

Volume 2 | Issue 5

International Journal of Legal Affairs and Exploration
ISSN (O): 2584-2196

**INTERNATIONAL JOURNAL OF LEGAL AFFAIRS AND
EXPLORATION**

Volume 2 | Issue 5

2024

Website: www.ijlae.com

Email: editor@ijlae.com

SOCIAL MEDIA DEFAMATION: LEGAL RISKS AND IMPLICATIONS FOR ATHLETES AND SPORTS ENTITIES

Richa Mittal

Research Scholar, Madhav Vidhi Mahavidhyalya, Jiwaji University, Gwalior, M.P

Dr. Pooja Gupta

Assistant Professor, Madhav Vidhi Mahavidhyalya, Jiwaji University, Gwalior, M.P

Abstract

In the digital age, social media has revolutionized communication, offering athletes and sports entities unprecedented opportunities to connect with fans and shape their public image. However, this shift has also introduced significant legal risks, particularly concerning defamation. The pervasive nature of social media allows false statements, rumors, and defamatory content to spread rapidly, posing serious threats to the reputations, careers, and financial stability of athletes and sports organizations. This study explores the legal risks related with social media defamation for athletes and sports entities, defamation laws of various online platforms, case studies. The research paper explores the need for athletes and sport entities to understand their responsibilities and liabilities on social media and strategies to mitigate the defamation claims. Through case studies and legal analysis, the paper highlights the types of defamatory content most commonly encountered by athletes and sports entities. The paper concludes by providing recommendations to minimize the risk and promote responsible behavior.

Key Words--- Social Media, Defamation, Athletes, Sports bodies, Reputation, Defamation

1.1 Introduction

Over the past few years, SM has become the integral part of the sports business and altered the methods of athletic, teams and the enthusiasts. May it be in Twitter, Instagram, Facebook, or newly emerging app like Tik Tok, social media has become part and parcel of sports marketing and promotion and even in the branding of individual athletes. The fans can now get access to their favorite athletes and follow their thoughts, their endorsements, and even build themselves a brand without the interference of the media. The shift has served to depower 'official' sports communication and empower athletes and, at the same time, made fans to feel more connected to celebrities.

Social media has also changed the way in which sports entities interact with their audiences. These platforms help teams, leagues and organizations associated with sports to build up fan base, for propagating information and updates, and developing a global identity of the brand. Live streaming, behind-the-scene content, interconnecting with the fans add and boost the overall fan experience making sports more convenient and interesting as never before. Social media became a medium for athletes and sports person to interact with fans, promote their brand and share their thoughts and experiences. But as we know that excess of everything is bad and causes harm. Therefore, In Social Media there is also legal risks, mainly with regards to defamation. Reputation is one of the assets of human being. According to section 2 (1) (14) of Bhartiya Nyaya Sanhita, 2023¹, injury refers the harm to Life, property, mind and Reputation. Defamation is the injury of mind as well as reputation such injury is non-curable. As we know that in the democratic society Freedom of speech and expression plays a crucial role. But this freedom is subjected to the certain limitations and conditions and defamation is one of the limitations.

1.2 Meaning of Defamation

The main idea of defamation is to make false imputation or untruths about a person or an organization with the intention to harm the reputation of that individual or organization. Traditionally, defamation is categorized into two forms: defamation, which has **libel** referring to

¹ Available on Taxmann's Bhartiya Nyaya Sanhita (BNS) 2023—*Comprehensive Legal Resources with Bare Act*, ed.1st

the written or the printed defamation and **slander** that is oral defamation. For a statement to be considered defamatory, it must meet several criteria.²

- First, the statement must be false, as truth is a defense against defamation claims.
- Second, the statement must have been shared with someone other than the subject, whether through spoken words, writing, or online posts.
- Third, the statement must have caused harm to the subject's reputation, such as through lost opportunities or emotional distress. Lastly, depending on the circumstances, the person making the statement may need to have acted with malice or negligence.

Now Social Media become the easiest platform to publish defamatory statements and the spread of these defamatory statements is expeditious and universal because famous personalities like Politicians, Actors, Athletes & Sports person are often noticed by the public and more susceptible to defamatory attacks and a only post or tweet can be seen by billions of people, and false or defamatory statements can expeditiously go viral.³

1.3 Legal Risks for Athletes on Social Media

Athletes encounter strange legal risks on social media because they are public figures and easily are targeted by public. Sometimes athletes may be accused of posting or publishing defamatory statements about other athletes, coaches, teams and sponsors. Some common legal risks for athletes on social media are given as follows:-

1. Social Media Interactions

Social media platforms are a double-edged sword for athletes and sports entities. While they provide an opportunity for direct engagement with fans and the public, they also expose individuals to potential defamation. Athletes may face false statements or rumors spread by fans, competitors, or anonymous users. Given the viral nature of social media, defamatory content can quickly reach a wide audience, leading to rapid reputational damage. Moreover, athletes themselves may inadvertently contribute to defamation by

² *Defamation laws in India – Protecting reputation and dignity* (2023) Times of India Blog. Available at: <https://timesofindia.indiatimes.com/blogs/voices/defamation-laws-in-india-protecting-reputation-and-dignity/> (Accessed: 13 August 2024).

³ *Knowledge and Decisions in the Information Age: The Law & Economics of Regulating Misinformation on Social-Media Platforms* (2024) International Center for Law & Economics. Available at: <https://laweconcenter.org/resources/knowledge-and-decisions-in-the-information-age-the-law-economics-of-regulating-misinformation-on-social-media-platforms/> (Accessed: 13 August 2024).

posting or sharing unverified information about others, which can result in legal repercussions.

2. Media Coverage

Athletes and sports entities are frequently covered by traditional media outlets, including newspapers, television, and online news platforms. This media coverage can sometimes include inaccuracies, misleading headlines, or exaggerated claims about an athlete's performance, behavior, or character. When journalists publish or broadcast defamatory statements—whether intentionally or through negligence—athletes and organizations may face significant challenges in proving their case, especially if the statements are deemed to be opinions rather than factual assertions.

3. Allegations of Cheating or Misconduct

Allegations of cheating, doping, or other forms of misconduct are particularly damaging to athletes' reputations. Such accusations can arise from official sources, such as sports governing bodies or anti-doping agencies, but they can also emerge from fans, analysts, or fellow competitors. If these allegations are false, athletes and their teams may have grounds for a defamation claim. However, public figures often face the challenge of proving actual malice in these cases, which can complicate legal action⁴.

4. Public Statements by Coaches and Officials

Coaches, team officials, and executives can also pose defamation risks for athletes and sports entities through their public statements. If a coach makes false claims about an athlete's work ethic, skills, or personal conduct—especially during interviews or press conferences—these statements may be deemed defamatory. Additionally, internal conflicts within teams can lead to leaks or public disputes that damage reputations, further complicating the legal landscape for athletes seeking to defend them.

5. Contractual Obligations and Sponsorships

Athletes often have contractual relationships with sponsors, teams, and other entities that may require them to maintain a positive public image. Any defamatory statements that could harm their reputation may jeopardize these relationships, leading to financial

⁴ Available at: <https://globalsportmatters.com> last visited on 04 Aug 2024

consequences or loss of endorsements. For example, if an athlete is falsely accused of unethical behaviour, sponsors may terminate their contracts to protect their brand's image, which can further exacerbate the defamation risk.

6. Fan Interactions and Public Appearances

Athletes regularly interact with fans during public appearances, events, and social media engagements. These interactions can be misinterpreted or distorted, leading to potential defamation claims. Additionally, fan-generated content—such as memes, comments, or posts—can easily spread misinformation or falsehoods about athletes, creating reputational risks that may necessitate legal action.

7. The Role of Anonymous Sources

Anonymous sources play a significant role in sports journalism, providing information that can be both valuable and damaging. Reports based on anonymous sources can lead to defamation risks if the information is false or misleading. Athletes may find it challenging to counteract the damage caused by anonymous claims, as the sources behind such allegations often remain hidden, complicating efforts to hold parties accountable for their statements.

1.4 Reasons why Athletes face Defamatory attacks on Social Media

Here, are some possible reasons why defamatory attacks are faced by athletes on Social Media:-

- a. Malevolence & Emulation
- b. Dissent & Wrangling
- c. Personal Thoughts & Biasness
- d. False-information & Misconception
- e. Tolling & Cyber bullying
- f. Media Screening
- g. Sponsorship & intentness
- h. Personal Life & Disreputable

2. OBJECTIVE

- i. To observe the reasons of defamatory attacks faced by athletes.
- ii. To analyze the legal risk complied with social media defamation for athletes and sport association
- iii. To explore the ways those are necessary for mitigating these risks.

3. LITERATURE REVIEW

- i. Matthew Nicholson, Anthony Keer & Merryn Sherwood⁵, discussed the relationship between media and sport and furthermore analyze the way in which they interact each other. They described a comprehensive analysis of the current state of the nexus between sports and media. This book also covered the media rights, sponsorship and advertising.
- ii. Lefever & Katrien, in his book⁶, discussed that the landscape of media & the sports events coverage have changed. This book described that it is still needed that there should be media law to protect the privacy of athletes.
- iii. Dr.Mira K Desai⁷, analyzed the history as well as growth of sports. This book examined the status of different kinds of sports leagues and provides the inter-sectional framework about sports, media and management. In India leagues are used to provide entertainment to viewers, resources and funds for sponsors and media business.
- iv. Gashaw Abeza & Jimmy Sanderson⁸, examines the importance of social media in sports and methods in which the people used social media.
- v. Arthur A. Raney & Jennings Bryant⁹, covers the wider range of the history of sports media, historical, cultural, ethical, legal and financial perspectives.

4. SIGNIFICANT ROLE OF INTERMEDIARIES & SPONSORS IN SOCIAL MEDIA DEFAMATION:

Intermediaries and Sponsors play a crucial role in social media defamation cases including athletes and other famous personalities.

Intermediaries: They represent athletes and famous personalities in legal matters and give advice on how to handle social media and avoid defamatory contents.

Sponsors: Sponsors are concerned about the consequences of defamatory matters because of the reputation of brand and they have contractual obligations to preserve their brand ambassadors from defamation and other cyber threat.

However both faces following challenges,

- Protecting their own reputation and brand.

⁵ *Sports and The Media: Managing the Nexus*, 2nd ed. 2019, publisher: T& F India

⁶ *New Media and Sport*, ed.2012, Publisher: T.M.C.Asser Press

⁷ *Evaluation of Indian Sports Leagues: The Sport, Media and Management*, Publisher: Gyan Books

⁸ *Social Media in Sport: Evidence-Based Perspectives* (Routledge Research in Sport Business and Management), ed.2023

⁹ *Handbook of Sports and Media*, ed.2006, Publisher: Routledge

- Managing the blowbacks from a defamation case on social media.
- Addressing the complications of social media law.
- Balancing the right of free speech of the clients.

5. POLICIES OF SOCIAL MEDIA ON DEFAMATORY ATTACKS & OTHER ABUSE¹⁰

Here are some social media platforms policies related to defamatory attacks against athletes & sports entities:-

Twitter (Hateful Conduct Policy)	<ul style="list-style-type: none"> • Prohibits hate speech, harrasment and threats. • Removes contents that are defamatory or invase privacy. Users can report defamatory contents via press the "Report" button.
Facebook (Community Standards)	<ul style="list-style-type: none"> • Prohibits cyber bullying and harrasment. • Reporting mechansim : Users can report defamatory contents via press the "Report" button
Youtube (Community Guidelines)	<ul style="list-style-type: none"> • Prohibits hate speech, harrasment and threats. • Removes contents that are defamatory or invase privacy. Users can report defamatory contents via press the "Report" button

6. NOTABLE DEFAMATION LAW-DISPUTES INVOLVING ATHLETES OR SPORTS TEAMS: -

Defamation lawsuits in the Indian sports industry highlight the tension between freedom of speech and the protection of reputation. Athletes and sports teams, often in the public eye, can be particularly vulnerable to defamatory statements, whether made by media outlets, fans, or other athletes. The outcomes of these cases often have wide-ranging implications, not only for the individuals involved but also for the broader sports industry. Below there are some notable defamation lawsuits involving athletes or sports teams in India.

¹⁰ Available at: <https://support.google.com> , last visited on 3 Aug 2024

1. Sourav Ganguly vs. Tata Tea¹¹

- Background: Former Indian cricket captain Sourav Ganguly filed a defamation suit against Tata Tea in 1997. The case arose after Tata Tea ran an advertisement showing a man, implied to be Ganguly, who refuses to practice because he's busy drinking tea. Ganguly argued that the advertisement portrayed him as lazy and unprofessional, damaging his reputation as an athlete.
- Legal Outcome: The case was settled out of court, with Tata Tea agreeing to withdraw the advertisement and issue a public apology. This case is significant as it underscores the sensitivity athletes have towards their public image and the legal recourse they may pursue when they feel it is unjustly tarnished.
- Implications: The lawsuit highlighted the need for companies to carefully consider the potential impact of their advertisements on public figures. It also underscored the importance of protecting an athlete's reputation, which can be easily affected by misrepresentation in media.

2. Sachin Tendulkar v. Sudhir Suryawanshi¹²

- Background: A facebook user Sudhir Suryawanshi posted defamatory statement against an Indian Cricket Player Sachin Tendulkar by alleging that he had an extra marital affair. Sachin instituted a defamation suit against the defendant and claim damages and permanent injunction.
- Legal Outcomes: The High Court of Bombay granted an interim injunction and directed Facebook to remove the defamatory post.
- Implications: This case highlighted the importance of Monitoring social media against defamatory post and held that individual will be accountable for defamatory post made on social platforms. This case emphasizes the role of social media platforms in removing defamatory contents and providing the information of users who post such content.

3. Harbhajan Singh vs. Vijay Mallya¹³

¹¹ 2009 (41) PTC 405 (Cal)

¹² 2012, SCC Online Bom 1434

¹³ 2010 (42) PTC 417 (Del)

- Background: In 2010, Indian cricketer Harbhajan Singh filed a defamation suit against Vijay Mallya, then owner of the IPL team Royal Challengers Bangalore. The lawsuit was in response to a public statement by Mallya implying that Harbhajan had misled the public about his fitness levels during the IPL season, which led to poor performance.
- Legal Outcome: The case did not result in a court verdict as the parties reached an amicable settlement. Harbhajan withdrew his lawsuit after Mallya issued a clarification and an apology.
- Implications: This case highlighted the potential legal risks involved in making public statements about athletes' performance and health. It also illustrated how high-profile conflicts within the sports industry can be managed through out-of-court settlements, preserving relationships and avoiding protracted legal battles.

4. **Sreesanth vs. BCCI**¹⁴

- Background: Indian cricketer S. Sreesanth filed a defamation suit against the Board of Control for Cricket in India (BCCI) after he was banned for life following accusations of spot-fixing during the IPL. Sreesanth claimed that the BCCI's actions and statements defamed him, causing significant harm to his career and reputation.
- Legal Outcome: The Kerala High Court initially upheld the ban, but in 2019, the Supreme Court of India lifted the life ban and asked the BCCI to reconsider the punishment. Although not a straightforward defamation case, the legal battle centered on the damage to Sreesanth's reputation and the due process in handling such allegations.
- Implications: The case brought to light the complexities of defamation within sports governance and the impact of administrative decisions on an athlete's reputation. It also raised questions about the balance between maintaining the integrity of the sport and ensuring fair treatment of athletes accused of misconduct.

5. **Mahendra Singh Dhoni vs. Zee Media**¹⁵

¹⁴ 2018 SCC Online Ker 1824

¹⁵ 2014 SCC Online Mad 10413

- Background: Indian cricketer Mahendra Singh Dhoni filed a defamation suit against Zee Media Corporation in 2014, seeking damages for airing false reports linking him to illegal betting and match-fixing. The reports alleged that Dhoni was involved with controversial figure Gurunath Meiyappan, who was under investigation in the IPL spot-fixing scandal.
- Legal Outcome: The court granted an interim injunction in Dhoni's favour, restraining Zee Media from broadcasting or publishing any further defamatory content about him. The case was a significant legal victory for Dhoni, reinforcing the notion that even prominent athletes could successfully challenge false and damaging allegations.
- Implications: The lawsuit underscored the power of media in shaping public perception and the significant harm that can be caused by unfounded allegations. It also demonstrated the importance of athletes being proactive in protecting their reputations through legal means when necessary.

6. Virat Kohli vs. Facebook User¹⁶

- Background: In 2018, Indian cricket captain Virat Kohli considered legal action against a Facebook user who made defamatory statements about him, accusing him of being a "sworn enemy" of Tamil Nadu and Chennai Super Kings. Although this did not culminate in a full lawsuit, it exemplifies the increasingly common challenges athletes face in the era of social media, where defamatory statements can spread rapidly and widely.
- Legal Outcome: The situation was resolved before reaching court, with the user issuing a public apology and retracting the statements. This case, while not resulting in a full legal proceeding, highlighted the potential for defamation claims arising from social media content.
- Implications: The incident demonstrated the growing role of social media in defamation cases involving athletes. It also emphasized the importance of digital literacy and the potential legal consequences of making defamatory statements online.

¹⁶ 2017 SCC Online Del 11551

7. THE WAY FORWARD IN THE DEFAMATION AGAINST ATHLETES AND SPORTS ENTITIES

The findings from the research on social media and defamation in the sports industry have significant implications for athletes, sports entities, and legal professionals. Understanding these implications is essential for effectively managing reputational risks and navigating the complexities of defamation law in the digital age.

1. Implications for Athletes

Athletes must recognize the power and potential consequences of their online presence. The rise of social media has provided them with a platform to connect with fans, share their experiences, and express their opinions. However, this visibility also exposes them to risks associated with defamatory statements. Athletes should be aware of the potential for their words to be misinterpreted or taken out of context, leading to reputational harm.

To mitigate these risks, athletes should adopt a proactive approach to their social media usage. This includes engaging in responsible communication, thinking critically about the content they share, and being mindful of the potential impact of their statements on others. Additionally, athletes should develop strategies for managing their online reputation, such as monitoring their digital presence and responding promptly to false claims or defamatory content. By doing so, athletes can protect their reputations and maintain positive relationships with fans and stakeholders¹⁷.

2. Implications for Sports Entities

Sports entities, including teams, leagues, and governing bodies, face significant reputational risks in the age of social media. They must establish and enforce clear policies regarding communication and conduct, both for their athletes and within the organization. This includes providing guidance on responsible social media usage, implementing training programs for athletes on managing online reputations, and developing crisis management plans to address potential defamation incidents.

¹⁷ Available at: <https://www.sportsmedia.com> last visited on 05 August 2024

Moreover, sports entities should actively monitor public discourse related to their athletes and the organization as a whole. By staying informed about potential defamatory content, they can take timely action to address false claims and protect the reputations of their athletes and the organization. Transparency in communication is also crucial, particularly when addressing controversies or allegations. By fostering an environment of openness, sports entities can build trust with fans, stakeholders, and the media, ultimately contributing to a more positive sports culture.

3. Implications for Legal Professionals

Legal professionals play a critical role in navigating the complexities of defamation law in the context of social media. They must stay informed about the evolving legal landscape and understand the implications of defamation laws in different jurisdictions. Legal professionals should be prepared to advise athletes and sports entities on their rights and responsibilities regarding online speech, as well as the potential legal remedies available in cases of defamation¹⁸.

Additionally, legal professionals can assist in developing comprehensive social media policies for sports organizations, outlining best practices for communication and risk management. They can also provide training to athletes and staff on the legal implications of their online behavior, helping them understand the boundaries of free speech and the importance of responsible communication.

As the digital landscape continues to evolve, legal professionals must also engage in ongoing discussions about the balance between freedom of speech and protection from defamation. They should advocate for legal reforms that address the unique challenges posed by social media while preserving the fundamental right to free expression.

8. CONCLUSION:

In conclusion, social media plays a crucial impacted on athlete reputation management, defamation rules and regulations and other various legal fields. The spread of the false and incomplete information can have a calamitous consequence. Therefore, it is important for

¹⁸ ibid

athletes that they should handle social media prudently to avoid defamation and preserve their reputation. To mitigate these risks, athletes should:

- a. Use Privacy setting
- b. Avoid Controversial topics
- c. Comply with sponsorship agreements
- d. Obtain legal advice

Social Media associations also have a pivotal role to play in addressing defamation issues and encouraging responsible social media use. Furthermore it requires the collective endeavors from individuals, social media associations and the legal community. By working collectively, we can create the safest and more delightful online environment for everyone.