



## EDITORIAL: THE HINDU

**GENERAL STUDIES 2: POLITY**  
**TOPIC: FUNDAMENTAL RIGHT**

**DATE: 12.05.2025**

**Right to know: On the Wikimedia case, key rights**

### Context and Importance

- Supreme Court emphasized that High Courts must be more conscious in protecting fundamental rights, particularly the *freedom of speech* and the *right to know*.
- The ruling comes at a time when digital expression and online discourse are being increasingly scrutinized, especially in legal matters.

### Background of the Case

- A Wikipedia page was created detailing a defamation case and included a discussion forum criticizing a Delhi High Court judge's order.
- The Delhi High Court issued an interim order (October 2024) asking the Wikimedia Foundation to take down the page, interpreting the criticism as **contempt of court**.
- The decision was upheld by the High Court's Division Bench, leading the Wikimedia Foundation to appeal to the Supreme Court.

### Supreme Court's Observations

- Justices Abhay S. Oka and Ujjal Bhuyan stressed that **vigorous public debate** is essential, even when matters are *sub judice*.
- The High Court's order was called an **overreaction** to public criticism in the discussion forum.
- The judgment emphasized that **criticizing judicial orders is not contempt** unless it interferes with the judicial process or administration of justice.

### Legal Focus of the Ruling

- The Supreme Court examined the legality of the Delhi High Court's take-down order under the lens of **Articles 19(1)(a) and 21** of the Constitution.
- The case was aligned with an earlier April 2025 judgment involving similar take-down demands concerning the **ANI Wikipedia page**, also overturned.
- The Supreme Court reiterated that **freedom of speech includes the right to know**, which is necessary for **citizen participation and democratic governance**.



## Right to Know and Its Significance

- The right to know is a fundamental democratic right that allows citizens to stay informed and engage in **constructive public discourse**.
- It ensures **transparency and access to justice**, enabling citizens to monitor and critique institutions, including the judiciary.
- The ruling reinforced that public discourse is a tool for **holding judicial institutions accountable**.

## Wikimedia Foundation's Intermediary Status

- The Foundation provides the **technical infrastructure** for Wikipedia but does not create or edit content.
- Content on Wikipedia is **user-generated**, based on secondary sources and governed by community guidelines.
- This intermediary status gives **legal protection** under Indian laws like the IT Act, allowing platforms to operate without being held directly liable for user content.

## Impact on Free Expression and Platform Accountability

- The Court acknowledged that platforms like Wikipedia play a **democratic role** by enabling citizens to share and access information.
- It upheld the principle that **intermediary platforms should not be penalized** for content they don't create but only host.
- The judgment strengthens protections for online platforms **against censorship or undue legal pressure**, especially from powerful actors.

## Public Discourse and Judicial Accountability

- Quoting former CJI D.Y. Chandrachud and Jeremy Bentham, the Court stressed the importance of **courtroom transparency**.
- "Publicity of proceedings keeps the judge himself, while trying, under trial," meaning judicial actions must remain open to public scrutiny.
- This highlights the judiciary's **dual responsibility**—to deliver justice and remain accountable to democratic norms.

## Conclusion

- The ruling firmly establishes the **right to know** and **freedom of expression** as essential to Indian democracy.

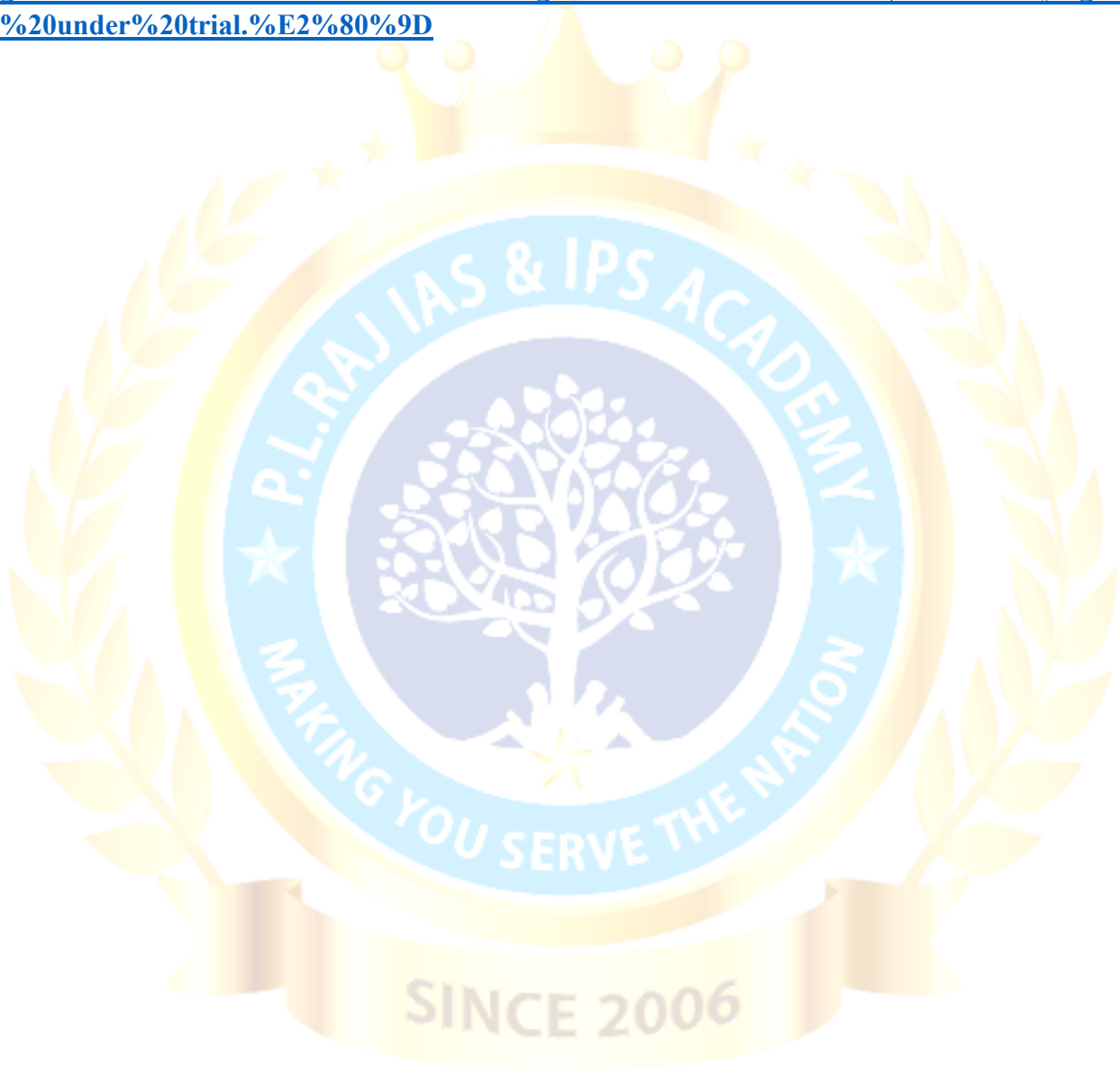


# PL RAJ IAS & IPS ACADEMY

MAKING YOU SERVE THE NATION

- It reaffirms that **public criticism of judicial decisions** is a legitimate part of democratic functioning, not contempt.
- By overturning the take-down order, the Court defended the rights of citizens, platforms, and the **integrity of public debate**, promoting a more transparent and accountable judiciary.

Source: <https://www.thehindu.com/opinion/editorial/right-to-know-on-the-wikimedia-case-key-rights/article69564204.ece#:~:text=The%20right%20to%20know%20and,while%20trying%20C%20under%20trial.%E2%80%9D>



**P.L. RAJ IAS & IPS ACADEMY | 1447/C, 3rd floor, 15th Main Road,  
Anna Nagar West, Chennai-40. Ph.No.044-42323192, 9445032221  
Email: plrajmemorial@gmail.com Website: www.plrajasacademy.com  
Telegram link: https://t.me/plrajas2006 YouTube: P L RAJ IAS & IPS ACADEMY**