

13 Jan 2023: UPSC Exam Comprehensive News Analysis



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Category: POLITY

1. A Governor and a Chief Minister at loggerheads

Syllabus: State legislatures — structure, functioning, conduct of business, powers & privileges and issues arising out of these

Prelims: Facts about the Office of Governor

Mains: Controversies associated with the Office of Governor in India

Context: The recent altercation between the Governor and the State Cabinet in the Tamil Nadu Assembly.

Background

- On the 9th of January 2023, the Governor of Tamil Nadu skipped a few portions of his address that was prepared and approved by the State Cabinet.
 - The skipped segments included various references to former political leaders from the State and the Dravidian model of governance.
- The Chief Minister of Tamil Nadu moved a resolution to put aside all the deviations made by the Governor and consider only the original speech prepared by the Cabinet for the records.
- Following such an altercation, the Governor of the State walked out of the Assembly.

Constitutional obligations on Governor

- According to **Article 154** of the Indian Constitution, the executive powers of the States are vested with the Governor and the Governor should exercise such powers directly or through subordinate officers in line with the Constitution.
- However, **Article 163** mentions that the Governor should exercise his/her functions with the **aid and advice of the Council of Ministers** except for functions that require his discretion.
- According to **Article 163 (2)**, “If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final”.

- Further, the [42nd Constitutional Amendment Act of 1976](#) made the aid and advice of the ministers binding on the President. However, no such provision has been made for the Governor.

Supreme Court views

- The apex court in judgements has defined the limits on the discretionary powers of the Governor.
- In the **Nabam Rebia judgement** (2016), the Constitution Bench of the Supreme Court led by then Chief Justice of India held that Article 163 of the Constitution does not provide the Governor with a general discretionary power to act against or without the aid and advice of the council of ministers of the State.
- Furthermore, in the **Shamsher Singh & Anr v/s State Of Punjab** (1974), which is considered one of the landmark judgments with respect to the concept of discretionary powers of the Governor, the Constitution Bench of the Supreme Court clarified that the President and the Governor should exercise their formal powers in accordance with the aid and advice of their Ministers other than in some exceptional situations.

Recent instances of tussle between Governors and respective State Governments

- In October 2022, the Governor of Kerala, as a Chancellor of State universities, asked for the resignation of 11 Vice-Chancellors on account of irregularities in their appointments.
 - Subsequently, the Kerala government passed a Bill removing the Governor as the Chancellor of the State universities.
- In Maharashtra during the tenure of the Maha Vikas Aghadi (MVA) government, the State government clashed with the Governor over their choice of the Assembly Speaker.
- In Telangana, the Governor of the State and the Chief Minister have frequently engaged in public sparring.

Way forward

- Various committees and expert panels that were set up to address the issue have suggested various measures for improving Centre-State relations.
- Various reports of the committees and expert panels have recommended the appointment of non-political Governors through independent mechanisms after consultations with the respective Chief Ministers and State Governments.
- The [Sarkaria Commission](#) had said that the role of the Governor would be to see to it that a government is formed and functioning as per the Constitution rather than trying to form his/her own government.

Nut graf: *With the elected governments of the States and the Governor's office having been on a constant collision course in recent times, it is time for the Union government and the Supreme Court to intervene to implement the recommendations made by various committees and panels in this regard.*

C. GS 3 Related

Nothing here for today!!!

D. GS 4 Related

Nothing here for today!!!

E. Editorials

Category: INTERNATIONAL RELATIONS

1. International Order in 2023

Syllabus: *Effect of Policies & Politics of Developed & Developing Countries on India's Interests*

Mains: *India in Changing World Order*

Context: This article discusses various ongoing challenges and risks in geopolitics and international order.

Introduction:

- Geopolitical threats and challenges increased significantly in 2022, putting the entire world to the test.
- The [Russia-Ukraine conflict](#), which erupted in February 2022, has become a major disruptor of the existing order. It has led to one of the largest population shifts in modern times.
- Various moves by Russia by mid-2021 showed signs of the upcoming conflict.
 - Russia had begun a major build-up around Ukraine.
 - Russia's Ministry of Foreign Affairs published a list of new security guarantees it wanted from the U.S. and North Atlantic Treaty Organization (NATO), including a promise not to expand the alliance eastward.
- However, the extraordinary display of Ukrainian nationalism, and the swift response of the West, including NATO and the U.S., supporting Ukraine and extending military and other types of cooperation was not anticipated.
- World War II significantly influenced the current global order. Following World War II, the liberal international order took hold, and it then began to expand after the end of the cold war.
- The ongoing Russia-Ukraine conflict could play the role of shaping an international order in future.

Fallouts of the war:

- There are many similarities between [World War I](#) and the ongoing conflict.
- The risk of escalation both horizontally and vertically was greatly underplayed during World War I.
 - In the present case, any escalation vertically would mean the use of nuclear weapons. Any escalation horizontally would mean opening new fronts.
- There are many 'unknowns' today similar to the situation in 1916. Unexpected incidents in the present day could result in dangerous outcomes.
- The 'proxy war' between the U.S., Europe and NATO against Russia is having a major fallout in the economic sector worldwide.
 - The ongoing energy crisis was sparked by the imposition of sanctions against Russia by the West and its allies, the blocking of Russian banks from [SWIFT](#), and the freezing of Russian foreign assets.
 - This is accompanied by the soaring prices of oil, with Russia using oil as a weapon.
- The ripple effects of the recent developments in Europe are occurring well beyond European shores.
 - China is deepening its strategic ties with Russia.
 - Newer alignments are emerging throughout Asia as a result of the West's increased concerns around Taiwan.
- Given that Ukraine, or any other country in Europe, could not have survived the Russian attack without the U.S. and NATO, phrases like "strategic autonomy" have already lost their significance.
- This is likely to dictate the thinking of countries in Asia when confronting major "bullies" like China.
 - Strategic autonomy is defined as the ability of a state to pursue its national interests and adopt its preferred foreign policy without depending heavily on other foreign states.

Increase in defence spending:

- Ongoing conflict accelerated global military spending notwithstanding the economic stress and the ongoing COVID-19 pandemic.
- Estimated spending on defence across the globe is understood to have crossed \$2 trillion in 2022, and is expected to increase substantially in 2023.

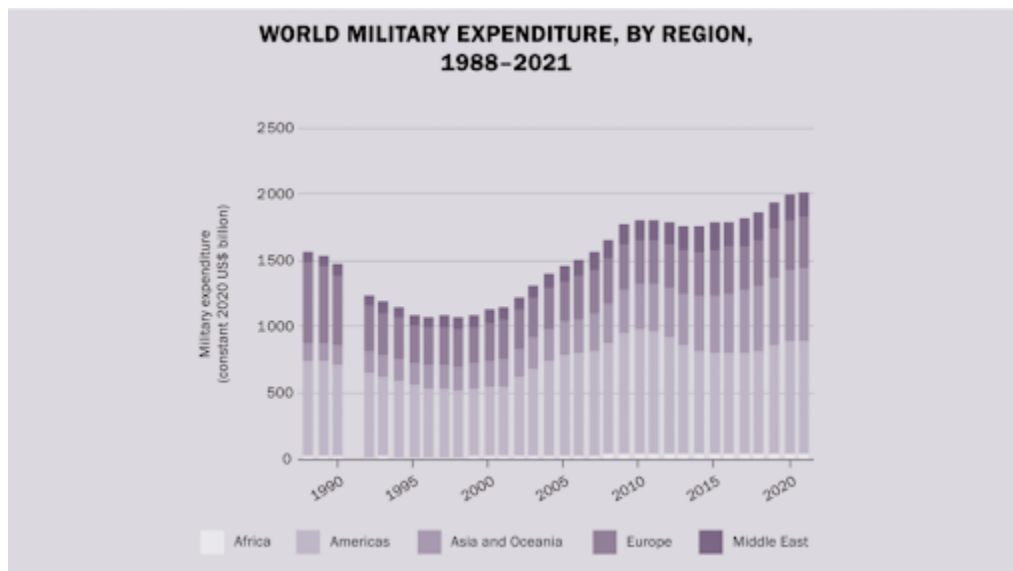


Image Source: SIPRI

- European countries, such as Germany and France, have announced substantial increases in defence spending.
 - Germany spent \$56.0 billion on its military in 2021, or 1.3 percent of its GDP.
- China, the world's second-largest spender, allocated an estimated \$293 billion to its military in 2021, an increase of 4.7 per cent compared with 2020.
- Following the initial approval of its 2021 budget, the Japanese Government added \$7.0 billion to military spending. As a result, spending rose by 7.3 per cent, to \$54.1 billion in 2021, the highest annual increase since 1972.
 - Japan has already declared that it would raise its defence budget to 2% of its GDP, in view of the threats posed by China and North Korea.
- Increased defence budgets are threatening to alter the nature of defence relationships and, in turn, what is propounded as strategic autonomy.
- The world order could be upended by new strategic alignments, putting an end to earlier notions such as non-alignment and the benefits of not adhering to any one bloc.
- These developments also threaten past ideas regarding economic, technological and financial autonomy.

Implications for India:

- India is also expected to follow suit with other countries in defense spending.
- However, given that Russian military hardware performed poorly against the most recent Western weapons in Ukraine, India's dependence on Russian military equipment may shift.

- India's current shift from a policy of non-alignment to multi-alignment can possibly help it widen the arc of its defence ties.
- Groups such as the [Quad](#) may gain greater salience in India's defence architecture, given the increased tensions between India and China.
- India's defence ties with France, especially in the area of state-of-the-art defence equipment, appear set to grow in 2023.

Expected Changes in India's neighbourhood in 2023:

- The biggest concerns for China would be managing COVID-19 and the effects of its economic crisis. Because of this, it is doubtful that China will initiate a conflict or act provocatively toward its neighbours in 2023.
 - Nevertheless, Taiwan and any breaching of the First Island Chain will remain China's top priority.
- India's long-standing strategic partnership with Russia suffers from China and Russia's growing closeness, which might have far-reaching effects.
- Pakistan is unlikely to pose a significant threat in 2023 because of its internal issues and economic challenges.
 - The lack of established boundaries with both China and Pakistan could be unsettling for India.
 - However, Pakistan is expected to continue its provocations and use of terror tactics, which would result in intermittent strikes in Jammu and Kashmir.
- In Nepal, the new government appears tilted towards China and could become a problem for India in 2023.
- Afghanistan under the Taliban will continue to be problematic as there is an upward trend in terrorist activity coming from there.
- India's relations with both Sri Lanka and Bangladesh can be managed with skilful diplomacy.
- Terrorism is expected to be a constant concern in 2023 with the indications of the revival of the Islamic State and its involvement and activity in Afghanistan.

Nut Graf: *The pace of history will accelerate in 2023, with the war in Ukraine being a major contributory factor. Increased geopolitical threats and challenges indicate the likelihood of a larger conflagration and that the post-Cold War global order may be at a tipping point.*

Category: POLITY

1. Executive Powers in Delhi

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

Mains: Problem of jurisdictional conflicts between the elected government and the lieutenant governor in Delhi

Context: The elected government of the National Capital Territory is at loggerheads with the Lieutenant Governor.

Introduction:

- Lieutenant-Governor Vinai Kumar Saxena nominated BJP councillor Satya Sharma as the presiding officer for the maiden meeting of the newly constituted House of the Municipal Corporation of Delhi (MCD).
- The Lieutenant Governor, who is the "administrator," has also nominated 10 persons (aldermen) in pursuance of the powers vested in him under the Municipal Corporation Act (DMC Act) of 1957.
- Delhi Chief Minister, in a letter to the L-G, had alleged that the latter appointed the presiding officer and 10 nominated persons (aldermen) to the MCD without consulting the elected government and L-G was "bound by the aid and advice" of the Council of Ministers in connection with this subject.
- L-G's office contradicted the government's claim and said that Mr. Saxena adhered to the Constitutional provisions, Acts and Statutes, while nominating the interim (Pro tem) presiding officer for the newly elected MCD.

Dual governance in Delhi:

- The status of Delhi is a Union Territory under Schedule 1 of the Constitution.
- However, it is christened as the 'National Capital Territory' under Article 239 AA.
 - Article 239AA grants Delhi special character as a union territory with a legislative assembly that has a lieutenant governor (L-G) as its administrative head. This was also when Delhi was named the National Capital Region (NCT) of Delhi.
- This has put the dynamics of the relationship between the elected Council of Ministers in Delhi and the Central Government under severe strain.

Powers of the Lieutenant Governor of Delhi:

- The Lieutenant Governor is accused of ignoring the Council of Ministers and issuing orders to the bureaucracy directly on all matters, regardless of the division of power established by the Supreme Court between the two entities.
- The supreme court in the Government of NCT Delhi v. Union of India case, said that the lieutenant governor of Delhi had no independent decision-making powers and was bound to follow the "aid and advice" of the Delhi chief-minister-headed council of ministers of the Government of Delhi on all matters except those pertaining to police, public order and land.

- L-G shall act as a facilitator rather than anointing himself as an adversary to the elected Council of Ministers.
- If the LG and the Ministers disagree on any matter, the LG shall refer it to the President for decision and act accordingly.
 - The Supreme Court ruled that “any matter” cannot be construed to mean “every matter”, and such a reference shall arise only in exceptional circumstances.
- Under Article 239AB, the President may, on receipt of a report from the LG or otherwise, suspend the operation of any provision of Article 239AA by order when a situation arises in which the administration of the NCT cannot be carried out in accordance with the provisions of Article 239AA.

Way forward:

- The Supreme Court recently called for statesmanship and wisdom by actors to resolve the stalemate, which is seriously impacting governance in the national capital.
- The framework outlined in the Constitution and the Government of National Capital Territory of Delhi Act, 1991, envisions a collaborative organisation that can only be operated via constitutional trust.
- Subsidiarity, the guiding principle of fiscal federalism, demands strong sub-national institutions. Therefore, the Union government should move towards allocating greater autonomy to city governments.

Nut Graf: *In the absence of statehood for Delhi, there has been a prolonged confrontation over the relative powers of the territorial administration and the Union government. Elected government and L-G as a representative of the Union government shall respect the division of power established by the Supreme Court and act accordingly to resolve the stalemate.*

F. Prelims Facts

Nothing here for today!!!

G. Tidbits

1. India has made marked progress in LAC infra development: Army chief

- In the wake of reports of infrastructure build-up on the Chinese side, the Indian Army Chief General Manoj Pande had said that there has been a marked improvement in infrastructure on our side along with the plans for developing all-weather connectivity and alternative connectivity.
- The Army Chief has regarded the situation along the Line of Actual Control (LAC) with China as “stable but unpredictable” as there has been a slight increase in the number of Chinese troops opposite the Army’s Eastern Command.

- He further added that five out of the seven flashpoints have been resolved with the ongoing talks at various levels.
- According to the Army Chief, the Border Roads Organisation (BRO) has constructed about 6,000 km of roads in the last five years and out of this, 2,100 km has been along the northern borders.
- Upcoming projects include:
 - Construction of a frontier road that would connect various valleys in Arunachal Pradesh.
 - Developing all-weather connectivity in both Ladakh and Kameng in Arunachal Pradesh.
 - Further, the Sela tunnel is likely to get operational by the middle of the year which will ensure all-weather connectivity between Guwahati in Assam and Tawang in Arunachal Pradesh.
 - In Ladakh, opening up the Zojila and the Z-Morh tunnels, which will link the valley to Ladakh.
 - Construction of the Shinku la tunnel and the Nemu-Padam-Daricha road Along with the [Atal tunnel](#) will ensure all-weather connectivity from both sides to Ladakh.
- Furthermore, the Army is undertaking an assessment of various Soviet and Russian-origin equipment in its inventory against the backdrop of the Russia-Ukraine war and is looking for alternative sources for spares and ammunition.

2. Under Constitution, law declared by the Supreme Court is binding on all

Core characteristics

The Basic Structure concept emerged in the *Kesavananda Bharati* judgment. The Basic Structure cannot be found in any particular Article and goes beyond the written word of the constitutional text

■ It denotes a set of principles which links all the provisions and makes the Constitution an organic whole. Parliament is limited from making amendments which affect these core values or the Basic Structure of the Constitution

■ Each judge on the *Kesavananda Bharati* judgment had his own take of the Constitution's basic/essential features



■ These features included supremacy of the Constitution, separation of powers between the legislature, executive and the judiciary, and democratic character of the polity

Image Source: The Hindu

- Against the backdrop of public criticism of the National Judicial Appointments Commission (NJAC) judgment of the Supreme Court by the Vice-President of India, the apex court has held that comments made by the Vice-President are against “the law of the land”.
- The SC has held that its judicial pronouncements have laid down the law and as per **Article 141** of the Constitution, a law declared by the SC is binding on all courts.
- The Vice-President of India had said that he does not subscribe to the idea that the judiciary can strike down amendments passed by the legislature on the ground that they violate the “[Basic Structure doctrine of the Constitution](#)” which was evolved by the Supreme Court through its judgment in the [Kesavananda Bharati case \(1973\)](#).
 - He further added that Parliamentary sovereignty cannot be allowed to be diluted by the executive or the judiciary.
- The Court in its response has said that the Kesavananda Bharati judgment had clarified that judicial review is not a means to dilute parliamentary sovereignty but was only a part of the system of checks and balances to ensure constitutional functionaries do not exceed their limits.
- The Court in its NJAC judgment had upheld judicial independence as a basic feature of the Constitution and had said that **Article 368** of the Constitution only provides a procedure for amending the Constitution and that does not mean that the Article accords powers to the Parliament to amend the Constitution and alter the “basic features/basic structure” of the Constitution.

3. Missing doctors: CHCs face 80% shortfall of specialists, show Health Ministry data

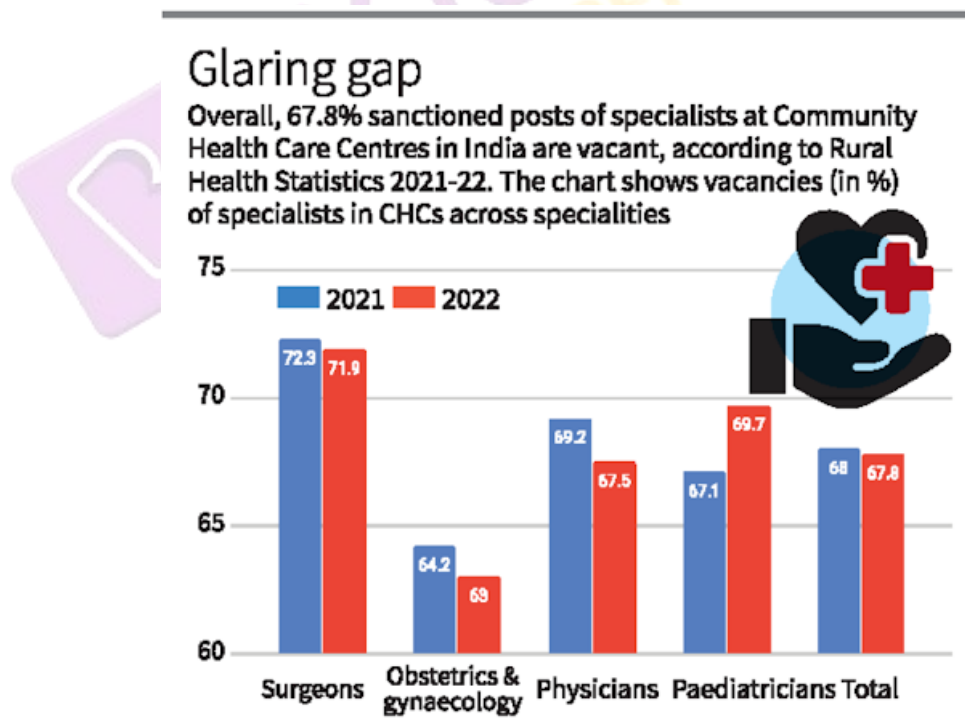


Image Source: The Hindu

- The Rural Health Statistics report published by the Union Health and Family Welfare Ministry points out that India is facing an acute shortage of specialist doctors, with a shortfall of nearly 80% of the required specialists at Community Health Centres (CHCs).
- The Community Health Centres (CHCs) are 30-bed block-level health facilities that are required to extend basic health care facilities such as surgery, gynaecology, paediatrics and general medicine.
- According to the latest report, there were about 6,064 CHCs across the country, and the Ministry has failed to meet the demands for specialist doctors in most of these centres.
 - As per the report, the number of specialist doctors in the CHCs has experienced a growth of 25% from 3,550 in 2005 to 4,485 in 2022. However, with the increasing number of CHCs the demand for specialists has also increased.
 - The report highlights the shortfall in specialist doctors, including surgeons (83.2%), obstetricians and gynaecologists (74.2%), physicians (79.1%) and paediatricians (81.6%) in CHCs across the country.
- Additionally, apart from the specialist doctors, there is also a shortage of women health workers and auxiliary nursing midwives in primary health centres (PHCs) and sub-centres.

H. UPSC Prelims Practice Questions

Q1. Which of the following are not celebrated in January? (Level - Easy)

- A. Makar Sankranti
- B. Pongal
- C. Kati Bihu
- D. Lohri

Answer: C

Explanation:

- Makar Sankranti, Pongal and Lohri are the names of the Winter harvest festivals which are usually celebrated in the month of January.
- Kati Bihu which is commonly known as Kongali Bihu, is a festival associated with the state of Assam. It is usually celebrated in the month of October.

Q2. Consider the following statements: (Level - Moderate)

1. The NSO releases the data on Retail inflation in the country
2. The DPIIT (Department for Promotion of Industry and Internal Trade) releases the Index of Industrial Production.

Options

- A. 1 only
- B. 2 only

- C. Both 1 and 2
- D. Neither 1 nor 2

Answer: A

Explanation:

- **Statement 1 is correct**, The National Statistical Office (NSO) releases the data on Retail inflation in India.
- **Statement 2 is not correct**, Index of Industrial Production (IIP) data released by the National Statistical Office (NSO)

Q3. Which of the statements is/are correct? (Level - Easy)

1. India does not have dedicated legislation for Mental Health.
2. Mental health disorders find a coverage under the Ayushman Bharat Scheme.

Options:

- A. 1 only
- B. 2 only
- C. Both 1 and 2
- D. Neither 1 nor 2

Answer: B

Explanation:

- **Statement 1 is not correct**, Dedicated legislations for Mental Health in India include **Mental Healthcare Act (MHCA), 2017** and the **Mental Health Act, 1987**.
- **Statement 2 is correct**, Ayushman Bharat scheme for the first time in India extended cover for mental illness.

Q4. Which of the following statements is/are correct?

1. India has won 8 Olympic golds in the field of Hockey.
2. India will be hosting the Men's hockey world cup for the first time in 2023.
3. The hockey goalkeeper is allowed to use his hands to stop the ball.

Options:

- A. 1 and 2
- B. 2 and 3
- C. 1 and 3
- D. 1, 2 and 3

Answer: C

Explanation:

- **Statement 1 is correct**, India's Hockey team is the most successful team ever in the Olympics and has won 8 gold medals, 1 silver medal, 3 bronze medals
- **Statement 2 is not correct**, India will be hosting the Men's hockey world cup for the **fourth time** in 2023.
 - India has previously hosted the Men's hockey world cup in 1982 (Mumbai), 2010 (Delhi) and 2018 (Odisha).
- **Statement 3 is correct**, In the game of Hockey, the goalkeeper is the only player allowed to touch the ball with any part of his body.

Q5. Consider the following statements in respect of Bharat Ratna and Padma Awards :

1. Bharat Ratna and Padma Awards are titles under the Article 18(1) of the Constitution of India.
2. Padma Awards, which were instituted in the year 1954, were suspended only once.
3. The number of Bharat Ratna Awards is restricted to a maximum of five in a particular year.

Which of the above statements are **not correct**?

- A. 1 and 2
- B. 2 and 3
- C. 1 and 3
- D. 1, 2 and 3

Answer: D

Explanation:

- **Statement 1 is not correct**, National awards such as Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Shri **do not amount to titles within the meaning of Article 18(1) of the Constitution**.
- **Statement 2 is not correct**, Padma awards were set on the ground in the year 1954 and have been handed out every year to **various recipients except for the years 1978, 1979, 1993, and 1997**.
- **Statement 3 is not correct**, The number of annual awards is restricted to a **maximum of three in a particular year**. On conferment of the award, the recipient receives a Sanad (certificate) signed by the President and a medallion.

I. UPSC Mains Practice Questions

1. [Improving rural healthcare infrastructure would have a ripple effect way beyond health standards. Do you agree? Elaborate.](#) (250 words; 15 marks) (GS-2; Governance)
2. [The doctrine of checks and balances lies at the very heart of the Indian constitution. Elaborate.](#) (250 words; 15 marks) (GS-2; Polity)