

POLITY

❖ **SC's ruling on Article 19**

➤ **CONTEXT:** Supreme Court expanded Article 19 ambit by highlighting that not just state but even private citizens can face challenge. By ruling that a citizen can seek enforcement of the fundamental rights to freedom of speech not just against the state, the Supreme Court has, effectively, extended the ground for seeking these rights against other citizens.

➤ **Key highlights of Supreme Court's order and its interpretation?**

- "A fundamental right under Article 19/21 can be enforced even against persons other than the State or its instrumentalities," said the 4-1 majority ruling by the Constitution Bench.
- The court took this view while ruling that the right of free speech and expression guaranteed under the Article 19(1)(a) cannot be curbed by any additional grounds other than those already laid down in Article 19(2).
- One of the questions before the court was whether "a fundamental right under Article 19 or 21 of the Constitution of India be claimed other than against the 'State' or its instrumentalities?"
- The court, extending free speech against private citizens, opens up a range of possibilities in Constitutional law.
- This interpretation could also bring an obligation on the state to ensure private entities also abide by Constitutional norms. These questions could hypothetically range from seeking enforcement of privacy rights against a private doctor to seeking the right to free speech against a private social media entity.

✓ According to the majority view "The original thinking of this court that these rights can be enforced only against the State, changed over a period of time. The transformation was from 'State' to 'Authorities' to 'instrumentalities of State' to 'agency of the Government' to 'impregnation with Governmental character' to 'enjoyment of monopoly status conferred by State' to "deep and pervasive control" to the "nature of the duties/functions performed.

- The Court relied on the 2017 verdict in Puttaswamy where a nine-judge bench unanimously upheld privacy as a fundamental right. One of the key arguments by the government was that privacy is a right enforceable against other citizens and, therefore, cannot be elevated to the status of a fundamental right against the state.
- The Court also referred to several foreign jurisdictions, contrasting the American approach with the European Courts. Referring to the landmark New York Times vs. Sullivan, in which the US Supreme Court found that defamation law, as applied by the state against The New York Times, was inconsistent with the Constitutional guarantee of the freedom of speech and expression, the SC noted a shift in US law from a "purely vertical approach" to a "horizontal approach."

✓ According to the court "No jurisdiction in the world appears to be adopting, at least as on date, a purely vertical approach or a wholly horizontal approach. A vertical approach provides weightage to individual autonomy, choice and privacy, while the horizontal approach seeks to imbibe

✓ Constitutional values in all individuals. These approaches which appear to be bipolar opposites, raise the age-old question of 'individual vs. society'.

➤ **What are vertical and horizontal application of rights?**

- A vertical application of rights would mean it can be enforced only against the state while a horizontal approach would mean it is enforceable against other citizens.
- ✓ For example, a horizontal application of the right to life would enable a citizen to bring a case against a private entity for causing pollution, which would be a violation of the right to a clean environment.

➤ **Article 19**

- Article 19 is a part of the Fundamental Rights (Part III) of the Indian Constitution.
- Article 19 which guarantees freedom of speech and expression is a right invoked against the state. Some fundamental rights such as those prohibiting untouchability, trafficking and bonded labour are explicitly against both the state and other individuals.

- It is available only to citizens and not to foreigners.
- Protection of certain rights regarding freedom of speech etc

(1) All citizens shall have the right

- ✓ to freedom of speech and expression;
- ✓ to assemble peaceably and without arms;
- ✓ to form associations or unions;
- ✓ to move freely throughout the territory of India;
- ✓ to reside and settle in any part of the territory of India; and
- ✓ omitted
- ✓ to practise any profession, or to carry on any occupation, trade or business

• Originally, Article 19 (1) (f) and article 31 contained the right to property, i.e. to acquire, hold and dispose of property subject to the right of State to compulsory acquisition for public purposes by authority of law.

• However, right to property ceased to be a fundamental right when the Constitution (44th Amendment) Act, 1978 omitted sub-clause(f) of Article 19 (1) and Article 31 from the Constitution.

✚ **Clause (2) of Article 19 of the Indian constitution imposes certain restrictions on free speech under following heads:**

- ✓ Security Of The State
- ✓ Friendly Relations With Foreign States
- ✓ Public Order
- ✓ Decency And Morality
- ✓ Contempt Of Court
- ✓ Defamation
- ✓ Incitement To An Offence

- ✓ Sovereignty And Integrity Of India.
- According to the Constitution:
 - (2) Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence
 - (3) Nothing in sub clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub clause
 - (4) Nothing in sub clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub clause
 - (5) Nothing in sub clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe
 - (6) Nothing in sub clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub clause, and, in particular, nothing in the said sub clause shall affect the operation of any existing law in so far as it relates to,
 - (i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or
 - (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise
- ❖ **Free speech of public functionaries**
 - A statement made by a minister, including MLAs and MPs, cannot be attributed vicariously to the government even when applying the principle of collective responsibility, the Supreme Court said in recent judgment.
 - It said no additional restrictions against free speech can be imposed except those mentioned under Article 19(2) of the Constitution, which follows Article 19.
 - **What was the case about?**
 - The case, Kaushal Kishor v the State of Uttar Pradesh, relates to the Bulandshahar rape incident of 2016, in which the then Minister of the State of Uttar Pradesh and Samajwadi Party leader Azam Khan termed the incident a ‘political conspiracy and nothing else’.
 - The survivors then filed a writ petition before the Apex Court seeking action against Khan. While directing him to submit an unconditional apology, which he did, the Court also noted that the case raises serious concerns regarding state obligation and freedom of speech and expression.
 - **What does the judgment say about free speech restrictions?**
 - An important question here was “whether restrictions can be imposed on a public functionary’s right to freedom of speech and expression”.
 - ✓ the majority ruled that “A statement made by a minister even if traceable to any affairs of the state or for protection of the government cannot be attributed vicariously to the government by invoking the principle of collective responsibility,.
 - ✓ Further, it said while citizens had the right to petition the Court for violations of Article 19 (freedom of expression) and Article 21 (right to life), a statement made by the Minister, inconsistent with the rights of the citizens, may not by itself be actionable. But if it leads to omission or commission of offence by a public official, then remedies can be sought against it.

ENVIRONMENT

- ❖ **India’s plan to develop green**
- **CONTEXT:** The Union Cabinet recently approved a ₹19,744 crore National Green Hydrogen mission that aims to make India a ‘global hub’ for using, producing and exporting green hydrogen.
- **What is green hydrogen?**
 - Hydrogen is a key industrial fuel that has a variety of applications including the production of ammonia (a key fertilizer), steel, refineries and electricity.
 - However, all of the hydrogen manufactured now is the so-called ‘black or brown’ hydrogen produced from coal. Grey hydrogen is produced from natural gas while ‘Blue’ hydrogen is from fossil fuel sources where the ensuring carbon emitted is captured via carbon-capture processes.
 - Green hydrogen is when hydrogen is produced via electrolysis, the splitting of water into hydrogen and oxygen with electricity generated from renewable energy sources such as solar or wind. This is the most environmentally sustainable way of producing hydrogen.
- **What is the caveat?**
 - Green hydrogen currently accounts for less than 1% of global hydrogen production due to it being expensive to produce.
 - According to a 2020 analysis by the Council for Energy, Environment and Water
 - ✓ A kilogram of black hydrogen costs \$0.9-1.5 to produce while grey hydrogen costs \$1.7-2.3 and blue hydrogen can cost anywhere from \$1.3-3.6.

- ✓ Green hydrogen costs \$3.5-5.5 per kg.
 - **What is the National Green Hydrogen Mission?**
 - The intent of the mission is to incentivise the commercial production of green hydrogen and make India a net exporter of the fuel.
 - The mission has laid out a target to develop green hydrogen production capacity of at least 5 MMT (Million Metric Tonne) per annum.
 - This is alongside adding renewable energy capacity of about 125 GW (gigawatt) in the country.
 - **Advantages:** This will entail the decarbonisation of the industrial, mobility and energy sectors; reducing dependence on imported fossil fuels and feedstock; developing indigenous manufacturing capabilities; creating employment opportunities; and developing new technologies such as efficient fuel cells.
 - ✓ By 2030, the Centre hopes its investments will bring in investments worth ₹8 trillion and create over six lakh jobs.
 - ✓ Moreover, about 50 MMT per annum of CO₂ emissions are expected to be averted by 2030. As per its Nationally Determined Contribution (NDC) to meeting the goals of the Paris Agreement, India has committed to reduce emissions intensity of its GDP by 45% by 2030, from 2005 levels.
 - **How will the mission support green hydrogen production?**
 - The Mission will “facilitate demand creation, production, utilisation and export of Green Hydrogen.
 - There are two umbrella sub-missions under the programme.
 - ✓ The first is the Strategic Interventions for Green Hydrogen Transition Programme (SIGHT), that will fund the domestic manufacturing of electrolysers and produce green hydrogen.
 - ✓ The second is to support pilot projects in emerging end-use sectors and production pathways.
 - States and regions capable of supporting large scale production and/or utilisation of hydrogen will be identified and developed as Green Hydrogen Hubs.
 - According to the Ministry, ₹17,490 crore would be for the SIGHT programme, ₹1,466 crore for pilot projects and hydrogen hubs, ₹400 crore for research and development and ₹388 crore for other parts of the mission.
 - **What are the challenges ahead?**
 - Several major industrial houses have announced plans to facilitate India’s adoption of green hydrogen.
 - However, they are all premised on India being able to access a reliable stream of components, upgrading the manufacturing and skill levels of its small and medium manufacturing enterprises and developing a transmission network that can supply the hydrogen produced from supply-spots to industrial centres across the country.
 - Many advanced economies have also announced plans and policies to develop such an economy and given their advanced industrial infrastructure, can steal a march over India.
 - Green hydrogen development is still in the nascent stages globally and while India can take the lead in being a major producer, it doesn’t have the necessary infrastructure yet to execute all these intermediary steps.
 - It also needs to announce incentives to convince enough users of industrial hydrogen to adopt green hydrogen.
- It needs to develop supply chains in the form of pipelines, tankers, intermediate storage and last leg distribution networks as well as put in place an effective skill development programme to ensure that lakhs of workers can be suitably trained to adapt to a viable green hydrogen economy.

PRELIMS

1. **North East Special Infrastructure Development Scheme (NESIDS)**
 - **CONTEXT:** The Union Cabinet has approved continuation of Schemes of Ministry of Development of North Eastern Region, with an outlay of ₹12882.2 crore, for the balance period of the 15th Finance Commission (2022-23 to 2025-26).
 - **About:** The North East Special Infrastructure Development Scheme (NESIDS) was sanctioned by the Government of India to focus on projects relating to infrastructure creation concerning water supply, power and connectivity, and thereby enhancing tourism.
 - NESIDS is being implemented by the Union Ministry of Development of the North-East Region (MoDoNER).
 - NESIDS is a central sector scheme with 100% financial assistance from the Union Government.
 - Financial Assistance and Focus Areas: NESIDS is a central sector scheme (100% funding by central government). Under NESIDS, financial assistance is provided-
 - ✓ To enhance tourism through physical infrastructure projects relating to water supply, power and connectivity; and
 - ✓ To upgrade social infrastructure for primary and secondary education and health
 - **Benefits**
 - The assets to be created under the new scheme of NESIDS will strengthen health care and education facilities in the region
 - NESIDS will also encourage tourism thereby employment opportunities for local youth.
 - The scheme will act as a catalyst in the overall development of the region in the years to come
 - **Some Government initiatives for the development of NER**
 - **Northeast Desk:** Under the Department for Promotion of Industry and Internal Trade, a dedicated Northeast Desk has been set up within Invest India, which supports the Northeast States in their outreach activities to the investors as well as in facilitating and handholding select companies.
 - **NITI Forum for North East:** In collaboration with the NITI Aayog, the 'NITI Forum for North East' constituted for accelerated, inclusive and sustainable development in the North East Region has identified 5 focus sectors, viz. Tea, Tourism, Bamboo, Dairy and Pisciculture.

- **Mission Organic Value Chain Development (MOVCD-NER):** The program has been implemented in the North-Eastern states since 2017. The aim of the mission is to promote organic farming in the region. It seeks to replace traditional subsistence farming with a cluster-based approach.
- **Sub Mission on Seeds and Planting Material (SMSP):** It aims to increase the availability of seeds of the High Yielding Varieties of crops. The overall objective is to double farmers' income by 2022, as envisioned by the Government. The scheme is run alongside other support programs like Krishi Vigyan Kendras (KVKs), integrated farming systems etc.
- **Connectivity Projects:** To create alternate routes to the region and decrease its dependence on the Chicken's Neck, the Indian government has planned additional routes through South East Asia like Kaladan Multi-Modal Transit Project, Bangladesh-China-India-Myanmar (BCIM) Corridor, etc. India's Look-East connectivity projects connect Northeast India to East Asia and ASEAN.
- **Creation of separate ministry for the region:** The Ministry of Development of North Eastern Region is a Government of India ministry, established in September 2001.
- ✓ It functions as the nodal Department of the Central Government to deal with matters related to the socio-economic development of the eight States of Northeast India.

2. Phytorid Wastewater Treatment Technology

CONTEXT: The Municipal Corporation of Tirupati (MCT) is set to take a giant leap in water treatment by putting in place what is claimed to be the country's largest liquid waste treatment plant to use phytorid technology.

➤ About

- Phytorid is a self-sustainable technology for wastewater treatment that works on the principle of natural wetland.
- This technology involves a constructed wetland exclusively designed for the treatment of municipal, urban, agricultural and industrial wastewater.
- The treated effluent is useful for municipal gardens, fountains and irrigation.
- Phytorid technology is developed and internationally patented by the Council of Scientific and Industrial Research-National Environmental Engineering Research Institute (CSIR-NEERI), Nagpur.

➤ Principle

- The phytorid technology treatment is a subsurface flow type in which wastewater is applied to cell / system filled with porous media such as crushed bricks, gravel and stones.
- This technology involves soil free wetland treatment for effective hydraulics (flow of water).
- The hydraulics is maintained in such a manner that wastewater does not rise to the surface retaining a free board at the top of the filled media.
- The system consists of the following three zones:
 - ✓ Inlet zone comprising of crushed bricks and different sizes of stones
 - ✓ Treatment zone consisting of the same media as in inlet zone with plant species
 - ✓ Outlet zone
- The reduction in the treated effluent for the total suspended solids (TSS) varied from 70% to 80, Biochemical Oxygen Demand (BOD) from 78% to 84%, nitrogen from 70% to 75%, phosphorus from 52% to 64% and fecal coliform from 90 % to 97%.

➤ Usage of plants

- It uses certain specific plants that can absorb nutrients directly from wastewater but do not require soil. These plants act as nutrient sinker and remover.
- The system is based on the specific plants, such as Elephant grass, Cattails, Reeds, Cannas pp. and Yellow flag iris, normally found in natural wetlands with filtration and treatment capability.
- Some ornamental as well as flowering plants species such as Golden Dhuranda, Bamboo, Nerium, Colosia, etc. can also be used for treatment as well as landscaping purposes.
- The phytorid technology can be constructed in series and parallel modules / cells depending on the land availability and quantity of wastewater to be treated

➤ Advantages

- No mechanical or electrical machineries such as aerators/pumps are involved, therefore, it requires negligible operation and maintenance expenses (even less as compared to Membrane technology).
- Space saving technology as compared to other no-electricity (passive) systems such as Wastewater Stabilization Ponds (WSP).
- Scalable from individual household to community to village/township level.
- Decentralized system thereby saving cost on sewage pipelines and avoids loss by leakages.
- Treated water quality meets discharge and irrigation standards specified by Central Pollution Control Board (CPCB). If ozonation (based on solar power) is added then it meets all reuse standards.
- Aesthetic improvements as Phytorid resembles garden.
- Due to subsurface flow design, no mosquitoes and odor nuisance as compared to some other surface flow technologies
- Systems are able to tolerate fluctuations in flow.
- They facilitate water reuse and recycling.
- They provide habitat for many wetland organisms.
- This is also more desirable in areas with high water table to avoid any contamination of ground water through soak pit.

- It can be applied preservation of natural watercourses such as lakes, rivers and marine ecosystem. It can be easily integrated into the natural topography.

ANSWER WRITTING

Q. Analyse the multidimensional challenges posed by external state and non-state actors, to the internal security of India. Also discuss measures required to be taken to combat these threats.

Internal security has assumed core importance for India. As India now aspires and rises to taking the high seat in the comity of nations, the security challenges become more compounded and complex. India faces multifold threats from external states and non-state actors on the internal security front. State actors include the foreign government representative and their agencies. Non-state actors may include NGOs, multinational companies, terrorist and religious groups, hackers, etc.

Challenge posed by external state actors:

- A few of India's bordering countries support the insurgent groups through funding, training, or coordination. For example, China is alleged to support insurgents in the North-East.
- There have been instances where state actors have been responsible for carrying out cyber warfare through hacking and other espionage.
- State actors also fund their proxies in and out of India to spread instability within the country and tarnish its stature at the global platforms.

Challenges posed by non-state actors:

- Multi-national Companies (MNCs) have the potential to threaten national security, especially in the data security and cyberspace domains, and by influencing the policies of their respective governments. It is the reason several Chinese apps were blocked in India recently.
- Non-state organisations with anarchic and fundamentalist ideologies repugnant to the secularist credentials of India are potential threats to the peaceful internal security environment of the nation.
- Propagandas are run and funded by enemy countries and other non-state actors (NGOs and civil society organisations) to destabilise India by damaging the socio-religious fabric and ensure riots.

Following measures shall be undertaken to combat the internal security challenges:

- There must be effective communication and coordination between intelligence agencies and law enforcement agencies.
- Sound cyber security measures must be in place to prevent any attempt of cyber attacks.
- Collaboration should be there between the government, media and the public to ensure quick and efficient sharing of information about suspicious activities to the law enforcement agencies.

We need to understand national security in a comprehensive sense and not in narrow military terms only. While it is imperative to guard our borders and strengthen our diplomacy, we also need to check the various non-state actors who come in hidden forms. There is a need for a national internal security doctrine to deal with various challenges.

MCQs

- With reference to the Green Hydrogen, consider the following statements:
 - Green hydrogen is produced with the help of electrolysis through electricity generated from renewable sources of energy such as solar and wind.
 - An electric current then splits the water into hydrogen and oxygen.
 - This ensures no greenhouse gas emissions as the only by-product of this process is oxygen, making it a great replacement for carbon-emitting fuels.

Which of the above statement is/are correct?

 - 1 only
 - 2 and 3 only
 - 1 and 3 only
 - 1, 2, and 3**
- With reference to Phytoid technology consider the following
 - Phytoid is a self-sustainable technology for wastewater treatment that works on the principle of natural wetland.
 - It uses certain specific plants which can absorb nutrients directly from wastewater but do not require soil.
 - These plants act as nutrient sinker and remover.
 - The phytoid technology is developed by the CSIR's National Environmental Engineering Research Institute (NEERI).

Which of the above statement/s is/are correct?

 - 1, 2 and 4 only
 - 1, 3 and 4 only
 - 2 and 3 only
 - 1, 2, 3 and 4**
- Which of the following 'reasonable restrictions' are mentioned under the Article 19 (1)(a) regarding freedom of speech and expression; of Indian constitution
 - interests of the sovereignty and integrity of India,
 - Decency or morality
 - Defamation or incitement to an offence
 - For the protection of the interests of any Scheduled Tribe

Select the correct answer using the code given below.

- 1, 2 and 3 only
- 1, 3 and 4 only

- c) 2 and 4 only
d) 1, 2, 3 and 4
4. With reference to Purple Fest often mentioned in news consider the following
1. The Purple Fest festival has been hosted by the Ministry of social justice and empowerment in association with the Directorate of Social Welfare and Entertainment Society of Goa.
 2. It is first-of-its-kind inclusive festival in India

Which of the above statement/s is/are not correct?

- a) **1 only**
 b) 2 only
 c) Both 1 and 2
 d) Neither 1 nor 2
5. A recent study shows that Indian elephants lost most of their habitats Nilgiri Reserve due to anthropogenic pressure, consider the following statements with reference to Indian elephants:
1. The leader of an elephant group is a female.
 2. The maximum gestation period can be 22 months.
 3. An elephant can normally go on calving till the age of 40 years only.
 4. Among the States in India, the highest elephant population is in Kerala.

Which of the statements given above is/are correct?

- a) **1 and 2 only**
 b) 2 and 4 only
 c) 3 only
 d) 1, 3 and 4 only
6. Which of the following adopted a law on data protection and privacy for its citizens known as 'General Data Protection Regulation'?
- a) Australia
 - b) Canada
 - c) The European Union**
 - d) The United States of America

7. Which country recently approved a cabinet decree which imposes tougher rules on charity ships that rescue migrants at sea?

- a) Germany
- b) Italy**
- c) Poland
- d) Denmark

8. With reference to National Conference of Chief Secretaries consider the following

1. It is chaired by cabinet secretary.
2. The idea behind this conference is that cooperative federalism, through Central Ministries and Departments working together with States.

Which of the above statement/s is /are correct?

- a) 1 only
b) 2 only
 c) Both 1 and 2
 d) Neither 1 nor 2

9. Recently India to deploy a peacekeepers to UN Mission in Sudan, With reference to the UN peacekeeping missions, consider the following statements:

1. United Nations can deploy military personnel only after the UN Security Council authorizes the move
2. United Nations maintains a standing reserve force for the deployment for peacekeeping missions
3. UN deploys both male and female personnel as a part of the peacekeeping missions.

Which of the above is / are correct statements?

- a) 1 and 2 only
 b) 2 and 3 only
c) 1 and 3 only
 d) 1,2 and 3
10. Consider the following statements regarding recently launched national Green Hydrogen mission (NGHM)
1. A public-private partnership framework for research and development known as strategic hydrogen innovation partnership (SHIP) will be facilitated under NGHM.
 2. Hydrogen produced from fossil fuels is called grey hydrogen which constitutes the bulk of hydrogen generated today.
 3. Hydrogen produced using the process of Electrolysis is called Blue hydrogen.

Select the correct statements using the codes below

- a) **1 and 2 only**
 b) 2 and 3 only
 c) 1, 2 and 3
 d) 1 and 3 only