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Courts Must Protect, Not Regulate Free Speech

Context

- Freedom of speech is a **foundational pillar of democracy**, ensuring dissent, accountability, and the exchange of ideas.
- Recent proceedings of the Supreme Court of India, particularly in *Ranveer Allahbadia v. Union of India* and allied cases, have raised concerns that **judicial interventions themselves may endanger free expression**.
- On November 27, 2025, the Court questioned the adequacy of existing regulatory bodies for online content and suggested the creation of neutral, autonomous authorities along with draft regulatory guidelines.
- These developments raise serious constitutional questions regarding separation of powers and judicial restraint.

Existing Legal Framework and Regulatory Saturation

- India already has an **extensive legal framework** regulating speech, including online expression.
- The Information Technology Act, 2000 penalises obscenity, privacy violations, cyber terrorism, and computer-related offences through Sections 66, 66E, 66F, and 67.
- Similarly, Sections 294, 295, and 296 of the **Bharatiya Nyaya Sanhita** criminalise obscene and offensive conduct.
- In addition, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 impose oversight mechanisms and obligations on digital publishers.
- These Rules have been criticised for **overreach and prior restraint**, particularly provisions requiring publishers to exercise “due caution and discretion” when addressing religious or racial issues.
- Given this already dense regulatory environment, **further restrictions** risk compounding censorship rather than addressing regulatory gaps.

Judicial Overreach and Expansion of Scope

- **A core concern arises** from the nature of the case itself. The matter originally involved challenges to FIRs filed against individuals accused of publishing improper or obscene content.
- Online content regulation was not the original subject matter. Nevertheless, in proceedings dated March 3, 2025, the **Court expanded the scope to examine regulatory measures** to prevent content offensive to well-known moral standards of our society.

- **This expansion raises constitutional red flags.** Determining societal morality and designing regulatory frameworks fall squarely within the legislative domain.
- The Supreme Court has previously cautioned against such overreach. In *Common Cause v. Union of India* (2008), the Court acknowledged that certain problems lie beyond judicial capacity.
- **Online media regulation** involves technical expertise, evolving norms, and democratic deliberation, areas where courts face inherent institutional limitations.

Regulation versus Unlawful Restraint

- **The line between reasonable regulation and unconstitutional restraint is extremely thin.**
- In *Sahara India Real Estate Corp. Ltd. v. SEBI* (2012), a five-judge Bench strongly cautioned against pre-censorship, holding that it must be avoided at all costs.
- Even postponement orders on court reporting were permitted only as a last resort and subject to strict standards of necessity and proportionality.
- **Judicial encouragement of stricter laws risks crossing this line**, potentially legitimising prior censorship and statutory gag orders, especially in the fast-evolving digital sphere.

Constitutional Limits under Article 19(2)

- The Constitution clearly defines the permissible limits on free speech. **Article 19(2)** exhaustively lists grounds such as sovereignty, security of the State, public order, and defamation.
- In *Kaushal Kishor v. State of Uttar Pradesh* (2023), a five-judge Bench reaffirmed that **no additional restrictions** beyond those expressly mentioned in Article 19(2) are constitutionally permissible.
- The Court categorically held that restrictions cannot be expanded under the guise of competing fundamental rights or vague moral considerations.
- This **constitutional clarity leaves no scope** for judicially inspired expansion of speech restrictions.

Judicial Self-Restraint and Constitutional Propriety

- The Supreme Court has previously demonstrated **restraint in matters of expression**.
- In *Adarsh Co-operative Housing Society Ltd. v. Union of India* (2018), the Court rejected a plea to direct filmmakers to add disclaimers, holding that such decisions fall within the jurisdiction of the Censor Board, and only after hearing affected parties.
- This approach aligns with the constitutional vision. During the Constituent Assembly Debates, it was emphasised that the Supreme Court's role is to **adjudicate the reasonableness of restrictions**, not to initiate or design them.
- Article 19 envisages the Court as a **constitutional umpire, not a law-maker**.

Comparative Perspectives and Democratic Backsliding

- Comparative democratic practice underscores **the risks of overregulation**.
- The European Union, Germany, the United Kingdom, and Australia focus primarily on content removal and penalties for non-compliance, rather than prior censorship.

- In contrast, authoritarian regimes such as China and Russia rely heavily on surveillance and pre-censorship.
- Scholarly research by David Landau and Rosalind Dixon demonstrates how **courts can become instruments of democratic erosion** when aligned with authoritarian impulses, intentionally or otherwise.

Conclusion

- Judicial calls for stringent online content regulation, coupled with executive acquiescence, pose a **serious threat to free expression**.
- While regulation of harmful content is necessary, **constitutional propriety demands judicial restraint**.
- The Supreme Court must confine itself to evaluating the constitutionality of laws, not advocating their creation. As Salman Rushdie observed, **Free speech is the whole thing, the whole ball game**.
- Safeguarding it requires vigilance not only against legislative and executive excesses, but also against judicial overreach.

Courts Must Protect, Not Regulate Free Speech FAQs

Q1. Why do recent Supreme Court proceedings raise concerns about free speech?

Ans. They raise concerns because the Court has suggested creating new regulatory frameworks that may lead to judicial overreach and restrictions on free expression.

Q2. Why is further regulation of online speech considered problematic?

Ans. Further regulation is problematic because India already has extensive laws governing speech, and additional controls risk prior restraint and censorship.

Q3. What constitutional limitation governs restrictions on free speech?

Ans. Restrictions on free speech are limited to the exhaustive grounds listed in Article 19(2) of the Constitution.

Q4. What principle did the Supreme Court emphasise in the *Sahara India* case?

Ans. The Court emphasised that pre-censorship of the media must be avoided and used only as a last resort under strict conditions.

Q5. How do democratic countries generally regulate online content?

Ans. Democratic countries generally focus on post-publication content removal and penalties rather than prior censorship.

Source: **The Hindu**

India's FTA Push - From Trade Liberalisation to Strategic Insurance

Context

- India is accelerating the signing of Free Trade Agreements (**FTAs**) and Regional Trade Agreements (**RTAs**), including a likely FTA with New Zealand, alongside ongoing talks with Oman, Chile, Israel, Canada, the EU and the UK.

- This surge comes amid **global trade uncertainty**, weakening of the WTO, and shifting geopolitical alignments, especially after the US retreat from multilateralism under Donald Trump.

Sudden Spurt in FTAs

- At first glance, India's enthusiasm appears puzzling because **past FTAs** have delivered **limited** economic **gains**.
- However, a closer look reveals that the **motivation** is increasingly **strategic and political**, rather than purely economic.

FTAs Through the Lens of Trade Theory

- **FTAs rarely create new trade**
 - Empirical evidence suggests FTAs usually **formalise existing trade** flows rather than generate new ones.
 - FTAs create winners (export-oriented firms) and losers (domestic firms facing import competition).
 - Agreements succeed only when political support and opposition balance out, which explains why some FTAs (e.g., ASEAN FTA) underperformed.
- **Limited economic outcomes - Evidence from India's FTAs**
 - **Export share** (in %) of FTA partners before and after agreements increased from 10.2 to 10.8 with ASEAN, and reduced from 1.9 to 1.4 with South Korea, and from 2.1 to 1.9 with Japan.
 - **Key inference:**
 - India's export share with RTA partners has remained flat or declined.
 - FTAs failed to raise intra-RTA trade relative to global trade, undermining their economic rationale.

Structural Problems in India's FTAs

- **Why India gained little**
 - Focus on commodity trade, where partner tariffs were already low.
 - Trade diversion, including Chinese goods routed via RTA partners.
 - Strong domestic industry **resistance**.
 - **Underutilisation** of India's comparative advantage in services, due to resistance by ASEAN countries, and minimal services liberalisation (Singapore as partial exception).
- **Services trade - The missing link**
 - India has around 18 RTAs/PTAs (Preferential Trade Agreements), but only 8 include services agreements.

- Only 2 (ASEAN, South Korea) have defined implementation timelines.
- Meaningful progress in services trade is visible only with South Korea and Singapore.

FTAs Beyond Economics – Strategic and Geopolitical Drivers

• FTAs as foreign policy instruments

- In a fragmented global order, FTAs act as **political safety nets**.
- They compensate for WTO paralysis, uncertainty caused by US-China strategic rivalry.
- Agreements increasingly reinforce strategic alignments, not just market access.

• India's strategic logic

- ASEAN and Australia FTAs aligned with broader Indo-Pacific and QUAD objectives.
- UAE FTA reflects a clearer services-and-investment rationale.
- Ongoing talks with the EU and UK may yield gains, but outcomes remain uncertain.
- Renewed interest in an India-Russia FTA reflects recalibrated geopolitics.

Challenges and Way Forward

- **Limited export gains despite multiple FTAs:** Shift focus from tariff cuts to services, digital trade, investment and mobility.
- **Weak integration of services and investment:** Align FTAs with India's comparative advantage (IT, professional services, skilled labour).
- **Domestic industry opposition:** Ensure robust safeguards against trade diversion.
- **Risk of FTAs becoming political symbols:** Improve domestic competitiveness to leverage FTAs for not only political but also economic gains.
- **Global uncertainty:** Due to emerging "Big Two" (US-China) global order – strengthen coordination between Commerce Ministry and MEA – to steer trade diplomacy.

Conclusion

- India's evolving FTA strategy reflects a fundamental shift in the global order. FTAs are no longer primarily economic tools but strategic instruments to navigate geopolitical uncertainty.
- For India, FTAs are less about expanding exports and more about **securing strategic space** in a volatile world order.

India's FTA Push FAQs

Q1. Why are FTAs increasingly failing to deliver significant trade expansion for India?

Ans. Because FTAs largely formalise existing trade flows, focus on commodities with already low tariffs, and underutilise India's comparative advantage in services.

Q2. Why are India's FTAs shifting in the changing global order?

Ans. India's FTAs are shifting from economic instruments for trade expansion to strategic tools aimed at geopolitical alignment and political risk insurance.

Q3. How does India's experience with the ASEAN FTA illustrate the political economy of trade agreements?

Ans. It shows that unequal gains, trade diversion, and resistance from domestic industry can neutralise political support, leading to limited economic outcomes.

Q4. Why has India's strength in services trade not translated into gains through FTAs?

Ans. Due to resistance by partner countries to meaningful services liberalisation and the limited inclusion of enforceable services commitments in FTAs.

Q5. Why is the MEA in the driver's seat rather than the Commerce Ministry in India's contemporary trade diplomacy?

Ans. Due to the growing dominance of strategic and foreign policy considerations over pure economic logic in India's approach to RTAs and FTAs.

Source: IE

The Right Moment to Boost India-Ethiopia Ties

Context

- Ethiopia, with a population of about 109 million and one of Africa's fastest-growing economies, is gaining strategic and economic importance for major partners, including India.
- Its strong manufacturing base, large domestic market, and strategic location in the **Horn of Africa** make it a pivotal regional state.
- Despite internal challenges, Ethiopia is seen as a stabilising force with an effective military, hosts the **African Union**, and holds major potential as a renewable-energy exporter, particularly in
- Though landlocked and traditionally dependent on Djibouti for sea access, Ethiopia is seeking diversified routes via Somaliland and Eritrea to enhance trade autonomy.
- As it emerges from civil conflict and works toward national reconciliation, the country presents a timely opportunity to deepen India-Ethiopia cooperation across multiple sectors.
- With Ethiopia entering a new development phase and joining **BRICS**, conditions are favourable for elevating the bilateral partnership.

India-Ethiopia Educational Partnership: A Strong and Enduring Bond

- India and Ethiopia share deep educational ties spanning over a century, with Indian teachers and professors playing a foundational role in Ethiopia's education system.
- Ethiopia has been a key partner in India-led initiatives such as the **Pan-African e-Network** and continues close collaboration with institutions like IIT Delhi in **tele-education**.

- It sends large numbers of students to India, including the highest number of African PhD scholars, and has effectively used Indian-trained graduates to build its academic institutions.
- Strengthening cooperation through digital education, vocational training, university partnerships, and expanded scholarships remains a highly promising pillar of India-Ethiopia relations.

Indian Investment as a Pillar of Bilateral Ties

- Indian investment in Ethiopia dates back to the 1950s but expanded significantly after India extended major lines of credit from 2006 onward, catalysing private investments exceeding **\$4 billion**.
- Ethiopian leaders recognise the developmental role of Indian firms, especially as IMF conditionalities push the country to mobilise fresh capital.
- While earlier investments were concentrated in agriculture and faced taxation and operational hurdles, the partnership remains strong.
- **Mining: A New Strategic Opportunity**
 - The most promising avenue for future investment lies in mining, particularly gold, critical minerals, and rare earth elements, where Ethiopia has vast but underexplored reserves.
 - Recent surveys by the Indian Embassy highlight significant potential alongside regulatory and infrastructure constraints.
 - Joint commissioning and operation of mines could secure critical inputs for India's renewable energy, battery, and semiconductor industries, making mining cooperation a core strategic priority.
- **Defence Cooperation: A Historic and Growing Partnership**
 - Defence ties between India and Ethiopia are long-standing.
 - India helped establish the **Harar Military Academy** in 1956 and has supported Ethiopian military training since 2009.
 - Following years of internal and regional deployments, Ethiopia now seeks modern training and equipment to replace outdated Soviet-era systems.
 - India's cost-effective, battle-tested defence platforms position it as a strong partner.
- **Institutional Framework for Future Defence Ties**
 - A newly signed MoU on defence cooperation and the first meeting of the Joint Defence Cooperation Committee have created a formal structure for expanding training, capacity building, and defence exports.
 - Given Ethiopia's strong repayment record under India's **Indian Development and Economic Assistance Scheme** (IDEAS) programme, it could also be considered for new defence-related lines of credit within IMF norms.

Reforms to Unlock Private-Sector Engagement

- India can support deeper economic ties by updating key agreements such as the Double Taxation Avoidance Agreement (DTAA) and the Bilateral Investment Treaty.
- Ethiopia, in turn, needs to address persistent investor concerns over foreign exchange availability, taxation, regulatory approvals, and policy consistency—issues frequently highlighted by the Indian diaspora and the India Business Forum.

- Cooperation through **BRICS**, the G-20, and South-South frameworks enhances political and economic alignment.
- Under the **African Continental Free Trade Area** (AfCFTA), Ethiopian-based Indian firms can access broader regional markets, positioning Ethiopia as a strategic hub for Indian enterprises in Africa.

Trade Preferences and Export Opportunities

- Amid global trade uncertainty and tightening regulations in Western markets, India's **duty-free tariff preference scheme** remains crucial for Ethiopian exports.
- By welcoming more Indian investors—especially in export-oriented manufacturing with buy-back arrangements—Ethiopia can maximise these trade benefits.

Outlook: A Dynamic India-Africa Partnership

- With renewed political momentum, targeted reforms, and strategic alignment, India-Ethiopia relations are poised to become one of the most dynamic partnerships between India and Africa.
- The recent meeting between Prime Minister Narendra Modi and Prime Minister Abiy Ahmed Ali at the G-20 summit in Johannesburg has provided fresh impetus to this evolving relationship.

The Right Moment to Boost India-Ethiopia Ties FAQs

Q1. Why is Ethiopia strategically important for India today?

Ans. Ethiopia's large market, manufacturing base, African Union headquarters, regional security role, and renewable energy potential make it a pivotal partner for India in the Horn of Africa.

Q2. How has education shaped India-Ethiopia relations?

Ans. Indian educators, scholarships, and initiatives like the Pan-African e-Network have built strong human-capital ties, with Ethiopia sending the highest number of African PhD students to India.

Q3. Which sectors offer the greatest scope for Indian investment in Ethiopia?

Ans. Mining of critical minerals, pharmaceuticals, agro-processing, light manufacturing, and renewable energy offer strong opportunities aligned with India's industrial and strategic needs.

Q4. Why is defence cooperation becoming more significant?

Ans. Ethiopia seeks modern training and equipment after prolonged deployments, while India offers cost-effective, battle-tested platforms supported by a new defence cooperation framework.

Q5. How can multilateral platforms strengthen bilateral ties?

Ans. BRICS, G-20, and AfCFTA enhance market access, political alignment, and regional integration, positioning Ethiopia as a hub for Indian firms expanding across Africa.

Source: **TH**

The Invisible Epidemic: Why Air Pollution is Now India's Largest Health Threat

Context

- Air pollution in India has shifted from a seasonal problem to a **chronic, nationwide public health emergency**.
- No longer confined to winter smog in the northern plains, toxic air now affects **all regions, age groups, and organ systems**.
- Persistent exposure is reshaping disease patterns, impairing childhood development, and silently shortening life expectancy.
- The crisis reflects deep-rooted structural failures and has become one of the most significant determinants of population health in India.

Scale and Persistence of the Crisis

- India's air quality problem is both **widespread and severe**. Of the **256 cities monitored in 2025, nearly 60% exceeded national PM2.5 standards**.
- For most urban residents, breathing unhealthy air is routine rather than exceptional.
- The Indo-Gangetic Plain remains the epicentre, with **Delhi recording seasonal PM2.5 levels of 107-130 µg/m³**, far exceeding both India's limit (60 µg/m³) and the **WHO guideline (15 µg/m³)**.
- A major limitation in public understanding stems from **India's outdated Air Quality Index (AQI)**.
- The official AQI caps values at 500, masking extreme pollution episodes that often exceed this threshold.
- While international platforms routinely record values above 600 or even 1,000, Indian reporting collapses these into a single severe category.
- **Outdated thresholds, limited monitoring**, and the absence of an upper scale obscure risk perception and weaken policy urgency.

Existing Policies to Tackle Air Pollution and Their Limitations

- **The Graded Response Action Plan (GRAP)** is an emergency framework implemented in the National Capital Region to tackle severe air pollution through **stage-wise restrictions** based on AQI levels.
- Measures include **curbs on construction activity, bans on diesel generators, vehicle restrictions**, closure of schools, and suspension of polluting industrial operations as air quality worsens.
- However, **GRAP is largely reactive and episodic**, activated only after pollution reaches severe levels rather than preventing its build-up.
- Its effectiveness is further limited by **weak enforcement, inconsistent inter-State coordination, economic disruptions, and its narrow geographic focus on NCR**, while failing to address **year-round**

structural sources of pollution or provide a long-term public health solution.

The Human Cost of Air Pollution: Years of Life Lost and Rising Mortality

- The human cost of polluted air is profound. **Nearly 46% of Indians live in regions where air pollution significantly reduces life expectancy.**
- In Delhi, current exposure corresponds to **a loss of more than eight years of life**, while losses across northern India range from **5 to seven years**.
- Mortality figures are equally alarming. **Air pollution contributed to nearly two million deaths in 2023**, primarily from cardiovascular disease, stroke, COPD, and diabetes.
- Notably, **pollution-linked deaths have risen by 43% since 2000**, highlighting the cumulative impact of long-term exposure. Air pollution now ranks among the **deadliest, yet least visible, public health threats** in the country.

Biological Pathways of Harm

• Cardiovascular damage

- Elevated exposure is linked to **hypertension, atherosclerosis, heart attacks, arrhythmias, and ischemic stroke**, acting as a powerful accelerant in a population already burdened by heart disease.

• Respiratory Illness

- **Nearly 6% of Indian children have asthma**, and even small increases in PM2.5 cause sharp rises in paediatric emergency visits.
- Chronic exposure during childhood results in a **10-15% reduction in lung capacity**, often persisting into adulthood.
- Among adults, **COPD, chronic bronchitis, and recurrent infections** are increasingly common near roads, industries, and waste-burning sites.

• Neurological Harm

- **PM2.5** can cross the **blood-brain barrier**, triggering neuroinflammation and oxidative stress.
- Exposure is linked to **poorer academic performance, impaired memory, slower cognitive development**, and a **35-49% higher risk of dementia** per 10 µg/m³ increase.
- Polluted air is increasingly recognised as a driver of **accelerated brain ageing**.

• Maternal and Neonatal Health

- High exposure increases the risk of **preterm birth, low birth weight, stillbirth, and neonatal mortality**, with long-term consequences that deepen health inequities across generations.

Inequality and Misplaced Narratives

- Air pollution closely mirrors **social and economic inequality**.
- Low-income communities are disproportionately exposed due to proximity to **highways, industrial clusters, construction zones, and landfills**.
- Poor housing, reliance on biomass fuels, and limited healthcare access further heighten vulnerability. Children in these neighbourhoods face especially high exposure due to greater time spent outdoors.
- Public discourse often focuses on episodic contributors such as **stubble burning or festival fireworks**. While these intensify pollution, they are not the primary cause.
- Year-round structural sources, vehicular emissions, industrial activity, construction dust, **informal waste burning, and household fuel use, drive baseline PM2.5 levels**.
- Seasonal events merely exacerbate an already hazardous environment, diverting attention from systemic reform.

The Path Forward

• Towards a Health-Centred Policy Framework

- **Transport transformation:** Large-scale electrification of buses, taxis, auto-rickshaws, and two-wheelers; shifting freight from diesel trucks to rail and electric fleets; real-world emissions monitoring; and **low-emission zones and congestion pricing**.
- **Industrial control:** Strict enforcement of pollution-control technologies and a phased transition away from coal-based processes.
- **Construction regulation:** Mandatory dust-suppression protocols, enclosure norms, and mechanised sweeping.
- **Waste management reform:** Segregation at source, decentralised treatment, biomethanation, and scientific landfill remediation to eliminate open burning.
- **Health-system integration:** District-level AQI-based advisories, lung-function testing in school health programmes, and screening for **COPD and cognitive decline**.

• Treat Clean Air as a Fundamental Right

- Clean air must be recognised as a fundamental right essential to **equitable growth and sustainable development**.
- Protecting this right requires policies anchored in science, driven by public health priorities, and executed with urgency.
- Without decisive action, India risks consigning future generations to **shorter lives, poorer health, and diminished potential**, a cost no society can afford.

Conclusion

- India's air pollution crisis is a **systemic public health emergency** that shortens lives, deepens inequality, and undermines national development.
- Scientific evidence clearly links toxic air to **widespread cardiovascular, respiratory, neurological, and intergenerational harm**, making incremental or seasonal responses inadequate.
- Recognising clean air as a fundamental right and acting with urgency through health-centred, **science-driven policy is essential to safeguard present and future generations**.

The Invisible Epidemic: Why Air Pollution is Now India's Largest Health Threat

FAQs

Q1. Why is air pollution in India considered a public health emergency?

Ans. Because it causes widespread disease, reduces life expectancy, and affects all age groups year-round.

Q2. What pollutant is most harmful in India's air pollution crisis?

Ans. PM2.5, as it penetrates the lungs and bloodstream, damaging multiple organs.

Q3. Why is India's AQI considered inadequate?

Ans. It has an outdated upper cap of 500, which masks extreme pollution levels.

Q4. Who is most vulnerable to air pollution in India?

Ans. Children, pregnant women, and low-income communities living near emission hotspots.

Q5. What is a key limitation of GRAP?

Ans. It is reactive, addressing pollution only after it becomes severe.

Source: [The Hindu](#)

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