

India's Tryst with TikTok

Karthik Nachiappan

Summary

India's TikTok ban provides some lessons for other jurisdictions on how they should deal with the mobile application. However, there is, in fact, no real substitute than a privacy law to address harms caused by TikTok.

Last week, political debates in the United States (US) were consumed by a Congressional hearing on TikTok, the widely used social media platform. At the rancorous hearings, TikTok Chief Executive Officer, Shou Chew, [vigorously defended the application](#) amid claims from incensed US representatives that data collected from the popular application was being stored and controlled by Beijing. American policymakers appear closer toward a nationwide ban on the app, spurred by such concerns that are tied to the company's parent company, ByteDance, and its alleged links with the Chinese government. What are the possible effects of such a ban? And can a ban address issues raised by US policymakers? It is necessary to look at India, the only country to have issued a nationwide ban on TikTok, for answers.

In June 2020, [the Indian government banned TikTok](#) when the application had around 200 million users in the country. India then was ByteDance's largest market outside China. The ban was justified on the grounds of privacy and national sovereignty and came two weeks after Chinese and Indian soldiers faced off in skirmishes across India's northern border with casualties on both sides. TikTok was ostensibly retribution for the border crisis, with India finding a tool through which it could exercise some leverage and pain. India largely relied on economic instruments to convey its displeasure to China; TikTok was not banned alone, [nearly 200 other Chinese applications](#) were banned as well. The Indian ban and experience are important as governments in other countries contemplate their own restrictions, including a potential ban.

The effects of the ban on TikTok in India have been somewhat unexpected. Unlike protests from US supporters of TikTok before the hearings, there was little political outrage from the Indian public, even those relying on TikTok for their livelihoods. In fact, the ban deprived [content creators in rural areas and small towns](#) of the popularity they found on TikTok, unable to replicate that traffic elsewhere. Domestic technological firms keen to develop their own TikTok-like applications were disappointed as it proved difficult to build a viable replacement. Some such alternatives like [Moj](#), [Josh](#) and [Roposo](#) have raised funding from domestic venture capitalists and increased their valuations but there have not been successes. The biggest beneficiaries of India's TikTok ban have been US social media applications like Instagram and YouTube that, like TikTok, generate content in the form of short videos through YouTube Shorts and Instagram Reels. Both services experienced a spike in Indian users following the ban and have reinvested heavily in Indian creators.

A potential TikTok ban in the US could ostensibly limit data flowing from US TikTok users to other countries, including China, were that to be the case. TikTok has vociferously denied these claims and pledged to [territorialise data collected in the US](#) through strict protocols and controls. TikTok has, however, [been complicit](#) in spying on journalists and allowing certain employees in China to [access non-public US information](#), which it now claims is beyond access. The larger fear for US policymakers is that the Chinese government could use TikTok to access and hold US data which would then allow Beijing to either surveil or manipulate US users through the application. Another concern is the lack of transparency around TikTok's data governance and protection practices and how Bytedance managers influence these practices, issues that TikTok has not been transparent about.

However, a ban would not eliminate the harms and dangers social media platforms cause and are yet to deal with meaningfully. Put simply, TikTok does not appear to be any riskier than other social media platforms like Facebook, Instagram and Twitter that would benefit immensely from a potential TikTok ban in the US that would reverberate across other countries entertaining similar bans. Facebook has been [apparently working behind the scenes](#) to urge the US government to ban TikTok, given its difficulties in competing with the most popular youth social media application. Broadly, the charges and criticisms levied against TikTok equally apply to other social media rivals who have been blamed for peddling misinformation, propelling surveillance, and collecting private data and using it for various purposes. Meta, the company that owns Facebook, settled and agreed to [pay a US\\$5 billion \(S\\$6.6 billion\) fine](#) to the Federal Trade Commission of the United States after violating privacy.

What would work then? Countries like the US and India facing endless challenges from rampant unregulated social media use and misuse gain little from arbitrary bans of social media applications like TikTok. What is required is a comprehensive legislative framework around privacy that sets rigorous and enforceable standards on issues like data privacy, algorithms and content moderation that apply equally to all social media forms, foreign and domestic. A law would make such discussions around TikTok redundant, forcing the company to adhere to domestic laws. That prospect appears to be a pipe dream in the US and a possibility in India.

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Dr Karthik Nachiappan is a Research Fellow at the Institute of South Asian Studies (ISAS), an autonomous research institute in the National University of Singapore (NUS). He can be contacted at isaskn@nus.edu.sg. The author bears full responsibility for the facts cited and opinions expressed in this paper.