



Defamation Case Against Wikipedia

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Why in News?

Recently, news agency Asian News International (ANI) has moved the Delhi [High Court](#) against Wikipedia for **allowing allegedly defamatory content** on ANI's Wikipedia page.

- The petitioner has sought damage compensation of Rs 2 crore, alleging that the content is "**palpably false**" and defamatory and that its reputation was being tarnished and goodwill discredited.

Wikipedia

- It is a **free online encyclopaedia founded by Jimmy Wales** and Larry Sanger in 2001.
- It provides **freely editable content on various branches of knowledge**, aiming to benefit readers by **offering information and guidance through linked articles**.

What is the Legal Basis for ANI's Case Against Wikipedia?

- **Section 2(1)(w) of the [Information Technology \(IT\) Act, 2000](#):**
 - It defines an "**intermediary**" as **anyone who handles electronic records on behalf of others**. This includes telecom, network, and internet service providers, web-hosting services, search engines, online payment sites, auction sites, marketplaces and cyber cafes.
- **Sections 79 of IT Act, 2000 (Safe Harbour Clause):**
 - **It provides legal protection to intermediaries from liability for any third-party content or information hosted or transmitted through their platforms.**
 - **Section 79(2)(b):** To avail the safe harbour protection, the **intermediary must fulfil conditions**, such as:
 - It should observe due **diligence while discharging their duties**.
 - It should **not initiate the transmission, select the receiver of transmission or modify the information** contained in the transmission.
 - It should **comply with the directions of the government** such as [Intermediary Guidelines and Digital Media Ethics Code, 2021](#) or court orders.
 - **Section 79(3)** states that the **protection will not be applicable** if the intermediary, after being notified by the government, fails to promptly remove or disable access to the specified material.
- **Sections 3 of IT Act, 2000:**
 - It allows subscribers to **authenticate electronic records** using **digital signatures** and requires the **use of an asymmetric crypto system and hash function for authentication**.
 - **Verification of electronic records can be done using the public key** of the

subscriber, where the private key and public key form a unique key pair.

Note

- Section 230 of the **US Communications Decency Act**, similar to **Section 79 of the IT Act**, provides that providers or users of interactive computer services are **not considered the publishers or speakers of information provided by others**.

What were the Previous Supreme Court Rulings Related to Wikipedia?

- **Ayurvedic Medicine Manufacturers Organisation of India v. Wikipedia Foundation Case, 2022:**
 - In this **Supreme Court** dismissed petitions alleging a Wikipedia article was **defamatory**, advising the petitioners to edit the article or seek other legal remedies.
- **Hewlett Packard India Sales v. the Commissioner of Customs Case, 2023:**
 - The SC observed that adjudicating authorities had extensively referred to online sources like Wikipedia to support their conclusions.
 - It **cautioned against using crowd-sourced** and user-generated platforms like Wikipedia **for legal dispute resolution**, as they **can promote "misleading information."**

What are Government Initiatives Related to Information Technology (IT)?

- [Information Technology Amendment Rules, 2023](#),
- [Information Technology \(IT\) Act, 2000](#)
- [Information Technology \(Intermediary Guidelines and Digital Media Ethics Code\) Rules 2021](#).
- [National Critical Information Infrastructure Protection Centre \(NCIIPC\)](#)
- [Indian Cyber Crime Coordination Centre \(I4C\)](#)

Read more: [Information Technology Amendment Rules, 2023](#), [New IT Rules and Social Media](#)

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Q. In India, it is legally mandatory for which of the following to report on cyber security incidents? (2017)

1. Service providers
2. Data centres
3. Body corporate

Select the correct answer using the code given below:

- (a) 1 only
- (b) 1 and 2 only
- (c) 3 only
- (d) 1, 2 and 3

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