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BBC documentary 'India: The Modi Question.'

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In News: Government of India uses emergency powers to block BBC documentary critical of Modi.

Ministry of Information and Broadcasting (MIB) directed YouTube and Twitter to take down links sharing the BBC documentary 'India: The Modi Question.' The order was passed under the emergency provisions of the Information Technology Rules, 2021, for allegedly casting "aspersions on the authority and credibility of the Supreme Court of India, sowing divisions among various communities, and making unsubstantiated allegations regarding actions of foreign governments in India".

What are the emergency provisions?

Under the Information Technology Rules, 2021 (IT Rules, 2021), the MIB has powers to issue content takedown notices to social media intermediaries like YouTube, Twitter and Facebook in emergency situations "for which no delay is acceptable".

The Rules say that "In case of emergency nature, the Secretary, Ministry of Information and Broadcasting may, if he is satisfied that it is necessary or expedient and justifiable for blocking for public access of any information or part thereof through any computer resource and...as an interim measure issue such directions as he may consider necessary to such identified or identifiable persons, publishers or intermediary in control of such computer resource hosting such information or part thereof without giving him an opportunity of hearing."

How often have they been used?

Since 2021, the MIB has used the emergency provisions at least seven times, most prominently for YouTube. These seven instances are known because the Ministry communicated about the action through press releases.

However, in the case of the BBC documentary, the Ministry has not issued any release through its official channel, the Press Information Bureau, so far. The only information about the blocking orders having an official semblance came from former journalist Kanchan Gupta, who works as an advisor to the MIB and put out a tweet thread on Saturday about the move.

What can users (in this case BBC) whose content has been impacted do?

While the IT Rules, 2021 prescribe recourse options for users, those are limited to actions taken by a social media company. For instance, if a platform has on its own taken down some content, the user can approach the grievance officer of the platform to raise a dispute, which they are to redress within 15 days.

However, if a platform has taken down content on the basis of the emergency provisions in the Rules, the legislation does not offer any direct recourse.

The only option users have in this case is to approach courts. However, even that is tricky. By their very nature, the blocking orders are confidential, which means that users do not know the provisions under which their content was flagged. Besides that, how the government decided that a particular piece of content should be taken down is not known to citizens.

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Platforms like Twitter voluntarily inform users that they have taken down their content based on the government's request, and also share the information with the Lumen database, an independent research project studying takedown notices along with other legal removal requests. If not for that, users would probably never know why their content was taken down.

What is critical about Government's takedown as routine responses to controversial documents or documentaries?

Just before the BBC telecast the first part of its documentary "India: The Modi Question" on its channel BBC 2 on January 17, it carried a more than 11-minute report on the documentary in its programme "Impact" on BBC World News. While the BBC 2 channel's reach is limited to Britain, the latter has a large audience in several parts of the English-speaking world; it also has a presence in many other parts of the world. Clearly, the BBC's intention was, at a minimum, to arouse an interest in as large a viewership in the documentary across the world as it could and not confine it to Britain alone.

Vivek Katju writes: BBC documentary on PM Modi raises questions about intent and timing, but government response could have been more self-assured.