



**TATHASTU**  
Institute Of Civil Services

# DAILY CURRENT AFFAIRS

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**TATHASTU**  
Institute Of Civil Services

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**S.NO. TOPIC**

1. **WHAT SPECIAL STATUS IS LADAKH SEEKING?**
2. **A CASE OF NOTHING BUT PATENT CENSORSHIP**
3. **ISRAEL SUFFERS 8 CASUALTIES IN LEBANON OPERATION**
4. **DHARTI ABA JANJATIYA GRAM UTKARSH ABHIYAN**

**WHAT SPECIAL STATUS IS LADAKH SEEKING?**

# What special status is Ladakh seeking?

Which are the other States seeking constitutional safeguards? Do the Fifth and Sixth schedules grant areas under them more autonomy? Why did the British create provisions for 'excluded' and 'partially excluded' areas under the Government of India Act, 1935?

**EXPLAINER**

Rangarajan R.

**The story so far:**  
Climate activist Sonam Wangchuk was detained on the Delhi border on Monday night as he led a group of protesters to petition the Central government for the inclusion of Ladakh in the Sixth Schedule of the Constitution among other demands for autonomy to the region. Similar demands have been raised in Arunachal Pradesh and Manipur. These discussions relate to special provisions for various ethnic groups in the Constitution.

**What is asymmetrical federalism?**  
The Indian Constitution follows 'asymmetrical' federalism. Asymmetrical federalism is where some States and areas have more autonomy than others. A classical federation like the U.S. or Australia is a symmetrical federation as all States enjoy the same set of powers and autonomy. In India, there are a few States/ areas that enjoy more autonomy or have special provisions under the Constitution than others.

**What is the history of the Fifth and Sixth Schedules?**  
Tribal populations were never fully subjugated by earlier Muslim rulers before the British. They did not intervene in tribal customary laws or their lifestyles. Till the entry of the British, the tribals were the masters of their forests and ancestral lands. However, the initial British laws and their forest policies affected the tribal way of life. Their traditional rights over forest lands were not recognised and their movement inside forests became restricted. This discontentment resulted in various tribal rebellions like the Kol rebellion (1831-32), Santal revolt (1855), Munda Rebellion (1859-1900) and Barua rebellion (1914). These rebellions culminated in the British policy of 'isolation' towards the tribals, and the creation of 'excluded' and 'partially excluded' areas under the Government of India Act, 1935. The 'excluded' areas mainly consisted of hilly regions in the northeast. In these areas, the power of legislation was in the hands of the Governor. 'Partially excluded' areas consisted of tribal tracts in present day Bihar, Bengal, Orissa, Madhya Pradesh, Uttar Pradesh and Maharashtra. In these areas, central and provincial legislature laws were applicable but with modifications or exceptions as decided by the Governors.

The Fifth and Sixth Schedules have been modelled on the basis of these provisions which allowed 'partially excluded' and 'excluded' areas under the Government of India Act, 1935. The Fifth Schedule is applicable to what are officially called 'scheduled areas' that are declared by the President. The guiding norms for declaring an area as a 'scheduled area' include preponderance of tribal populations, compactness of area, a viable administrative unit like a district or block, and economic backwardness. At present 10 States have such 'scheduled areas'. There are Tribes Advisory Councils (TAC) that are set up in these States, consisting of not more than 20 members, of which three-fourths shall be tribal MLAs from the State. The TAC provides advice pertaining to welfare and advancement of the Scheduled Tribes (ST) in these States. The Governor, subject to the approval of the Central government, shall make regulations for the allotment and transfer of lands among the members of the STs. The Governor



**Strong protest:** Activist Sonam Wangchuk during his padayatra from Leh to Delhi demanding the Sixth Schedule status for Ladakh, on September 15, 2019.

shall also regulate the businesses of money-lenders in 'scheduled areas'. The Governor may direct that a particular act of Parliament or State legislature shall not apply or apply with modifications to such 'scheduled areas'.

The Sixth Schedule is applicable to what are officially called as 'tribal areas' in the States of Assam, Meghalaya, Mizoram and Tripura. There are 10 such 'tribal areas' at present in these four States. Autonomous District Councils (ADC) are formed in these 'tribal areas'. These ADCs shall consist of 30 members, where not more than four are nominated by the Governor of the State and the rest are elected by the people. The ADC shall have powers to make laws with respect to the use and management of land, regulate shifting cultivation, inheritance of property, marriage and divorce, social customs etc. These laws take effect after being approved by the Governor. For all such matters, the laws by the State legislature will not be applicable in these 'tribal areas' unless extended by the ADC. The ADCs are empowered to establish and manage primary schools, dispensaries, roads and waterways in the districts. They can assess and collect land revenue and impose taxes on profession, trade etc. They can grant licences or leases for the extraction of minerals. The ADCs are empowered to constitute village and district council courts for the trial of suits and cases where the parties to the dispute belong to STs within the district.

Thus, the 'tribal areas' included within the Sixth Schedule enjoy greater autonomy through the ADC with more executive, legislative, judicial and financial powers than the 'scheduled

areas' of the Fifth Schedule. However, both these areas are aimed at protecting the indigenous culture and interests of STs while integrating them with the mainstream through various developmental policies.

**What are special provisions for northeastern States?**  
Apart from the Fifth and Sixth Schedules, there are special provisions applicable to many of the northeastern States under Part XXI of the Constitution. These are contained in Articles 371A (Nagaland), 371B (Assam), 371C (Manipur), 371F (Sikkim), 371G (Mizoram) and 371H (Arunachal Pradesh). They provide for the protection of local customary laws and practices with respect to Nagaland and Mizoram; mandates committees of MLAs from 'Tribal Areas' and 'Hill areas' in Assam and Manipur respectively; and lists out special responsibilities of the Governors of Sikkim and Arunachal Pradesh for the development and maintenance of law and order.

**Are further reforms needed?**  
Despite these provisions enshrined in the Constitution, there are still further reforms that are required. First, the autonomy of the Fifth and Sixth Schedule areas are more on paper than in actual practice. The regulations made by the Governor in 'scheduled areas' are subject to approval by the Central government. Similarly, the laws made by ADCs in 'tribal areas' are subject to the approval of the Governor of the State. When different parties are in power at the Centre, State as well as ADC, political differences affect the autonomy of these areas. Clear

guidelines need to be laid down and followed to uphold the spirit behind the provisions of the Fifth and Sixth schedule. Second, there are numerous ST habitations across the country – both within the 10 States under the Fifth Schedule and other States – that are not notified as 'scheduled areas', thereby denying these areas constitutional rights and protection. These need to be notified as 'scheduled areas' after due diligence. Third, the 125th Constitutional amendment bill (2019) introduced and pending in Rajya Sabha aims to grant more financial, executive and administrative powers to the existing 10 ADCs. The Union government has agreed to form a committee headed by the Minister of State for Home Affairs to resolve the issues that have been holding up the passage of this bill. This process needs to be expedited to the satisfaction of all stakeholders. Fourth, the Arunachal Pradesh Assembly and the Manipur Hill Area Committee for the 'Hill areas' in the State have passed resolutions in recent years for their inclusion in the Sixth Schedule. There is a growing demand for the inclusion of the Union territory of Ladakh as well in the Sixth Schedule. These demands have to be examined promptly and necessary decisions taken at the earliest to protect the interests of the tribals in these areas. Finally, the recognition and vesting of forest rights to tribals under the Forest Rights Act, 2006 should be ensured throughout the country including in the Fifth and Sixth schedule areas.

*Rangarajan. R is a former IAS officer and author of 'Polity Simplified'. Views expressed are personal.*

**THE GIST**

The Fifth Schedule is applicable to what are officially called 'scheduled areas' that are declared by the President. The Sixth Schedule is applicable to what are officially called as 'tribal areas' in the States of Assam, Meghalaya, Mizoram and Tripura.

Apart from the Fifth and Sixth Schedules, there are special provisions applicable to many of the northeastern States under Part XXI of the Constitution. These are contained in Articles 371A (Nagaland), 371B (Assam), 371C (Manipur), 371F (Sikkim), 371G (Mizoram) and 371H (Arunachal Pradesh).

The Arunachal Pradesh Assembly and the Manipur Hill Area Committee for the 'Hill areas' in the State have passed resolutions in recent years for their inclusion in the Sixth Schedule. There is a growing demand for the inclusion of the Union territory of Ladakh as well in the Sixth Schedule.





- ❖ Climate activist Sonam Wangchuk was detained on the Delhi border on Monday night as he led a group of protesters to petition the Central government for the inclusion of Ladakh in the Sixth Schedule of the Constitution among other demands for autonomy to the region.

### What is asymmetrical federalism?

- ❖ The Indian Constitution follows 'asymmetrical' federalism.
- ❖ Asymmetrical federalism is where some States and areas have more autonomy than others.
- ❖ A classical federation like the U.S. or Australia is a symmetrical federation as all States enjoy the same set of powers and autonomy.
- ❖ In India, there are a few States/ areas that enjoy more autonomy or have special provisions under the Constitution than others.

### 5th Schedule of Indian Constitution:

- ❖ The Fifth Schedule deals with the **management and administration** of Scheduled Areas and Scheduled Tribes where tribal groups are predominant.
- ❖ **Article 244(1):**
  - ☛ The provisions of the Fifth Schedule apply to the administration and control of Scheduled Areas and Scheduled Tribes in any State **other than Assam, Meghalaya, Tripura, and Mizoram.**
- ❖ **Declaration of Scheduled Areas:**
- ❖ **Power of the President:**
  - ☛ The **President of India** can declare an area as a **Scheduled Area**.
  - ☛ The President can **increase** or **decrease** the area of any Scheduled Area after consultation with the Governor of the concerned State.
  - ☛ The President can **alter the boundaries** of Scheduled Areas, but only for rectification purposes.
- ❖ The President can direct that a Scheduled Area or part thereof shall cease to be a Scheduled Area

### Executive Power of State and Centre:

- ❖ **State Executive Power:**
  - ☛ The **executive power** of a State extends to the **Scheduled Areas** within that State.
  - ☛ The **Governor** of each State having Scheduled Areas must **report to the President** on the administration of the Scheduled Areas in the State.
- ❖ **Centre's Executive Power:**
  - ☛ The **executive power of the Centre** includes giving **directions** to the State regarding the administration of such Scheduled Areas.

### Tribes Advisory Council (TAC):

- ❖ **Establishment:**
  - ☛ A **Tribes Advisory Council (TAC)** must be established in each State with Scheduled Areas to focus on the **welfare and advancement of Scheduled Tribes**.
  - ☛ The **President** may direct the establishment of a similar council in States with Scheduled Tribes but no Scheduled Areas
- ❖ **Composition:**
  - ☛ The TAC consists of a **maximum of 20 members**.

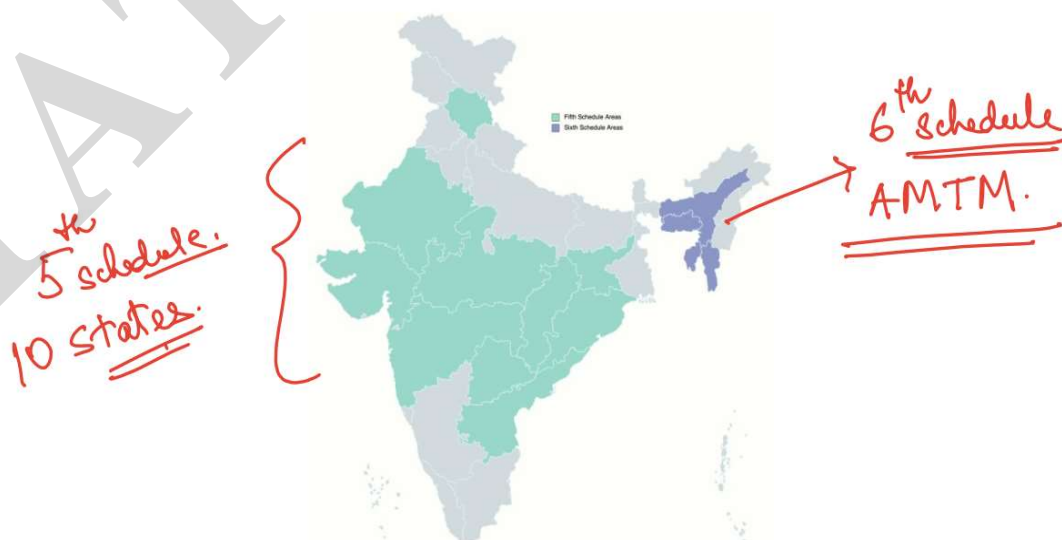




- ☛ **Three-fourths** of the members must be **Scheduled Tribe representatives** from the State Legislative Assembly.
- ❖ **Governor's Role:**
  - ☛ The **Governor** may make rules regarding:
    - The **number of members** in the council.
    - The **mode of appointment** of members and the Chairman.
    - The **conduct of meetings** and general procedures.
    - Appointment of **officers and servants** for the council.
- ❖ **Law Applicable to Scheduled Areas:**
  - The **Governor** can direct that any particular **Act of Parliament or State Legislature** does not apply or applies with modifications and exceptions to the Scheduled Areas.
  - The Governor can also make **regulations** for the **peace and good governance** of a Scheduled Area after consulting the **Tribes Advisory Council**.
- ❖ The Fifth Schedule provides for the administration of tribal Areas in **ten states in India**, including Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, and Telangana.
- ❖ The Fifth Schedule Areas are exempt from the Panchayat-related requirements of Part IX of the constitution. **The Panchayat (Extension to Scheduled Areas) Act, 1996**, was passed by Parliament to **extend the provisions of Part IX to the fifth Scheduled area** with certain modifications.

*\* Acquisition of land by non tribals individuals/entities in tribal areas under 5<sup>th</sup> schedule is prohibited unless the state gov. gives prior approval.*

5<sup>th</sup> and 6<sup>th</sup> Schedule Areas





### 6th Schedule of Indian Constitution:

- ❖ The Sixth Schedule of the Constitution provides for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram to safeguard the rights of the tribal population in these states.
  1. **Administration of Tribal Areas:**
    - Provides for the administration of **tribal areas** in the northeastern states of **Assam, Meghalaya, Tripura, and Mizoram**.
  2. **Protection of Tribal Land and Resources:**
    - Ensures the protection of **tribal land and resources**, prohibiting the transfer to **non-tribal individuals** or communities.
  3. **Prevention of Exploitation:**
    - Prevents **exploitation** and **marginalization** of tribal communities by non-tribal populations.
    - Preserves and promotes the **cultural and social identities** of tribal communities.
- ❖ **Article 244(2):**
  - The provisions of the **Sixth Schedule** apply to the administration of **tribal areas** in **Assam, Meghalaya, Tripura, and Mizoram**.

### Autonomous Districts and Autonomous Regions:

- ❖ **Autonomous Districts:** Tribal areas in the four states are administered as **Autonomous Districts**.
- ❖ **Autonomous Regions:** If different Scheduled Tribes inhabit an autonomous district, the **Governor** can divide it into **Autonomous Regions**.

### Governor's Powers:

- ❖ The **Governor** can organize and reorganize autonomous districts, increase or decrease their boundaries, or alter their names
- ❖ **Constitution of District Councils and Regional Councils:**
  1. **District Council:**
    - For each autonomous district, there shall be a **District Council** consisting of up to **30 members**.
    - Not more than **four** members are nominated by the Governor, and the rest are **elected by adult suffrage**.
  2. **Regional Council:**
    - A separate **Regional Council** is constituted for each autonomous region.

### Powers of District and Regional Councils:

- ❖ **Law-making Authority:**
  - ☛ Councils are empowered to make laws on specified matters such as **land, management of forests** (excluding Reserved Forests), and **inheritance of property**.
- ❖ **Regulation of Trade and Money-lending:**
  - ☛ Councils can regulate **money-lending** or trading by non-Scheduled Tribe individuals in their district.
  - ☛ All laws made by the councils require the **assent of the Governor**.





### Administration of Justice:

- ❖ **Council Courts:**
  - **Village and District Council Courts** can be constituted for trials involving Scheduled Tribes within the district.
  - **High Courts** have jurisdiction over cases as specified by the Governor.
- ❖ **Jurisdiction Limitations:** Council Courts cannot decide cases involving offenses punishable by **death** or imprisonment of **five or more years**

### Financial and Administrative Powers:

- ❖ **Revenue and Taxes:** Councils are empowered to **assess and collect land revenue** and impose taxes on professions, trades, animals, vehicles, etc.
- ❖ **Licenses and Leases:** Councils can grant **licenses or leases** for the extraction of minerals within their jurisdiction.
- ❖ **Infrastructure Management:** Councils can establish, construct, or manage **primary schools, dispensaries, markets, cattle ponds, fisheries, roads, road transport, and waterways**

### Special Provisions:

- ❖ **Applicability of Laws:** Acts of Parliament or the state legislature do not apply or apply with modifications to autonomous districts and regions as specified.
- ❖ **Governor's Investigative Powers:** The Governor can appoint a **commission** to investigate and report on issues related to the management of autonomous districts or regions.
  - ☛ Both the Fifth and Sixth Schedules aim to protect the indigenous culture and interests of Scheduled Tribes (STs).
  - ☛ They also work to integrate tribal populations into the mainstream through developmental policies.
- ❖ The Sixth Schedule areas, with their ADCs, enjoy greater autonomy compared to the Fifth Schedule areas

### History of the Fifth and Sixth Schedules:

- ❖ **Tribal Populations before British Rule:**
  - Tribal populations were not fully subjugated by earlier Muslim rulers.
  - Tribal customary laws and lifestyles were left untouched.
  - Tribals held mastery over forests and ancestral lands before British intervention.
- ❖ **Impact of British Rule:**
  - Initial British laws and forest policies disrupted tribal lifestyles.
  - Traditional rights over forest lands were ignored, and movement in forests was restricted.
  - This led to discontentment and several tribal rebellions, including: Kol Rebellion (1831-32) Santhal Revolt (1885) Munda Rebellion (1899-1900) Bastar Rebellion (1911)
- ❖ **British Policy of Isolation:**
  - The tribal rebellions led to the British adopting a policy of isolation towards tribals.
  - Under the **Government of India Act, 1935**, the concept of:





- **Excluded areas:** Hilly regions, mainly in the northeast, where legislative power was in the hands of the Governor.
- **Partially excluded areas:** Tribal tracts in states like Bihar, Bengal, Orissa, etc., where laws were applicable with modifications by the Governors.
- ❖ **Fifth and Sixth Schedules – Post-Independence Framework:**
  - The Fifth and Sixth Schedules are modelled after the ‘excluded’ and ‘partially excluded’ areas from the 1935 Act.

#### What are special provisions for northeastern States?

- ❖ Apart from the Fifth and Sixth Schedules, there are special provisions applicable to many of the northeastern States under Part XXI of the Constitution. These are contained in Articles 371A (Nagaland), 371B (Assam), 371C (Manipur), 371F (Sikkim), 371G (Mizoram) and 371H (Arunachal Pradesh).
- ❖ They provide for the protection of local customary laws and practices with respect to Nagaland and Mizoram; mandates committees of MLAs from ‘Tribal Areas’ and ‘Hill areas’ in Assam and Manipur respectively; and lists out special responsibilities of the Governors of Sikkim and Arunachal Pradesh for the development and maintenance of law and order.

#### Are further reforms needed?

- ❖ **Autonomy in Practice vs. on Paper:**
  - **Fifth and Sixth Schedule areas** have autonomy more in theory than in actual practice.
  - **Governor's regulations** in ‘scheduled areas’ require Central government approval.
  - **Laws made by ADCs** in ‘tribal areas’ need the approval of the **Governor of the State**.
  - Political differences between **Centre, State, and ADC** often affect the autonomy of these areas.
  - Clear and consistent **guidelines** are needed to uphold the spirit of the Fifth and Sixth Schedule.
- ❖ **Unnotified Scheduled Areas:**
  - Many **ST habitations** across India, including those within the 10 States under the Fifth Schedule, are not notified as ‘scheduled areas’.
  - This denies these areas **constitutional rights** and protection.
  - These areas need to be **notified** as ‘scheduled areas’ after proper due diligence.
- ❖ **125th Constitutional Amendment Bill (2019):**
  - The Bill seeks to provide more **financial, executive, and administrative powers** to the existing 10 ADCs.
  - A **committee** headed by the Minister of State for Home Affairs is tasked with resolving issues holding up the bill.
  - This process must be **expedited** to satisfy all stakeholders.

#### Are further reforms needed?

- ❖ **Demands for Sixth Schedule Inclusion:**
  - **Arunachal Pradesh** Assembly and the **Manipur Hill Area Committee** have passed resolutions for inclusion in the Sixth Schedule.
  - There is growing demand for the inclusion of **Ladakh** under the Sixth Schedule.





- These demands need to be **promptly examined**, and necessary decisions should be made to protect tribal interests.
- ❖ **Implementation of Forest Rights Act (2006):**
  - The recognition and vesting of **forest rights to tribals** under the **Forest Rights Act, 2006** should be ensured nationwide.
  - This includes ensuring implementation in both **Fifth and Sixth Schedule areas**.

### UPSC PYQ 2022

**Q.1 If a particular area is brought under the Fifth Schedule of the Constitution of India, which one of the following statements best reflects the consequence of it? (Prelims 2022)**

- (a) This would prevent the transfer of land of tribal people to non-tribal people.
- (b) This would create a local self-governing body in that area.
- (c) This would convert that area into a Union Territory.
- (d) The State having such Areas would be declared a Special Category State.

### Solution

- ❖ **Correct Answer: Option a) This would prevent the transfer of land of tribal people to non-tribal people.**
  - The Fifth Schedule of the Constitution deals with the administration and control of Scheduled Areas as well as of Scheduled Tribes residing in any State other than the States of **Assam, Meghalaya, Tripura and Mizoram**.
  - If a particular area is brought under the Fifth Schedule, **it means that all land in Scheduled Area is presumed to have been Adivasi land; hence, not only should no land now pass into the hands of non-Adivasis, but any land presently owned by non-tribal should, if being transferred, come back to the hands of Scheduled Tribes**





## A CASE OF NOTHING BUT PATENT CENSORSHIP

# A case of nothing but patent censorship

**O**n September 20, 2024, Justice A.S. Chandurkar of the Bombay High Court broke a tie that emanated out of a previously split verdict and delivered a ruling in defence of the right to free speech. He declared unconstitutional an amendment made to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules). This law, had it been allowed to stand, would have given the Union government an Orwellian carte blanche to decide for us how any news about its operations ought to be carried on the Internet.

The provision in question, Rule 3(1)(b)(v), casts an onerous obligation on intermediaries – companies that facilitate the use of the Internet, ranging from our service providers to social media platforms. If the Union government’s “Fact Check Unit” (FCU), which had been created under the amendment, identified any reporting on the government’s business as fake, false, or misleading, intermediaries were required to make reasonable efforts not to host, display, upload, or publish such information. Should they choose to ignore a directive they stood to lose their “safe harbour” – an immunity from liability which is integral to the design of the Information Technology (IT) Act, 2000 and the protections it offers both to businesses and to the larger public’s right to free expression.

There can be little doubt that fake and misleading information on the Internet is a problem. Its proliferation, given the medium’s influence, ought to be a matter of serious public concern. To that end, the state has a legitimate interest in ensuring that it finds solutions towards its tackling. But any measure that it takes has to be found within the Constitution’s boundaries.

### Petition and response

The petitioners in the Bombay High Court argued that the introduction of Rule 3(1)(b)(v) indubitably breached those walls of protection. The state, through the amendment, effectively appropriated the power to determine what information was fake or misleading. It did so in a manner that maintained no fidelity to the slew of restrictions that the Constitution otherwise permits on free speech. What is more, the state, they added, had failed to so much as acknowledge that there existed other, less intrusive measures that could have been adopted to counter the problem.

In response, the Union government made two primary arguments. First, it argued that the law was anything but coercive, and that an intermediary was by no means compelled to act on the FCU’s instructions. To the contrary, intermediaries were always at liberty to contest a loss of safe harbour in appropriate proceedings. Second, no person enjoyed a licence to spread



**Subhrit Parthasarathy**

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fake or misleading information and there was no constitutional protection that could be accorded to untrue speech. Therefore, according to the state, the Rule fell well within the government’s powers to regulate online expression.

The judges on a Division Bench of the High Court had come to differing conclusions on the Rule’s validity in January. Justice G.S. Patel found the provision *ultra vires*. In his reading, the Rule was vague and overbroad; was disproportionate to its avowed objective; and imposed on intermediaries a chilling effect that had a direct bearing on a citizen’s right to equal treatment and free speech. Justice Neela Gokhale disagreed. She concluded that the intermediary’s loss of safe harbour provided no direct threat to a citizen’s right to freedom of expression.

The tie-breaking opinion rejected the Union government’s defence of the Rule. In doing so, it deferred to Justice Patel’s opinion on the importance of safe harbour and the chilling effect that the Rule was likely to have on intermediaries.

### Intermediaries and safe harbour

Section 79 of the IT Act, right from its inception, contained an exemption, releasing intermediaries from liability for any third party information hosted by them so long as they discharged due diligence in observing their duties under the law. This safe harbour would, however, be lost if the intermediary had “actual knowledge”, or received any communication, among others, from a government agency, that their resource was being used to commit an unlawful act.

The logic here was simple enough: to allow entities such as Facebook, X, and WhatsApp to act free from the responsibilities vested in traditional publishers. After all, these platforms merely hosted and transmitted material and did not by themselves act as writers or producers of that content. Therefore, if they were to face liability for what others posted on their sites, the threat of prosecution would be so severe as to effectively incapacitate the Internet’s very working.

This basic foundational reason for safe harbour immunity also worked parallelly in promoting free speech on the Internet. Often, the intermediaries themselves do not have any direct interest in the information disseminated by users on their platform. But should they cede to external pressure, it is the users’ right to free expression that is at stake.

In the case of Rule 3(1)(b)(v), were the FCU to write to an intermediary pointing out that some information about the central government on its portal was fake, the company’s choice would have been limited. It could have either taken down the information flagged, or it could have stood up for the user’s right to free speech,

sacrificing, in the process, its own safe harbour.

Here, as Justice Patel wrote, the intermediary faced a Hobson’s choice. “No intermediary is quixotic enough to take up cudgels for free speech. Compromising one particular chunk of content is a small price to pay; better the user content is thrown under the bus than having the bus run over the entire business.”

The government’s second argument was easier to dismiss. No doubt, the traditional idea that the right to free speech ought to be built on a notion of a marketplace of ideas – where one believes that an open clash of views would lead to the correct, truthful opinion coming out – has its limitations. Free speech, properly understood, depends on a number of attendant requirements. Its exercise can be hampered, among other things, by a person’s access to resources, economic and social conditions, and varying equations of power and authority.

### Free speech and restrictions

But insofar as our jurisprudence on free speech has been built on any doctrine it is this: it is not up to anyone, least of all the state, to determine what kinds of expression ought to be tolerated. The only restrictions available are those explicitly contained in Article 19(2) of the Constitution, which includes matters such as defamation, public order, friendly relations with foreign states and the security and integrity of India.

Our guarantee of free speech, contained in Article 19(1)(a), can be traced to both instrumental and intrinsic values. The first, for example, because an uninhibited discussion of ideas, is likely to lead to better politics. The second because free speech matters not only for the results it produces but also for the recognition it accords to citizens as equal moral beings. That is, that our dignity and our autonomy as human beings depends on our ability to exercise a right to free conscience and free thought.

Neither of these justifications advocate absolutism. There are legitimate grounds on which free speech can be reasonably constrained. Those grounds, in our case, are contained in Article 19(2).

There is here no clause sanctioning a limitation on speech that is false, misleading, or untrue. Yet, through the Rule, the government seized a power to act as the ultimate arbiter on what manner of information about its own actions ought to be seen as constituting the truth. In doing so, it failed to locate itself within any of the permissible categories expressly stipulated under the Constitution. Therefore, the law, as the Bombay High Court has correctly recognised, is nothing but patent censorship. Condoning it would undermine principles that are ingrained in the cornerstone of our democracy.

The Bombay High Court ruling on the amendment made to the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 is a verdict in defence of the right to free speech

- ❖ On September 20, 2024, Justice A.S. Chandurkar of the Bombay High Court ruled on the constitutionality of an amendment to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules).
- ❖ The amendment, if allowed to stand, would have given the Union government vast powers to control how news about its operations is shared on the Internet. Bottom of Form

### Key points of the article:

- ❖ The amendment in question was **Rule 3(1)(b)(v)**, which imposed restrictions on intermediaries, including service providers and social media platforms, regarding content deemed false by the government.





- **Rule 3(1)(b)(v)** placed an obligation on intermediaries to avoid hosting, displaying, or publishing information deemed false by a government-created **Fact Check Unit (FCU)**.
  - If intermediaries failed to comply, they risked losing their "**safe harbour**" protections under the Information Technology Act, 2000.
  - **Safe harbour** protects intermediaries from being held liable for third-party content posted on their platforms, provided they follow certain due diligence norms.
- ❖ The petitioners argued that the Rule violated constitutional protections on free speech.
  - ❖ The key issue revolved around whether Rule 3(1)(b)(v) was unconstitutional, particularly in terms of its impact on:
    1. Freedom of speech under Article 19(1)(a) of the Constitution.
    2. The "safe harbour" provisions under Section 79 of the IT Act.
    3. The potential for government overreach in determining the truthfulness of information.

### Judgements and Case Developments

- ❖ **Bombay High Court's Split Verdict (January 2024):**
  - **Justice G.S. Patel** found the rule unconstitutional, citing it as vague, overbroad, and disproportionate.
  - **Justice Neela Gokhale** upheld the rule, stating that it did not infringe on the fundamental rights of citizens.
- ❖ **Final Ruling by Justice A.S. Chandurkar (September 2024):**
  - Justice Chandurkar sided with **Justice Patel's opinion**, declaring the rule unconstitutional.
  - The decision emphasized that the rule had a **chilling effect** on free speech and undermined the concept of safe harbour for intermediaries.

### Key Provisions of the Information Technology Act, 2000

- ❖ **Section 79 of the IT Act:** Provides safe harbour to intermediaries, exempting them from liability for thirdparty content provided they adhere to certain due diligence requirements.
  - This provision is designed to allow platforms like Facebook, X, and WhatsApp to function without taking responsibility for every piece of content posted by users.
  - If intermediaries lose safe harbour, they could face significant legal challenges, affecting the free functioning of the Internet.
- ❖ **Intermediaries and Safe Harbour**
  - **Safe harbour** allows intermediaries to remain neutral hosts of content without facing liabilities.
  - In the case of **Rule 3(1)(b)(v)**, intermediaries were forced to choose between taking down content flagged by the **Fact Check Unit (FCU)** or risking the loss of their safe harbour.
  - Justice Patel highlighted the **Hobson's choice** faced by intermediaries, emphasizing that businesses would be forced to censor content to protect themselves, limiting users' freedom of speech.
- ❖ **Arguments from the Union Government**
  1. The law was **not coercive**, and intermediaries were not compelled to act on FCU directives.





2. No person had the right to spread **false or misleading information**, and untrue speech did not enjoy constitutional protection.

❖ **Petitioners' Arguments**

- The amendment gave the government **excessive power** to determine what constituted false information, violating the constitutional guarantee of **free speech**.
- Less intrusive measures could have been used to tackle misinformation instead of creating sweeping powers for the government.

### Free Speech and Restrictions (Article 19(1)(a) and 19(2))

- ❖ **Article 19(1)(a)** guarantees the **right to freedom of speech**.
- ❖ **Article 19(2)** allows restrictions on free speech only under specific circumstances: defamation, public order, security of the state, etc.
- ❖ The government argued that the rule was necessary to combat **false information**, but no clause in Article 19(2) sanctions limitations on **false or misleading speech**.
- ❖ The Bombay High Court ruled that the government's attempt to act as the **ultimate arbiter of truth** was unconstitutional and amounted to censorship.

### Key Takeaways from the Ruling

- ❖ The **Bombay High Court** declared Rule 3(1)(b)(v) of the IT Rules unconstitutional due to its:
  - **Vagueness** and **overbreadth**.
  - **Disproportionate impact** on free speech.
  - Creation of a **chilling effect** on intermediaries.
- ❖ The ruling reaffirmed that restrictions on free speech must be **reasonable** and fall within the **limited categories** outlined in Article 19(2).

### Conclusion

- ❖ The ruling serves as a landmark judgment defending the **right to free speech** in the digital era.
- ❖ It underscores the need for **judicial scrutiny** over government actions that could infringe upon constitutionally protected freedoms



**ISRAEL SUFFERS 8 CASUALTIES IN LEBANON OPERATION**

# Israel suffers 8 casualties in Lebanon operation

Hezbollah group in Lebanon says it repelled Israeli infiltration into the south; Prime Minister Netanyahu says Iran will pay for its 'big mistake' of firing missiles at Israel; Iran's President Pezeshkian says the assault is over but issues fresh warning that a retaliation will invite a stronger response; U.S. President Biden urges Israel to act 'proportionally'

**Reuters**  
JERUSALEM/BEIRUT

Israel's ground incursion into Lebanon to battle Hezbollah left eight Israeli soldiers dead Wednesday, while the region braced for further escalation as Israel vowed to retaliate for Iran's ballistic missile attack a day earlier. The Israeli military said seven soldiers were killed in two separate attacks, without elaborating. Those deaths followed an earlier announcement of the first Israeli combat death in Lebanon since the start of the incursion – a 22-year-old captain in a commando brigade. Another seven soldiers, including a combat medic, were wounded. Together, the assaults were some of the deadliest

against Israeli forces in months. The announcements came on the eve of Rosh Hashana, the Jewish new year. Earlier in the day, Prime Minister Benjamin Netanyahu had said Iran's attack on Israel was "a big mistake", and vowed to make Tehran "pay for it". "Iran made a big mistake tonight and will pay for it," he said hours after the attack, and warned: "Whoever attacks us, we attack them." Iran said on Wednesday that the attack – its biggest assault on Israel – was over barring further provocation, but Israel and the U.S. promised to hit back. "If it (Israel) wants to react, we will have a stronger response, this is what the Islamic Republic is committing to," President Masoud Pezeshkian said in a joint press conference with Qatar's Emir, Sheikh Tamim bin Hamad Al-Thani, in Doha. **Three bases targeted** Iran's state news agency said three Israeli military



**Tension mounts:** People stand on top of the remains of an Iranian missile in the Negev desert near Arad, on Wednesday. AFP

bases had been targeted. Israel activated air defenses against Iran's missiles. Most of Iran's missiles were intercepted "by Israel and a defensive coalition led by the United States," Israeli Rear Admiral Daniel Hagari said in a video on X. U.S. President Joe Biden

## India calls for restraint as West Asia crisis escalates

**The Hindu Bureau**  
NEW DELHI

India is "deeply concerned" about the escalating situation in the West Asian region after Iran fired hundreds of missiles that hit targets in

and around capital Tel Aviv. A statement from the Ministry of External Affairs urged that the conflict should not take a wider regional shape.

**FULL REPORT ON**  
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said on Wednesday that more sanctions would be imposed on Iran, but he would not support any Israeli strike on Iran's nuclear sites. He urged Israel to act "proportionally." "We'll be discussing with the Israelis what

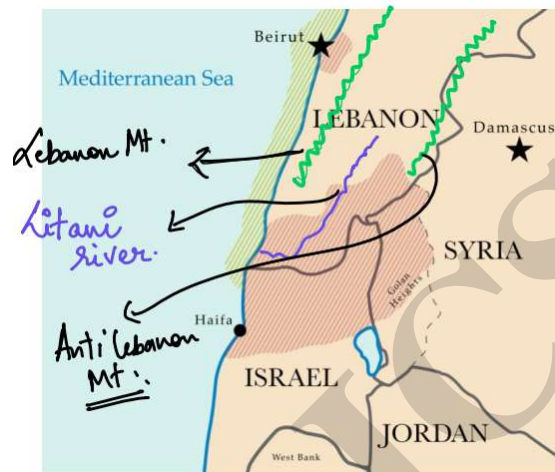
they're going to do, but all seven of us (G-7 nations) agree that they have a right to respond but they should respond proportionally," Mr. Biden told presspersons. In Lebanon, Hezbollah said it repelled an Israeli infiltration into the south,

targeted an Israeli unit with explosives and destroyed three Merkava tanks with rockets as they advanced on Maroun al-Ras village. The Israeli army said it staged two brief incursions into Lebanon, warning residents to evacuate more than 20 areas. Nearly 1,900 people have been killed and more than 9,000 wounded in Lebanon in almost a year of cross-border fighting, with the most in the past two weeks, according to Lebanese government statistics. More than a million people have been forced to flee their homes. **INFLECTION POINT**  
» PAGE 8  
**MORE REPORTS ON**  
» PAGES 3, 14 & 15

### About Lebanon:

- ❖ It is a country located on the **eastern shore of the Mediterranean Sea** in Western Asia.
- ❖ **Capital: Beirut**
- ❖ **Borders:** It borders the **Mediterranean Sea** in the west, **Syria** in the north and east, and **Israel** in the south.
- ❖ It is **part of** an area known as the **Fertile Crescent**, also known as the **"Cradle of Civilization"**.
- ❖ For over 400 years (1516-1918), Lebanon was part of the Ottoman Empire.
  - **In 1920, following the collapse of the Ottoman Empire, Lebanon was ruled by France, which created the State of Greater Lebanon.**
  - **It wasn't until 1943 that Lebanon achieved independence** after French authority dissolved, leading to the withdrawal of French troops.





- ❖ It consists of a **narrow strip of territory** and is **one of the world's smaller sovereign states**.
- ❖ The **Lebanon Mountains**, which rise to 9,800 feet (3,000 meters), run down the middle of the country. The **Anti-Lebanon Mountains** form Lebanon's **border with Syria**.
- ❖ Between the two mountain ranges lies the high, **fertile Bekaa Valley**.
- ❖ The valley **receives water from the Litani**, the only river in Lebanon that flows throughout the year.

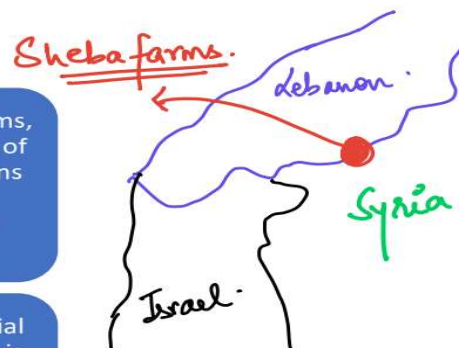
#### What is the background of Israel Lebanon wars?

- ❖ The Israel-Lebanon conflict has been marked by a series of wars and clashes, with the most notable of these conflicts being the 1982 Lebanon War, the 2006 Lebanon War.
- ❖ Hezbollah plays a central role in the Israel-Lebanon conflict. Hezbollah is a Shiite militant group and political party based in Lebanon. Hezbollah was founded in the early 1980s, with support from Iran, following Israel's invasion of Lebanon in 1982. Hezbollah has grown into a powerful force in Lebanese politics and maintains a military wing that regularly clashes with Israeli forces. Israel views Hezbollah as a major security threat due to its military capabilities, leading to regular Lebanese skirmishes.
- ❖ Israel has conducted several military operations in Lebanon. The most significant is the 1982 invasion. Israel's invasions in southern Lebanon have been initially driven by an aim to destroy the Palestinian Liberation Organization (PLO) in the 1990s and now against Hezbollah in recent years.

#### Other factors in the Israel-Lebanon Civil War:

**Shebaa Farms Dispute-** Shebaa Farms, which is located at the intersection of Lebanon, Israel, and Syria. It remains a point of contention between Hezbollah and Israel, after Israeli occupation of the territory.

**Iran-Israel Proxy War-** Iran's financial and military support for Hezbollah, is another key factor in the ongoing Israel-Lebanon conflict. Israel views Hezbollah as an extension of Iranian influence in the region.





**What are the Global impacts of the escalation of Israel Lebanon war?**

**Disruption of the geopolitical realignment Process in the Middle East**

*Countries like Israel & Arab states have started reconciling and even rivals like Iran & Saudi Arabia.*

**Middle East as the theatre of Warfare**

*Previously → Gulf war, Iraq war, 6 day war.  
→ involvement of foreign powers like US.*

**Disruption of the global connectivity projects and global transport routes**

*IMEC (Indian Middle East Economic Corridor).  
Supply routes. [eg: Strait of Hormuz].*

**Disruption of the Global supply chains and increased Inflation**

*oil production & supply chain of goods.*

**Increased Radicalization in the Middle East**

*→ rallying point for extremist groups  
eg. ISIS & Al-Qaeda → new recruitments by framing war as border jihad.*

**What will be the impact of the Israel Lebanon Conflict on India?**

- 1. Impact on De-hyphenation and West Asia Policy-** India had been successfully implementing its dehyphenation policy in the region. India's relation with both the Arab World and Israel has improved. However, the escalation of the Israel-Lebanon conflict puts India in a diplomatic tight spot, and affects India's de-hyphenation strategy in the region.
- 2. Increase in Inflation-** The escalation of the conflict into a full-blown Israel Lebanon war impacts the oil and gas production. Inflation in the country will further increase as India is heavily dependent upon imported oil and gas.
- 3. Effect on the India Israel Trade-** Israel is a major defence and strategic partner of India. Involvement of Israel for a long period in the conflict will drastically reduce the trade between India-Israel. In FY23, India's total exports to Israel stood at \$8.4 billion, while India's imports from Israel were at \$2.3 billion.
- 4. Reduction of the remittances from West Asia and safety of Indian emigrants-** India has a large diaspora and emigrant population in West Asia. These are a source of large amount of remittance to India (~40 bn dollars). If the conflict turns into a full-blown war across the Middle East, India will be severely impacted. The remittances will plummet. Safe Evacuation of the Indian diaspora will also be a grave challenge.





### Way Forward:

- ❖ **UNSC must step up-** UNSC must broker a peace talk between the two warring factions. Global leadership platforms must be used to not let Middle East become another theatre for warfare.
- ❖ **Indirect Negotiations-** Indirect talks mediated by third parties, such as the United Nations, the U.S., or European countries, could help lower tensions between Israel and Lebanon.
- ❖ **Strengthening UNIFIL's Role-** Strengthening the mandate and capabilities of the United Nations Interim Force in Lebanon (UNIFIL), which has been tasked with maintaining peace along the Lebanon-Israel border, could help in preventing further conflicts.
- ❖ **De-militarization of the Shebaa Farm Area-** The Shebaa Farms area could be demilitarized and placed under international control. This will reduce the likelihood of future between Israel-Lebanon conflict over the territory.
- ❖ **Engaging Regional Actors-** Regional powers like Egypt, Jordan, Saudi Arabia, and Qatar, as well as the Arab League, could play an important role in mediating the Israel-Palestine conflict and fostering a more peaceful environment.





## DHARTI AABA JANJATIYA GRAM UTKARSH ABHIYAN

# Package launched for scheme saturation in ST-majority villages

**The Hindu Bureau**  
NEW DELHI

Prime Minister Narendra Modi on Wednesday launched the Dharti Aaba Janjatiya Gram Utkarsh Abhiyan, a package for basic scheme saturation in tribal-majority villages across 550 districts, at an event in Jharkhand's Hazaribag district.

Mr. Modi also laid the foundation stones of a host of other projects intended to benefit tribal people across the country.

The package, originally coined as the PM Janjatiya Unnat Gram Abhiyan, was cleared by the Union Cabinet last month as an umbrella package to imple-

ment existing schemes in 63,000 Scheduled Tribe-majority villages.

Dharti Aaba is the name that many in Jharkhand use to refer to Birsa Munda, the anti-colonial tribal leader who built a resistance against the British empire in the late 19th century. Jharkhand is headed to the Assembly election later this year.

There are 25 interventions planned under the special welfare package. An outlay of ₹79,156 crore, to be spent over five years, has been cleared by the Union Cabinet. Of this, the Central share will be ₹56,333 crore and the share of respective States will be ₹22,823 crore.

- Benefit 63,000 tribal villages in 550 districts
- improve socio economic life.
- started from land of Birsa Munda.
- 80,000 Cr. outlay.

Dharti Aaba- "Father of the Earth"



Birsa Munda





### Birsa Munda:

- ❖ **Folk Hero and Freedom Fighter:** Birsa Munda was a tribal freedom fighter who played a key role in the Indian independence movement, particularly in the tribal regions of British India.
- ❖ **Munda Tribe:** He belonged to the Munda tribe in the Chhotanagpur Plateau area.
- ❖ **Tribal Movement Leader:** Birsa spearheaded an Indian tribal mass movement in the Bihar and Jharkhand regions during the early 19th century under British rule.
- ❖ **Resistance Against British Land Grabbing:** He rallied the tribals to fight against the British government's forceful land grabbing, which would turn tribals into bonded laborers and force them into poverty.
- ❖ **Empowerment of Tribals:** Birsa influenced his people to understand the importance of owning land and asserting their rights over it.
- ❖ **Return to Tribal Roots:** He encouraged the Munda tribe to return to their traditions and stick to their tribal roots.
- ❖ **Munda Rebellion (Ulgulan):** Birsa led the Munda Rebellion, also known as Ulgulan or the Tamar Revolt, in the late 19th century, against British oppression.
- ❖ **Opposition to British Policies:** The rebellion was a response to British policies, including the introduction of Forest Laws, which restricted tribal access to their lands, and the imposition of exorbitant taxes
- ❖ **Bhagwan" Title:** Birsa's leadership during the Munda Rebellion earned him the title of "Bhagwan" or "Birsa Bhagwan" from his followers.
- ❖ **Religious Inspiration:** He took inspiration from Munda traditions, Christianity, and Hinduism to guide his followers in rituals and prayers.
- ❖ **Chotanagpur Tenancy Act (1908):** Birsa's struggle led to the passing of the Chotanagpur Tenancy Act, which restricted the transfer of tribal land to non-tribals **Death:** Birsa Munda died on June 9, 1900, at the age of 25.
- ❖ **Jharkhand State Creation:** In recognition of his impact, the state of **Jharkhand** was created on his birth anniversary in 2000.
- ❖ **Janjatiya Gaurav Divas:** November 15, his birth anniversary, was declared **Janjatiya Gaurav Divas** by the Central Government in 2021.

