

3rd Oct, 2024

1. A case of nothing but patent censorship GS 2 (Governance)

- **Why in News:** In a recent development, **Bombay High Court** ruled against an amendment to the **Information Technology Rules**, which sought to empower the **Union government's "Fact Check Unit" (FCU)** to determine what constitutes false or misleading information regarding its operations. The ruling emphasized the importance of **free speech** and **struck down provisions that would allow the government undue control over online content**.
- **Legal Grounds for the Ruling**

- **Unconstitutionality of Rule 3(1)(b)(v):** The court declared the amendment **unconstitutional**, asserting it **infringed on citizens' rights to free speech** by allowing the government to dictate what information could be deemed fake. This legal perspective aligns with constitutional protections under **Article 19(1)(a)**.

- **Chilling Effect on Intermediaries:** The court recognized that the requirement for intermediaries to heed the **FCU's directives imposed a chilling effect on free expression**. The ruling highlighted that intermediaries, fearing loss of "safe harbour," would likely prioritize business interests over users' rights.

- **Failure to Provide Alternatives:** The petitioners argued that the government had failed to explore less intrusive measures to tackle the court acknowledged that **constitutional limits** exist and that the government did not justify its approach within these boundaries.

• **Implications for Free Speech**

- **Role of Intermediaries:** The judgment reinforced the **concept that intermediaries should not bear the burden of censorship**. It underscored that without safe harbour protections, platforms might curtail user content to avoid liability, ultimately undermining free speech.
- **Marketplace of Ideas:** The ruling reiterated that **free speech thrives in a marketplace of ideas** where citizens can engage in open discourse. The state's attempts to regulate content were deemed incompatible with the foundational principle that citizens are entitled to express diverse viewpoints.
- **Lack of Constitutional Grounds for Censorship:** The High Court noted that the government's justification for censoring false or misleading information did not align with any permissible restrictions outlined in Article 19(2). The absence of constitutional backing for the Rule highlighted its potential for arbitrary censorship.

• **Democratic Principles at Stake**

- **Impact on Democracy:** The judgment underscored the importance of safeguarding democratic principles against state overreach in information control. Allowing such measures could erode the fundamental tenets of free expression that are essential to democracy.
- **Recognition of Citizen Autonomy:** Justice Chandurkar emphasized that free speech is integral to human dignity and autonomy, asserting that citizens should have the right to engage in free thought without state interference.
- **Censorship and Public Discourse:** The ruling served as a warning against the dangers of censorship, highlighting that permitting the government to act as an arbiter of truth risks stifling public discourse and debate crucial for a vibrant democracy.

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 false, 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, 2008 and the protections it offers both to businesses and to the larger public's right to free expression.

There can be little doubt that false 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) indisputably breached those walls of protection. The state, through the amendment, effectively appropriated the power to determine what information was false 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 be used to determine what information was false or misleading. 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



Justice A.S. Chandurkar

an advocate practicing in the Bombay High Court

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 C.S. Patil 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 Neelima Godhale 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 Patil'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 High Court 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 false, 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,

or, in the process, in its own safe harbour. Here, as Justice Patil wrote, the intermediary faced a Hobson's choice: "No intermediary is quiescent enough to take up cudgils for free speech. Compromising one particular chunk of content is a small price to pay for better 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 participation 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 those 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.

2. What Special Status is Ladakh Seeking? Recent events of importance

• Background:

- Recently, **Sonam Wangchuk**, a well-known climate activist, was detained on the Delhi border while leading a **protest aimed at pressuring the Central government to grant Ladakh inclusion in the Sixth Schedule of the Indian Constitution.**
- This demand has been growing in Ladakh, where people seek greater autonomy and protection for their cultural identity.
- Similar demands have been made in states like **Arunachal Pradesh** and **Manipur**, where ethnic groups seek special provisions under the Constitution.

• Asymmetrical Federalism - A Brief Overview:

- India's federal structure is often referred to as **asymmetrical federalism**, which means that not all states or regions in the country enjoy the same level of autonomy.
- Unlike symmetrical federations (such as the **U.S.** and **Australia**, where all states have equal powers), **India grants more autonomy to certain areas due to historical, cultural, or ethnic reasons.**
- This is particularly relevant for regions with large tribal populations, where local governance and autonomy are prioritized to preserve indigenous traditions.

• Historical Context - British-Era Policies:

- The British colonial administration created **'excluded'** and **'partially excluded'** areas under the **Government of India Act, 1935**, to manage tribal regions separately from the rest of the country.
- The Fifth and Sixth Schedules of the Indian Constitution were inspired by these colonial-era policies to provide for greater autonomy in tribal regions.
- Excluded areas:** These were mostly hilly regions in the northeast where local governance was heavily controlled by the British Governor.
- Partially excluded areas:** These regions, now parts of states like Bihar, Madhya Pradesh, and Maharashtra, had limited intervention by provincial and central legislatures.
- The goal was to allow these regions to maintain their customs and laws while being gradually integrated into the mainstream.

• Fifth and Sixth Schedules of the Indian Constitution:

• Fifth Schedule:

- The **Fifth Schedule** of the Indian Constitution applies to areas designated as "Scheduled Areas."
- These are typically regions with a significant tribal population, economic backwardness, and unique administrative challenges
- The following are key features of the Fifth Schedule
 - Governance:** Tribes Advisory Councils (TAC) are established in these areas to guide state governments on matters related to tribal welfare.
 - Land Rights:** The Governor has the authority to regulate the transfer of tribal land and oversee money-lending businesses in these areas.
 - Modifications of Laws:** The Governor can direct that laws enacted by Parliament or the state legislature do not apply, or apply with modifications, in these areas to safeguard tribal interests.
- Currently, ten Indian states have designated Scheduled Areas under the Fifth Schedule.

What special status is Ladakh seeking?

Which are the other States seeking constitutional safeguards? 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?



- **Sixth Schedule:**

- The **Sixth Schedule** is more expansive in terms of the autonomy granted to tribal areas.
- It applies to certain regions in **Assam, Meghalaya, Mizoram, and Tripura**.
- Here, **Autonomous District Councils (ADCs)** are formed to give greater control to local communities over governance. Key features include:
 - **Autonomy in Governance:** ADCs can legislate on matters like land use, inheritance, marriage, and social customs, provided their laws receive approval from the Governor.
 - **Judicial Powers:** ADCs are empowered to establish local courts to handle cases where both parties are members of Scheduled Tribes (STs).
 - **Revenue and Taxation:** These councils can collect land revenue and impose taxes on professions, trades, and other activities.
- In short, the Sixth Schedule grants more **executive, legislative, judicial, and financial powers** to local bodies, offering greater autonomy than the Fifth Schedule areas.

- **Special Provisions for North Eastern States:**

- Apart from the Fifth and Sixth Schedules, various north-eastern states enjoy special provisions under **Article 371** of the Indian Constitution. These articles safeguard local customs and give special powers to local governments. For example:
 - **Article 371A (Nagaland)** and **371G (Mizoram)** protect local laws and practices, including customary law.
 - **Article 371B (Assam)** and **371C (Manipur)** establish separate committees in the legislative assemblies for Tribal and Hill Areas.
- These provisions are part of India's effort to maintain the delicate balance between integrating tribal communities and preserving their unique identities.

- **Ladakh's Demand for Sixth Schedule Status:**

- Since Ladakh became a Union Territory in 2019, local leaders and activists have consistently raised the demand for special constitutional protections under the Sixth Schedule.
- Their argument is centered around the need to preserve the region's fragile ecosystem and protect the unique cultural identity of Ladakh's people, who are predominantly tribal.
- Wangchuk and other activists believe that without such protections, the region could face exploitation of its natural resources and dilution of its cultural heritage.
- The demand aligns with similar calls from other regions that have significant tribal populations, such as Arunachal Pradesh and parts of Manipur.

- **Conclusion:**

- Ladakh's demand for inclusion in the Sixth Schedule of the Constitution reflects a broader desire for greater autonomy, cultural protection, and environmental preservation.
- As India navigates the complexities of managing its diverse tribal regions, constitutional provisions like the Fifth and Sixth Schedules play a crucial role in safeguarding indigenous rights.
- However, the implementation of these provisions and the need for further reforms remain critical to achieving true autonomy and inclusivity for tribal communities across India.

4. Monsoon 2024 Ends with Above Normal Rainfall

GS 1 (Geography)

- **Why in News:** India's monsoon season concluded, with the country receiving 8% above-normal rainfall for the June-September period, according to the **India Meteorological Department (IMD)**.
- **Performance**
 - **Rainfall Statistics:** The all-India cumulative rainfall from June to September stood at 935 mm, which is 8% above the normal rainfall of 870 mm. This surplus indicates a strong monsoon season, significantly benefiting agricultural productivity.
 - **Soil Moisture Conditions:** According to the agriculture department, root zone soil moisture levels were either better than or comparable to the average of the past nine years in several key states, including Karnataka, Andhra Pradesh, Tamil Nadu, Telangana, Gujarat, Rajasthan, Uttar Pradesh, most parts of Madhya Pradesh, Chhattisgarh, Punjab, and southern Haryana.
 - **Regional Variations:** However, soil moisture levels were found to be below the nine-year average in northern Bihar, certain areas of Jharkhand, and northern West Bengal, highlighting regional disparities in moisture availability
 - There were 69 low-pressure days this season, compared to the normal of 55.
 - Fourteen low-pressure systems formed, and six of these intensified into depressions, against a normal of 5-6.
 - The **Madden Julian Oscillation**, an eastward-moving system of rain-bearing winds and clouds, stayed in a favourable phase longer than usual, sustaining active monsoon conditions.
- **About Indian Summer Monsoon**
 - The monsoon season brings in 75% of India's annual rainfall, watering crops, filling reservoirs, and driving the bulk of India's economy.
 - June and July are critical months for planting kharif crops like **rice, pulses, oilseeds, and cotton**.
 - The Indian Summer Monsoon (Southwest Monsoon) is caused by the differential heating of land and water.
 - In summer, the Asian land mass heated up to form a low-pressure system, which attracted winds from the Arabian sea and Bay of Bengal, which were at lower temperatures and thus high-pressure systems.
 - **Energetics theory of the monsoon:**
 - **Solar Radiation and Temperature Differences:** The tilt of the Earth's axis leads to varying solar radiation across the globe. During summer in the northern hemisphere, land masses, especially over India and Central Asia, absorb more heat than surrounding oceans, resulting in a significant **temperature gradient**.
 - **Development of Low Pressure:** The intense heating over the land creates a **low-pressure zone**. Warm air rises, leading to a reduction in atmospheric pressure at the surface. This contrasts with the relatively cooler, high-pressure regions over the oceans.
 - **Shifting ITCZ:** The **intertropical convergence zone (ITCZ)**, which is a band of low pressure near the equator where trade winds meet, shifts northward during this period. This movement is crucial as it brings moist air from the oceans toward the land.
 - **Moisture and Rainfall:** As the ITCZ moves north and the southeast and northeast trade winds converge, they bring moisture-laden air over the Indian subcontinent. When this air rises due to the low pressure, it cools and condenses, resulting in heavy rainfall characteristic of the monsoon season

IMD: Oct-Dec rainfall to be above normal, after 108% in June-Sept

EXPRESS NEWS SERVICE
BENGALURU, OCTOBER 2

THE INDIA Meteorological Department (IMD) has forecast 'above' normal rainfall during the October-December northeast monsoon season over the south-east peninsular India this year.

This has been based on output generated from multiple global weather models. This year, 'above' normal rainfall forecast has come within two consecutive monsoon seasons, which is uncommon. During June to September southwest monsoon season, India's rainfall ended at 108 per cent (above normal).

"The seasonal rainfall south-eastern peninsular India will be 112 percent of the Long Period Average of 334.13mm over during October - December," Mrutyunjay Mohapatra, director general, IMD, at the time of issuing the forecast for the post-monsoon season.

Also known as winter monsoon, rainfall during the last quarter of the calendar year is predominant over Rayalaseema, Yanam, coastal Andhra Pradesh, Puducherry, Tamil Nadu, Kerala and south interior Karnataka. For Tamil Nadu, this is the chief rainfall season, wherein the state's major rainfall of the year is recorded.

However, with the impending La Nina conditions emerging along the equatorial Pacific Ocean, there could be below normal rain-



A tourist in Kanyakumari, Wednesday, PTI

fall over Tamil Nadu and Puducherry during the upcoming season. La Nina is known to suppress the northeast monsoon over India.

"During La Nina years, Tamil Nadu and Puducherry receive below normal rainfall," added the IMD chief.

However, with the Indian Ocean Dipole, which is the counterpart of the El Nino Southern Oscillation from the Pacific Ocean, likely to remain neutral during the upcoming weeks, the northeast monsoon's performance will largely depend on the intra-seasonal developments, the IMD officials said.

The southwest monsoon withdrawal is likely to pick up pace during the next few days and rainfall cessation from over north-west and northern India is imminent. The extended range forecast

issued by the IMD suggested that the northeast monsoon onset could be on time this year. The normal date for the onset is around October 15 with a standard deviation of about four days.

Over the country, October will continue to remain a rainy month, the IMD has forecast. The all-India rainfall during this month has been forecast to be 115 per cent of the Long Period Average of 75.4mm. 'Above' normal rainfall will lash a majority of the geographical regions spanning central and peninsular India, Uttar Pradesh and neighbourhood areas. October could be dry over Jammu and Kashmir and eastern India region.

Both day and night temperatures are set to soar over the northeast region, Jammu and Kashmir, West Bengal, Odisha, Gujarat and Rajasthan, Punjab.

- **Impact of the Coriolis Effect:** As the southeast trade winds cross the Equator, they are influenced by the Coriolis effect, which causes them to deflect towards the east. This deflection alters their path, resulting in the winds blowing from the southwest toward India. As these winds travel over the warm waters of the Arabian Sea, they pick up significant moisture, making them a vital source of precipitation for the region.
- **Arms of Southwest Monsoon:** When the moist southwest trade winds reach the Indian peninsula, they trigger the onset of the southwest or Indian summer monsoon. The winds split into two distinct arms
 - **Arabian Sea Arm:** This arm travels over the Arabian Sea and brings heavy rainfall to India's western coast, affecting states like Gujarat, Maharashtra, and Kerala.
 - **Bay of Bengal Arm:** The other arm moves over the Bay of Bengal, striking the eastern coast of India and delivering rain to regions such as West Bengal and the southern slopes of the Shillong Plateau.
- Factors such as **ocean temperatures, land-sea contrasts**, and even global phenomena like **El Niño** can influence the monsoon's strength and duration.

5. Food safety laws in states

GS 2 (Governance)

• Why in News:

- The Uttar Pradesh government has recently mandated that food establishments prominently display the names of the operator, proprietor, manager, and relevant personnel to customers.
- Similarly, Himachal Pradesh's minister proposed requiring eateries and fast-food carts to display the owner's ID. However, this proposal was disowned by the Himachal government.
- Earlier, on July 22, the Supreme Court stayed similar orders issued by police in Uttar Pradesh and Uttarakhand for the kanwar yatra, **stating that only the competent authority under the Food Safety and Standards Act, 2006 (FSSAI) could issue such directives.** The court emphasized that the police could not take over this authority.

• Regulations for selling food in India

- **FSSAI Registration for Food Businesses**
 - Anyone wishing to operate a food business in India must register or obtain a license from the **Food Safety and Standards Authority of India (FSSAI).**
 - This body, established under the **Food Safety and Standards Act, 2006 (FSSA)**, is responsible for monitoring and regulating food processing, distribution, sale, and import to ensure food safety and quality.
- **Registration for Small-Scale Food Businesses**
 - According to the **Food Safety and Standards (Licensing and Registration of Food Businesses) Rules, 2011**, small-scale food businesses—including petty food manufacturers, hawkers, vendors, and stallholders—are required to register with the FSSAI.
 - Once the registration is approved, the petty food manufacturer receives a registration certificate and a photo identity card, which must be displayed prominently at all times within the business premises, vehicle, or cart.
- **Licensing for Larger Food Businesses**
 - Operators of relatively large food businesses are required to obtain a license from the Food Safety and Standards Authority of India (FSSAI).

Food safety laws in states

The UP government has issued directives requiring all eateries to display the names and addresses of their owners and employees. In July, SC stayed similar orders passed in UP and Uttarakhand. What are the requirements for selling food in India? What powers do states have to make laws in this regard?

AJIT SINHA KAPURAM
NEW DELHI, OCTOBER 2

THE UTTAR PRADESH government last week made it mandatory for food establishments to "prominently" display to customers the names of "the operator, proprietor, manager, and other relevant personnel". A day later, Himachal Pradesh minister Vikram Singh said that his state too, "every eatery and fast food cart will have to display the owner's ID".

The Himachal government disowned the statement and, at a meeting in Delhi with Congress president Mallikarjun Kharge, Singh reportedly affirmed his commitment to the party's "zero profile".

On July 22, the Supreme Court stayed similar orders issued by police in UP and Uttarakhand for the kanwar yatra. The court said that the "competent authority" under the Food Safety and Standards Act, 2006 (FSSA) could issue such orders, but police could not "usurp" this power.

So what information do food establishments required to display under the FSSA? Can the government of a state ask for additional information to be displayed, and are there any penalties for not doing so?

What are the regulations for selling food in India?

Anyone who intends to operate a food business is required to either register or license their business from the Food Safety and Standards Authority of India (FSSAI). A body established under the FSSA to monitor and regulate food safety, health, and quality.

Under the Food Safety and Standards (Licensing and Registration of Food Businesses) Rules, 2011 (enacted under the FSSA), "Petty Food Manufacturers" such as small-scale food businesses, hawkers, vendors, and stallholders, are required to register with FSSAI.

If the registration is approved, the petty food manufacturer receives a registration certificate and a photo identity card "which shall be displayed at a prominent place at all times within the premises or vehicle or cart".

Under the same Rules, operators of relatively large businesses have to obtain a license from the food authority. The license, must be "displayed at a prominent place at all times within the premises where the food business is carried out".

Section 30(1) of the FSSA states that the powers of the FSSAI are to make rules and regulations under the FSSA.

Section 30(2) of the FSSA states that the powers of the FSSAI are to make rules and regulations under the FSSA.

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Section 30(9) of the FSSA states that the powers of the FSSAI are to make rules and regulations under the FSSA.

Section 30(10) of the FSSA states that the powers of the FSSAI are to make rules and regulations under the FSSA.

Section 30(11) of the FSSA states that the powers of the FSSAI are to make rules and regulations under the FSSA.



Food stalls in Muzaffarnagar in July, after the police order to owners. Capital India

with the FSSA, the measures it must take, and the time period for compliance (maximum 14 days).

A business that fails to comply with this notice may have its license suspended, in case of further non-compliance, even cancelled.

The UP directives do not specify the penalty for non-compliance. Section 30(1) of the FSSA states that the powers of the FSSAI are to make rules and regulations under the FSSA.

A food business operator who is convicted twice for the same offence (including one under Section 30) may be required to pay double the penalty for the first conviction, with a further fine "on daily basis" which can extend up to Rs 1 lakh, and also lose their license (Section 34).

Can a state government's directives under FSSA be challenged in court?

One of the grounds on which the earlier UP and Uttarakhand police directives were challenged was that the orders effectively forced individuals to reveal their religious and caste identities.

During the hearing in the SC on July 22, the petitioners argued that the orders discriminated against individuals on the grounds of religion, violating Article 15(1) of the Constitution, which states: "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them."

The petitioners also argued that the orders "created conditions for the complete economic boycott of Muslim minorities," which they said violates the right to practise any profession under Article 19(1)(g), and supports the practice of untouchability, which was abolished and forbidden under Article 17 of the Constitution.

Last week, the Uttar Pradesh government said that its latest directives "also include the installation of CCTV cameras at food establishments and a 'state-wide verification campaign' — aimed at securing public health."

Incidents of adulterating food items like juice, dal, and not with human waste, and dirty substances have been reported from various parts of the country," the UP government said, and added that "to prevent such occurrences in Uttar Pradesh, concrete measures must be put in place to ensure food safety and protect the health of the common man."

Is Food Business Operator fails to comply with any provision of the FSSA or its accompanying regulations, the food authority can serve an Improvement Notice upon them under Section 31 of the Act. The notice will include the grounds for believing that the food business has failed to comply

- Similar to the registration for small-scale businesses, this license must be prominently displayed at all times within the premises where the food business is conducted.
- **Display of Owner's Identity and Location**
 - In both cases—whether for small-scale food manufacturers or larger operators—the owner's identity and the establishment's location are already mandated to be displayed through the photo ID and the license issued by FSSAI.
- **Penalties for Operating Without a License**
 - According to Section 63 of the FSSA, any operator conducting a food business without a valid license may face penalties of up to six months in prison and a fine of up to ₹5 lakh.
- **Other compliances and penalties under the FSSAI**
 - **Improvement Notice**
 - Under Section 31 of the FSSA, if a Food Business Operator (FBO) fails to comply with any provision of the Act or its regulations, the food authority can issue an Improvement Notice. This notice will detail:
 - Grounds for believing the FBO has failed to comply.
 - Required measures for compliance.
 - A minimum compliance period of 14 days.
 - **Consequences of Non-Compliance**
 - If an FBO fails to comply with the Improvement Notice:
 - Their licence may be suspended.
 - In cases of further non-compliance, the licence may be cancelled.
 - **General Penalties**
 - The UP directives do not specify penalties for non-compliance with the new requirements.
 - However, under Section 58, for contraventions without a specific penalty, fines may reach ₹2 lakh.
 - **Repeat Offenses**
 - If an FBO is convicted twice for the same offense (including under Section 58), they may face:
 - Double the penalty for the first conviction.
 - A daily fine that can reach up to ₹1 lakh.
 - Potential loss of their licence as outlined in Section 64.
- **Powers of State Governments Under the FSSA**
 - **Legal provision**
 - **Section 94(1)** of the FSSA grants state governments the authority to make rules, subject to the approval of the **Food Authority** and the **Central Government**.
 - This allows them to carry out functions and duties assigned to them under the Act.
 - **Rule-Making Authority**
 - Section 94(2) outlines the specific areas where state governments can make rules:
 - **Section 94(2)(a):** States can create rules regarding the "other functions" of the Commissioner of Food Safety as described in Section 30(2)(f), which includes a broad mandate for the Commissioner to perform additional functions as prescribed by the state government in consultation with the Food Authority.
 - **Section 94(2)(c):** This provision allows state governments to make rules for any other matter that may need to be prescribed or regulated by the state.
 - **Role of the Commissioner of Food Safety**
 - The Commissioner of Food Safety, appointed by the state government under Section 30, is responsible for ensuring the efficient implementation of the FSSA and its accompanying regulations.
 - The specific functions outlined in Sections 30(2)(a) to (e) include conducting surveys, training programs, and approving prosecutions for offenses.

- **Legislative Approval Requirement**
 - According to Section 94(3), **any rules made by the state government must be presented to the state legislature for approval as soon as possible.**
- **Legal Challenges to UP and Uttarakhand Directives**
 - **Allegations of Discrimination**
 - The earlier directives from the police in Uttar Pradesh and Uttarakhand were challenged in the Supreme Court on the grounds that they effectively forced individuals to disclose their religious and caste identities
 - Petitioners argued that these **orders discriminated against citizens based on religion, violating Article 15(1) of the Constitution**, which prohibits discrimination on the basis of religion, race, caste, sex, and place of birth.
 - **Concerns About Economic Boycott**
 - The petitioners claimed that the directives could lead to the economic boycott of Muslim minorities, infringing on their right to practice any profession under Article 19(1)(g).
 - They also contended that the orders supported the practice of untouchability, which is banned under Article 17.
 - **Government's Justification**
 - In response to these challenges, the UP government stated that the recent directives, which include the installation of CCTV cameras at food establishments and a state-wide verification campaign, aim to enhance public health.
 - They cited reports of food adulteration incidents involving human waste and other unsanitary substances, emphasizing the need for measures to ensure food safety and protect public health in the state.

6. Direct Israel-Iran conflict and India's interest GS 2 (International Relations)

- **Why in News:**
 - As tensions in West Asia escalated following Iran's missile attack on Israel, India called for restraint and the protection of civilians.
 - The Ministry of External Affairs (MEA) issued a travel advisory urging Indian nationals to avoid non-essential travel to Iran and for those residing there to stay vigilant. Similarly, the Indian embassy in Tel Aviv advised Indian citizens to adhere to local safety protocols and stay in touch with the embassy.
- **Red Sea**
 - The Red Sea is located between Africa and Asia, and is an inlet of the Indian Ocean:
 - South - Connects to the Indian Ocean through the Bab-el-Mandeb strait and the Gulf of Aden
 - North - Contains the Gulf of Aqaba and the Gulf of Suez, which lead to the Suez Canal
- **Escalation of Conflict in West Asia**
 - The conflict in West Asia has intensified as Iran launched missiles on Israel, with the Israeli military shifting its focus from Hamas in Gaza to the more formidable Hezbollah in Lebanon.
 - Recently, Iran launched a barrage of missiles on Israel overnight. Now, the analysts fear that Israel would retaliate thereby widening of the conflict in the region
 - This follows the assassination of Hezbollah leader Hassan Nasrallah, leading to further instability in the region.
 - The widening of the conflict has increased the risk of trade disruptions, as Hezbollah shares close ties with the Houthi rebels in Yemen, **who are responsible for the majority of the attacks on ships traversing the Red Sea route.**
- **Impact on India**



- **Fears of Protracted Red Sea Disruption**
 - Exporters have long been concerned about a direct conflict between Israel and Iran, fearing it would cause a prolonged disruption of the Red Sea shipping route.
 - India is especially vulnerable to these disruptions, **as its trade with Europe, the US, Africa, and West Asia—valued at over \$400 billion in FY23—relies heavily on the Suez Canal and Red Sea routes.**
 - The involvement of Hezbollah's allies, such as the Houthi rebels in Yemen, heightens the risk of attacks on ships using this critical trade passage.
- **Impact on Indian Petroleum Exports**
 - In August 2024, India's exports fell by 9%, primarily due to a sharp 38% drop in petroleum product exports, which fell to \$5.95 billion from \$9.54 billion in August 2023.
 - Rising shipping costs and the crisis in the Red Sea have led importers to seek alternative sources, impacting Indian exporters' profitability, particularly standalone refiners.
- **European Market Challenges**
 - Europe, which accounts for 21% of India's petroleum exports, has been affected by rising shipping costs.
 - A Crisil report from February 2024 warned that these additional costs would reduce profit margins for petroleum exports, compounding the challenges faced by Indian exporters.
 - **India's overall exports to the European Union increased by 6.8% this year**, but sectors like machinery, steel, gems, jewellery, and footwear have faced declines.
 - The rising freight costs are expected to further strain Indian industries reliant on high-volume, low-value exports, making it difficult for them to stay competitive.
- **Silver lining - Trade Opportunities in West Asia**
 - Despite the conflict, India's trade with Gulf Cooperation Council (GCC) countries has grown by 17.8% between January and July 2024, according to a Global Trade Research Initiative (GTRI) report.
 - **India's exports to Iran also increased by 15.2% during this period, benefiting from the neutrality of regional players such as Saudi Arabia, the UAE, Kuwait, and Qatar, who have stayed out of the conflict**
- **Risk to India-Middle East-Europe Economic Corridor (IMEC)**
 - The ongoing conflict in West Asia could hinder the development of the IMEC, a strategic project announced during the G20 in 2023.
 - The IMEC plan comprises an Eastern Corridor connecting India to the Gulf region and a Northern Corridor connecting the Gulf region to Europe.
 - It will include a railway and ship-rail transit network, as well as road transport routes.
 - The IMEC aims to reduce reliance on the Suez Canal by creating faster trade routes through a rail and ship network connecting India to the Gulf and Europe.
 - However, the widening conflict in the region threatens to delay or complicate the corridor's progress, casting uncertainty over its future.
- **Impact on shipping sector**
 - **Surge in Shipping Costs Due to Longer Trade Routes**
 - According to the International Monetary Fund (IMF), trade volume through the Suez Canal dropped by 50% year-over-year in early 2024, while trade transiting around the Cape of Good Hope surged by 74%.
 - This shift is due to disruptions in key shipping routes, particularly through the Suez Canal and Red Sea, forcing vessels to take longer paths, which has increased shipping costs by 15-20%.
 - These rising costs are hitting Indian exporters hard, especially those dealing in low-margin, labour-intensive goods like textiles, garments, and low-end engineering products.
 - **Calls for an Indian Shipping Line**
 - Indian exporters are urging the government to establish an Indian shipping line to reduce reliance on foreign firms.
 - The global shipping lines are seeing their profits soar amid the Red Sea crisis.

- This push comes as **India's outward remittance on transport services exceeded \$109 billion in 2022**, with rising exports contributing to higher costs.
- Many exporters believe an Indian shipping line would benefit MSMEs, reducing foreign shipping lines' ability to dictate terms, especially during crises.



MCQ Current Affairs
3rd Oct, 2024**1. With reference to the Monetary Policy Committee (MPC), consider the following statements:**

- A. It is entrusted with the task of fixing the benchmark policy rate (repo rate) required to contain inflation.
- B. It is a six-member committee with the Reserve Bank of India (RBI) Governor as Chairperson.
- C. It takes decisions based on a majority vote.

How many of the statements given above are correct?

- a) One only
- b) Two only
- c) All three
- d) None

2. Consider the following statements regarding Dharti Aaba Janjatiya Gram Utkarsh Abhiyan:

- A. It aims to foster holistic development in tribal villages, bringing transformative changes to the socio-economic landscape of the region.
- B. It envisions saturation of critical gaps in social infrastructure, health, education, and livelihood.

Which of the statements given above is/are correct?

- a) A only
- b) B only
- c) A and B
- d) Neither of two

3. What type of disorder is Sickle Cell Disease (SCD)?

- a) Viral infection
- b) Inherited blood disorder
- c) Autoimmune disease
- d) Metabolic disorder

4. Consider the following statements regarding SARTHIE 1.0 initiative:

- A. It is intended to empower disadvantaged communities in India.
- B. It aims to bridge the awareness gap and ensure the effective implementation of social welfare programmes.

Which of the statements given above is/are correct?

- a) A only
- b) B only
- c) A and B
- d) Neither of two

5. Lake Prespa, recently in news, is located in:

- a) North America
- b) Africa
- c) Arctic
- d) Europe

Answers Current Affairs
3rd Oct, 2024

1. c
2. c
3. b
4. c
5. d

