

## Bombay HC strikes down amended IT rules

### POLITY & GOVERNANCE

### Road to verdict

The fact check unit of Ministry of Electronics and IT has faced criticism since it was established on April 6, 2023.

The case against the Centre's amendment has concluded after over a year. **Highlights:**

**April 10, 2023:** Satirist Kunal Kamra files a petition in Bombay HC against the amendments to the Act, calling them "arbitrary, violating fundamental rights of speech and expression and vague"; Editors Guild of India and the Internet Freedom Foundation join the plea later

**April 24:** IT Rules Amendment does not seem to offer protection to

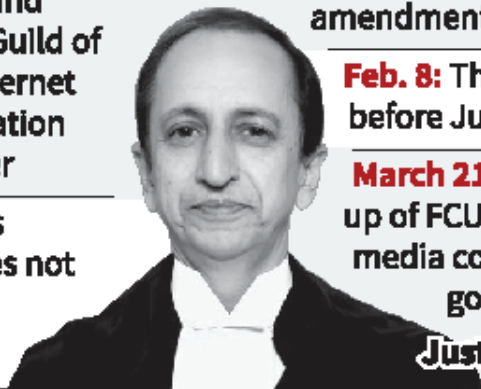
parody and satire, observes Bombay HC

**Jan. 31, 2024:** Court delivers a split verdict with Justice Patel favouring the petitioners and Justice Gokhale upholding the amendment

**Feb. 8:** The case is placed before Justice Chandurkar

**March 21:** SC stays setting up of FCU to monitor social media content about the government

**Justice Chandurkar**



The Bombay High Court on Friday struck down the amended Information Technology Rules, 2023, which empowered the Centre to set up a fact check unit (FCU) to identify fake, false and misleading information about the government and its establishments on social media.

The "tie-breaker" judge, Justice Atul Sharachchandra Chandurkar, delivered the verdict on Friday after a Division Bench of Justices Gautam Patel and Neela Gokhale delivered a split verdict on January 31, 2024.

Justice Chandurkar said the Information Technology [Intermediary Guidelines and Digital Media Ethics Code] Amendment Rules, 2023, violated Article 14 (right to equality), 19 (freedom of speech and expression) and 19(1)(g) (freedom and right to profession) of the Constitution.

The expression "fake, false and misleading" in the Rules was "vague and hence wrong" in the absence of any definition, he added. "The impugned Rule also results in a chilling effect qua an intermediary," the judge said.

### Set up in 2023

In April 2023, the Ministry of Electronics and IT (MEiTY) established the FCU by amending the IT Rules, 2021. Subsequently, political satirist and stand-up artist Kunal Kamra, the Editors Guild of India, the News Broadcasters and Digital Association and the Association of India Magazines (AIM) through the Internet Freedom Foundation filed a writ petition in the Bombay High Court against the IT Amendment Rules, 2023, calling them "arbitrary, violating fundamental rights of speech and expression and vague".

On January 31, 2024, Justices Gautam Patel and Neela Gokhale pronounced a split verdict, while Justice Patel ruled in favour of petitioners, Justice Gokhale had disagreed and upheld the amendment. The case was then placed before Justice Chandurkar, a third judge in February 2024, by the Chief Justice of the Bombay High Court. "There is a disagreement between us. We have passed separate judgments with divergent views. We were not able to concur," Justice Patel said.

### SC stay

In March 2024, the Supreme Court stayed the government notification establishing the FCU under the Press Information Bureau.

Defending the FCU, in July 2024, Solicitor-General Tushar Mehta, for the Union government, said the FCU would

prevent people from spreading false information.

Representing the petitioners, senior advocate in February 2024, stressed upon numerous points that violated human rights under the amended rules. "There is already the Press Information Bureau, a government organisation that flags information about the government's business, which it believes to be fake, false or misleading. Not one case has been pointed out by the Union government since the split judgement, that the absence of the FCU has caused any prejudice to it. This makes out a strong case for why interim relief should be granted."

According to the new IT Rules (2023), the government can ask social media platforms such as Facebook, X, Instagram, Youtube to remove any content/ news related to the 'business of the Central government' that was identified as 'fake, false, or misleading' with the help of FCU. An organisation appointed by the government will be the arbiter of such content, and if intermediaries do not comply with the organisation's decision, they may lose their safe harbour status under Section 79 of the IT Act, 2000.

### 'Overreach by govt.'

The ruling was welcomed by the Editors Guild of India and digital rights groups. The latter had sharply criticised the introduction of the fact check unit as an overreach by the government.

## Tirupati laddu row snowballs as Centre orders investigation, seeks report

POLITY & GOVERNANCE



The alleged presence of animal fat in the ghee used for preparing the laddu prasadam at the famous Lord Venkateswara temple in Tirupati has snowballed into a major controversy with the Centre on Friday calling for an investigation and seeking a report from the Andhra Pradesh government.

Addressing a press conference, Union Health Minister J.P. Nadda said he had sought a full report on the issue of animal fat being used to prepare the laddus served at the Tirumala temple.



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# SC asks govt. to explain delay in the appointment of judges

## POLITY & GOVERNANCE

The Supreme Court on Friday asked the government to explain its reasons for sitting on names reiterated by the Collegium for months or even years together, reminding the Centre that it cannot treat the latter like a mere “search committee” whose recommendations can be ignored or accepted at the Union’s discretion.

A three-judge Bench headed by Chief Justice of India D.Y. Chandrachud asked Attorney-General R. Venkataramani to place on record, within a week, a tabulated chart of every pending name reiterated by the Collegium, why they were still pending and at what level they were stuck in the machinery.

The Chief Justice said the intention of the court behind this exercise was not to “unearth skeletons in the cupboard but to move forward so that the business of governance proceeds”.

The Second Judges case mandates that Collegium reiterations must be cleared for judicial appointment as a healthy convention. In a December 2022 order, the court had observed that ignoring or returning names reiterated by the Collegium would amount to acting in breach of the Second Judges case, which had evolved the Collegium system of judicial appointments in 1993.

The brief hearing began with Mr. Venkataramani pressing for a week’s adjournment, saying he would need more time to get “some responses” on some of the pending High Court appointments. The Chief Justice agreed, saying some appointments in the pipeline were “expected to be cleared” soon.

But senior advocate Kapil Sibal and advocate Amit Pai, for petitioners, raised the issue of several High Courts functioning with Acting Chief Justices for “months together”.

Lawyer Prashant Bhushan said reiterated names must be appointed immediately. “There are a very large number of reiterations, including that of senior advocate Saurabh Kirpal... We have in our petitions pointed out 12 of them,” he submitted.

Mr. Kirpal, who if appointed would be India’s first openly gay High Court judge, was recommended by the Delhi High Court Collegium in October 2017. The Collegium recommended him for appointment as Delhi High Court judge in November 2021 and had reiterated his name in January 2023. The government had objected to his strong advocacy of gay rights.

Similarly, advocate John Sathyan was recommended by the Collegium for the Madras High Court Bench in 2022. The Collegium had reiterated his name in January 2023. Mr. Bhushan sought a direction that Collegium recommendations should be deemed to have been accepted if the government chooses not to respond within six weeks.

# Blockchain, smart materials, among innovative projects mooted in PM solar scheme

## SCIENCE & TECHNOLOGY

As part of the ₹75,000-crore PM Surya Ghar: Muft Bijli Yojana, the Ministry of New and Renewable Energy (MNRE) has announced a ₹500-crore sub-component for “Innovative Projects”, according to a draft notification from the Ministry. Under this programme, companies and individuals can submit proposals, which will be perused by a committee, to execute novel ideas connected to rooftop solar installations.

Some examples of innovative projects envisioned include “...blockchain-based peer-to-peer RTS [Rooftop Solar], digital solutions for RTS, smart building materials, RTS with EV (electric vehicles), grid responsive RTS with battery storage solutions, DISCOM (Distribution Company) systems for RTS management”.

Every project is expected to be for a “maximum duration” of 18 months and the financial assistance for innovative projects would be capped at 60% of the total project cost, or a maximum of ₹30 crore. The National Institute for Solar Energy (NISE), a subsidiary of the Ministry, would implement the scheme.

The PM Surya Ghar scheme was established on February 29, 2024 to increase the share of solar rooftop capacity and have residential households to generate their own electricity. The scheme has an outlay of ₹75,021 crore and is to be implemented till FY 2026-27.

Prime Minister Narendra Modi earlier this week said that 1.3 crore families had registered for the scheme since its

launch, with 3.75 lakh homes having installed these connections since March.

The scheme provides subsidised RTS installation with a maximum of ₹78,000 per household. In a departure from previous schemes, those interested can apply to vendors of their choice online as well as avail of subsidised loans from banks for installation.

## Indigenous heavy water reactor attains criticality

### SCIENCE & TECHNOLOGY

Unit 7 of the Rajasthan Atomic Power Project at Rawatbhata in Chittorgarh district achieved criticality, or the start of controlled fission chain reaction, on Thursday night, according to the Nuclear Power Corporation of India Ltd.

The Atomic Energy Regulatory Board had earlier cleared the reactor to make the first approach to criticality. The event was recorded at 10.42 p.m.

RAPP-7 is the third reactor to go critical in a series of 16 indigenous pressurised heavy water reactors (PHWRs) of 700 MW each the national nuclear establishment is setting up. The first two PHWRs to become critical before RAPP-7 were Units 3 and 4 of the Kakrapar Atomic Power Station in Gujarat, in 2020 and 2023, respectively. Criticality for the first time on the project timeline marks the completion of construction phase and commencement of the operation phase. RAPP-7 is expected to start generation this year.

## Food price volatility still a contingent risk: RBI officials

### ECONOMICS & DEVELOPMENT

Food price volatility remains a contingent risk though Consumer Price Index (CPI) inflation came in below the Reserve Bank's target for the second consecutive month in August. Food inflation (y-o-y) firmed to 5.3% in August from 5.1% in July as a negative momentum of 30 bps [basis points] was more than offset by an unfavourable base effect of 52 bps.

Emphasising that high frequency food price data for September (up to 18th) indicated a moderation in the prices of cereals (mainly rice) and pulses (except gram), they said among vegetables, potato and tomato prices fell, while those of onion logged an increase. Edible oil prices remained steady. In terms of subgroups in the August data, inflation in eggs, fruits, vegetables and non-alcoholic beverages picked up while it softened in cereals, meat and fish, pulses, and sugar.



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# Govt. may extend IT products' import rule

## ECONOMICS & DEVELOPMENT

The government is expected to extend the existing import management system for imports of certain IT hardware products including laptops and tablets for three months, an official source said. The deadline for review of the system is September 30. The official said these imports stood at \$8.4 billion in 2023-24 against the authorisation of about \$9.5 billion. In October last year, the government rolled out an import management/authorisation for imports of laptops, personal computers and certain other IT hardware products. The system is aimed at monitoring inbound shipments of these items into the country without hurting market supply. A formal request is coming for extension of the existing system. With three months extension, this whole year will be covered.

### India not an 'abuser' of tariffs, Trump's claims unfair: GTRI

Former U.S. President Donald Trump's recent claim that India is an 'abuser' of import tariffs is unfair as many nations, including America protect their domestic industries by imposing high customs duties on certain products, think tank GTRI said on Friday.

It said according to WTO's World Tariff Profiles 2023, the U.S. also imposes high duties on items like dairy products (188%), fruits and vegetables (132%), coffee, tea, cocoa and spices (53%), cereals and food preparations (193%), oilseeds, fats and oils (164%), beverages and tobacco (150%), fish and fish products (35%), Minerals and metals (187%), and Chemicals (56%).

These numbers demonstrate that the U.S. also protects specific products of economy with high tariffs, GTRI said in a report.

### 'Not representative'

While India does impose high tariffs on certain items, including wines and automobiles, the Global Trade Research Initiative (GTRI) argued that these figures do not represent the overall tariff landscape.

"[Mr.] Trump's argument singles out products with the highest tariffs while neglecting the average and trade-weighted tariffs that better represent India's trade policy."

### 'Tariff king'

On September 17, Mr. Trump called India an 'abuser' of import tariffs, a claim that echoed his October 2020 statement labelling India 'tariff king'. While it is true that India imposes high duties on select products, Mr. Trump's argument overlooks essential context, making his accusations unfair, adding many nations protect domestic industries by imposing significant tariffs on certain items. India's average tariff rate of 17% is higher than the U.S.'s 3.3%, but similar to other major economies like South Korea (13.4%) and China (7.5%).

### Customs duties

It also said India has demonstrated its openness to free trade by removing customs duties for imports from FTA (free trade agreement) partners such as ASEAN (Association of South East Asian Nations), Japan, and South Korea. However, despite India's willingness, the U.S. has been reluctant to reduce tariffs through FTAs. This hesitation is clear in the Indo-Pacific Economic Framework, where no tariff cuts were included, reflecting the U.S.'s cautious approach. If the U.S. is keen on zero tariff access into the Indian market, it should consider negotiating a free trade agreement with India.





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