



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

HRDA/UA/South/TN/01/03/2025

March 29, 2025

To,

1. Justice Mr. V. Ramasubramanian (Retd),
The Chairperson,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi –110 023
Email: chairnhrc@nic.in
2. Mr. Indrajeet Kumar,
National Focal Point - Human Rights Defenders & Deputy Registrar,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA, New Delhi –110 023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action- Tamil Nadu: Concern over Tamil media house Vikatan's website being inaccessible following depiction of cartoon critical of the government

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern regarding blocking of the website of Tamil media house 'Vikatan' whose magazine 'Vikatan Plus' published a cartoon depicting a political cartoon critical of Prime Minister Narendra Modi's silence over the deportation of Indians from USA. Journalists and media persons are HRDs, HRDA takes up this because this deals with the freedom of speech and expression of a media house.

Source of Information:

Communication with HRDA - Southern Regional Coordinator

Communication with HRD

Date of Incident:

February 15, 2025

Place of Incident:

Tamil Nadu

The Perpetrators:

Government of India

About the Human Rights Defender:

Vikatan is one of Tamil Nadu's oldest media houses and will turn 100 in 2026. For nearly a century, Vikatan has stood firmly in support of freedom of expression. It has always operated with the principle of upholding free speech.

Background of the Incident:

On February 10, 2025, Vikatan Plus, the digital magazine of Vikatan, published a cover cartoon depicting PM's "silence" over the handcuffing of Indians who were deported from the U.S. The cartoon was apparently a reference to illegal Indian immigrants being handcuffed and sent back to India, and the PM not taking up the matter with Trump during their meetings recently.

This cartoon was criticized by BJP supporters, and BJP state president Annamalai reportedly lodged a complaint against Vikatan with the central government and called for action against Vikatan over a cartoon depicting Prime Minister Narendra Modi with his hands chained in front of US President Donald Trump.

Details of the Incident:

Tamil media house "*Vikatan*" alleged that the website of leading Tamil media house Vikatan was blocked from Saturday, February 15, 2025, after it published a cartoon depicting Prime Minister Narendra Modi, with his hands and legs chained, sitting beside US President Doland Trump. This came just hours after Tamil Nadu BJP president K Annamalai lodged a complaint against Vikatan with the central Government.

Tamil Nadu BJP president Annamalai had submitted two separate representations, one to the Chairperson of the Press Council of India and another to Minister of State in the Ministry of Parliamentary Affairs L Murugan. He listed five cartoons that appeared in Vikatan and said that action should be taken against Vikatan magazine "*for being a mouthpiece of the DMK and for publishing offensive and baseless content*" against PM Modi.

Many users from different locations have reported that they are unable to access the Vikatan website. However, as of now, there has been no official announcement from the central government regarding the blocking of the Vikatan website. Vikatan

released a statement saying that they “will stand strong in defense of freedom of expression.

We strongly believe blocking of a media website without official announcement by the central government is an act of reprisal against freedom of expression of Tamil Media House “Vikatan”.

The right to freedom of expression and press freedom are cornerstones of democratic societies. The Right to exercise freedom of Speech and Expression is enshrined under Article 19 (1) (a) of the Indian Constitution. The Right to freedom of opinion and expression encompasses three different aspects:

- 1) The right to hold opinions without interference,
- 2) The right to access to information and
- 3) The right to impart information and ideas of all kind.

The Apex Court in People's Union for Civil Liberties v. Union of India (2004) held that media should be allowed to report freely on national issues, and any attempt to curb this freedom must be justifiable under Article 19(2) of the Constitution.

In Supreme Court in *Tehseen S. Poonawalla v. Union of India*, (2018) 9 SCC 501, page 518

“20. Freedom of speech is a principal pillar of a free government; when this support is taken away, the constitution of a free society is dissolved and tyranny is erected on its ruins.” [Benjamin Franklin, On Freedom of Speech and the Press, from the Pennsylvania Gazette, November 1737.]

21. Freedom of speech and expression in different forms is the élan vital of sustenance of all other rights and is the very seed for germinating the growth of democratic views. Plurality of voices celebrates the constitutionalist idea of a liberal democracy and ought not to be suppressed. That is the idea and essence of our nation which cannot be, to borrow a line from Rabindranath Tagore, “broken up into fragments by narrow domestic walls” of caste, creed, race, class or religion. Pluralism and tolerance are essential virtues and constitute the building blocks of a truly free and democratic society. It must be emphatically stated that a dynamic contemporary constitutional democracy imbibes the essential feature of accommodating pluralism in thought and approach so as to preserve cohesiveness and unity. Intolerance arising out of a dogmatic mindset sows the seeds of upheaval and has a chilling effect on freedom of thought and expression. Hence, tolerance has to be fostered and practised and not allowed to be diluted in any manner.”

Universal Declaration of Human Rights (UDHR) Article 19 of the Universal Declaration of Human Rights (adopted by the United Nations in 1948) states: *"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."*

International Covenant on Civil and Political Rights (ICCPR), adopted by the United Nations in 1966 protects freedom of speech under Article 19. Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right *"to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media"*. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including *"political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse"* (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Declaration on Human Rights Defenders 1999, also seeks to protect the monitoring and advocacy functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights. According to Article 11 United Nations Declaration on Human Rights Defenders 1999 *"Everyone has the right, individually and in association with others, to the lawful exercise their freedom of association and assembly"*.

The United Nations Declaration on Human Rights Defenders 1999 states the following: Article 12 (2) and (3) *"The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of*

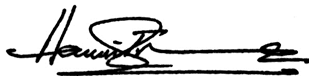
violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."

Appeal:

We urge the Hon'ble Commission to immediately intervene in this matter in protecting the freedom of press and safe guarding the democratic principles of our nation. We also urge the Hon'ble Commission to immediately take necessary steps and:

- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry and investigate any actions that may have been taken to suppress or curtail the freedom of expression in response to the publication of this cartoon and submit the report to NHRC.
- Ensure that media outlets are allowed to freely express political and social commentary without fear of retaliation, threats, or censorship.
- Ensure to safeguard the rights of journalists and media houses in India from undue influence or coercion that may be politically motivated, ensuring that these organizations are not subjected to pressure or intimidation by government bodies, political parties, or other influential entities.

Yours sincerely,



(Henri Tiphagne)

National Working Secretary