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Dominic Barton

Internet

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You are here: Home > Collections > Social Media

Social media defamation rules: People have to be careful about what they post on social media websites

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Writankar Mukherjee, ET Bureau Nov 11, 2011, 07.00am IST

Tags: Wikimedia Foundation | Twitter | TCS | Suhel Seth | Social network | Social media defamation | Social media | Microsoft | Intel | Indian Penal Code | IBM | Google | Godrej group | Facebook

The power to publish, which was once the preserve of a few, is now commonplace: the privilege is accessible to anyone with an internet connection who has anything to say. While the powers of publishing may have been well dispersed, it is not so well understood that everyone is bound by the same rules and restrains that apply to traditional publishers and media professionals.



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Social media sites, which have played an important part in empowering the ordinary citizen to publish, are no different from newspapers, magazines or books when it comes to the dangers of defamation.

This was exemplified a few days ago when Suhel Seth, a marketing professional and media personality, was sued by ITC for comments he made on the microblogging site Twitter. The conglomerate has accused him of defamation and asked a Bangalore court to make him pay Rs 200 crore in damages. Seth has denied doing any wrong.

"Social media is unfolding a paradigm shift since everybody is now a broadcaster. This increases the risk of defamation for users without them even being aware of it," says Pawan Duggal, who practises in the Supreme Court and specialises in cyber law.

"In fact, the damage from social media defamation can be higher since the medium is instantaneous, viral and more potent than traditional media."

In June, a mobile phone user who was Vodafone's customer vented his feelings about poor service on Facebook and was sued by the telecom provider. It backed off when the media was attracted to the story, but the incident proved that companies are watching what is said about them on social media sites. If amateur publishers are not on firm ground, they could be in trouble.

"People have to be more careful about what they post on such sites as these are also subject to the same laws of defamation and character assassination," says Adi Godrej, chairman of the Godrej group.

The basic rules of publishing are very simple, but it takes discipline to follow them every time: verify facts; don't be offensive to anybody in particular; don't distort.

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Derek O'Brien , a quiz-master and a frequent user of Twitter, feels self control is extremely important, and so also is a code of conduct.

"As much as I am an advocate and user of social networking sites like Twitter, instances of 'twit and run' sully the medium . This is not acceptable," he says. India has about 120 million internet users and Facebook says about a fifth of this number are active users. Twitter claims that about 4 million people use its service at least once a month.

Twitter did not reply to emails for this story but Facebook's Debbie Frost said the social networking site wants to be a place where people can openly discuss issues and express views while respecting the rights and feelings of others. The goal of Facebook's policies, she said, is to "strike a very delicate balance between giving people the freedom to express their opinions and viewpoints-even those that may be controversial to some-and maintaining a safe and trusted environment."

The consequences of defamation damage for users of social media could be much more than in traditional media , says Sajjan Poovayya, managing partner at Bangalore-based legal firm Poovayya & Co who specialises in internet litigation and has clients such as Google and the Wikimedia Foundation. "Defamation in traditional media would make the author, editor and publisher equally responsible whereas in social media the entire burden is on the author," he says.

Under the Indian Penal Code and the law governing information technology , those found guilty of defamation can be asked to pay a fine a serve up to three years in jail. Indian law, however , does not have specific provisions relating to social media.

With social media users growing in number, companies are setting up dedicated teams to track comments on sites such as Facebook and Twitter. Such teams also respond to negative customer complaints. If the negative comments are extreme, companies often them to their legal teams.

Advertising professional Piyush Pandey says social media participants need to become more aware of the pitfalls of publishing on social media sites. "The attitude of tweeting before thinking is what gets one into trouble . It allows people to be impetuous, which creates the problem. The instant nature of the medium is such that there need to be some guidelines," says Pandey, the executive chairman of Ogilvy & Mather India.

Some corporates have started drawing up social media guidelines for their employees , among them Intel, Microsoft, TCS, Dr Reddy's Lab and IBM. Intel's guidelines say that employees must post "meaningful and respectful comments - in other words, no spam and no remarks that are off-topic or offensive." IBM asks its employees to "Respect your audience. Don't use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in IBM's workplace."

The cyber law expert Dugall is of the view that wh ile codes of conduct by companies and social media platforms can help, it is users who must show responsibility. "A rule can act as a deterrent, but ultimately it cannot prevent."

WATCH OUT

Lack of awareness of defamation laws is no excuse for social media users Rules of the game: Verify facts. Don't distort. Don't be offensive Social media users will be held to account, not platforms such as Facebook or Twiter Companies are scanning social media sites, so any slipup could land users in legal trouble Offenders can be fined and sent to jail for up to three years.

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pawan kumar verma (Burnpur ASANSOL BURDWAN)
11 Nov, 2011 04:19 PM

this is to good news.hello i am a college going student than i want to create awareness in the mind of all student \$ daily passangers.because in the very large number of the student,they are unaware about the traffic rules which are made by the ASANSOL-DURGAPUR POLICE.Because in the very high number of student they facing the road accident.THANK YOU.

Man (India)
11 Nov, 2011 01:59 PM

Certain lelvel of impunity has to be allowed in such sites which today are serving as counselling therapy where one can vent his frustations.

Mr. Bernard Wijeyasingha (Clinton, USA)
11 Nov, 2011 05:51 AM

the rapid surge of common people commenting on the internet cannot be reigned in, and it is time to test the freedom of a computer user to freely comment without crossing a set border. That border must be realized by such court rulings, and I am sure slander, defamation etc. cannot be a "freedom of expression" and should be addressed. But the very enormity of so many millions of people now engaging freely in the internet is a phenomena that cannot be stopped so easily.