

## 09 Mar 2022: UPSC Exam Comprehensive News Analysis

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#### A. GS 1 Related

*Nothing here for today!!!*

#### B. GS 2 Related

**Category: POLITY**

#### 1. The office of the Governor

*Syllabus: Issues and Challenges Pertaining to the Federal Structure*

*Prelims: Discretionary powers available to the Governor and related Constitutional provisions*

*Mains: Controversies surrounding the role of governors in Indian federal structure; important recommendations by related commissions and committees and related Supreme Court Judgments.*

### Controversy surrounding the role of Governors:

#### Misuse of discretionary powers:

- As an appointee of the Union Government, the Governors have been prone to act on the instructions by the ruling party at the Centre. Some state governments have alleged the **functioning of the [Governors](#) as agents of the Centre.**
- The discretion in choosing a Chief Minister, determining the timing for proving legislative majority, or dismissing a Chief Minister, dissolving the legislature, recommending President's Rule, taking apparently a long time in giving assent to bills or reserving bills for the President have often come to be tainted with **partisan political considerations**. The Governor's discretionary powers have been abused.

#### Bickering between the office of Governor and state governments:

- State governments have also alleged the **constant and often unnecessary meddling in state administration** by the office of Governor. This includes demanding information about day-to-day administration, **commenting adversely on specific policies of the state government** and exercising powers of the governor as the chancellor of state universities.
- The constant bickering between the State Governor and elected governments could **upset the harmonious administrative balance at the state level.**

### Details:

- The above developments have brought the focus on the role and functions of governors in India. In the midst of these recurrent controversies, the article discusses the constitutional debates on the role of the Governor, important recommendations given by related commissions and [landmark Supreme Court Judgments](#) on the issue.

#### Constituent Assembly deliberations:

- The original draft of the Constitution provided for a directly elected Governor or a Governor appointed by the President from a panel of four candidates elected by the Legislative Assembly.
- However, finally, the [Constituent Assembly](#) chose to have the **Governor appointed by the President**, given that having an elective governor along with a parliamentary system of democracy could lead to confrontation and conflict apart from being a waste of energy and money.

- Finally, a process by which the Governor is nominated by the President on the advice of the Council of Ministers was adopted and it became **Article 155 of the Constitution**.
- In the words of the Drafting Committee chairman, Dr. B.R. Ambedkar, instead of a powerful Governor, what the Constitution conceived was a duty-bound Governor.

### **Related Commission recommendations:**

#### *Administrative Reforms Commission:*

- The **first Administrative Reforms Commission (1966)** in its report on “Centre-State Relationships” had recommended that once the Governor completes his/her term of five years, he/she shall **not be made eligible for further appointment as Governor**.
- This was to **address the challenge of possible politicisation of the office of the Governor**.

#### *The Sarkaria Commission on Centre-State Relations:*

- The **Sarkaria Commission** was set up in 1983 by the Union government to examine the central-state relationship on various portfolios and suggest changes within the framework of the Constitution of India. Given the pivotal role played by the office of the Governor in the Centre-State relationship, the commission made several related recommendations.
- The Sarkaria Commission recommended that the **Governor appointee should be an eminent person in some walk of life and that he/she should be from outside the respective State**. The person should be a **detached figure without political links** or should not have taken part in politics in the recent past. It condemned the practice of Governors venturing into active politics as well as ascending to other offices after the completion of the term.
- Suggesting measures to safeguard the neutrality of the Governors, the commission argued for a **secure term for the Governor**.
- Regarding the Governor’s role as the Chancellor of State universities, the Sarkaria Commission suggested that it was desirable to consult the Chief Minister or the minister concerned, though it shall be left to the Governor to act on the same or not.

#### *National Commission to review the working of the Constitution:*

- The **National Commission to review the working of the Constitution (NCRWC)** also known as Justice Venkatachaliah Commission was set up in 2000 for suggesting possible amendments to the Constitution of India.
- The National Commission also reiterated the view of the Sarkaria Commission regarding the appointment of the Governor.
- Additionally, it argued for **stipulating time limits for the Governors to give assent to pending bills** and also for the Bills pending Presidential assent under **Article 201 of the Indian Constitution**.

### *The Punchhi Commission:*

- The Government of India constituted the [Punchhi Commission](#) on Centre-State relations in 2007 to look into the new issues of Centre-State relations keeping in view the changes that had taken place in the polity and economy of India since the Sarkaria Commission.
- Punchhi Commission reaffirmed most of the recommendations of the Sarkaria Commission.
- The Commission expressed **concerns over the practice of Governors being called back with a change in governments at the Centre**. This, it felt did not align with the salutary position assigned to the Governor.
- Taking one step ahead of the Sarkaria Commission's recommendation that the Governor's tenure of five years shall only be sparingly cut short, Punchhi Commission recommended that the Governor shall have **fixed tenure to protect the Governor from any pressure from the Central Government**. It proposed an **amendment to Article 156** to incorporate a well laid out procedure to remove the Governor from office.

### **Related Supreme Court judgments:**

- The Supreme Court through landmark judgments in the **S.R. Bommai (1994)**, **Rameshwar Prasad (2006)** and **Nabam Rebia (2016)** cases, has placed several restrictions on Governor over-reach and high handedness in the form of dissolution of the Legislative Assembly on partisan grounds.

### *S.R. Bommai case:*

- The 1994, nine-judge Constitution Bench of the Supreme Court in the [S. R. Bommai case](#), put an end to the arbitrary dismissal of State governments under **Article 356** by spelling out restrictions.
  - The President's Rule was imposed in States over a hundred times prior to 1994.
- The Supreme Court declared that the **imposition of the President's Rule shall be confined only to the breakdown of constitutional machinery**.

### *B.P. Singhal Case:*

- The constitution bench of the Supreme Court in the B. P. Singhal Case (2010) had declared that a **change in government at the Centre cannot be grounds to recall the governor** and any such actions would be judicially reviewable.

### **Conclusion:**

- The office of the Governor, envisaged by the makers of the Constitution of India to “preserve, protect and defend the Constitution and the law”, has unfortunately become a controversial constitutional office.

- Notably, none of the numerous reports and recommendations by the committees and commissions and even Supreme Court judgements mentioned above has been taken for implementation.
- Complying with the **norms and conventions advocated by the Sarkaria commission** coupled with the **functional safeguards recommended by the Punchhi Commission** will go a long way in rediscovering the constitutional equilibrium between the states and centre.

**Nut Graf**

*The office of Governor is an important aspect of the centre-state relationship and ensuring absolute neutrality of the office and using the discretionary powers available to the Governor in the right spirit is critical not just for the vibrancy of the federal structure in India but to the democratic ideal itself laid out by our Constitution.*

**Category: INTERNATIONAL RELATIONS****1. Bangladesh, India, Nepal to move ahead on MVA pact**

**Syllabus: India and its Neighbourhood - Relations**

**Prelims: Motor vehicles agreement - provisions**

**Mains: Initiatives being taken by India to foster greater sub-regional co-operation**

**Context:**

- Meeting between the officials from India, Bangladesh and Nepal regarding the **Motor Vehicles Agreement (MVA) of the sub-regional Bangladesh-Bhutan-India-Nepal (BBIN) grouping.**

**BBIN Motor Vehicles Agreement:**

- The BBIN Motor Vehicles Agreement (MVA) was **signed in 2015** at the BBIN transport ministers meeting in Thimpu, Bhutan to ensure the **free flow of goods and people** between them.
  - The agreement would permit the member states to ply their vehicles in each other's territory for transportation of cargo and passengers. Cargo vehicles will be able to enter any of the four nations without the need for trans-shipment of goods from one country's truck to another's at the border.

- Notably, each vehicle would require an electronic permit to enter another country's territory, and border security arrangements between nations' borders would also remain.
- Though the original BBIN MVA was signed by all four countries, after objections in Bhutan over sustainability and environmental concerns, the **Bhutanese Parliament decided not to endorse the plan.**
- Progress on the project has been slow, despite several trial runs being held.

**Details:**

- The BBIN meeting was the first such in-person meeting since February 2020 to discuss the MVA since the COVID-19 pandemic outbreak.
- The meeting discussed the steps to be taken in operationalising the agreement. The officials finalised the wording of two **separate protocols on passenger and cargo movement** with an **“enabling” agreement.**
- Notably, Bhutan continues to sit out of the Motor Vehicles Agreement.

**Nut Graf**

*The Motor Vehicles Agreement of the sub-regional Bangladesh-Bhutan-India-Nepal grouping would help realise the full potential of trade and people to people connectivity between the BBIN countries by fostering greater sub-regional cooperation.*

**C. GS 3 Related**

*Nothing here for today!!!*

**D. GS 4 Related**

*Nothing here for today!!!*

**E. Editorials****Category: INTERNATIONAL RELATIONS****1. China's takeaways from the war**

*Syllabus: Effect of policies and politics of developed and developing countries on India's interests, Indian diaspora.*



**Mains: China's current strategic calculations amidst Russia****Context:**

China abstained from the U.S.-sponsored [United Nations Security Council \(UNSC\)](#) Resolution condemning Russia for the invasion of Ukraine.

**China's current strategic calculations:**

- China's reasons for abstaining from voting at the UNSC as well as its gains and expectations from the invasion are unique to its own situation.
- In 2014 too, China decided to abstain when the last vote against Russian aggression in Crimea came up for a vote in the UNSC as did the legitimacy of the Crimean referendum.
- **China's status as a responsible power:** External stability, an enabling external environment and positive perception and recognition of China's role in the world are important factors for China's image at home. This is particularly relevant with the 20th National Party Congress of the Communist Party of China slated to be held in 2022.
- By trying to engage the peace process, China would also like to avoid renewed criticisms of it being a selfish power.
- China has refused to call the Russian action an invasion. Recently, an op-ed published in The New York Times had alleged that U.S. intelligence had sought China's help in dissuading Mr. Putin against the invasion, but China underplayed Russia's intentions and brushed those concerns under the carpet.

**Russia-Ukraine: Strategic outcomes for China**

- China sees a pattern in Ukraine's engagement with Europe and fears its repetition in Central Asia where Russian and Chinese interests converge in keeping democratic interventions away.
- This invasion will divert Europe's attention to its neighbourhood and away from the Indo-Pacific and possibly delay its engagements with the [Quad](#).
- There is also a reduction in China's 'wolf warrior diplomacy' as it senses an opportunity to mediate and create a stake in the settlement process.
- China would also be observing Russia's military and tactic moves in this invasion and learn from it, possibly eyeing a military solution to the Taiwan issue as well.

**Nut Graf**

*China seems to have a lot of strategic gains from Russia's invasion of Ukraine such as the West's attention being turned away from China for some time, and the possibility of the military template used in the invasion by Russia being used to deal with Taiwan.*

## 1. Revive tax increases, stub out tobacco product use

**Syllabus:** *Indian Economy and issues relating to planning, mobilization, of resources, growth, development and employment.*

**Mains:** *Concerns with the tobacco epidemic and tax impact tobacco products*

**Context:** This article discusses the imposition of taxes and their impact on tobacco products.

### Concerns with the tobacco epidemic:

- Research from many countries shows that a price increase induces people to quit or reduce tobacco use as well as discourages non-users from getting into the habit of tobacco use.

### How does the lack of tax impacts tobacco products?

- There has been no significant tax increase on any tobacco product for four years in a row which is quite unlike the pre-GST years where the Union government and many State governments used to effect regular tax increases on tobacco products.
- The lack of tax increase over these years has made all tobacco products increasingly more affordable.
- There has been no significant tax increase on any tobacco product barring a minor increase in the National Calamity Contingent Duty (NCCD) during the Union Budget 2020-21 which only had the effect of increasing cigarette prices by roughly 5%.
- While the lack of tax hikes has helped the bottom line of ITC, the Budget has dealt a significant blow to tobacco control efforts in India in particular.
- The absence of a tax increase on tobacco has the potential to reverse the reduction in tobacco use prevalence that India saw during the last decade and now push more people into harm's way.
- There is no rationale why the specific cess applied on cigarettes has remained unchanged for four years in the face of increasing [inflation](#).

### Recommendations:

- There is overwhelming consensus within the research community that taxation is one of the most cost-effective measures to reduce the demand for tobacco products.
- The Goods and Services Tax (GST) Council could well raise either the GST rate or the compensation cess levied on tobacco products especially when the Government is looking to rationalize GST rates and increase them for certain items.



- Since a specific cess is applied as a fixed amount per stick of cigarette, increasing inflation will decrease the significance of this particular tax component making cigarette prices more affordable and reducing its effective tax burden.

### Conclusion:

- GST Council meetings must strive to keep public health ahead of the interests of the tobacco industry and significantly increase either the GST rates or the GST compensation cess rates applied on all tobacco products.
- The aim should be to arrest the increasing affordability of tobacco products in India and also rationalize tobacco taxation under the GST.

### Nut Graf

*With no major tax hikes for tobacco products in the last four years, they have become increasingly affordable. This is a huge blow to the efforts of civil society and the government itself to reduce the consumption of tobacco products in the country. Unless tax on tobacco products is raised and their demand reduced, the health of a whole generation would be in peril.*

## F. Prelims Facts

### 1. The rules around guardianship of minors

**Syllabus: Role of Women and Women's Organization**

**Prelims: Guardianship related laws in India; Githa Hariharan vs RBI case**

- **Indian laws accord superiority to the father in case of guardianship of a minor.** This is observed in the Hindu Minority and Guardianship Act, (HMGA) 1956, as well as the Muslim Personal Law (Shariat) Application Act, 1937. Both these acts **recognize the father as the natural guardian of the child even as they provide the custody of a young child to a mother.**
- The fact that guardianship rests primarily with the father in the law ensures that mothers are perceived as caregivers, but not as decision makers for children.
- The Supreme Court's landmark judgment in **Githa Hariharan v. Reserve Bank of India in 1999** provides partial relief in this respect. In this case, the HMGA was challenged for violating the guarantee of equality of sexes under **Article 14 of the Constitution of India.**

## G. Tidbits

### 1. Biden bans Russian oil imports to U.S.

- Targeting “the main artery of Russia’s economy”, U.S. President Joe Biden announced that the **U.S. would ban the import of all Russian oil, gas and energy**, in retaliation for Russia’s invasion of Ukraine.
- This comes in the backdrop of the **U.S. Congress calling for ending normal trade relations with Russia and Belarus**, in addition to potential action against Russia at the [World Trade Organization](#).
- Given that the U.S. imported just about 8% of its total volume of crude and refined products in 2021 from Russia, it can afford to ban Russian energy imports, its allies in Europe will not be able to undertake such sanctions on energy imports from Russia due to their large energy dependency on Russia. However, other EU countries and the UK too have committed to phasing out Russian oil and gas in the long run.
  - Russia is one of the largest exporters of oil globally. Some 60% of Russia’s exported oil goes to Europe. Forty percent of Europe’s gas comes from Russia.
- **Crude prices rocketed upwards** as the U.S. banned Russian oil imports.
- The rise in crude oil prices is going to have a **marked impact on countries like India, which imports almost 85% of its energy requirements**.

### H. UPSC Prelims Practice Questions

#### Q1. Consider the following statements with regards to Rat Hole Mining:

1. Rat hole mining involves digging of very small tunnels, usually only 3-4 feet high, which workers (often children) enter and extract coal.
2. The National Green Tribunal (NGT) banned it in 2014, on grounds of it being unscientific and unsafe for workers.
3. Since the coal seam is extremely thin in Meghalaya, no other method would be economically viable.

Choose the correct code:

- a. 1 & 3 only
- b. 2 & 3 only
- c. 1 & 2 only
- d. All of the above

Answer: d

**Explanation:**

- Commercial open mining is not practised in the North-Eastern regions of Assam and Meghalaya because of the terrain's unsuitability as well as the nature of coal deposits. The coal found in North-East contains lots of sulphur and this type of coal is categorized as bad quality of coal. Here, rat hole mining is prevalent. A rat-hole mine involves digging of very small tunnels, usually only 3-4 feet deep, in which workers, more often children, enter and extract coal.
- Since the coal seam is extremely thin in Meghalaya, no other method would be economically viable in such areas.
- The National Green Tribunal (NGT) banned it in 2014, and retained the ban in 2015, on grounds of it being unscientific and unsafe for workers.

**Q2. Consider the following statements with regards to BBIN Motor Vehicle Agreement:**

1. The Bangladesh, Bhutan, India, Nepal (BBIN) Initiative is a sub-regional architecture of countries in Eastern South Asia.
2. The BBIN Motor Vehicles Agreement was signed in 2015 at the BBIN transport ministers meeting in Thimpu, Bhutan.
3. Apart from Nepal, all other nations have ratified the agreement already.

**Choose the correct code:**

- a. 1 & 2 only
- b. 2 & 3 only
- c. 1 & 3 only
- d. All of the above

**Answer: a****Explanation:**

- The BBIN Motor Vehicles Agreement (MVA) was signed in 2015 at the BBIN transport ministers meeting in Thimpu, Bhutan to ensure the free flow of goods and people between them.
- The agreement would permit the member states to ply their vehicles in each other's territory for transportation of cargo and passengers. Cargo vehicles will be able to enter any of the four nations without the need for trans-shipment of goods from one country's truck to another's at the border.
- Notably, each vehicle would require an electronic permit to enter another country's territory, and border security arrangements between nations' borders would also remain.

- Though the original BBIN MVA was signed by all four countries, after objections in Bhutan over sustainability and environmental concerns, the Bhutanese Parliament decided not to endorse the plan.

**Q3. Consider the following statements:**

1. Under the present rules for getting a PAN card, an applicant can furnish only their mother's name, without giving their father's name, if she is a single parent.
2. Under the Hindu Minority and Guardianship Act, (HMGA) 1956, the natural guardian of a Hindu minor in respect of the minor's person or property "is the father, and after him, the mother".
3. The Muslim Personal Law (Shariat) Application Act, 1937 says that the Shariat or the religious law will apply in case of guardianship according to which the father is the natural guardian.

**Choose the correct code:**

- a. 1 & 2 only
- b. 2 & 3 only
- c. 1 & 3 only
- d. All of the above

**Answer: d**

**Explanation:**

- Under the new Income Tax Rules, giving the father's name is optional but only for those with single mothers.
- Indian laws accord superiority to the father in case of guardianship of a minor. This is observed in the Hindu Minority and Guardianship Act, (HMGA) 1956, as well as the Muslim Personal Law (Shariat) Application Act, 1937. Both these acts recognize the father as the natural guardian of the child even as they provide the custody of a young child to a mother.

**Q4. Which of the following statements about NATO (North Atlantic Treaty Organization) is not correct?**

- a. NATO constitutes a system of collective security, whereby its independent member states agree to mutual defense in response to an attack by any external party.
- b. The most recent member state to be added to NATO was Moldova on 27 March 2020.
- c. The September 11 attacks in the United States caused NATO to invoke Article 5 of the NATO Charter for the first time in the organization's history.

- d. Article 5 of the treaty commits each member state to consider an armed attack against one member state, in Europe or North America, to be an armed attack against them all.

**Answer: b**

**Explanation:**

- Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia joined in 2004, Albania and Croatia in 2009, Montenegro in 2017, and North Macedonia in 2020, taking the membership of the NATO alliance to 30.

**Q5. In which one of the following groups are all the four countries members of G20? [UPSC 2020]**

- a. Argentina, Mexico, South Africa and Turkey
- b. Australia, Canada, Malaysia and New Zealand
- c. Brazil, Iran, Saudi Arabia and Vietnam
- d. Indonesia, Japan, Singapore and South Korea

**Answer: a**

**Explanation:**

- G20 is an international forum for global economic cooperation.
- It has 20 members, and these countries are as follows:
  - Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Republic of Korea, Mexico, Russia, Saudi Arabia, South Africa, Turkey, United Kingdom, United States and the European Union.

### I. UPSC Mains Practice Questions

1. Illustrate the constitutional debates on the role of the Governor and how the position has fared in Centre-State relations. (250 words; 15 marks)(GS Paper 2/Polity)
2. Following Russia's invasion of Ukraine, the economic costs of the conflict in Eastern Europe threaten to stall the shaky global recovery from the COVID-19 pandemic. In this context, examine the risk of global stagflation and measures that need to be taken by India. (250 words; 15 marks)(GS Paper 3/Economy)