

UPSC 2017: Comprehensive News Analysis – November 03

TABLE OF CONTENTS

A. [GS1 Related](#)

B. [GS2 Related](#)

POLITY

1. [Delhi LG cannot simply sit on files and stultify governance: Justice Chandrachud](#)

2. [All physical contact not harassment: Delhi HC](#)

3. [Finance Commission's changing roles, challenges over the years](#)

INTERNATIONAL RELATIONS

1. [India hits out at China's stance, as Beijing blocks UN move against Azhar](#)

C. [GS3 Related](#)

ECONOMICS

1. [India falls to 108 on World Economic Forum's gender gap index](#)

INTERNAL SECURITY

1. [India offers to share real-time maritime data](#)

D. [GS4 Related](#)

E. [Prelims Fact](#)

F. [UPSC Prelims Practice Questions](#)

G. [UPSC Mains Practice Questions](#)

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Category: **POLITY**

1. [Delhi LG cannot simply sit on files and stultify governance: Justice Chandrachud](#)

Context:

- **Five-judge Constitution Bench** hearing a batch of nine appeals filed by the Arvind Kejriwal-led Aam Aadmi Party government against an August 4, 2016 judgment of the Delhi High Court.
- **Controversy** : proviso to **Article 239AA (4)**, which mandates that in case of a difference of opinion between the LG and the Council of Ministers, the former has to refer the issue to the President. In the meanwhile, while that decision is pending before the President, the LG, if the matter is urgent, can use his discretion to take immediate action.

High Court order:

- It declared the LG to have "complete control of all matters regarding National Capital Territory of Delhi, and nothing will happen without the concurrence of the LG."
- LG has special powers greater than the President, greater than other Governors of States.

What the government is expecting?

- The Kejriwal government wants the Supreme Court to lay down the law on whether the LG can unilaterally administer the National Capital without being bound by the "aid and advice" of the elected government.

In news:

Justice D.Y. Chandrachud oral observations regarding the role of The Lieutenant Governor:

- The Lieutenant Governor (LG) of Delhi cannot stultify proposals or schemes forwarded by the Council of Ministers to him by simply sitting on them.
- The LG is bound to pass the difference of opinions [between the LG and the Delhi Council of Ministers] to the President for early resolution.

Constitutional Status:

- The **69th Amendment of the Constitution in 1992** gave the National Capital of Delhi special status with its own democratically elected government and legislative assembly.
- Sub-section (4) of **Article 239AA** mandates that a Council of Ministers shall aid and advice the LG in his functions regarding laws made by the Legislative Assembly.

Various opinions:

- The Constitution Bench, led by **Chief Justice Dipak Misra** , prima facie said that the Delhi government's ability

- to **aid and advice** the LG is limited to subjects other than public order, police and land in the National Capital. It said that the proviso to Article 239AA (4), on plain reading, seems to give primacy to the LG.
- Justice Ashok Bhushan remarked that the LG is entitled to take a different view and is not bound by the aid and advice of the Delhi Cabinet.

Counter arguments:

- Subramaniam alleged that the LG has misused the discretion in this proviso to block governance to such an extent that decisions from appointment of teachers in municipal schools to opening of mohalla clinics have been pending for over a year.
- The Chief Secretary and other officers, without applying their minds to the various welfare proposals and schemes, simply forward the files to the LG, where it remains indeterminately.
- The **“extraordinary discretion”** of the LG is confined to special circumstances and not in everything.

2. [All physical contact not harassment: Delhi HC](#)

3. [Finance Commission™s changing roles, challenges over the years](#)

Context:

- The government will soon constitute the **Fifteenth Finance Commission**, as per normal practice, a couple of years before the end of the five-year period during which the Commission™s recommendations are valid.

Constitutions provisions:

- Article 280 of the Constitution requires that a Finance Commission be constituted to recommend the distribution of the net proceeds of taxes between the Centre and states, and among the states.
- The framers of the Constitution were seeking to address the vertical imbalance between the taxation powers and expenditure and responsibilities of the federal government and the states, and the horizontal imbalance, or inequality, between states that were at different stages of development.
- Ensuring inclusiveness is, therefore, a key mandate of the Finance Commission.
- That means assigning weights to things like population, the fiscal distance between the top ranked states and the others, etc. **It is not that the best-performing state will be allocated the highest share** “ even if delivery execution and governance are better “ rather, the effort will be to narrow the development gap between states.
- The Finance Commission Rules, 1951**, lay down the criteria for being members of the constitutional body: those having special knowledge of finance and accounts of government with wide knowledge and experience in financial matters and in administration, or with special knowledge of economics, and those who have been qualified to be appointed as a judge of a High Court.

Challenges ahead:

- As the Fifteenth Commission is set to be appointed, the criteria for distribution will be reviewed.
- The question is whether the commission will take into account the level of collections by each state after the roll out of the GST or not?
- The challenge this time will be the fact that unlike in the past, the share of net tax proceeds between the central government and states is almost equal.
- After the last Commission™s recommendation to distribute 42%, raising the bar on higher transfer of resources will have a much bigger impact on the federal government.
- The twelfth Finance Commission had suggested that it was time now to perhaps look at a Constitutional amendment to fix a ceiling on the distribution of the net tax proceeds, with the Finance Commission arbitrating on distributing tax proceeds among states.
- The Commission itself reckons that its biggest role has been to uphold the country™s federal structure, and to be an architect of fiscal restructuring “ from being mainly an arbitrator between the Centre and states.

Category:Â INTERNATIONAL RELATIONS

1. [India hits out at China™s stance, as Beijing blocks UN move against Azhar](#)

In news:

- China once again blocked an attempt by the U.S., U.K., and France to place **Masood Azhar** in the list of **global terrorists of the Al Qaeda Sanctions Committee of the UN Security Council** citing “no consensus” as a ground for its objection.
- India™s response:
 - India hit out at double standards in the war on terrorism, hours after China blocked a move at the United Nations Security Council to place Masood Azhar, the Pakistan-based chief of the Jaish-e-Mohammed, in a list of global terrorists.
 - India™s strong response did not name China but hinted at “one country” that had hurt the global campaign to ban the terror mastermind who is blamed for several attacks against India, including the Pathankot airstrike of 2016.

Category:Â ECONOMICS

1. [India falls to 108 on World Economic Forum™s gender gap index](#)

Context:

- Global Gender Gap Report
- Report published by World Economic Forum

Highlights of the report:

- According to the report, the gap between the achievements and well-being of men and women widened in the past year
- At current rates, it will take 100 years before women achieve equality in the four areas measured by the WEF:
 - Political empowerment
 - Economic participation
 - Health
 - Education

Rankings:

- The US fell to 49th among the 144 countries ranked, down from 45th last year and 23rd just 11 years ago. The country is only 77% of the way to gender parity in economic opportunity, a gap that's been narrowing, but not as quickly as in other countries.
- India, which sank to No. 108 overall, down 10 places from 2006 was the reverse of the US, with high rankings for women's political empowerment but near the bottom in health, education and economic participation. Economics is a particular area of concern, because women do a disproportionate amount of unpaid work, like childcare.
- Ranked 100 overall, China was No. 144 "dead last" for gender parity when it came to women's health. One metric was life expectancy: Chinese women outlive men by less than two years on average, compared with a global average of five years. While about 70 percent of Chinese women participate in the work force, they earn only 64% of men's wages.
- Women in No. 1 ranked Iceland, for instance, may soon be equal to men in their contribution to the national economy

Category: INTERNAL SECURITY

1. [India offers to share real-time maritime data](#)

In news:

- India has made an offer to share intelligence of maritime movements in the Indian Ocean in real-time with 10 Indian Ocean littoral States.
- This move is intended to counter China's increased presence in the Indian Ocean Region (IOR).
- The information to be shared includes movement of commercial traffic as well as intelligence.

Co-operative system:

- India already has co-operative arrangements with several countries in the region and this initiative would see that expanding further.
- For instance, white shipping agreements to share commercial shipping data have been signed with 12 countries and more are in the works.

Nothing here for Today!!!

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F. Practice Questions for UPSC Prelims Exam

1. All the currency notes
2. All the currency notes except the one rupee note
3. All the currency notes except the hundred rupee note
4. Only notes of Rs. 10 and above

G. UPSC Mains Practice Questions

GS Paper II

1. Hard power without soft power stirs up resentments and enmities; soft power without hard power is a confession of weakness. Critically Analyze.

GS Paper III

1. "Gender equality has to be looked at in a holistic way" Discuss.