

# 02 Feb 2023: UPSC Exam Comprehensive News Analysis



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## A. GS 1 Related

*Nothing here for today!!!*

## B. GS 2 Related

### Category: POLITY

#### 1. Is judicial majoritarianism justified?

*Syllabus: Structure, organization and functioning of the Judiciary*

*Prelims: About Constitution Bench of the Supreme Court*

*Mains: Critical evaluation of the concerns associated with the judicial majoritarianism*

#### Context

Against the backdrop of the recent Supreme Court judgement on demonetisation, the majority judgement of the Court on issues had been criticised while the minority judgement by Justice Nagarathna is being acclaimed.

#### Background

- A five-judge Constitution Bench of the Supreme Court upheld the government's process to [demonetise ₹500 and ₹1000 banknotes](#) through a gazette notification issued on the 8th of November 2016.
- A Constitutional Bench of the Supreme Court upheld the government's demonetisation process in a 4:1 majority verdict.

#### What is judicial majoritarianism?

- While standard matters are placed in front of Division Benches which consist of two judges, cases that mandate the interpretation of constitutional provisions would require numerical majorities in order to reach a conclusion.
- Hence to hear such cases that mandate the interpretation of the constitutional provisions, Constitutional Benches are formed which consist of at least five judges or more.
  - Constitutional Benches usually consist of five, seven, nine, 11 or even 13 judges (odd numbers) in order to facilitate decision-making via numerical majorities.
- Constitutional Benches are set up in accordance with the provisions of **Article 145 (3)** of the Constitution.

- As per **Article 145 (3)**, a minimum of five judges must sit for deciding a case involving a “substantial question of law as to the interpretation of the Constitution”, or for hearing any reference under **Article 143**, which deals with the power of the President to consult the [Supreme Court](#).
- **Article 145 (5)** of the Constitution required a majority consensus for a judicial outcome.
  - According to **Article 145 (5)**, “no judgment in such cases can be delivered except with the concurrence of a majority of the judges but that judges are free to deliver dissenting judgments or opinions”.

### The core issue surrounding judicial majoritarianism

- Judges unlike the representatives of the people in the legislatures are considered to be experts in law and order and are capable of thoroughly analysing the various arguments and counter-arguments on a particular issue.
  - Thus, experts such as Jeremy Waldron have questioned the need for the use of the mechanism of head counting to reach a consensus amongst judges.
- All the judges in a particular bench give their verdict after hearing or going through the same set of arguments and submissions.
  - Therefore, the differences in the opinion of judges can be attributed mainly to the difference in the methodology/logic they applied or their own “judicial hunches” which is usually a result of their subjective experiences, outlook, and biases.
  - Critics feel that in such cases, there are chances that the majority decision may be affected due to either methodological misconceptions or errors.
- Furthermore, reports have indicated that the rate of dissent can be influenced and impacted, and have raised concerns over the efficiency and desirability of the head-counting mechanism for deciding on issues of national importance.
  - Example: Studies have highlighted the fact that the rate of judicial dissent during the time of the [National Emergency](#) in 1976 was only 1.27% as compared to 10.52% in 1980.
  - Studies have also pointed out the fact that the rate of dissent was lower when the Chief Justice of India was a part of the Bench.

### Constitutional history of meritorious dissents

- In the **A.D.M. Jabalpur v. Shivkant Shukla (1976)** case: the dissenting opinion of **Justice H.R. Khanna** in upholding the [Right to Life and personal liberty](#) even during situations of constitutional exceptionalism is regarded as a remarkable example of meritorious dissent.
- In the **Kharak Singh v. State of U.P. (1962)** case: the dissenting opinion of **Justice Subba Rao** in upholding the [Right to Privacy](#) which was later approved through the **K.S. Puttaswamy Judgment** is also a prime example of meritorious dissent.

### Recommendation or alternate solution

- Ronald Dworkin who is a distinguished philosopher-cum-jurist has suggested the adoption of a system that either gives more weightage to the vote of senior judges considering their experience or to junior judges because they can represent popular opinion better.
- However, such alternatives can only be adopted after a thorough analysis of the rationales behind the adoption of the head-counting mechanism in judicial decision-making.

***Nut graf:** The judicial outcomes through the mechanism of judicial majoritarianism have raised concerns and have been often criticised as one of the most fundamental faults in the functioning of the Judiciary. Thus, there is a need to reflect upon the arguments against judicial majoritarianism in order to devise an efficient and long-term solution to the issue.*

## Category: INTERNATIONAL RELATIONS

### 1. India, U.S. step up strategic ties with tech plan

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

***Prelims:** Initiative on Critical and Emerging Technologies (iCET)*

***Mains:** Developments in India-US bilateral relations*

### Context

The National Security Adviser of India, Ajit Doval, met his U.S. counterpart, Jake Sullivan, and other senior officials of the US during the inaugural edition of the Initiative on Critical and Emerging Technologies (iCET) dialogue.

### Initiative on Critical and Emerging Technologies (iCET)

- The Initiative on Critical and Emerging Technologies (iCET) was announced during the meeting between the Indian Prime Minister and the U.S. President at the [Quad](#) meeting held in Tokyo in May 2022.
- The iCET dialogue is expected to focus mainly on various means to remove barriers in technology transfers and co-production in the domains of critical and emerging technologies.
- Further, the iCET also aims to develop supply chains to increase co-production and co-development between the countries and improve the linkages between the start-up ecosystems of the two countries.
- The iCET dialogue is spearheaded by the National Security Councils (NSCs) of India and the USA.

### Key outcomes of the inaugural iCET dialogue

- A “fact sheet” released by the White House after the meeting has highlighted six areas of planned cooperation which include enhancing innovation ecosystems, defence innovation and technology cooperation, developing resilient semiconductor supply chains, space, STEM talent and next-generation telecommunications.
- The newly announced programmes include:
  - A Research Agency Partnership between the U.S. National Science Foundation and Indian science agencies.
  - A platform to collaborate on [quantum computing](#) that facilitates collaboration with academia and industry.
  - Devising a new defence industrial cooperation roadmap.
  - A mechanism to aid the development of semiconductors in India.
  - Furthering space cooperation which includes human spaceflight.
- **5G cooperation:** A private-public dialogue to enhance cooperation with respect to 5G/6G technologies and the adoption of Open RAN (technology that helps connect phones to each other and to the Internet) in India was also announced.
- **Jet engines:** The U.S. also assured that it will undertake a quick review of an application from General Electric to produce jet engines in India for India’s Light Combat Aircrafts (LCA).
- **Easing exports:** The two countries also discussed various means to ease export controls and restrictions.
  - The White House has released a statement which says that the U.S. administration would come up with ways to lower barriers to U.S. exports to India of High-Performance Computing and source code.

- **Human rights:** According to the White House's statement, both India and the US affirm that the ways in which technology is designed, developed, governed, and used must be shaped by shared democratic values and respect for universal human rights.
  - The statement by the White House further added that the two countries have committed that the technology will "reinforce our democratic values and democratic institutions".
  - However, it was only the White House's statement that made references to human rights, as the statement released by the Indian Ministry of External Affairs did not make any reference to human rights.

***Nut graf:** The launch of the iCET dialogue has assumed significance, particularly at a time when there has been a growing convergence of Indian and US interests with respect to security, economic, and technological challenges presented due to the rise of China. The iCET dialogue is expected to deepen the U.S.-India strategic relationship which is extremely important for the growth and development of the South Asian, Indian Ocean and Indo-Pacific Regions.*

## C. GS 3 Related

*Nothing here for today!!!*

## D. GS 4 Related

*Nothing here for today!!!*

## E. Editorials

### Category: ECONOMY

#### 1. A Budget that signals growth with stability

*Syllabus: Government Budgeting*

*Mains: Brief analysis of Budget 2023-24*

**Context:** Union Finance Minister Nirmala Sitharaman presented the Union Budget 2023-24 in Parliament on February 01.

#### Introduction:

- The [Economic Survey 2022-23](#) has laid emphasis on India's remarkable broad-based recovery to reach the level of income that existed before the outbreak of the coronavirus pandemic.



- The pandemic was followed by the [Russia-Ukraine conflict](#) and the accompanying sanctions that have been imposed by the West on Russia, the slowdown and the recession in major economies and the rise in inflation leading to sharp increases in interest rates, followed by capital outflow and the pressure on the exchange rate.
- Even though the economy has staged a recovery and surpassed the pre-pandemic income level, it is still 7% below the pre-pandemic GDP trend.
- This budget is termed as the “first Budget in Amrit Kaal” by the Union Finance Minister.
- With an eye on ‘[India at 100](#)’, the Budget proposals were aimed at actualising a technology-driven and knowledge-based economy with strong public finances, and a robust financial sector.

### **Growth and Fiscal Deficit Dilemma:**

- The fiscal deficit ratio is to come down from 6.4% in FY23 to 5.9% in FY24, to achieve the [fiscal deficit](#) target of 4.5% of GDP by 2025-26. The fiscal deficit target assumes that the economy is on a relatively strong footing, with another year of healthy tax collections.
  - However, a third of the global economy is expected to slip into recession in the calendar year 2023, as per the [International Monetary Fund](#) which may affect manufacturing and other related sectors and impact revenue collections.
  - The fiscal deficit of ₹17.8 lakh crore is to be financed using short-term borrowings and the National Social Security Fund. Given the tight liquidity condition of the banking system, this will not exert pressure on the flow of funds.
- [Inflation](#) is beyond the upper tolerance limit and aggregate fiscal deficit (Centre and States) is in the range of 9% to 10% of GDP. Therefore, ensuring macroeconomic stability requires continued fiscal consolidation.
- Thus the government is faced with the dilemma of accelerating growth by increasing public investment while containing the fiscal deficit. With interest payments accounting for 40% of the net revenues of the Centre, there is hardly any room for complacency.
- Despite a significant increase in food and fertiliser subsidies of Rs. 2 lakh crore, the government has managed to keep its goal of the fiscal deficit in the current fiscal to a maximum of 6.4% of GDP mainly due to the increase in the nominal value of GDP and also the increase in tax collections.

### **A balancing act:**

- Union Budget 2023-24 made a greater allocation to infrastructure spending, and the capital expenditure is budgeted to increase from 2.7% of GDP to 3.3% and considering that capital expenditure has a significant ‘crowding in’ effect, it should help to increase private capital expenditures as well.
  - This comes after the 25% increase in capital expenditures in the last budget.

- This is also supplemented by the ₹79,000 crore on affordable housing on the revenue expenditure side.
- But the constraint is demand, as reflected in capacity utilisation, which is still around 75%. Hence, capex needs to percolate down to higher disposable incomes and increase demand.
- The Reserve Bank of India has estimated the multiplier effect of capital expenditure at 1.2 which should help revive the sluggish investment climate.
- With deleveraged balance sheets and an increase in commercial lending by banks, the investment climate is expected to further improve and arrest the declining trend in the overall investment-GDP ratio in the country.
- In addition, the continued provision of an interest-free loan to States to supplement their capital expenditures should contribute to an increase in capital spending by States.
- Expenditure on the social sector does not register a quantum jump, though there is an increase in absolute terms with some new initiatives towards skilling in both education and health.

#### **Compression in subsidies:**

- Target to achieve fiscal adjustment by mainly containing revenue expenditure will improve the quality of public spending.
- The budgeted increase in revenue expenditures for 2023-24 is just 1.2% higher than the revised estimate for the current year as there is a significant compression in subsidies.
  - The fertiliser subsidy is expected to be reduced by ₹90,000 crore from ₹2.87 lakh crore to ₹1.87 lakh crore.
  - The fertiliser subsidy is expected to be compressed by ₹50,000 mainly as fertiliser prices have come down.
- In addition, allocation to centrally sponsored schemes is expected to decrease by about ₹20,000 crore, and the overall current transfer to States is kept constant at 3.3%-3.4% of GDP.
- The Budget has provided direct tax sops for individuals and MSMEs which may not translate into higher consumption as it is an indexation of the lower tax brackets with inflation, which has been high in the recent past.

**Nut Graf:** *The Union Budget 2023-24 aims for inclusive development that ensures prosperity for all with a focus on infrastructure and investment that serves as a multiplier for growth and employment. It also promotes policies to enable green or environmentally sustainable growth, and the rationalisation of direct taxes while staying the course on fiscal consolidation.*

## **F. Prelims Facts**

***Nothing here for today!!!***



## G. Tidbits

### 1. Protection under Domestic Violence Act not available to male member, says Delhi HC

- The Delhi High Court has stayed proceedings under the **Protection of Women against Domestic Violence Act** (DV Act) in a case where a man had moved to a local court accusing his wife of adultery.
- The Court observed that as per **Section 2(a)** of the **Protection of Women against Domestic Violence Act**, the protection is not available to any male member of the family and more particularly the husband.
  - According to **Section 2(a) of the DV act**, “**aggrieved person**” means any **woman** who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent.
- The advocate who argued on behalf of the wife said that the very title of the Act is self-explanatory that the protection is limited to a woman being an aggrieved person and added that the intent of the Act is resolute that recourse is limited to only women.

### 2. Odisha may prove to be first mover on PVTG Development Mission

- The Union Finance Minister announced the launch of the **Pradhan Mantri PVTG (Particularly Vulnerable Tribal Group) Development Mission** aimed at filling the gaps in extending basic facilities to the PVTG communities
- Odisha which is the home to the highest number of [Particularly Vulnerable Tribal Groups \(PVTGs\)](#) in India is expected to be benefited the most due to the PVTG Development Mission.
- Out of the 75 PVTGs identified in the country, 13 such tribes live in Odisha.
  - According to a 2018 baseline survey, 2,49,609 persons belonging to PVTGs live in 1,679 habitations in 14 districts of Odisha.
- The Union Finance Minister has announced that an amount of ₹15,000 crores would be made available to implement the mission in the next three years under the Development Action Plan for the Scheduled Tribes.
- Additionally, Odisha has also been a beneficiary of the **Conservation-cum-Development (CCD) scheme**, to which the Union Ministry of Tribal Affairs allocates 100% financial assistance to the States with PVTG communities.
- The Odisha Government had also launched the **Odisha PVTG Empowerment and Livelihoods Improvement Programme (OPELIP)** at an estimated cost of ₹711 crores, spread over seven years.

- The State government was granted 46% assistance for the OPELIP in the form of a loan from the **International Fund for Agricultural Development**.
- With the experience of handling such PVTG programmes in the past, Odisha is best placed to handle the PVTG Development Mission.

## H. UPSC Prelims Practice Questions

### Q1. Which of the statements are true regarding the Indian Budget? (Level – Moderate)

1. In the constitution, it is termed as “Annual Financial Statement”.
2. It finds a mention in Article 112.
3. It is prepared under the aegis of the Department of Economic Affairs.

Options:

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

**Answer: D**

Explanation:

- **Statement 1 is correct**, In the constitution, the Union Budget is termed as “Annual Financial Statement”.
- **Statement 2 is correct**, Article 112 of the Constitution of India lays down that Annual Financial Statement is a statement of the estimated expenditure and receipts of the Government for a particular year.
- **Statement 3 is correct**, The Union Budget is prepared by the Economic Division of the Department of Economic Affairs under the Union Finance Ministry.

### Q2. Which of the statements are not true regarding the PM Kisan Yojana?(Level–Moderate)

1. It provides for 6000 Rs. in 4 installments to the beneficiaries.
2. It is applicable to all the farmers of the country.
3. It is a central sector scheme.

Options:

- A. 1 and 2

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

**Answer: A**

Explanation:

- **Statement 1 is not correct**, The PM Kisan Yojana provides income support of Rs.6,000 per year in **three installments** which will be deposited directly to the beneficiaries' bank accounts.
- **Statement 2 is not correct**, The scheme is applicable only to those small or marginal farmers who do not fall under the a set of criteria.
  - Read more about - [The Eligibility criteria under PM-KISAN scheme](#)
- **Statement 3 is correct**, Pradhan Mantri Kisan Samman Nidhi (PM-KISAN) yojana is a Central Sector Scheme.

**Q3. Which of the statements are true regarding Bharat Shared Repository of inscription? (Level – Difficult)**

1. It will be established under the aegis of the Ministry of Information and Broadcasting.
2. It will be a digital repository.
3. It will be established in Hyderabad.

Options:

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

**Answer: B**

Explanation:

- **Statement 1 is not correct**, The Bharat Shared Repository of Inscriptions (BharatSHRI) will be established under the aegis of the **Archaeological Survey of India (ASI)** which works under the **Ministry of Culture**.
- **Statement 2 is correct**, BharatSHRI will be a digital repository with digitisation of 1 lakh ancient inscriptions.
- **Statement 3 is correct**, BharatSHRI will be set up in the Epigraphy Museum to be established at Hyderabad.

**Q4. Which of the following Indian states border Myanmar? (Level – Difficult)**

1. Assam
2. Arunachal Pradesh
3. Meghalaya
4. Nagaland
5. Manipur
6. Mizoram

Options:

- A. 1, 2, 4, 5 and 6
- B. 2, 4, 5 and 6
- C. 1, 3, 5 and 6
- D. 1, 2, 3 and 4

**Answer: B**

Explanation:



**Q5. In the context of India's preparation for Climate-Smart Agriculture, consider the following statements : (Level – Difficult) PYQ 2021**

1. The 'Climate-Smart Village' approach in India is a part of a project led by the Climate Change, Agriculture and Food Security (CCAFS), an international research program.

2. The project of CCAFS is carried out under Consultative Group on International Agricultural Research (CGIAR) headquartered in France.
3. The International Crops Research Institute for the Semi-Arid Tropics (ICRISAT) in India is one of the CGIAR's research centres.

Which of the statements given above are correct?

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

**Answer: D**

Explanation:

- **Statement 1 is correct**, The Climate-Smart Village project in India is a program of CGIAR Research Program on Climate Change, Agriculture and Food Security (CCAFS).
- **Statement 2 is correct**, CCFAS is carried out under CGIAR (formerly the Consultative Group for International Agricultural Research) which is a global partnership that unites international organizations engaged in research about food security.
  - Consultative Group on International Agricultural Research (CGIAR) has its headquarters in France.
- **Statement 3 is correct**, International Crops Research Institute for the Semi-Arid Tropics (ICRISAT) is a non-profit, non-political public international research organization that conducts agricultural research for development in Asia and sub-Saharan Africa.

## I. UPSC Mains Practice Questions

1. [Union Budget 2023-24 strikes a balance between capital expenditure and fiscal consolidation. Examine in detail.](#) (250 words, 15 marks) (GS-3; Economy)
2. [Judicial rulings through majority judgements have raised concerns, particularly in cases involving constitutional ramifications. In this context, evaluate if judicial majoritarianism is justified.](#) (250 words, 15 marks) (GS-2; Polity)

*Read the previous CNA [here](#).*