

## The Hindu Important News Articles & Editorial For UPSC CSE

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Israel's ground incursion into Lebanon escalated tensions in West Asia, leading to the deaths of eight Israeli soldiers.

- ▶ The conflict was triggered by Iran's missile attack on Israel, prompting retaliatory threats.
- ▶ The situation in Lebanon worsened, with rising casualties and mass displacements.

## 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.



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

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

bases had been targeted. Israel activated air defences 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**  
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### Israeli Ground Incursion:

- ▶ Israel launched a ground incursion into Lebanon to battle Hezbollah, leaving eight Israeli soldiers dead.
- ▶ Seven soldiers were killed in two separate attacks, following the earlier death of a 22-year-old captain.
- ▶ The incursions came on the eve of Rosh Hashana, the Jewish new year.

### Iran's Ballistic Missile Attack:

- ▶ Iran conducted its largest attack on Israel, targeting three Israeli military bases.
- ▶ Israeli air defences, supported by a U.S.-led defensive coalition, intercepted most of the missiles.
- ▶ Israeli PM Benjamin Netanyahu called Iran's attack "a big mistake" and vowed retaliation.

### Responses and Warnings:

- ▶ Iran's President Masoud Pezeshkian stated the attack was over unless further provoked, warning of a stronger response.
- ▶ Hezbollah claimed to have repelled an Israeli infiltration into southern Lebanon, destroying three Merkava tanks.
- ▶ Israel carried out two brief incursions into Lebanon, urging residents to evacuate over 20 areas.

### U.S. Position:

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## Daily News Analysis

- U.S. President Joe Biden announced more sanctions on Iran but opposed any Israeli strike on Iran's nuclear facilities.
- Biden emphasised the need for Israel to respond proportionally, with discussions ongoing among G-7 nations.

### India Calls For Restraint:

- India expressed deep concern over the escalating crisis in West Asia following Iran's missile strikes on Tel Aviv.
- India urged restraint from all parties involved, emphasising the need to prevent the conflict from expanding into a wider regional crisis and calling for a peaceful resolution.

### Impact on Lebanon:

- Nearly 1,900 people have been killed and over 9,000 wounded in Lebanon in nearly a year of cross-border fighting.
- More than a million people have been displaced, with significant escalation in the past two weeks.



Lieutenant Commanders Dilna K. and Roopa A. of the Indian Navy are undertaking a significant circumnavigation expedition aboard the INSV Tarini.

- ▶ The journey aims to enhance scientific research in collaboration with various institutions while showcasing women's achievements in naval operations.

## 2 women Navy officers begin voyage around the world

They will attempt to circumnavigate the globe on the 56-foot boat Tarini, covering 23,000 nautical miles over eight months; Navy chief Admiral Dinesh Tripathi flags off the expedition from Goa

**The Hindu Bureau**  
NEW DELHI

Lieutenant Commander Dilna K. and Lieutenant Commander Roopa A. of the Indian Navy on Wednesday embarked from Goa on a challenging expedition to circumnavigate the globe, covering 23,000 nautical miles over 240 days.

The second edition of the Navika Sagar Parikrama was flagged off from Ocean Sailing Node, *INS Mandovi*, by Navy chief Admiral Dinesh K. Tripathi. The two women officer set sail on the *INSV Tarini*.

The voyage will take the two women officers across four continents through three oceans and three challenging capes.

"I am pleased to note that Navika Sagar Parikrama will contribute towards progressing national scientific research in collaboration with the National Institute of Oceanography for study on marine micro-



The journey will take the two women officers across four continents through three oceans and three challenging capes. PTI

plastics and ferrous content across the seas; Wildlife Institute of India for exploration on Mega Faunas or large sea mammals; Sagar Defence for their drones that promise us spectacular visuals of the voyage; and Defence Food Research Laboratory towards providing customised precooked Indian meals so that our valiant warriors always feel at home," Admiral Tripathi

told the gathering. He also released a special chart commemorating the expedition on the occasion.

It will unfold in five legs with stopovers at four ports for replenishment and maintenance. The five legs are Goa to Fremantle, Australia; Fremantle to Lyttleton; New Zealand to Port Stanley, Falkland; Port Stanley to Cape Town, South Africa; and from Cape Town to Goa.

*INSV Tarini*, a 56-foot sailing vessel built by Aquarius Shipyard Ltd., was inducted in the Indian Navy on February 18, 2017. The vessel has clocked more than 66,000 nautical miles (1,22,223 km) and participated in the first edition of Navika Sagar Parikrama in 2017, trans-oceanic expedition from Goa to Rio, Goa to Port Louis, and other significant expeditions.

The boat is equipped with advanced navigation, safety and communication equipment and has undergone necessary maintenance and equipment upgrade recently, the Navy said in a statement.

Both officers with a sailing experience of 38,000 nautical miles (70,376km) have trained vigorously for this epic voyage for more than three years. They have been trained on ocean sailing aspects of seamanship, meteorology, navigation, survival techniques and medicare at sea.

### About News:

- ▶ The voyage, named Navika Sagar Parikrama, was flagged off by Navy chief Admiral Dinesh K. Tripathi from *INS Mandovi*, Goa.

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## Daily News Analysis

- ▶ They will sail on the INSV Tarini, a 56-foot vessel equipped with advanced navigation, safety, and communication systems.
- ▶ The expedition consists of five legs, with stopovers for replenishment at four ports: Fremantle (Australia), Lyttleton (New Zealand), Port Stanley (Falkland), and Cape Town (South Africa).
- ▶ The journey aims to contribute to national scientific research, including studies on marine microplastics and large sea mammals.
- ▶ Both officers have extensive sailing experience and have trained for over three years for this voyage.



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Recent advancements in fluorescent nanodiamonds (FNDs) have demonstrated their unique properties, such as stability under light and long fluorescence lifespan.

➔ Researchers at Purdue University have successfully levitated and spun FNDs, opening new avenues for applications in sensing and quantum computing.

## Nanodiamonds spun at a billion RPM to test the limits of physics

Fluorescent nanodiamonds may be small, but they pack a punch big enough to reverberate across many industries. They are produced in a high temperature and high pressure process. FNDs have applications in high-resolution imaging, temperature sensing, and correlative microscopy

Qudsia Gani

As scientists' understanding of the basic properties of matter has improved over time, they have been able to engineer materials with the best properties for specific applications. Such bespoke materials have revolutionized various sectors, including medical diagnostics, spaceflight, cryptography, commercial electronics, and computing. One such material is the fluorescent nanodiamond (FND).

FNDs are nanometre-sized diamonds made of carbon nanoparticles. They are produced in a high temperature and high pressure process. FNDs are stable under light and aren't toxic to living things, so they have many applications in high-resolution imaging, microscale temperature sensing, and correlative microscopy, among others. In biology, scientists use FNDs to track cells and their progeny over long periods.

Fluorescence is the property of some materials to emit light of lower frequency when irradiated with light of a higher frequency. But unlike many other nano-scale fluorescent materials, FNDs don't blink when irradiated for a long time. Their fluorescence lifespan is greater than 10 nanoseconds (ns) – a relatively long duration – which makes them better than quantum dots, whose inventors won the chemistry Nobel Prize last year.

In a recent study published in *Nature Communications*, physicists from Purdue University in the U.S. reported levitating FNDs in a high vacuum and spinning them very fast. It sounds like a simple, even comical, feat but is actually quite difficult. And now that it has been successfully demonstrated, it paves the way for multiple applications in industry, especially as sensors, and in fundamental research.

### Quantum spin

One of the basic features of the building blocks of matter, like electrons and nuclei, is a property called spin. At any given moment, its value is a combination of two states called *up* and *down*. For a simplistic illustration, the spin of an electron can be 30% *up* and 70% *down*. If the *down* component is zero, the spin will be *up*, and vice versa. A computer can map these values to 0s and 1s and use the electrons to encode information. This is how a magnetic hard drive in a computer stores your data.

When a quantum computer manipulates the spin of some particles to perform its operations, each particle is called a spin qubit of the computer.

### The Berry phase

The Purdue University team made some FNDs and spun them at an ultra-fast rate, making multiple notable findings.

For one, the team was able to record the Berry phase of the spin qubits due to the rotation.

Depending on the context, an electron can be a particle or a wave. When it's a wave, it will have properties like frequency, wavelength, and phase. The phase of a wave tells us how much of a wave is completed in a given amount of time. This is like checking how much of an eye-blink has been completed in, say, 2



Representative image of diamond-shaped crystals adorning a wall. Purdue University physicists have reported levitating nanodiamonds in a vacuum and spinning them very fast. It sounds like a simple, even comical, feat but is actually quite difficult. DECIAN SUN/UNSPASH

milliseconds, how far up the Sun has risen by 11 am or what fraction of an F1 race has been completed after 30 minutes.

There are some simple ways to control the state of an electron inside a material, like changing its energy by varying the strength and direction of an applied magnetic field. Say we cycle the electron through multiple states before bringing it back to its original state. If the electron wave's phase in the final state is different from the original one, the phase difference is called the Berry phase.

It is named for Michael Berry, a physicist who provided a generalised description of this attribute in 1986. (Indian physicist S. Pancharatnam had discovered a particular form of it 30 years prior.) The Berry phase is important for us to understand certain quantum effects and the properties of strange materials called topological insulators. By showing they could measure the Berry phase of the spin qubits due to the rotation, the Purdue team's work opens the door for using FNDs in new contexts.

### Testing the limits

Reconciling quantum physics with the classical physics of gravity is one of the biggest open problems in modern science. In the past, physicists have proposed that rapidly rotating FNDs containing spin qubits can be used to "test the limit of quantum mechanics and the quantum nature of gravity," per the statement. But they hadn't been able to put together a functional version of the setup required until now.

**Fluorescence is the property of some materials to emit light of lower frequency when irradiated with light of a higher frequency. Unlike many other nano-scale materials, FNDs don't blink when irradiated for a long time**

The Purdue researchers confined the FNDs in a cage made of electric and magnetic fields, and used the electric fields to set them spinning at up to 20 million times per second.

"With this method, the rotation frequency of a levitated nanodiamond is extremely stable and easily controllable," the team wrote in its paper.

Tongcang Li, a professor of physics, astronomy and electrical and computer engineering at Purdue and the study leader, said in a statement, "In the past, experiments with these floating diamonds had trouble in preventing their loss in vacuum and reading out the spin qubits. However, in our work, we successfully levitated a diamond in a high vacuum ... For the first time, we could observe and control the behaviour of the spin qubits inside the levitated diamond in high vacuum."

### Applications in industry

When the FNDs were irradiated with lasers, they emitted light of different colours in different directions. As the statement put it, it was as if the diamonds were throwing the world's

smallest disco party.

But beyond such simple pleasures, levitated FNDs are also sensitive to acceleration and electric fields, which means they can be used as sensors in many high-value industries and strategic sectors. The researchers also wrote in their paper that "the effect of the Berry phase generated by rotation ... will be useful for creating a gyroscope for rotation sensing."

FNDs can also be doped to enhance their electrical, magnetic, thermal, and/or optical properties. For instance, some carbon atoms in an FND can be replaced with nitrogen atoms. The substitution creates points in the atomic lattice called nitrogen vacancy (NV) centres. These NV centres host the electron spin qubits. When they are illuminated by green light, they emit red light, and vice versa.

The nitrogen atom has three valence electrons that can form bonds with three of the four valence electrons of carbon. When a neutral nitrogen vacancy centre (denoted NV<sup>0</sup>) accepts one more electron from the donor carbon atoms in the lattice, it forms a negatively charged centre called NV<sup>-</sup>. Physicists expect that FNDs containing NV<sup>-</sup> centres can be used to produce the macroscopic version of the quantum superposition of electrons.

In sum, FNDs may be smaller than small, but they can pack a punch to reverberate across both theoretical and applied physics.

(Qudsia Gani is an assistant professor in the Department of Physics, Government Degree College Pattan, Baramulla. qudsiagani@gmail.com)

## How Nanodiamond Spin Can Help in Scientific Research

- ➔ **Quantum Computing:** Spin qubits in NDs can encode and process quantum information.
- ➔ **Berry Phase Measurement:** Enables measurement of Berry phase, crucial for understanding quantum effects and topological materials.

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## Daily News Analysis

- **Gravity Testing:** Potential to test quantum mechanics and gravity reconciliation through rapidly rotating spin qubits.
- **Sensor Development:** Sensitivity to acceleration and electric fields aids in creating advanced sensors for high-value industries.
- **Gyroscopes:** The Berry phase effect from rotation can be harnessed to develop precise gyroscopes for rotation sensing.
- **Long-term Observations:** Stable behaviour of spin qubits allows for long-term tracking and observation in experimental setups.
- **Innovative Materials:** Doping NDs can lead to new materials with tailored properties for various scientific applications.

### About Nanodiamonds:

- **What are Nanodiamonds :** Nanodiamonds are tiny diamond particles at the nanoscale, primarily composed of carbon.
  - They are produced under high temperature and pressure conditions and possess unique properties that make them valuable in various scientific and industrial applications, particularly in imaging, sensing, and biological tracking.
- **Properties of Nanodiamonds Size:** Typically range from 1 to 100 nanometers.
- **Stability:** Stable under prolonged light exposure.
- **Non-Toxic:** Safe for use in biological applications.
- **Fluorescence:** Emit light with a lifespan greater than 10 nanoseconds.
- **Dopability:** Can be modified with elements like nitrogen to enhance properties.
- **High Surface Area:** Offers significant reactive surface for interactions.
- **Thermal Conductivity:** Efficient heat conduction.
- **Mechanical Strength:** Exhibits high toughness and hardness.
- **Biocompatibility:** Compatible with biological tissues.



Coastal erosion in Brazil, fueled by climate change and river silting, is devastating communities living in Atafona, Brazil

- ➔ With rising sea levels leading to the destruction of homes and altering ecosystems, urgent measures are needed to address this escalating environmental crisis.

**Analysis of the news:**

- ➔ Coastal erosion in Brazil's Atafona is exacerbated by climate change and river silting.
- ➔ Sea levels have risen 13 cm in the last 30 years, with predictions of an additional 16 cm by 2050.
- ➔ Coastal areas may experience up to 150 m of inland ocean advance in the next 28 years.
- ➔ The beach in Ponta Negra has lost 15 m of sand in two decades, prompting costly restoration efforts.
- ➔ Saltwater intrusion into the Amazon River threatens biodiversity and local fishing communities, particularly during severe droughts.
- ➔ The IPCC reports that sea level rise has accelerated, now at 0.48 cm annually, more than double previous rates.



A drone view shows a ruined home on the beach in Atafona, Brazil. REUTERS

**Brazil's coast eroding faster than ever as Atlantic Ocean advances**

Reuters

Sonia Ferreira's two-storey house with a pool and garden on the Brazilian coast was yet another casualty of the advancing waves of the Atlantic Ocean, pushed higher by climate change.

On a recent visit, the 80-year-old retiree glanced around the mound of rubble left from the home she abandoned before it was destroyed in 2022 by the pounding waves in Atafona, north of Rio de Janeiro.

"I've avoided coming back here because we have many memories. It is so sad," she said, showing images on her cellphone of the house she built 45 years ago.

Global warming, combined with the silting of the Paraíba River, has contributed to the erosion of Atafona's coast and caused the destruction of 500 houses, including the collapse of a four-story building by the beach.

This is one of countless beachside communities losing their battles to the ocean up and down Brazil's 8,500 km of Atlantic coastline.

The sea level has risen 13 cm in the region around Atafona in the last 30 years and could rise another 16 cm by 2050, according to a United Nations report released last month.

Coastal areas such as Atafona could see the ocean advance inland as much as

**The effects of global warming, combined with the slowing down and silting of the Paraíba River, have led to the erosion of Atafona's coast and the destruction of 500 houses**

150 m in the next 28 years, said Eduardo Bulhoes, a marine geographer from Fluminense Federal University.

"The combination of climate change and global warming... with a river that no longer carries sand to the beaches of Atafona has caused a catastrophe for its residents, and there is no hope that this situation will be reversed," he added.

Although dramatic, Atafona's plight is not unique in Brazil.

The beach in Ponta Negra, one of the most popular seaside resorts on the northeast shoulder of Brazil, is also shrinking. In the last two decades, it has lost 15 m of white sand to the sea. The local government is bringing sand from elsewhere in an expensive effort to recover the beach.

At the mouth of the mighty Amazon River, a fragile ecosystem is threatened with a loss of biodiversity as the river has lost strength in the region's most severe drought on record, letting salt water from the ocean advance upstream.

"Salt water comes further up the river, and this will change the whole biodiversity of that area," said oceanographer Ronaldo Christofolotti at the Federal University of Sao Paulo.

Last year, salt water reached almost as far upriver as Macapa, a city 150 km from the mouth of the Amazon, killing freshwater fish and impacting local fishing communities.

The Intergovernmental Panel on Climate Change (IPCC), the U.N. body for assessing the science related to climate change, has reported sea levels are rising faster than ever, with the rate more than doubling in the past 10 years to 0.48 cm a year, compared to 0.21 cm annually in 1993-2002.



**Location In News : Little Prespa Lake**

Little Prespa Lake on the Albanian-Greek border is rapidly drying up, transforming from a vibrant fishing lake into a marsh.

- ▶ Climate change and the diversion of the Devoll River for irrigation have severely impacted the ecosystem and local livelihoods.



**Analysis of the news:**

- ▶ Little Prespa Lake is located on the border of Albania and Greece, with most of its area in Greek territory.
- ▶ It has largely transformed from a clear lake into a marshy area, with only 20 hectares remaining as water.
- ▶ The lake's deterioration began in the 1970s when the Devoll River was diverted for irrigation purposes.
- ▶ Climate change, characterised by rising temperatures and reduced precipitation, has worsened the lake's condition.
- ▶ Local fishing communities have been severely affected, with fish populations dwindling and livestock replacing fishing as a primary livelihood.
- ▶ Abandoned boats are now found on dry land, symbolising the lake's decline.
- ▶ Experts warn that continued dry winters and hot summers could lead to complete desiccation of the lake.

# 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



**Suhrit Parthasarathy**

an advocate practising in the Madras High Court

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

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.



**GS Paper 02 : Indian Polity**

**(UPSC CSE (M) GS-2 2014) : What do you understand by the concept of "freedom of speech and expression"? Does it cover hate speech also? Why do the films in India stand on a slightly different plane from other forms of expression? Discuss. (150 w /10 m)**

**Context :**

- ▶ 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.

**Introduction**

- ▶ On 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.
- ▶ **Cost of ignoring 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.
- ▶ **The Problem of Fake Information and State's Role:** 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.

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## Petition and response

- **The rule breach:** 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 power, 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.
- **Centre's arguments:** 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 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.

## Division Bench's Split Verdict

- 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.
- Tie-breaking opinion and safe harbour: 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.

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- **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.
- **Free speech:** 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.
- Hobson’s choice for intermediaries: “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.”

### Government’s second argument and free speech doctrine

#### The government’s second argument was easier to dismiss

- **Limitations:** 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.
- **Recruitments:** 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

- **Defining tolerance limits:** But insofar as our jurisprudence on free speech has been built on any doctrine it is

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- this it is not up to anyone, least of all the state, to determine what kinds of expression ought to be tolerated.
- **Article 19(2):** 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).

### Conclusion

- 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. Allowing it would erode the fundamental principles embedded in the foundation of our democracy.