



Arbitrary Ban of Intermediaries to Impede FDI: IAMAI

New Delhi, April 20, 2019: It would be a major roadblock to the growth of digital India and impede FDI in digital if intermediaries were to be banned quite arbitrarily by the courts in the country, the Internet and Mobile Association of India (IAMAI) mentioned today. The association was responding to the recent ban by the MeITY on the order of a High Court of a social media platform.

The association was of the view that such bans dilutes nay negate the safe harbour provisions currently contained in the IT Act and its Rules and make it impossible for them to operate in the country. Especially affected would be the so called social media platforms which allow citizens to express themselves. Content moderation on user generated content platforms has been a problem about which the platforms themselves are keenly aware and have taken effective measures in recent months to curb the excesses. The Code of Ethics adopted by all social media platforms with the Election Commission is a case in the point.

The association is of the view that in this particular instance, the complainant should have approached the government for redressal first before approaching the courts and the court should have ideally asked the platform to remove the “offending content” than ban the entire app. It is a classic case of throwing the baby with the bathwater, the association concluded.

According to IAMAI, dilution of the Safe Harbour protection available to intermediaries/social media platforms undermines the steady growth of India’s digital economy. This especially impacts the thriving startup ecosystem in the country.

Content moderation on user-generated platforms is an industry-wide challenge that our members take very seriously, and are constantly addressing with ever-improving mechanisms along with enhanced safety features such as increased privacy settings, in-app reporting, comments filter, content filter for younger users, in-app access to Community Guidelines, online safety resources and more.

It is in recognition of this that the Honourable Supreme Court upheld the protection available to users and intermediaries during the landmark Shreya Singhal case, which required even court orders banning content to be evaluated on the touchstone of Article 19(2) of Reasonable Restriction of the Constitution.

About IAMAI

The Internet and Mobile Association of India [IAMAI] is a young and vibrant association with ambitions of representing the entire gamut of digital businesses in India. It was established in 2004 by the leading online publishers, but in the last 13 years has come to effectively address the challenges facing the digital and online industry including online publishing, mobile advertising, online advertising, ecommerce, mobile content and services, mobile & digital payments, and emerging sectors such as fin-tech, edu-tech and health-tech, among others.

Thirteen years after its establishment, the association is still the only professional industry body representing the digital and mobile content industry in India. The association is registered under the Societies Act and is a recognized charity in Maharashtra. With a membership of over 300 Indian and overseas companies, and with offices in Delhi, Mumbai, Bengaluru and Kolkata, the association is well placed to work towards charting a growth path for the digital industry in India.

For queries please contact:

NilotpalChakravarti – AVP- IAMAI

nilotpal@iamai.in /+91-98106-72906

Vishwapriya Bhattacharya

Vishwapriya@iamai.in