,” referring to the rapid spread of excessive and misleading information during a public health emergency.⁷

This example demonstrates how social media influencers can significantly influence public opinion and how the lack of proper fact-checking may contribute to the spread of misinformation with serious public health consequences.

The persuasive power of influencers is further strengthened by the authentic and personal

⁵ Freberg, K., Graham, K., McGaughey, K. & Freberg, L.A., “Who are the Social Media Influencers? A Study of Public Perceptions of Personality,” *Public Relations Review*, Vol. 37, No. 1 (2011)

⁶ Brown, D. & Hayes, N., *Influencer Marketing: Who Really Influences Your Customers?* (Routledge, 2008)

⁷ World Health Organization, *Managing the COVID-19 Infodemic: Promoting Healthy Behaviors and Mitigating the Harm from Misinformation and Disinformation* (2020)

nature of their content. A study conducted by **De Veirman, Cauberghe, and Hudders** found that influencer endorsements are often perceived as more genuine and trustworthy than conventional advertising, thereby increasing their impact on audience perceptions and decisions.⁸

The growth of social media platforms has amplified this influence considerably. Abidin notes that digital technologies have enabled influencers to reach vast audiences within a short period, allowing information and opinions to spread rapidly across geographical boundaries. While such influence can be beneficial for education, awareness, and social engagement, it can also have harmful consequences when inaccurate or misleading information is shared.

In this regard, **Wardle and Derakhshan** explain that “the rapid circulation of misinformation through online platforms can distort public understanding of important issues and create significant social harm”.⁹ Similarly, Tandoc, Lim, and Ling argue that exposure to false or misleading information may influence public beliefs and decision-making, particularly when such information is repeatedly shared by trusted online personalities.

Therefore, social media influencers possess considerable power to shape public opinion. Their ability to affect the beliefs and actions of large audiences makes them important actors in the digital information ecosystem and highlights the need to examine their legal responsibilities when misinformation is disseminated through online platforms.

2.3 REASONS FOR SPREADING MISINFORMATION

The growing influence of social media personalities has made them an important source of information for many people. However, this influence has also increased the risk of misinformation being spread online. There are several reasons why influencers may share false or misleading information, either intentionally or unintentionally.

One of the main reasons is the desire to gain more attention and engagement. Social media platforms often reward content that receives a high number of views, likes, comments, and shares. As a result, some influencers may post sensational, controversial, or attention-grabbing

⁸ De Veirman, M., Cauberghe, V. & Hudders, L., “Marketing Through Instagram Influencers,” *International Journal of Advertising*, Vol. 36, No. 5 (2017).

⁹ Wardle, C. & Derakhshan, H., *Information Disorder: Toward an Interdisciplinary Framework for Research and Policy Making* (Council of Europe, 2017).

content to increase their popularity. Wardle and Derakhshan point out that the modern digital environment often encourages the rapid sharing of information, sometimes at the expense of accuracy.

Another important reason is the lack of proper fact-checking. Unlike journalists or researchers, many influencers do not have professional training in verifying information. Consequently, they may share news, opinions, or claims from unreliable sources without confirming their accuracy. According to Tandoc, Lim, and Ling, misinformation frequently spreads when individuals circulate information without first verifying whether it is true.

Financial incentives also contribute to the spread of misinformation. According to **Ahmad et al.**, the “financial motivation to earn advertising revenue is one of the major reasons behind the creation and dissemination of online misinformation”¹⁰. Many influencers earn income through sponsorships, advertisements, and brand collaborations. In an effort to attract more followers or promote certain products and services, some may make exaggerated or misleading claims.

Brown and Hayes explain that influencer marketing has become a highly effective tool for influencing consumer behaviour, which makes the accuracy of influencer content particularly important.

In addition, personal beliefs, political views, and ideological preferences may influence the type of information shared by influencers. In some cases, influencers may knowingly or unknowingly present one-sided information that reflects their own opinions, which can shape the perceptions of their followers.

Consider a situation where, a social media influencer is paid by a company to promote a newly launched dietary supplement. To attract more buyers and increase engagement, the influencer falsely claims that the supplement is scientifically proven to help people lose a significant amount of weight within a few days, despite having no evidence to support the claim. Trusting the influencer’s popularity and credibility, many followers purchase the product and rely on the misleading information. This example demonstrates how financial incentives and the desire for greater popularity can motivate influencers to spread misinformation, potentially

¹⁰ Wajeeha Ahmad et al., Companies Inadvertently Fund Online Misinformation Despite Consumer Backlash, 630 *Nature* 123, 124 (2024).S

causing economic loss and health-related risks to consumers.

Thus, the spread of misinformation by social media influencers can be attributed to factors such as the pursuit of popularity, inadequate fact-checking, financial benefits, and personal biases. Understanding these reasons is essential for assessing the legal responsibilities of influencers and for developing effective measures to combat misinformation in the digital space.

2.4 IMPACT OF MISINFORMATION ON SOCIETY

Social media influencers have a significant impact on public opinion because their followers often trust them more than traditional sources of information. When influencers spread false or misleading information, it can cause serious harm to individuals and society.

1. Harm to Public Health

One of the most dangerous consequences of misinformation is its effect on public health. Influencers may promote unverified medical treatments, discourage vaccinations, or spread false health claims. Since many followers consider influencers trustworthy, they may act on such advice without consulting medical professionals.

According to a study by **Engel et al.**, adolescents often perceive influencers as credible and relatable sources of health information, which increases the likelihood that they will follow the advice shared online.¹¹

1. Manipulation of Public Opinion

Influencers can shape the beliefs and opinions of large audiences. When they spread inaccurate information regarding social, political, or economic issues, they may mislead the public and distort informed decision-making. This can undermine democratic processes and public trust in institutions.

The Supreme Court of India has recognized the importance of truthful information in a democracy and emphasized that freedom of speech does not protect deliberate falsehoods that

¹¹ Supra note 4

may harm public interests.¹²

1. Financial Loss to Consumers

Many influencers endorse products, investment schemes, or business opportunities. If misleading claims are made regarding such products or services, consumers may suffer financial losses. Followers may purchase ineffective products or invest in fraudulent schemes based solely on the influencer's recommendation.

The Advertising Standards Council of India (ASCI) Influencer Advertising Guidelines require influencers to ensure that advertising claims are truthful and not misleading.¹³

2. Damage to Social Harmony

False information relating to religion, caste, ethnicity, or other sensitive issues can create fear, hatred, and social conflict. Influencers with large followings can rapidly amplify such misinformation, causing widespread panic and division within society.

In **Shreya Singhal v. Union of India**, the Supreme Court acknowledged that online speech can have far-reaching consequences and may affect public order when misused.¹⁴

CHAPTER 3: LEGAL CONSEQUENCES

3.1 FREEDOM OF SPEECH AND ITS LIMITS

Freedom of speech and expression is a fundamental right guaranteed under Article 19(1)(a)¹⁵ of the Constitution of India. It enables citizens to express their opinions, communicate ideas, and disseminate information through various means, including social media platforms. This right is regarded as one of the foundations of a democratic society because it promotes public participation, accountability, and the free exchange of ideas. The Supreme Court, in **Romesh Thappar v. State of Madras**,¹⁶ emphasized the importance of freedom of speech in maintaining democratic governance and informed public discussion. Social media influencers, like all other citizens, are entitled to enjoy this constitutional freedom and use digital platforms to

¹² Subramanian Swamy v. Union of India, (2016) 7 S.C.C. 221

¹³ Supra note 2

¹⁴ Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1

¹⁵ INDIA CONST. art. 19, cl. 1(a).

¹⁶ Romesh Thappar v. State of Madras, AIR 1950 SC 124

communicate with a large audience.

However, the right to freedom of speech is not absolute. Article 19(2)¹⁷ of the Constitution empowers the State to impose reasonable restrictions on this freedom in the interests of the sovereignty and integrity of India, security of the State, public order, decency or morality, defamation, and incitement to an offence. These restrictions seek to balance individual liberty with the protection of societal interests and the rights of others. The Supreme Court in *Ramji Lal Modi v. State of Uttar Pradesh*¹⁸ held that freedom of speech is subject to reasonable restrictions and that speech having the tendency to disturb public order may be lawfully regulated. Consequently, speech that threatens public peace, harms another person's reputation, or encourages unlawful conduct may be restricted by law.

The issue of misinformation on social media demonstrates the significance of these constitutional limitations. Social media influencers possess considerable power to shape public opinion and influence the decisions of their followers. Although influencers have the right to express their views, they cannot misuse this freedom to disseminate false or misleading information. Misinformation relating to public health, financial investments, elections, or communal issues may cause substantial harm to individuals and society. In such cases, the protection of freedom of speech may not extend to content that falls within the reasonable restrictions recognized under Article 19(2). Furthermore, in *Shreya Singhal v. Union of India*,¹⁹ the Supreme Court emphasized that restrictions on speech must have a proximate connection with public disorder, incitement, or other grounds recognized under Article 19(2).

Therefore, while freedom of speech remains an essential feature of democracy, it is accompanied by responsibilities. In the digital age, social media influencers must exercise their right responsibly and ensure that the information they disseminate does not cause harm or violate legal standards. Where misinformation causes public harm or falls within the restrictions prescribed under Article 19(2)²⁰, legal consequences may follow under the applicable laws of India.

¹⁷ INDIA CONST. art. 19, cl. 2.

¹⁸ *Ramji Lal Modi v. State of Uttar Pradesh*, AIR 1957 SC 620

¹⁹ Supra note 14

²⁰ Supra note 17

3.2 LIABILITY ON SOCIAL MEDIA INFLUENCERS

Criminal liability arises when an influencer's conduct goes beyond mere negligence and amounts to an offence punishable under criminal law. While India does not yet have a statute specifically criminalizing "influencer misinformation," influencers may be prosecuted under existing criminal laws when their content causes public harm, deceives consumers, promotes enmity, defames individuals, or incites unlawful acts.

Liability for Misleading Advertisements:

Many influencers earn income by promoting products and services on social media platforms. Followers often trust these recommendations and may purchase products based on them. If an influencer promotes a product using false or misleading claims, legal action may be taken under the Consumer Protection Act, 2019²¹. The Supreme Court, in *Indian Medical Ass'n v. Union of India*,²² observed that advertisers, advertising agencies, and endorsers are equally responsible for misleading advertisements. The Court stressed that influencers should verify the claims of products before promoting them because consumers rely on their endorsements.

Liability for Criminal Defamation:

Influencers may also be held liable if they publish false statements that damage another person's reputation. Due to their large online reach, such statements can spread quickly and cause serious harm. In *Subramanian Swamy v. Union of India*²³, the Supreme Court upheld the validity of criminal defamation laws and held that a person's reputation is protected under Article 21 of the Constitution. Therefore, influencers who knowingly make false allegations against individuals or organizations may face criminal prosecution for defamation.

Liability for Public Order and Social Harmony:

Misinformation shared on social media can sometimes create tension between communities or disturb public order. If an influencer publishes content that promotes hatred, communal disharmony, or violence, criminal liability may arise under relevant laws.

²¹ Consumer Protection Act, No. 35 of 2019, §§ 2(28), 21, India Code (2019).

²² *Indian Medical Ass'n v. Union of India*, W.P. (C) No. 645 of 2022 (Sup. Ct. May 7, 2024)

²³ *Supra* note 12

Several recent incidents involving social media personalities show that online content can lead to police investigations and criminal proceedings when it affects public peace or religious harmony. This highlights the responsibility of influencers to communicate carefully and responsibly.

Liability for Harmful Misinformation:

Influencers often discuss topics such as health, finance, education, and public affairs. False information in these areas can mislead people and cause serious harm. For example, incorrect medical advice may affect public health, while false financial information may result in monetary losses. In such cases, legal action may be taken under provisions relating to cheating, fraud, or other offences under the Bharatiya Nyaya Sanhita, 2023²⁴. The greater the influence of a person, the greater is the responsibility to ensure that the information being shared is accurate and reliable.

Need for Accountability:

Many legal scholars believe that influencers should be held to a higher standard of responsibility because they have the power to influence the decisions of thousands or even millions of people. Misleading endorsements, hidden sponsorships, and false claims can negatively affect consumers and weaken public trust.

To address these concerns, the Department of Consumer Affairs issued the Guidelines for Celebrities, Influencers and Virtual Influencers on Social Media Platforms, 2023. These guidelines require influencers to clearly disclose paid partnerships and sponsored content so that consumers can make informed decisions.

Conclusion

Although India does not currently have a separate law specifically dealing with influencer misinformation, existing criminal and consumer protection laws provide remedies against harmful conduct. Influencers may be held liable for misleading advertisements, defamation, disturbing public order, and spreading harmful misinformation. As social media continues to grow, responsible communication and accountability are essential to ensure that digital

²⁴ Bharatiya Nyaya Sanhita, No. 45 of 2023

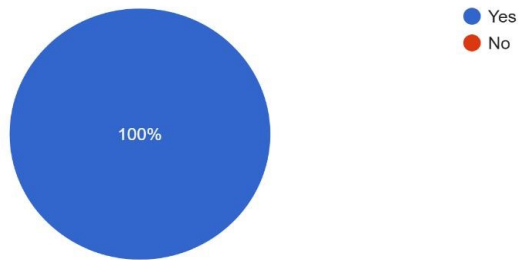
platforms are used in a safe and trustworthy.

CHAPTER 4: SUGGESTIONS AND CONCLUSION

4.1 FINDINGS

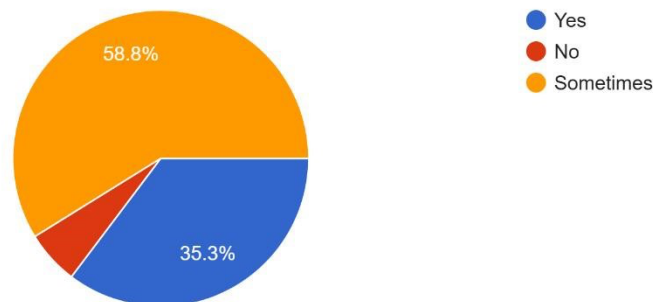
Are you on social media ?

17 responses



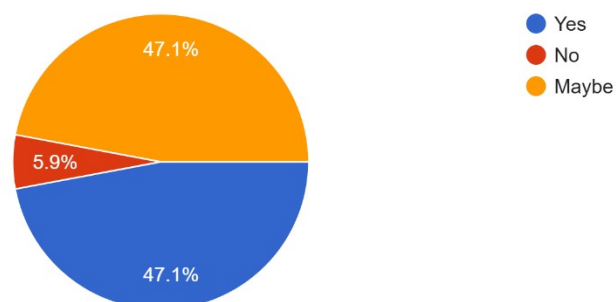
Do you follow social media influencers ?

17 responses



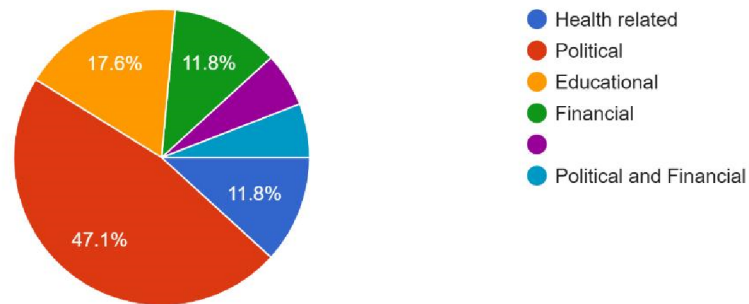
Have you ever shared information posted by an influencer with others ?

17 responses



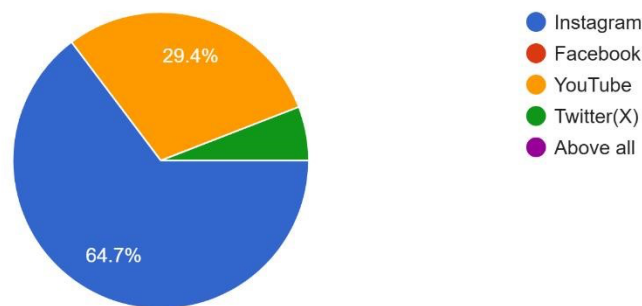
What type of information do influencers most commonly spread ?

17 responses



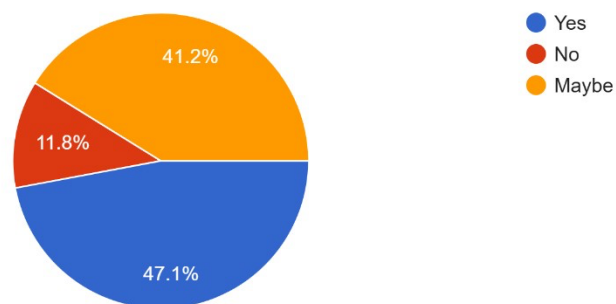
Which social media platform do you use the most ?

17 responses



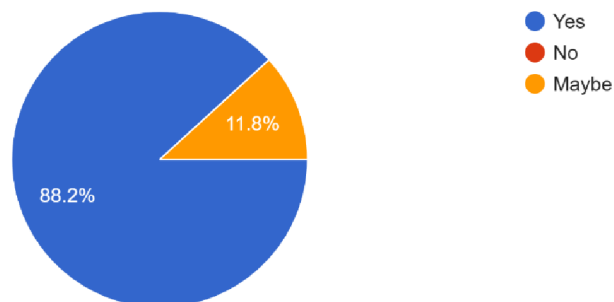
Have you ever believed information shared by an influencer that later turned out to be false ?

17 responses



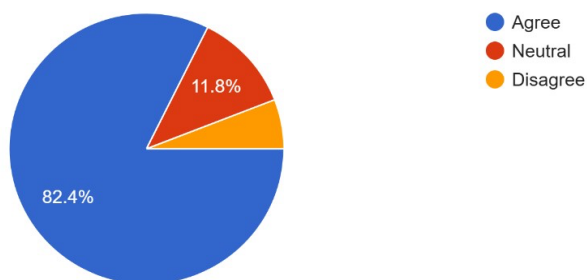
Do you think information spread faster when shared by popular influencers ?

17 responses



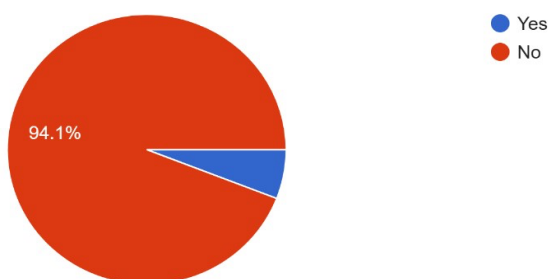
Should criminal penalties be imposed on influencers when misinformation causes serious harm ?

17 responses



Do you think existing Indian laws are sufficient to deal with misinformation spread by influencers ?

17 responses



Based on the responses of 17 participants, you can write the following Findings in your research paper:

1. Universal Social Media Usage: All respondents (100%) reported that they use social media, indicating that social media has become an integral part of daily life.

2. **High Engagement with Influencers:** A majority of respondents (58.8%) stated that they sometimes follow social media influencers, while 35.3% regularly follow them, showing that influencers have a considerable audience and reach.
3. **Influencer Content is Frequently Shared:** Nearly half of the respondents (47.1%) admitted to sharing information posted by influencers with others, while another 47.1% stated that they may have done so, demonstrating the wide circulation of influencer-generated content.
4. **Political Content Dominates:** Most respondents (47.1%) believed that influencers most commonly spread political information, followed by educational (17.6%), health-related (11.8%), and financial information (11.8%).
5. **Instagram is the Most Preferred Platform:** Instagram was identified as the most frequently used social media platform by 64.7% of respondents, followed by YouTube (29.4%), indicating that influencer content has the greatest reach on Instagram.
6. **Many Respondents Have Believed False Information:** About 47.1% of respondents acknowledged that they had believed information shared by an influencer that later turned out to be false, while 41.2% were uncertain, highlighting the significant impact of misinformation.
7. **Influencers Accelerate Information Dissemination:** An overwhelming 88.2% of respondents agreed that information spreads faster when shared by popular influencers, reflecting their strong influence over public opinion.
8. **Public Supports Criminal Liability:** A significant majority (82.4%) supported the imposition of criminal penalties on influencers when misinformation causes serious harm, indicating strong public demand for legal accountability.
9. **Existing Laws Are Considered Inadequate:** A large majority (94.1%) believed that the existing Indian legal framework is not sufficient to deal effectively with misinformation spread by social media influencers, suggesting the need for stronger and more specific legislation.

The survey shows that social media influencers have a strong impact on the way people receive and share information. Their posts reach a large audience and are often trusted and shared by users. However, the findings also reveal that misinformation spread by influencers is a

growing concern, as many respondents admitted that they had believed false information shared by an influencer. Most participants also felt that the existing legal framework in India is not adequate to deal with such issues and supported stronger legal accountability for influencers who spread harmful misinformation. Overall, the findings suggest that there is a need for better regulation and responsible use of social media while ensuring that the fundamental right to freedom of speech and expression is protected.

4.2 SUGGESTIONS

1. The Government should introduce a clear legal framework to deal specifically with misinformation spread by social media influencers while safeguarding the right to freedom of speech and expression. legal framework to deal specifically with misinformation spread by social media influencers while safeguarding the right to freedom of speech and expression.
2. The Government may consider introducing a licensing or certification system for influencers who have a significant number of followers and regularly promote products or services. Such a system could encourage responsible advertising, increase accountability, and help protect consumers from misleading claims.
3. It should be mandatory for influencers to clearly disclose paid promotions, sponsored content, and brand collaborations so that audiences are not misled.
4. People should make it a habit to check whether the information they see on social media is true before believing it or sharing it with others. Verifying news through reliable and official sources can help prevent the spread of misinformation and protect others from being misled.
5. Brands should conduct proper due diligence before collaborating with influencers and avoid engaging those who have a history of spreading misinformation or deceptive content.
6. Government agencies, social media platforms, independent fact-checking organizations, and civil society should collaborate to create awareness campaigns against online misinformation.
7. Social media companies should provide easy-to-use reporting mechanisms so that users can quickly report misleading or harmful content.

8. Greater attention should be given to the effective enforcement of existing laws so that influencers who spread false or misleading information can be held accountable.

4.3 CONCLUSION

Social media has transformed the way people create, share, and consume information in the digital age. Social media influencers have emerged as powerful online voices whose opinions and content significantly shape public attitudes and behavior in areas such as health, finance, politics, education, and social issues. While influencers can play a positive role by spreading awareness and educating the public, their influence can also become harmful when false or misleading information is shared with a large audience.

The findings of this study demonstrate that misinformation spread by social media influencers can have serious consequences. It can adversely affect public health, lead to financial losses, damage reputations, create social unrest, and undermine public trust in credible sources of information. The survey conducted as part of this research further indicates that many respondents have encountered misinformation shared by influencers, and a considerable number believe that stronger accountability and more effective legal enforcement are necessary to address its harmful effects.

This study also highlights that the right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India is a fundamental right and an essential feature of a democratic society. However, this right is not absolute and is subject to the reasonable restrictions prescribed under Article 19(2) in the interest of public order, decency, morality, defamation, and other constitutionally recognized grounds. Therefore, social media influencers, like all citizens, must exercise this right responsibly by ensuring that the information they share is accurate, verified, and does not mislead the public.

The research further examines the legal framework governing misinformation, including the Bharatiya Nyaya Sanhita, 2023, the Information Technology Act, 2000, the Consumer Protection Act, 2019, and relevant regulatory guidelines. While these laws provide legal remedies to address harmful and misleading content, the study concludes that greater emphasis should be placed on their effective implementation and enforcement. Consistent application of existing legal provisions, timely action against violators, and clearer regulatory guidance can strengthen accountability without unnecessarily restricting the constitutional right to

freedom of speech and expression.

In conclusion, influence in the digital age carries not only the power to shape public opinion but also the responsibility to protect public trust. A safer, more transparent, and trustworthy digital environment can be achieved through responsible content creation, transparent disclosure of endorsements and sponsored content, improved digital literacy, effective enforcement of existing laws, and coordinated efforts among influencers, social media platforms, government authorities, brands, and users. As social media continues to evolve, maintaining an appropriate balance between freedom of expression and accountability will remain essential for fostering an informed, ethical, and responsible digital society.