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A LITTLE
PROGRESS
EACH DAY
ADDS UP TO
BIG RESULT

Content.

- **The National Human Rights Commission (NHRC) has not had a full-time chairperson since June and has only one member to fill five positions. Human rights groups are warning that the delay in filling vacant posts will hurt India's global reputation.**

- **The NHRC Chairperson's post has been lying vacant for three-and-a-half months, since former Supreme Court Justice Arun Mishra retired from the position on June 1.**

- **The country's top human rights body should have a chairperson as well as five other full-time members. However, the full weight of responsibilities currently lies on the shoulders of Vijayabharathi Sayani, who is NHRC's sole full-time member and was appointed as the Acting Chairperson on June 5.**

- **She also fulfils the requirement for a woman member in the panel. The Commission also has seven ex-officio or deemed members.**

X Corp. challenges content blocking orders by authorities

Page No. 1, GS 2

X's legal challenge

Here are the contentions of Elon Musk's company in the Karnataka High Court:

- Why issue blocking orders under Section 79(3)(b) of the Information Technology (IT) Act, 2000, and not under Section 69A
- Section 79(3)(b) outlines the conditions under which an intermediary loses its 'safe harbour' protection
- Section 69A empowers the government to block access to online content, under specific circumstances
- Union Home Ministry's Sahyog portal is a 'censorship portal'

The Hindu Bureau
BENGALURU/NEW DELHI

X Corp, formerly known as Twitter Inc, has moved the Karnataka High Court, challenging the way the Union and State governments are issuing orders to block content on its platform. The company is opposing the Centre's new Sahyog portal, terming it a "censorship portal", which allows all government agencies – from Union Ministries down to local police stations – to issue blocking orders using a Union government-issued template.

The court will hear the petition on March 27.

X Corp has asked the court to direct the government that orders to block content can only be issued under Section 69A of the IT Act, 2000, and not by invoking Section 79(3)(b) of the Act.

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Fact

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- **X Corp has asked the court to direct the government that orders to block content can only be issued under Section 69A of the IT Act, 2000, and not by invoking Section 79(3)(b) of the Act.**

Fact

- **This, X said in its petition, violated the Supreme Court's 2015 landmark Shreya Singhal judgment, which declared that content could only be censored by a court order, or under Section 69A of the IT Act.**

- **However, X has contended that the IT Ministry has "directed" all central ministries, State governments, States' deputy generals of police, and effectively tens of thousands of local police officers, that they are authorised to issue information blocking orders under Section 79(3)(b), outside the Section 69A process.**

- **MeitY has also provided all Central and state government agencies a "Template Blocking Order" to use to issue these "unlawful" information blocking orders, the plea said.**

- **Under the Section 69A blocking process, X said, the government must comply with the safeguards of the provision to block information affecting the "sovereignty and integrity of India, defence of India, security of the State" – but it can block any "unlawful" information under any law in force pursuant to Section 79(3)(b) "without any safeguards whatsoever".**

- **X said that on MeitY's instructions, the Ministry of Home Affairs has also created an online "Censorship Portal," called Sahyog, where central and state agencies and local police officers can issue blocking orders under Section 79(3)(b), outside of the Section 69A process.**

- **'Sahyog' Portal has been developed to automate the process of sending notices to intermediaries by the Appropriate Government or its agency under IT Act, 2000 to facilitate the removal or disabling of access to any information, data or communication link being used to commit an unlawful act.**

STUDENTS MEET-UP

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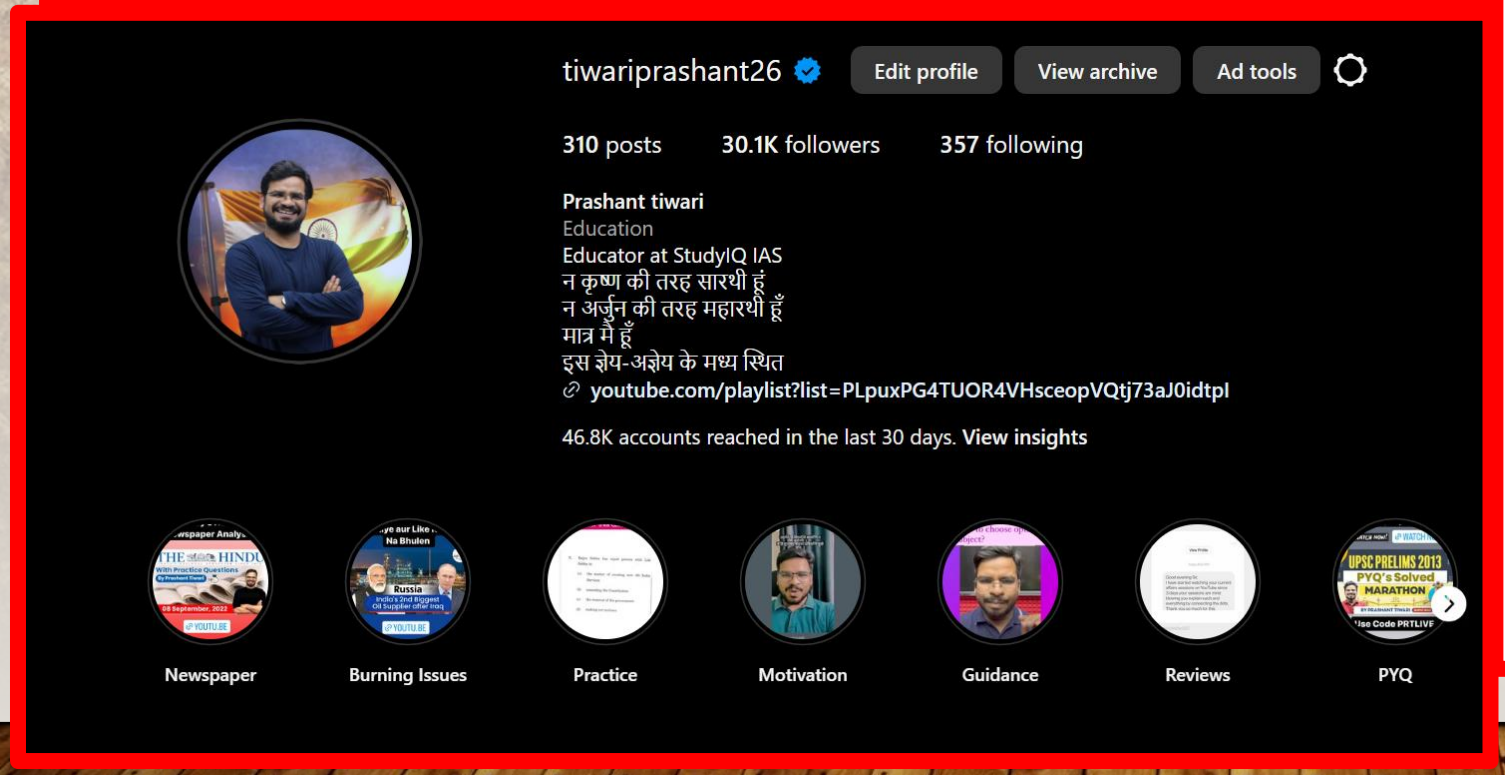

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Description

Army seeks inclusion of additional areas in Manipur under AFSPA

Page No. 14, GS 2

Vijaita Singh
NEW DELHI

At a review meeting chaired by the Union Home Ministry on Wednesday, the Army sought the inclusion of additional police station limits in Manipur valley districts within the ambit of the Armed Forces (Special) Powers Act (AFSPA), a senior government official told *The Hindu*.

On November 14, 2024, out of 19 police stations in seven districts of Manipur, the AFSPA was reimposed in the jurisdiction of six in five districts of Manipur, mostly in the valley, in the wake of ethnic violence in the State that erupted on May 3, 2023.

"The Army proposed that 12 police station limits in valley districts be brought under the AFSPA for operational efficiency. The suggestion was to reimpose the AFSPA in phases; however, a final decision will be taken by the Ministry," said the official.

Strong measures: The AFSPA was reimposed in the jurisdiction of six police stations in five districts of Manipur last November. ANI

At a review meeting chaired by Union Home Minister Amit Shah in New Delhi on March 1, the possibility of bringing additional areas under the AFSPA, if required, was deliberated.

The AFSPA was withdrawn from the limits of all valley police stations between April 1, 2022 and April 1, 2023 amid an improved security situation. The "disturbed area" notification for the hill districts in Manipur has been periodically extended, with the last one issued on September 26, 2024.

The Ministry reviewed the scope of the AFSPA in Assam, Nagaland, Arunachal Pradesh, and Manipur at a multi-agency meeting on Wednesday.

"It is likely that one of the four districts in Assam may be de-notified under the AFSPA," said the official.

The 1958 law gives powers to the Army and the Central Armed Police Forces deployed in "disturbed areas" to kill anyone acting in contravention of law, arrest and search any premises without a warrant, and grants protection from prosecution and legal suits without the Union government's sanction.

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- **British Ordinance 1942: The Armed Forces Special Powers Act was enacted during WW II to control the Indian independence movement.**
- **Initial Imposition in Naga Hills in 1958 was primarily to address rising insurgencies and to restore order amid violent separatist movements led by the Naga National Council (NNC).**
- **Expansion to Other Northeastern States (1960s-1980s) AFSPA was extended to other northeastern states, including Assam, Manipur, Tripura, Mizoram, Arunachal Pradesh and Meghalaya.**
- **Extension to Jammu and Kashmir in 1990 amid an increase in militancy and separatist movements, particularly with the rise of armed insurgent groups like Hizbul Mujahideen and Lashkar-e-Taiba.**
- **Amendments to the AFSPA in 1972, allowed the central government to declare any area as “disturbed” and to apply AFSPA without consent from the respective state governments.**

- The AFSPA gives unbridled power to the armed forces and the Central Armed Police Forces deployed in “disturbed areas” as specified under the Act to kill anyone acting in contravention of law, arrest and search any premises without a warrant and ensures protection from prosecution and legal suits without the Central government’s sanction.
- The State and Union government can issue notification regarding the AFSPA. For the States of Arunachal Pradesh and Nagaland, the MHA issues periodic “disturbed area” notifications.

- A disturbed area is one that is declared by notification under Section 3 of the AFSPA. It can be invoked in places where the use of armed forces in aid of civil power is necessary.

- The Act was amended in 1972 and the powers to declare an area as “disturbed” were conferred concurrently upon the Central government along with the States.

- An area can be disturbed due to differences or disputes between members of different religious, racial, language or regional groups or castes or communities.

- The Central Government, or the Governor of the State or administrator of the Union Territory can declare the whole or part of the State or Union Territory as a disturbed area.

Content.

- **Once declared ‘disturbed’, the region is maintained as disturbed for a period of three months straight, according to The Disturbed Areas (Special Courts) Act, 1976. The government of the state can suggest whether the Act is required in the state or not.**

- **Currently, the Union Home Ministry issues periodic “disturbed area” notification to extend AFSPA only for Nagaland and Arunachal Pradesh.**

- **In November 2004, the Central government appointed a five-member committee headed by Justice B P Jeevan Reddy to review the provisions of the act in the northeastern states.**

The committee recommended that:

- **AFSPA should be repealed and appropriate provisions should be inserted in the Unlawful Activities (Prevention) Act, 1967.**

Free and fair

ECI must not view calls for transparency as attempts to undermine it

Page No. 10, GS 2

The Election Commission of India (ECI) seems to have softened its stand about disclosing absolute numbers of booth-wise votes cast in elections. Last year, when the question arose in the midst of the multi-phase general election, the ECI took the position that it had no legal mandate to disclose details of Form 17-C, part one, which contains the total number of electors in each booth and those who had actually voted, to anyone other than the candidate or its polling agent. In a recent hearing, it has said the Chief Election Commissioner, Gyanesh Kumar, who took over recently, is open to meeting representatives of organisations and individuals who have sought a direction to the ECI to upload scanned, authenticated and legible copies of Form 17-C on its website. The Supreme Court of India has asked Trinamool Congress Member of Parliament Mahua Moitra and representatives of the Association for Democratic Reforms (ADR) to give a representation to the ECI and seek a meeting. While it may not mean that the ECI has already agreed to make absolute numbers of voters universally available, it may result in evolving a system of disclosure about turnouts, both in terms of numbers and percentages. In 2024, the ECI did release some details about turnout through its voter turnout app, but it also became a source of endless speculation as the percentages given were seen to be unusually higher than what was disclosed at the close of polling.

The prevalence of a difference of five to six percentage points between the turnout declared on polling day and subsequently revised figures, based on inputs from all booths, was noted at the end. This is normally explained as the result of a delay in collation of data from all booths, including those located in far-flung areas. However, the petitioners before the Court argue that Form 17-C is collected by available booth agents by hand, and it would not be a major problem for election officials to scan and upload it within 48 hours. The main grouse of political parties and activists is that the discrepancies, in the absence of the absolute number of votes cast but with only turnout percentages in hand, would raise suspicions about the whole process when the final results are released. The ECI has done well to offer to meet the petitioners on this question. There can be no dogmatic opposition to a procedural step to reduce the apprehension about any election being less than fair. It is futile to hold the position that every step demanding greater transparency in the electoral process is aimed at undermining its integrity or casting the process in a bad light. There ought to be a constant reassessment of existing procedures and practices to increase transparency and reduce the time taken to do so.

Content.

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The challenge of policing digital giants

Shri Venkatesh
is the Founding Partner at SKV Law Offices and has over 17 years of experience in commercial dispute resolution and regulatory law

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On November 18, 2024, the Competition Commission of India (CCI) issued a landmark order imposing a fine of ₹213.14 crore and forcing several behavioural remedies on Meta. This included a five year ban on sharing user data collected on WhatsApp with other Meta companies such as Facebook and Instagram, for advertising purposes. In turn, Meta approached the National Company Law Appellate Tribunal (NCLAT) in an appeal against CCI's order. The NCLAT, on January 23, 2025, granted a stay on the five-year ban from sharing user data and the penalty, subject to Meta depositing 50% of the total penalty.

The CCI's order found that the privacy policy update introduced by Meta's subsidiary, WhatsApp, in 2021 was an abuse of dominant position in the "Over-The-Top (OTT) messaging services for smartphones" and "Online Display advertising" markets in India. This update required users to mandatorily consent to expanded data-sharing, allowing Meta to provide access to such data to all of its other platforms; forcing users to accept a data-sharing agreement on a "take-it-or-leave-it" basis, combined with the competitive advantage this data provides in online digital display advertising, constitutes an abuse of dominant position. The updated policy was viewed as a strategy to strengthen the market power of WhatsApp, potentially harming competition and hindering other messaging platforms from competing on equal terms.

The era of data

In the 21st century, the economy has become digital and data is the new oil, but unlike oil, the utility of data is virtually limitless. It can be collected, analysed, and reused indefinitely. In digital markets, data plays a foundational role in creating and sustaining dominance due to its unique characteristics and the competitive advantages it provides. Data is both the source and the enabler of dominance in digital markets. Platforms such as Meta leverage vast data pools collected from billions of users to refine algorithms, offer hyper-targeted advertising, and create personalised experiences, thereby locking consumers into their ecosystems. This dominance is further amplified by data-driven network effects, where more users generate more data, enhancing the platform's value and deterring competitors.

Meta is not the only tech giant to face scrutiny from the CCI. In 2022, Google was fined ₹1,337.76 crore for abusing its dominant position across several markets, including licensable operating systems for smart mobile devices, app stores for Android devices, non-OS-specific mobile web browsers, online video hosting platforms, and general web search services in India. Google was found to have abused its dominant position by mandating the pre-installation of its apps on Android devices. This penalty was later upheld by NCLAT in 2023.

There are lessons from the Meta case, which highlight the need for a more forward-looking approach to competition law

Global actions

The challenges posed by Meta's market dominance are not confined to India and have been a global regulatory concern. The Majority Staff Report on 'Competition in Digital Markets' (by the U.S. Subcommittee on Antitrust, Commercial and Administrative Law of the Committee on the Judiciary) highlighted the urgent need to reform antitrust laws to address the unprecedented market power of tech giants. Meta faces antitrust litigation in the U.S. over its acquisitions of Instagram and WhatsApp, accused of creating barriers to entry for competitors, while Google has been sued for monopolistic practices. In 2024, the US District Court for the District of Columbia found Google in violation of the Sherman Act due to exclusive agreements in search and advertising markets.

Australia has also taken steps to address the dominance of digital platforms. In Europe, the Facebook-Germany case stands out, where the Bundeskartellamt (Federal Cartel Office) found Meta had abused its dominant position by combining user data from various sources without explicit consent, violating both European Union (EU) competition law and the General Data Protection Regulation (GDPR). This decision accentuates how data misuse can erode consumer privacy and hinder competition by creating entry barriers.

In addition, Meta is under scrutiny in the EU for its ad-supported subscription service, while Google has already been fined over €8 billion across three major antitrust cases, including those targeting its anti-competitive practices in the mobile operating systems and app markets.

The parallels between the regulatory actions against Meta and Google emphasise the importance of addressing data exploitation, vertical integration, and anti-competitive practices through a multidisciplinary approach. Together, these approaches illustrate the challenge of harmonising regulatory philosophies to effectively tackle the monopolistic practices of global tech giants.

Google and Meta are not even the first tech giants to face policing for dominating markets in the U.S. In the past, a ruling in an antitrust lawsuit required AT&T to divest 22 operating companies, dismantling its monopoly. Similarly, anti-trust proceedings against Microsoft resulted in oversight, ensuring API access for third-party developers and greater flexibility for PC manufacturers.

The CCI orders against Google and Meta represent just a small chapter in the broader, well-documented concerns about the overwhelming dominance of "tech monopolies" in key markets such as advertising, e-commerce and smartphone services. While the orders are a great beginning, a cycle of disputes across jurisdictions indicates that they may be stop-gap measures in regulating the free market in this context.

On India's laws

India's competition law, namely, the Competition Act, 2002, currently lacks explicit provisions to address data-centric monopolies. While traditional frameworks focus on price-based dominance, digital markets often witness dominance arising from data aggregation. To address this gap, amendments to the Act should introduce "data monopolization" as a parameter for assessing market dominance by redefining key concepts such as "market power" and "dominant position" to reflect the realities of data-driven dynamics. The Act should also incorporate global best practices for addressing the concerns, such as mandating interoperability and data-sharing agreements or separation of integrated services. These measures could serve as effective solutions for entrenched monopolies and help level the playing field for smaller competitors while maintaining innovation incentives.

The Digital Personal Data Protection Act, 2023 provides an opportunity to complement competition law by regulating data collection, consent, and usage. However, the absence of explicit coordination mechanisms between the CCI and the Data Protection Board of India limits the effectiveness of addressing overlapping concerns. India could draw inspiration from the EU's integration of competition law with the Digital Markets Act (DMA) and GDPR to create frameworks that tackle data exploitation and anti-competitive practices comprehensively.

Addressing these challenges is crucial for India to fully harness the potential of its digital transformation, ensuring inclusive growth and equitable access to digital resources across the nation. The Economic Survey 2024-25, recently tabled in Parliament, underlines India's rapid digital transformation, and emphasises the critical role of artificial intelligence (AI) in shaping the nation's economic landscape. These developments underscore the imperative for India to adapt its regulatory frameworks, including competition law. As the digital economy continues to evolve, regulatory frameworks must not only catch up but also anticipate emerging challenges posed by rapidly advancing technologies and the ever-expanding influence of tech giants.

While the Meta case serves as a pivotal moment in India's efforts to regulate digital markets and address the complexities of data-driven monopolies, it also highlights the need for a more comprehensive and forward-looking approach to competition law.

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Content.

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- **Platforms such as Meta leverage vast data pools collected from billions of users to refine algorithms, offer hyper-targeted advertising, and create personalised experiences, thereby locking consumers into their ecosystems.**
- **This dominance is further amplified by data-driven network effects, where more users generate more data, enhancing the platform's value and deterring competitors.**

- The Competition Commission of India (CCI) is a statutory and quasi-judicial body operating under the Ministry of Corporate Affairs.
- Established in March 2009 under the Competition Act, 2002, the CCI aims to prevent anti-competitive practices, promote and sustain market competition, protect consumer interests, and ensure the freedom of trade in India's markets.
- Eliminating Anti-Competitive Practices: To eradicate monopolistic practices and cartels that adversely affect market competition.
- Promoting Competition: To foster fair and healthy competition to ensure efficient market functioning.
- Consumer Protection: To safeguard consumers' rights by enabling access to a variety of goods and services at competitive prices.
- Freedom of Trade: To create a level playing field to ensure free trade across Indian markets.

The assault on multilateralism and international law

Page No. 10, GS 2

The mantra of 'America First' is shaping U.S. President Donald Trump's administration, marking a significant turning point for multilateralism and international law. Since the beginning of his second term, a series of measures have signalled the U.S.'s withdrawal from the very multilateral institutions and agreements it once helped establish. These include calls for withdrawal from key entities such as the World Health Organization, the UNHRC, and the Paris Climate Agreement and sanctions against the International Criminal Court (ICC) and its officials. The most recent addition in this series is the introduction of the Disengaging Entirely from the United Nations Debacle (DEFUND) Act by Republican Senator Mike Lee from Utah, which would allow the U.S. to withdraw from the United Nations. The new American approach has serious consequences for an international order based on multilateral cooperation and respect for international law.

Varsha Singh

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The U.S.'s unilateral actions are a turning point and could invite global retaliation, but this is also a chance for non-western nations to take up leadership roles

Back to political and economic isolationism

First, the proposed DEFUND Act poses a threat to the legitimacy of the UN, which, despite its shortcomings, remains one of the most remarkable examples of international cooperation in the post-Second World War era. Should the DEFUND Act pass, it could sever the U.S.'s relationship with the UN by repealing critical legislation such as the United Nations Participation Act of 1945 and the United Nations Headquarters Agreement of 1947. This would halt all financial contributions to the UN and prohibit U.S. participation in UN peacekeeping operations.

Additionally, it would revoke the functional immunity of UN officials from other countries working in the U.S., making it difficult for the UN to effectively carry out important functions such as peacekeeping and the protection of human rights. These possible measures against the UN represent an attack on multilateral political cooperation, which is the bedrock of a rules-based international order.

Second, a February 6 Executive Order imposed sanctions on the International Criminal Court (ICC), located in The Hague, which serves as the first permanent court punishing individuals for crimes such as genocide, crimes against humanity, and war crimes. Following the Second World War, the U.S. was instrumental in establishing the Nuremberg Tribunal to hold individuals accountable for such atrocities. The U.S. Chief Prosecutor at the Nuremberg trials, Robert H. Jackson, famously stated that "the willingness to submit enemies to the rule of law marked a triumph of reason over power".

The legacy of Nuremberg is echoed in the mission of the ICC, notwithstanding the fact that the U.S. is not a member of the ICC and has not ratified the Rome Statute. The executive order accuses the ICC of engaging in "illegitimate and baseless actions targeting America" and its close ally, Israel. Such accusations undermine the court's purpose and function to ensure accountability and prevent impunity for perpetrators of grave crimes violating human rights.

Trade troubles

Third, the reinvigorated economic nationalism in the Trump administration has led to the implementation of aggressive tariffs in the name of American safety and national security. A historical parallel can be drawn to the era of the 1930s when trade protectionism, triggered by the Smoot-Hawley Tariff Act enacted by the U.S., had dire economic consequences and saw the world spiralling into the chaos of the Second World War. It was this recognition of the economic and political vulnerabilities of countries due to isolationism that led to the adoption of a rules-based multilateral trading order in the form of the General Agreement on Tariffs and Trade (GATT) of 1947, which later evolved into the World Trade Organization (WTO).

Today, the WTO is also facing an existential crisis due to the U.S. blockade on appointments to the Appellate Body of the WTO Dispute Settlement, and a looming threat of U.S. withdrawal.

Action and reaction

Overall, the growing anti-internationalist sentiment in the U.S. and the unilateral actions taken by the Trump administration are bound to jeopardise multilateral political and economic cooperation among states. This, in turn, would lead to the devaluation of international institutions that govern and facilitate global cooperation. These institutions, founded on the principle of shared sovereignty, play a crucial role in creating and interpreting international law while maintaining a rules-based international order. Withdrawal from, and restricting the functioning of international institutions and agreements would have significant repercussions for the pressing issues of our time, such as climate change, environmental degradation, public health, respect and accountability for human rights, and economic stability and growth.

Furthermore, the U.S. risks facing retaliation from other states and may find that initiatives such as MAGA, or 'Make America Great Again', cannot thrive without the support of multilateral cooperation. Consequently, resistance from the international community is essential, as mutual enrichment among nations can only be achieved through cooperation rather than coercion. On the positive side, this scenario offers non-western nations such as India, the chance to assume leadership roles.

India has consistently emphasised the importance of multilateralism and adherence to international law. Aptly, during the G-20 Foreign Ministers' Meeting (February 2025), in Johannesburg, External Affairs Minister S. Jaishankar reiterated the need for an inclusive and multilateral approach to global challenges and called for prioritising international law and peaceful resolutions. Additionally, this also serves as an opportune moment to reform the UNSC, as India has been consistently demanding.

- **The mantra of ‘America First’ is shaping U.S. President Donald Trump’s administration, marking a significant turning point for multilateralism and international law. Since the beginning of his second term, a series of measures have signalled the U.S.’s withdrawal from the very multilateral institutions and agreements it once helped establish.**

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- **The most recent addition in this series is the introduction of the Disengaging Entirely from the United Nations Debacle (DEFUND) Act by Republican Senator Mike Lee from Utah, which would allow the U.S. to withdraw from the United Nations.**

- **The new American approach has serious consequences for an international order based on multilateral cooperation and respect for international law.**

- First, the proposed DEFUND Act poses a threat to the legitimacy of the UN, which, despite its shortcomings, remains one of the most remarkable examples of international cooperation in the post-Second World War era.
- Should the DEFUND Act pass, it could sever the U.S.’s relationship with the UN by repealing critical legislation such as the United Nations Participation Act of 1945 and the United Nations Headquarters Agreement of 1947. This would halt all financial contributions to the UN and prohibit U.S. participation in UN peacekeeping operations.
- Additionally, it would revoke the functional immunity of UN officials from other countries working in the U.S., making it difficult for the UN to effectively carry out important functions such as peacekeeping and the protection of human rights.
- These possible measures against the UN represent an attack on multilateral political cooperation, which is the bedrock of a rules-based international order.

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22nd March, 2025 | 12:00 PM

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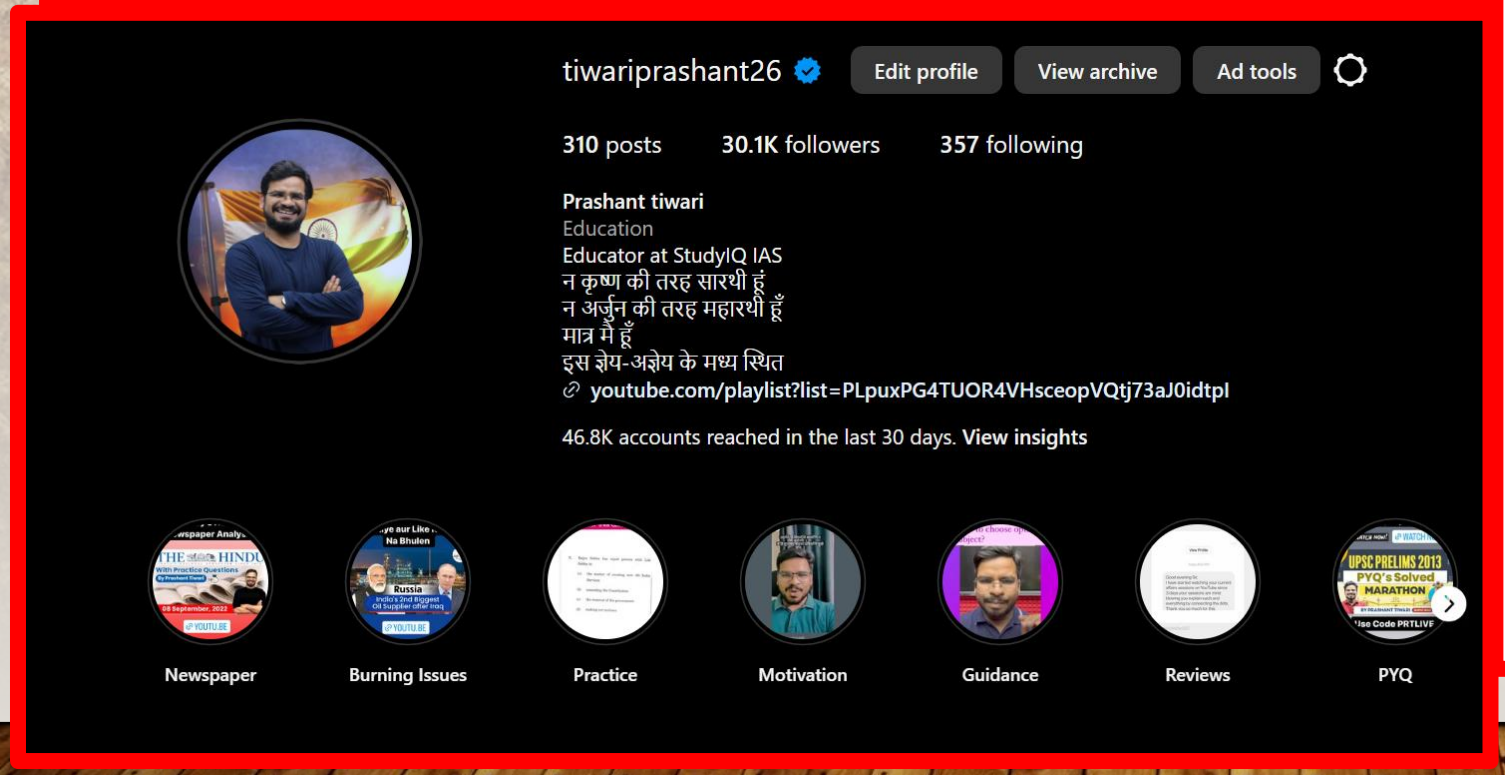

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2. NCERT Playlist:- https://youtube.com/playlist?list=PLpuxPG4TUOR5Q3pN6ivhc77yZ6HY9v7Ad

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Description

Thank You!