

Vodafone tries to silence Facebook critic

Katya B Naidu / Mumbai June 01, 2011, 0:21 IST

Mumbai resident gets legal notice for repeatedly rapping its service; warned to stop and remove all past comments, too.

It could be a wake-up call to consumers who vent dissatisfaction on Facebook and Twitter about their service providers. A Vodafone customer from this city who wrote against the operator's network here has got a legal notice from the company, asking him to take off the 'defamatory' Facebook posts.

Vodafone alleged Dhaval Valia made defamatory statements, sent unwarranted SMSs to the top management and posted their numbers and contact details on Facebook. He also had a heated conversation with a female officer regarding their service.

Vodafone admitted sending a notice. "Yes, we have a situation with one of our customers, despite several efforts on our part. Owing to certain unusual and improper dealings and communications by the customer, especially with our women employees, we were forced to take legal advice in this matter. We do not wish to comment any further in this regard," the company spokesperson said in an e-mailed response.

"Their legal notice even had screen shots of my Facebook posts," said Valia, who says he has been a frustrated 3G subscriber of the second largest telecom company in the country. He had been regularly updating troubles of his network quality on Facebook, and also promptly posted the legal notice on it.

Apart from other complaints, Vodafone's legal agency, India Law Alliance, said that in Dhaval's friends, too, have joined him in making defamatory statements against the company.

"It is just a way to spoil the goodwill and reputation of our client," the notice says. The notice asked him to refrain from making any comments against the company and also remove the posts in 48 hours. Valia has raised concern on how Vodafone traced his updates and even photographed it. In a letter he sent in reply to the legal notice, he says Vodafone cannot legally access his private conversations.

"Hacking, tapping and tracking the customer's Internet activity is a criminal offence and Vodafone, prima facie, seems to have done exactly that. What's even more grave is that they have passed this information to a third party, their legal agency, without my prior consent or approval," his letter said.

Alok Shende, the co-founder of Ascentius Consulting says if a person enables a Facebook post in a way that only friends can read it, only then is it private. "Otherwise, it is not tough to track Twitter and Facebook comments. They can be done using basic search tools," said Shende.

Vaibhav Parikh, a partner at Nishith Desai, says even if Facebook updates are meant for private contacts, they are considered to have been made in public in a defamation case. Adding, however: "If a person says anything in private it is not defamation. Also, if someone speaks the truth, it is also not defamation."

This case need not necessarily become a precedent for other companies or brands to shower legal notices against microbloggers, experts say. If the person does not take off the posts, the company will have to go ahead and get an injunction, asking him to take off the posts.

"If a court gives an injunction, it could become a precedent," said Parikh.

According to a report by research firm Ovum, as many as 44 per cent of Indian consumers use social media as a channel to complain about bad service or a faulty product, while 40 per cent use it as an attempt to receive service from a company.