

# Wikipedia and ANI's defamation suit

What are the charges levelled by ANI in the defamation suit filed by the news agency against Wikimedia Foundation Inc. and three Wikipedia 'administrators'? Who is allowed to edit Wikipedia pages and what are the guidelines to be followed while carrying out edits?

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Wikipedia has a reputation for being reliable because its editors include field experts | Photo Credit: Getty Images

## The story so far:

Earlier this year, Indian news agency Asian News International (ANI) filed a defamation suit against Wikimedia Foundation Inc. and three Wikipedia 'administrators' before the

Delhi High Court. A single-judge Bench subsequently directed Wikimedia on August 20 to disclose the administrators' details.

## What is Wikipedia?

Wikipedia is a community-driven encyclopaedia freely available on the Internet. Volunteers from around the world work together to populate and maintain it. Before the popularity of generative artificial intelligence (AI) tools such as ChatGPT, Wikipedia was often the first point of reference for many people on diverse topics — and to a large extent still is.

While not all pages on Wikipedia are of equal quality, it has acquired a reputation of being reliable because its editors include field experts and the platform allows anyone to communicate their knowledge freely as long as they abide by the guidelines.

As of November 2024, the 23-year-old Wikipedia platform had more than 6.8 million articles, thousands of editors, and millions of users. It's also available in more than 390 languages, including 23 Indian ones. On the flip side, toll-access encyclopaedias like Microsoft's Encarta have failed on quality and don't have nearly as many users.

## How is Wikipedia populated?

The case before the Delhi High Court could radically change the future of this commons. Following the single-judge Bench's direction to reveal the identities of the three 'administrators', Wikimedia, which hosts Wikipedia, filed an appeal before the Division Bench. Through a consent order, the court directed Wikimedia to submit the subscriber information of these individuals in sealed covers.

According to the suit filed by ANI, some of the statements on its Wikipedia page are defamatory. For example: "The news agency has been criticised for having served as a propaganda tool for the incumbent central government, distributing materials from a vast network of fake news websites, and misreporting events". According to ANI, the defendants — Wikimedia and the Wikipedia 'administrators' — "have collectively tarnished the reputation of the plaintiff by publishing false, misleading and defamatory content on the ANI page, and discredit the plaintiffs impeccable professional standing."

When editors associated with ANI attempted to edit the allegedly defamatory statements, other (independent) editors reversed or modified them. ANI has contended that Wikimedia, through the 'administrators', has "actively participated in removing any edits that sought to reverse the false and misleading content framed against the Plaintiffs".

Wikipedia later changed the page's status to 'extended confirmed protection', which prevented ANI-associated editors from further changing those statements. **ANI has alleged that this implies Wikimedia violated the obligations of an intermediary under the safe-harbour provisions of the Information Technology Act 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021.**

Thus, ANI concluded, Wikimedia and the administrators should be held liable for hosting and publishing defamatory contents.

## **Will Wikimedia lose safe-harbour protection?**

The defamation suit misrepresents Wikipedia's overall architecture. Wikimedia Foundation Inc., a non-profit organisation based in the U.S. that's been impleaded as the first defendant, does not play a role in determining the contents on Wikipedia. Its role is limited to providing the technical infrastructure to run the platform and ensure editors don't face technical hurdles as they create new pages, all while abiding by guidelines developed by the community.

These guidelines specifically remind editors Wikipedia is an encyclopaedia and that therefore all statements on any page need to be backed by reliable, verifiable sources. **Most of the allegedly defamatory statements on ANI's Wikipedia page also have references to reliable sources. Original research is not allowed on Wikipedia and editors continuously remove previously unpublished arguments, ideas or analyses.** (The editing history of any Wikipedia page is visible in its 'view history' tab.)

Second, pages on controversial topics are often extensively edited for propriety. Sometimes these editing efforts devolve into 'editing wars', and they're thereafter monitored even more closely. (A good example is the page on Donald Trump.) Any member of the Wikipedia community can ask for a page's status to be protected, and the editors may subsequently place the page in a state of 'extended confirmed protection' or 'full protection'. Once a page is placed in 'extended confirmed protection', only editors whose accounts have the 'Extended Confirmed Users' badge can edit it. For pages under full protection, only 'administrators' can make changes.

**Wikimedia plays no role in the selection of 'Extended Confirmed Users' or 'administrators'. Any editor who has a sufficiently long-standing account and a minimum number of edits to their name can apply to become an administrator, and community members elect them based on their reputation.**

Finally, Wikimedia is not involved in these elections. It only provides the technical facilities for the elections.

## **What effect will loss of safe-harbour status have?**

In sum, Wikipedia has acquired its reputation for reliability through its democratic architecture, its support for editors to anonymously edit articles without fear of retaliation or consequences, and by enforcing a policy of desisting from generating first-hand knowledge.

Any intervention from the judiciary or legislature to force the disclosure of editor information — including those designated with administrator status — is bound to hamper the platform's reputation. Future editors may not be able to operate in confidence: they could be moved by the threat of reprisals from affected particles and/or uncertainty over how Indian courts might interpret the particulars of Wikipedia's setup.

While India is on the cusp of this disruption, China, Russia, and Pakistan are further down the road, censoring Wikipedia articles after having become upset about the manner in which the encyclopaedia operates. On September 5, after Wikipedia didn't comply with a previous order to furnish the details of the individuals who edited the ANI page, the court indicated it would ask the government to block Wikipedia in India if the encyclopaedia didn't fall in line.

Thus India's democratic credentials are also at stake.

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