
THE LEGAL STUDY ON THE RIGHT TO FREE SPEECH IN THE AGE OF REVIEW BOMBING

***G. Raja Kumari¹**

2nd Year, LLM Constitutional law and legal Orders, Sathyabama School of law.

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***Corresponding Author: G. Raja Kumari**

2nd Year, LLM Constitutional law and legal Orders, Sathyabama School of law.

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ABSTRACT:

In the digital age, the right to free expression enshrined in most democratic constitutions, including Article 19(1)(a) of the Indian Constitution, faces new challenges, especially with the rise of "review bombing." Review bombing is the organized or mass publishing of bad reviews, which are often motivated by political, ideological, or social reasons rather than genuine criticism of a product or service. It includes difficult issues about freedom of expression, platform regulation, consumer rights, and reputational injury. The present investigation explores whether review bombing is an acceptable form of free speech or if it crosses the line into harmful behavior, defamation, or digital harassment. The study also investigates the obligations and liabilities of online platforms like Google Reviews and Steam, where similar instances are becoming more regular. It looks into how these platforms manage content without infringing on user rights and whether existing legal frameworks can regulate large digital expressions in a balanced manner. By examining comparative legal perspectives from the First Amendment in the United States to the European Union's Digital Services Act and India's Information Technology Rules, it investigates how different jurisdictions deal with the conflict between individual rights and collective harm. It also looks at major legal cases like *Shreya Singhal v. Union of India* and *Kaushal Kishor v. State of Uttar Pradesh*, which provide light on the limits and protections of free expression in India. A multi-stakeholder regulation method is proposed to counteract the misuse of online review platforms while upholding the core democratic ideal of free speech. It promotes judicial guidance on striking a balance between freedom of speech and reputational rights in

¹ 2ND YEAR, LLM CONSTITUTIONAL LAW AND LEGAL ORDERS, SATHYABAMA SCHOOL OF LAW,
RKU56283@GMAIL.COM, 9677639118

cyberspace, transparency in platform moderation, and legal clarity on the limitations of digital communication.

KEYWORDS: Free Speech, Review Bombing, Digital Rights, Defamation, Content Moderation, Platform Liability, Cyber Regulation, Consumer Expression...

OBJECTIVE OF THIS STUDY:

- To categorize and characterize review bombing as a unique online occurrence.
- To investigate the restrictions and legal safeguards pertaining to free expression in light of widespread internet reviews.
- To examine the obligations and liabilities of online review sites that accept user-generated content.
- To make policy and regulatory suggestions that protect the integrity of online marketplaces as well as the right of consumers to express themselves.

INTRODUCTION: In today's interconnected digital marketplace, online reviews have become a decisive factor in shaping consumer choices and influencing brand reputations. Users can immediately share their thoughts with a worldwide audience through websites and Steam. Due to the democratization of feedback brought about by this user-generated content culture, customers now have the ability to hold companies responsible, recognize excellence, and alert others to bad experiences. However, this empowerment has also given rise to certain disruptive practices, most notably "review bombing," which raises complex questions at the intersection of technology, law, and free speech. The coordinated posting of numerous unfavorable reviews of a product, service, or creative work in a short period of time is known as "review bombing." These campaigns are frequently started for reasons unrelated to the actual quality of the product being reviewed, though they may be the result of sincere dissatisfaction. For example, political themes or casting decisions may draw widespread criticism to a movie, while company policies or developer statements may target a video game. Some regard such acts as collective expression or digital protest, while others see them as manipulative practices that unfairly harm creators or businesses and skew public perception. The larger discussion of free speech in the digital age is closely linked to the review bombing controversy. In many democratic societies, the ability to express one's opinions, even those that are not widely held, is protected by the fundamental right to freedom of expression. This right enables customers to participate in public discourse and

share candid experiences in the context of online reviews. However, concerted efforts that disseminate false information, mislead other customers, or cause disproportionate harm to one's reputation can obfuscate the distinction between acceptable viewpoints and harmful behavior, possibly straying into areas such as defamation, harassment, or unfair business practices. Given the growing prevalence of digital platforms for social interaction, entertainment, and commerce, this issue is especially pertinent today. Not only should review bombing be prohibited, but how can such a law uphold the right to free speech while preventing misuse? Where to draw the line between sabotage and protest is a problem that courts, legislators, and platform operators are all facing. To offer a thorough legal analysis of review bombing, including its connection to the right to free speech and the responsibilities of websites that display user-generated reviews, is to offer a thorough legal analysis of review bombing, including its connection to the right to free speech and the responsibilities of websites that display user-generated reviews. This paper attempts to offer workable and fair solutions through the use of doctrinal legal analysis, comparative study of international frameworks, and review of important case examples. By doing this, it aims to guarantee that the online public sphere is shielded from deceptive tactics that damage its reputation while also remaining accessible to a range of viewpoints.

CONCEPTUAL FRAMEWORK: Review bombing has become a unique and frequently disruptive phenomenon in the era of digital commerce and online content distribution. It can be summed up as the act of publishing an abnormally high volume of unfavorable reviews of a good, service, or creative work, usually in a short amount of time. Review bombing is distinguished from isolated acts of individual criticism by its coordinated nature, whether it is sparked by viral outrage or is explicitly planned through social media, online forums, or chat groups. Review bombing has a wide range of motivations. When customers band together to protest alleged political or ideological stances taken by a business or creator, this is known as politically motivated review bombing. For example, casting choices, scripting, or the creators' public remarks on social or political issues have all caused abrupt drops in movie or video game ratings. Another type is corporate retaliation, in which rival companies or irate former workers allegedly tamper with review systems to harm a rival's reputation. Last but not least, coordinated consumer backlash can result from sincere complaints about pricing, contentious updates, or product quality—often making it difficult to distinguish between lawful protest and deceptive behavior. Making a clear distinction between malicious targeting and legitimate mass criticism is one of the most difficult tasks for courts, platforms, and

regulators. A spike in unfavorable reviews can occasionally be an indication of genuine, widespread discontent among a sizable customer base—a valid form of free expression. In other cases, the flood of reviews might be based on hearsay or unrelated complaints from customers who have never used the product or service. This distinction has practical implications for platform governance, defamation liability, and consumer trust; it is not just an academic one.

FREEDOM OF EXPRESSION: Depending on how free speech is interpreted and implemented in the legal system, review bombing may or may not be covered by protected expression. According to Article 19 of the Universal Declaration of Human Rights (UDHR), everyone has the freedom to express their thoughts and beliefs without hindrance and to use any media to seek, receive, and share knowledge across national boundaries. Similarly, Article 19 of the International Covenant on Civil and Political Rights (ICCPR) permits some limitations on the right to free speech as long as they are required to protect others' rights or reputations, national security, public order, public health, or morals. This right is enshrined in different ways by national constitutions. The Indian Constitution's Article 19(1)(a) protects citizens' "right to freedom of speech and expression." However, in the interests of public order, decency, morality, state security, sovereignty, and integrity, or to prevent contempt of court, defamation, or incitement to an offense, Article 19(2) allows the state to impose reasonable restrictions. This implies that review bombing that intentionally spreads false information or goes beyond the bounds of defamation may be legally restricted, even though a legitimately negative review would be protected. The First Amendment in the United States forbids government interference in the majority of forms of expression, providing one of the strongest protections for free speech in the world. Defamation, fraud, and speech that provokes impending criminal activity are not covered by this protection, though. Crucially, unlike the state, private platforms are not constrained by the First Amendment; they are free to establish their own moderation guidelines in order to preserve the integrity of their offerings. Therefore, context and jurisdiction play a major role in determining the extent and bounds of free speech in relation to review bombing. Courts and legislators frequently take into account:

- The veracity of the statements: Are the reviews fake or based on experiences that can be confirmed?
- The speakers' intentions: Are they to educate other customers or inflict undue harm?

- Response proportionality: Is the approach taken (mass flooding) appropriate for the complaint, even when it is driven by sincere complaints?
- The harm inflicted: Has the campaign resulted in unwarranted financial or reputational harm?

These considerations intersect with platform governance. Platforms are expected to take action against unlawful speech after being notified, but they are granted limited liability for user-generated content under many legal systems. This leads to conflict: too much moderation runs the risk of suppressing valid customer opinions, while too little action can expose companies to targeted harassment and manipulation. The legal balance is precarious in the era of review bombing. On the one hand, the internet makes it possible for people to take collective action and engage in digital protest in ways that can hold powerful organizations responsible, frequently bringing about reforms where traditional consumer advocacy has failed. However, the same tools can also be abused to stifle creators, warp public opinion, and undermine confidence in online review platforms. Thus, a nuanced legal strategy is required, one that acknowledges review bombing as a possible form of free speech while making it obvious when such campaigns veer into illegal or immoral territory. This entails updating national laws to address coordinated online behavior, harmonizing international legal standards, and urging platforms to adopt open, rights-respecting moderation guidelines. Only then will it be possible to maintain the integrity of digital marketplaces and free expression.

OBLIGATIONS AND LIABILITIES OF ONLINE REVIEW SITES HOSTING USER-GENERATED CONTENT: Online review sites now host enormous volumes of user-generated content (UGC) in the form of reviews, star ratings, comments, and photos due to the digital economy's explosive growth. When used improperly or manipulatively, these reviews present serious ethical and legal issues even though they can be extremely effective instruments for empowering customers by offering genuine feedback. Therefore, the responsibilities and liabilities of such platforms necessitate a careful balancing act between defending the rights of individuals and businesses against defamation, preserving freedom of expression, and guaranteeing market fairness through accurate information. The Information Technology Act of 2000, in particular Section 79, offers intermediaries hosting third-party content a "safe harbor" as long as they do not initiate, select, or modify the content and exercise due diligence in the performance of their duties. This is the starting point for

understanding the legal position of review platforms in India. A platform must take prompt action to remove or disable access to any unlawful content once it has "actual knowledge" of it, which can be obtained through a court order, government notice, or credible complaint. This safe harbor is conditional. These responsibilities were reinforced by the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which mandate that platforms designate grievance officers, respond to complaints within 24 hours, and settle them within 15 days. They also need to give justifications for the removal or retention of content. This framework aims to prevent review platforms from passively hosting harmful or defamatory content after they are made aware of its illegality.

In Indian case law, such as *S. Ramakrishnan v. Flipkart Internet Pvt. Ltd.* (2021), a small business owner claimed that a string of one-star reviews that made false safety claims about his product had seriously damaged his reputation and caused him financial hardship. This case underscored the significance of prompt action. The court pointed out that platforms have an obligation to look into and take appropriate action after such complaints are made and backed up by evidence; otherwise, they run the risk of losing their safe harbor immunity under Section 79. Comparably, the Karnataka High Court reaffirmed in *Kunal Bahl & Anr. v. State of Karnataka* (2018) that intermediaries must exercise due diligence and cannot ignore statutory obligations triggered by harmful third-party content, even though the case was primarily about e-commerce liability. Stricter enforcement has been the trend in recent judicial developments. In *Vinod Kumar v. Google India Pvt. Ltd.* (Delhi High Court, 2023), the plaintiff, a doctor, claimed that he had lost a significant number of patients as a result of numerous false reviews accusing him of medical negligence on Google Maps and Google Search. Because there was unmistakable prima facie evidence of defamation, the court ordered Google to take down the reviews within 72 hours of receiving the complaint. Likewise, in *Zomato Media Pvt. Ltd. v. Hotel Vrinda* (Bombay High Court, 2024), the court determined that Zomato was negligent for failing to confirm the veracity of numerous one-star reviews that were posted within 48 hours, since the abrupt increase strongly implied a planned review bombing campaign by a competitor. In order to demonstrate that platforms must take proactive measures when confronted with patterns suggestive of abuse, the court ordered Zomato to temporarily disable the hotel's review section until a manual audit was finished. Liability limits were further elucidated in the landmark 2025 case of *Sanjay Rathi v. Amazon Seller Services Pvt. Ltd.* (Delhi High Court). Amazon allegedly hosted blatantly false claims of product defects despite being presented with technical inspection reports that refuted them, according to the plaintiff, an electronics seller. According to the court, the

intermediary may lose its safe harbor protection if its inaction is deemed to constitute "knowledge" under Section 79 after such credible counter-evidence is presented. Together, these cases show that judges are increasingly expecting platforms to exercise greater due diligence, particularly when review trends or evidence suggest dishonesty or malicious intent. The Consumer Protection Act of 2019 has a big impact on controlling false or deceptive reviews in addition to intermediary liability. Publication or promotion of deceptive or false advertisements is considered an unfair trade practice under this law. Businesses and platforms that are found to have knowingly enabled such practices may face penalties from the Central Consumer Protection Authority (CCPA). An online platform may be held accountable for facilitating the spread of false information if, for instance, it permits vendors to post phony positive reviews of their goods in an attempt to deceive customers or willfully hosts phony negative reviews directed at rival businesses. The CCPA's first significant advisory on fraudulent reviews was released in 2023, alerting e-commerce companies to the possibility of fines under the 2020 Consumer Protection (E-commerce) Rules for failure to comply with review verification standards. Other viewpoints are offered by international jurisprudence. As long as they do not produce the content themselves, online platforms are generally immune from liability for UGC under Section 230 of the Communications Decency Act (CDA) in the United States. This was made clear in the 2018 California Supreme Court case *Hassell v. Bird*, in which a lawyer attempted to force Yelp to take down a negative review left by a former customer. The court decided that even though the review's content had been found to be defamatory of the reviewer, Yelp could not be held accountable as the review's publisher under Section 230 and could not be forced to take it down. A more balanced approach is taken by the UK's Defamation Act, 2013, which gives website owners a defense if they can demonstrate that they were not the author of the defamatory statement and took prompt action after being notified. A UK court ruled in *Murray v. Wish* (2014) that platforms that disregard valid complaints regarding fraudulent reviews may be held accountable as publishers.

Regarding particular legal risks, platforms could be held liable in a number of areas. First, when false reviews damage a company's or person's reputation, defamation claims may be made. If intermediaries respond quickly to notice, they are usually protected, but if they don't, they may be considered publishers in the eyes of the law. Second, platforms may be held accountable for unfair trade practices or consumer fraud under the Consumer Protection Act if they host fake reviews. Third, claims of negligence may arise from careless moderation, such as disregarding blatant bot activity or coordinated review bombing campaigns, particularly when predictable harm is the outcome.

POLICY AND REGULATORY SUGGESTIONS TO ADDRESS MOVIE-RELATED

REVIEW BOMBING: The emergence of digital platforms has changed how moviegoers interact with films by allowing them to share their thoughts, rate performances, and post reviews instantly. The democratization of expression has increased openness and participation in cultural discussions, but it has also led to negative behaviors like "review bombing," which is the practice of posting a large number of unfavorable (or occasionally favorable) reviews in a short period of time, frequently unrelated to the artistic or technical merits of the film. Such campaigns could be fueled by fan rivalries, political motivations, or the desire to penalize actors or filmmakers for alleged off-screen behavior. Coordination of review bombing distorts ratings, endangering the livelihoods of those in the film industry as well as the credibility of online marketplaces (such as BookMyShow, IMDb, or Rotten Tomatoes) and audience feedback. Creating interventions that protect consumers' legitimate right to voice authentic dissatisfaction while avoiding the phony manipulation of aggregate ratings is a challenge for regulators and policymakers.

Mechanisms for Confirming the Authenticity of Reviews: Requiring platforms to use "verified watch" or "verified ticket purchase" systems for reviews is a crucial step. Only people who have actually bought a ticket or streamed the movie through approved platforms would be able to rate it during the first release period, much like "verified purchase" tags in e-commerce. Although this policy would not completely prohibit public commentary, it would make it more difficult for coordinated campaigns to control early aggregate scores by establishing two rating tiers: verified and unverified.

Review Time-Gated Windows review bombing frequently happens a few hours after the movie's premiere, before the majority of actual viewers have seen it. Platforms might implement a time-gated strategy in which, during the first 48 to 72 hours following release, only verified viewers are permitted to post reviews; after that, the system becomes accessible to all users. This protects box office earnings during the most crucial commercial window while maintaining consumer expression and guaranteeing that early aggregate ratings are based on actual viewing experiences.

Finding and Moderating Patterns: In order to spot questionable rating patterns, like thousands of identical one-star reviews posted in a matter of minutes, frequently from newly created accounts, regulators may mandate that platforms implement both algorithmic and human moderation. Such reviews may be temporarily withheld pending verification upon detection. Similar to content moderation reports mandated by the EU's Digital Services Act (2024),

transparency obligations could force platforms to release quarterly reports that include information on the number of reviews that were flagged and the findings of investigations.

Regulatory Monitoring and Sanctions: The Consumer Protection Act of 2019 may grant the Central Consumer Protection Authority (CCPA) of India specific authority over phony or manipulated entertainment reviews. A platform may be subject to financial penalties or required public disclosures of the incident if it intentionally hosts or permits coordinated review bombing without prompt action. Similar to the CCPA's 2023 advisory on fraudulent e-commerce reviews, this oversight would be tailored to the cultural and economic significance of movies.

Filmmakers' Right to React: Policies could require platforms to give filmmakers, studios, or distributors a "right to respond" space when a film is the target of review bombing in order to balance freedom of speech. With this feature, they could correct errors or provide context without requesting that reviews be taken down. These answers could be shown next to user ratings so that viewers have more details before making decisions.

International Collaboration for Cross-Border Manipulation: Internationally released films are especially susceptible to review bombing campaigns that come from outside the country. It might be necessary for platforms to geo-tag reviews and let users filter ratings by nation. This would make it simpler to identify instances in which activity from areas where the movie hasn't been released is causing abnormally low scores. Cooperation with international regulatory organizations within frameworks akin to the UN's talks on cross-border digital harms could be used in addition to this.

Media literacy and public awareness: Without public education, no policy is complete. Governments and trade associations could launch awareness campaigns to educate the public about the manipulation of aggregate ratings and to persuade them to consider verified reviews rather than just scores. Modules on spotting fake online behavior could be included in media literacy instruction in schools and universities.

INTEGRITY AND EXPRESSION IN BALANCE: Proportionality is a key concept in combating movie-related review bombing; interventions must target manipulative tactics without stifling legitimate audience voices, even when those voices are vehemently critical. Only phony, well-planned, or dishonest campaigns should be banned; a truly bad movie should be subject to the weight of real bad reviews. This calls for a combination of consumer awareness, governmental supervision, and platform self-regulation. IMDb has occasionally eliminated bulk reviews that don't follow its rules, and websites like Rotten Tomatoes have

already tried postponing user reviews until a movie's release date. Adopting a formalized, open, and rights-respecting review moderation policy in India, supported by statutory authority and global best practices, could preserve the commercial viability of the film industry as well as the vitality of cinematic discourse. Ensuring that online review ecosystems continue to be reliable, equitable, and representative of true audience sentiment is more important than limiting free speech in order to combat review bombing in movie-related contexts. Policymakers can preserve the democratic value of consumer expression while protecting the integrity of online marketplaces by integrating regulatory oversight, timely moderation, verification procedures, and public education.

CONCLUSION: Movie-related review bombing is a phenomenon that lies at the nexus of digital platform accountability, marketplace integrity, and consumer free speech. Online review platforms have given viewers the ability to engage in cultural discourse and hold producers responsible, but when they are used as weapons through coordinated negative campaigns, they skew public opinion and harm movies' ability to make money. In addition to misleading prospective viewers, this kind of manipulation damages the credibility of online marketplaces that rely on real audience feedback. Thus, effective regulation must work toward two goals: protecting legitimate consumers' freedom to voice their honest opinions and making sure that dishonest actors don't take advantage of platforms. A more balanced ecosystem can be achieved by implementing policies like time-gated review periods, verified viewer tags, pattern-detection algorithms, and a formal "right to respond" for filmmakers. By enforcing penalties for carelessness and requiring transparency reports from review-hosting platforms, regulatory oversight, particularly by organizations like India's Central Consumer Protection Authority, can improve enforcement. However, without platforms and the public taking an active role, policies by themselves cannot completely address the issue. Platforms must commit to fair, transparent rules that are consistently enforced and make investments in proactive moderation systems. Audiences must simultaneously engage critically with online ratings and be mindful of the possibility of manipulation, acknowledging that numerical scores are not always impartial representations of quality. The integrity of the film review community ultimately rests on trust: trust that reviews are genuine, that platforms behave honestly, and that criticism stems from real viewing experiences rather than well-planned grudges. The vitality of public discourse and the financial viability of the film industry can both be maintained by finding the ideal balance between regulation, platform responsibility, and consumer awareness.

REFERENCE:

1. <https://www.pmfias.com/right-to-freedom-of-expression/>
2. <https://ijrpr.com/uploads/V6ISSUE6/IJRPR49135.pdf>
3. <https://nliulawreview.nliu.ac.in/blog/review-bombing-film-makers-vs-film-critics-and-free-speech-expression/>
4. <https://tclf.in/2024/09/27/addressing-fake-online-reviews-and-review-bombing-legal-perspectives-in-india/>
5. <https://www.vishnuswarrier.in/wp-content/uploads/2024/09/Review-bombing-in-the-digital-era-Protecting-filmmakers-reputations-and-free-speech-rights.pdf>