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MouthShut challenges IT rules in SC

Nithin Belle

MUMBAI — A leading Indian online portal for consumer reviews has filed a writ petition in the Supreme Court, seeking the quashing of the Information Technology rules.

MouthShut.com, the Mumbai-based portal, enables consumers to write reviews on any product or service offered in India. Hundreds of thousands of reviews have been written on the portal by consumers over the past decade.

"We are pleading with the highest court in the land to protect the rights of Indian consumers that are granted by the constitution," said Faisal Farooqui, the CEO.

According to him, "a very small percentage of companies wish that negative reviews about

them would simply go away. Under the guise of 'harmful speech' they approach us to remove such reviews."

The new law is vague and would require MouthShut.com to remove any negative review about a company or brand simply because they don't like it, irrespective of the facts stated in the review, he adds.

"We have been threatened with hundreds of legal notices, cybercrime complaints and defamation cases," notes Farooqui. "At other times, officers from various police stations call our office, demanding deletion of various reviews or face dire consequences under the IT rules."

MouthShut.com investigates every complaint and has a policy of not removing a review simply because someone doesn't like it. The challenged rules take away its ability to stand up to such demands, he

adds. The petition urges the Supreme Court to strike down IT Rules 2011, as they are vague and it cannot be predicted with certainty as to what is prohibited and what is permitted. "A consequence of this law would be the delegation of essential executive function to private parties like MouthShut.com to censor and restrict free speech of citizens or else face legal challenge for user's content," adds Farooqui.

Those writing reviews of products and services in the pre-internet era had done so freely in face-to-face meetings, articles in newspapers, newsletters and magazines and other public forums. "Curbing that right as applied to online reviews or attaching strings to it is a disservice to the right of self-expression guaranteed by the constitution," notes Farooqui.

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