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## Judgment day for tweeple

Anuradha Varma, TNN | Apr 8, 2012, 12.05PM IST

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*Twitter, that great channel for free speech, is also a space that lawyers have begun to watch like hawks. With the London high court ordering Lalit Modi to cough up.*



Judgment day for tweeple

4 crore for a careless tweet, bloggers would do well to remember that the Internet isn't quite Speaker's Corner at Hyde Park, says Anuradha Varma.

In January 2010, at the height of his power, or perhaps, at the beginning of the end of it, former Indian Premier League Commissioner Lalit Modi tweeted to his four lakh followers that former New Zealand captain Chris Cairns had been left out of the IPL auction list because of his involvement with match-fixing. Offended, Cairns slapped a libel suit on Modi. Last month, a London high court judge ruled that Modi was guilty and asked him to pay £90,000 as damages and £400,000 on account of Cairns' legal costs. That's 4 crore for a tweet.

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While this was the first time that a libel suit has been heard in England over a twitter post, instances of lawsuits due to injudicious comments aren't uncommon. Politicians too, have faced the heat. [Shashi Tharoor](#), former minister of state for external affairs, invited outrage for tweeting about travelling in cattle class at a time when the Congress was on an austerity drive. More recently, a Texan great grandmother was planning to sue teen singing sensation Justin Bieber, after he played a Twitter prank that left his 19 million fans with his phone number minus the last digit. The feisty lady, who's not a fan, had a similar number.

When it comes to the online space, nothing is private. The law believes this, too.

Supreme Court advocate Pavan Duggal, says, "A tweet, a Facebook post or a blog post is data in the electronic form, which has been granted legal recognition under Section 4 of the Information Technology Act, 2000. Thus, they can be used in an Indian court as evidence, once it is proved that it represents accurate information."

The problem, experts point out, is that people don't realise the difference between public and private once they are in the amorphous zone of the Internet. The seeming anonymity of the web lulls them into a false sense of security.

Mahendra Palsule, editor at technology news aggregator [Techmeme](#) says, "No online content is



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ever truly private. Despite what one may fool oneself into believing, online content is at risk of exposure not only from companies like Facebook and Google, but also from government agencies and hackers."

Karthik Srinivasan, associate vicepresident, Corporate Communications, Flipkart, exhorts people to make controversial statements, sensibly. "If you want to complain, use direct methods like email, not a public forum."

Using the example of Modi, he says, "Would Modi have made such claims in a public rally? I doubt it. Further, if Cairns were to press for charges based on a public speech, he would have needed people to corroborate his version. Online, however, things are easier. The speech is shared, joked about, and debated, leaving Cairns with multiple ways to save incriminating material."

In a book titled, *Blogging And Tweeting Without Getting Sued* that was released last month, Mark Pearson, a professor of journalism in Australia points out how re-tweeting someone else's mistake can become yours, too. However, different countries have different laws. The thing to remember is that what you put online remains, even after you may have deleted it. Osama Suhail, an associate partner at New Delhi-based law firm ANZ Lawz gives us an example. "In a recent case, a wife tried to downgrade her economic profile to get higher maintenance as alimony.

However, her LinkedIn profile revealed the facts." A Cincinnati man got into legal trouble for his Facebook rants against his wife. While he compared it to 'having a drink in a bar with a friend and telling him how I feel', the judge disagreed. Here, the husband's rant was available for posterity in the public domain. In India, too, lawyers deal with clients, who have faced trouble from spouses on social networking websites. "When electronic evidence on any social networking site has caused mental stress, it becomes ground for seeking divorce," says Duggal. And don't think the court can't get your password. Service providers can be asked to reveal details of if the court orders it, say lawyers.

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