



Current Affairs of the Day

GS Paper II

- Twitter defaming India, defying laws, says govt.
- SC had cautioned the govt. on privacy
- Gaza attack may constitute 'war crimes'
- U.S.-China engagement era has come to an end: top U.S. official



Twitter defaming India, defying laws, says govt.

With microblogging platform Twitter expressing concerns over “intimidation tactics” by the Delhi police and “potential threat to freedom of expression” in India, the government hit back, calling the statement baseless, false and an attempt to defame India to hide their [Twitter’s] own follies.

Highlights:

1. This follows a similar tiff between the government and messaging app WhatsApp after the latter filed a legal challenge to India’s new IT guidelines.
2. The U.S.-headquartered firm expressed concerns over “recent events regarding its employees in India” and said it plans to advocate changes in core elements of the new IT Rules that inhibit free and open public conversation.
3. It, however, added that it will strive to comply with the revised IT laws in India, but sought a minimum of a three-month extension of the compliance window.
4. Lawmaking and policy formulations are the sole prerogatives of the sovereign and Twitter is just a social media platform and it has no locus in dictating what India’s legal policy framework should be, MeitY said.
5. According to Twitter, with regards to the new IT rules, it is particularly concerned about the requirement to make an individual (the compliance officer) criminally liable for content on the platform, the requirements for proactive monitoring, and the blanket authority to seek information about its customers. It believes this represents dangerous overreach that is inconsistent with open, democratic principles.
6. The company also pointed out that it was compelled to withhold some content, constituting legitimate free speech, in response to a non-compliance notice due to the law’s limited scope under Section 69A. Not doing so poses penal consequences with many risks for Twitter employees.
7. Meanwhile, the government said the new rules empower ordinary users who become victims of defamation, morphed images, sexual abuse and the whole range of other abusive content in blatant violation of law, to seek redress.
8. It also reiterated that these rules were finalised after the widest possible consultations, including with representatives of social media platforms.



SC had cautioned the govt. on privacy

A 2019 Supreme Court order used by the government to justify its new Information Technology (IT) Rules, which compel encrypted social media messaging platforms to disclose their users' identity, also cautions the Centre from doing anything which amounts to an invasion of individual privacy.

Highlights:

1. On September 24, 2019, hearing a petition filed by Facebook, the top court showed deep concern at the utilisation of social media for committing a crime. It said the medium had become a source of pornography. Criminals exploited it to run weapons, drugs and contraband. Hate and violence were shared and spread through these virtual platforms. The court had even felt that some messages on social media may even threaten national sovereignty.
2. It was in this context the court had called for a "properly framed regime" to allow the government to get information about first originators of messages from "significant" social media intermediaries with end-to-end encryption technology. The court had exercised restraint, too. It warned that de-encryption, "if easily available, could defeat the fundamental right to privacy".
3. The court had clarified that the government should "ensure that the privacy of the individual is not invaded". The order had also underlined that traceability should be restricted to "specific circumstances".
4. But WhatsApp finds traceability under the new rules "disproportionate". The privacy of each one of its users would be compromised as there was no way to predict which message would be subject to a tracing order from the government.

'Chilling effect'

1. In its petition before the Delhi High Court, the social media giant said that it would have to "build an ability to identify the first originator of every message, to be served up to the government forever".
2. This means even legal users and their messages would be under watch. The effect would be chilling on free speech.



3. The essential role of the test of proportionality is to enable the court to determine whether a legislative measure is disproportionate in its interference with the fundamental right [of personal liberty/privacy].
4. In determining this, the court will have regard to whether a less intrusive measure could have been adopted consistent with the object of the law and whether the impact of the encroachment on a fundamental right is disproportionate to the benefit which is likely to ensue, the court said in KS Puttaswamy case.
5. Besides, the 2021 Rules is subordinate legislation under the Information Technology Act. Neither the Act nor any other law, for that matter, specifically requires a social media intermediary using end-to-end encryption to reveal the identity of the first originator of a message.
6. However, in this case, the subordinate law has overshoot the original intent and boundaries of the parent Act.

Gaza attack may constitute 'war crimes'

Israel's recent deadly airstrikes on Gaza may constitute war crimes, the UN rights chief said, as countries discussed launching a broad, international investigation.

Highlights:

1. Addressing a special session of the United Nations Human Rights Council, Michelle Bachelet voiced deep concern about the "high level of civilian fatalities and injuries" from the attacks on Gaza.
2. "If found to be indiscriminate and disproportionate in their impact on civilians and civilian objects, such attacks may constitute war crimes," she warned.
3. She also said her office had "not seen evidence" that the buildings targeted in Gaza, including residential homes, medical facilities and media offices, were "hosting armed groups or being used for military purposes", as claimed by Israel.
4. Ms Bachelet also stressed that rockets fired by Hamas were "indiscriminate and fail to distinguish between military and civilian objects," and was thereby "a clear violation of international humanitarian law."



5. Before a truce, Israeli airstrikes and artillery fire on Gaza killed 254 Palestinians, including 66 children, and wounded more than 1,900 people in 11 days of conflict, the health ministry in Gaza says.
6. Rockets and other fire from Gaza claimed 12 lives in Israel, including one child and an Arab-Israeli teenager, medics say. Some 357 people in Israel were wounded.

U.S.-China engagement era has come to an end: top U.S. official

The more than three-decade-long era of engagement between the United States and China that saw the world's two largest economies develop closely interdependent relations "has come to an end", a top official of the Biden administration has said.

Highlights:

1. The period that was broadly described as engagement has come to an end. Competition would henceforth be the dominant paradigm and U.S. policy would work under a new set of strategic parameters.
2. Comments underline the shift in U.S. views on China from the time of the Obama administration as well as the broad bipartisan consensus on the current direction of relations.
3. Chinese policies under [President] Xi are in large part responsible for the shift in U.S. policy. Clashes on China's border with India, an economic campaign against Australia and the rise of China's 'wolf warrior' diplomacy are examples that suggested "China is determined to play a more assertive role.
4. The U.S. believed the best way to engage a more assertive China is to work with allies, partners and friends.