

# How was 'Vikatan' made inaccessible? | Explained

What are the rules? How do website blocking orders work in India? What can a website owner do?

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The *Vikatan* magazine's website was blocked following publication of a cartoon featuring Prime Minister Narendra Modi. Photo: vikatan.com

**The story so far:** The website of the Tamil magazine, *Vikatan*, was rendered inaccessible for several readers on February 15, after the BJP's Tamil Nadu president K. Annamalai sent a letter to L. Murugan, the Minister of State for Information and Broadcasting, complaining about a cartoon featuring Prime Minister Narendra Modi and U.S. President Donald Trump. The magazine, as well as State leaders like Chief Minister M.K. Stalin, have condemned the move as an attack on freedom of expression.

## Why was there a complaint about a cartoon?

*Ananda Vikatan* has been a mainstay in the Tamil magazine space, and in its most recent avatar has been a constant source of political and entertainment reporting. The magazine also publishes an online e-magazine for paying subscribers called *Vikatan Plus*. The February 10 edition of this digital magazine had a cover cartoon featuring Prime Minister Modi shackled in chains, seated next to President Trump. The shackling was a reference to the plight of the migrants being deported from the U.S. to India aboard military planes in chains.

This depiction of the Prime Minister set off a controversy on social media, which was further taken up by Mr. Annamalai, who wrote to the Ministry of Information and Broadcasting (MIB). He accused the magazine of “operating as a mouthpiece of the DMK”.

## How was it rendered unavailable?

The Union government did not issue any statement confirming or denying that the website was made inaccessible. *The Hindu* was able to confirm with four people aware of the order that led to *Vikatan*'s inaccessibility, that it was issued by the MIB. The I&B disseminated the instructions through the Department of Telecommunications to internet providers and telecom operators, after which the website was not accessible in majority of their networks.

Website blockings are governed by Section 69A of the Information Technology Act, 2000. The law's language broadly empowers the government to block a website in the “interest of sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement”. The blocking orders are confidential, and a copy has not been provided to *Vikatan* or to the public.

The Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 details the operation of these Rules, empowering Ministries and State government departments to refer a blocking request through a nodal officer to a designated officer under the IT Ministry, which then constitutes a committee that takes a decision. If a blocking is directed, the Department of Telecommunications is looped in to send the order to broadband and telecom players.

This is different from the framework for removing content within a given website or streaming service. That is governed by the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which are regulations under the IT Act empowering the I&B Ministry and the IT Ministry to issue emergency orders blocking content on social media platforms, streaming services, online news websites,

and so on. Since the introduction of secure HTTPS websites, blocking a specific piece of content within a website is not possible without the cooperation of the website's publisher, as internet networks can only see the name of the domain, and not what a user is viewing on a given website.

## What can 'Vikatan' do?

Under the 2009 blocking rules, a notice should be sent to the website which is liable to be blocked, so that they may make a representation. This can be considered by a review committee. The publishers of VLC Media Player were able to obtain an unblocking of their website in 2022, after engaging in discussions with the IT Ministry.

No such prior notice was sent to *Vikatan*. On February 16, the day after the order was issued, the magazine received a notice for the cartoon under the 2021 IT Rules governing content blocking within websites, which did not acknowledge the website's overall inaccessibility. After getting a notice, a website owner can typically make their case to the committee formed under the 2009 Rules. If the committee does not accept the defence, this can be appealed in a High Court. In *Vikatan's* case, the notice from the I&B Ministry called for a hearing on February 20. The magazine presented its case, and has vowed to legally challenge the order if the outcome of the hearing "does not align with press freedom principles."

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