Next IAS ID: MT23ELTON014, TC010, 03-09-2023 11:47 AM

(Please do not write anything except the question number in this space) कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए Candidates must not write on this margin

1- Supreme Court under Art 142 to ensure complete justice and spirit of adequate consideration also account international laws.

Recent judgements highlighting it

i) The spirit of Yogyakarta Principles are referred in matter of Navtez Johar case to decriminalize section 377

ii) The reference to CEDAW and Beijing principles in Sabarimala Case for rights of women and gender justice

iii) In matters of clean environment under MC Mehta Case accounting to various UNFCCC guidelines and COP commitment.

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उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए Candidates must not write on this margin

iv) Using India's signatory to convention of ICCPR accounting for humanitarian consideration and rights of migrants

v) The use of Alma-atta principles for advocating health for all in MC Mehta case for clean air

vi) The Unnikrishnan case for Right To Education accounting to ILO principles for child development

vii) Similarity in Buddhadev case for rights of sex workers using reference of International human rights commission

Thus through these means court has expanded India's justice delivery.

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उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए Candidates must not write on this margin

2- India and USA both being the constitutional democracy envisages Freedom of Speech and Expression as fundamental right.

Differences

India	USA
i) The lack of explicit mention of Right To Press	Right To press is explicitly mentioned under it
ii) Narrow implementation due reasonable restriction	Broader definition without any explicit reasonable restriction
iii) It is seen under procedure established by law	It is read by due process of law
iv) No restriction to amend	Strict restriction to amend
v) Judicial safeguard by basic structure	No such reference for safeguarding

(Please do not write anything except the question number in this space) कृप्या इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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Similarities

1) In both nations, it forms as restriction to Government as accounted under fundamental rights

11) Indian Court under Maneka Gandhi case used due process of law as spirit in referring to Freedom of speech and expression

111) Both countries provide special consideration for legislatives in parliamentary discussions.

IV) The power to court in both nation to ensure safeguarding to true spirit Thus both countries advocate for true spirit and nature of it.

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3- Fundamental duties under Part IV(A) was added by 42nd Constitutional amendment act on the basis of Swaran Singh Committee recommendation

Reminder to citizen :-

I) To ensure safeguarding spirit of nationalism by respecting national symbols and freedom fighter

II) To protect our heritage and monuments for inter-generational transmission of culture

III) Developing scientific temper and rationality for modern development

IV) Protecting natural environment which is re-iterated by recent LIFE Campaign.

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v) The spirit of civil responsibility towards providing education to younger generation.

Challenges :-

i) Being part of non-compulsory section, and hence can't be forced to citizen

ii) lack of punitive action and forced implementation leading to misuse of it

iii) The legislative pressure to ensure its fulfillment by laws and regulation

iv) Supreme Court held that they can't act as means to impose restriction unless law stats

Thus ensuring right balance of rights and duties be focussed.

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4- Central Administrative tribunal under Art 323(A) was formulated for ensuring timely resolution of cases regarding appointment and service condition.

Mandate of CAT

i) It is based on doctrine of natural justice to ensure timely disposal of cases pertaining to administration

ii) The immunity to its verdict from judicial review by other courts

iii) The specialized body with appointment largely by Executive body

iv) The issue of cross litigation as its decision is final and binding

(Please do not write anything except the question number in this space) कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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v) It ensures that administration pertains to guidelines, code of conduct to true spirit.

SC resolving tussle :-

i) In Ajit Singh Case, Supreme Court held that its decision can be reviewed by High Court, as the matter of right of seeking justice by party in question

ii) In Rojar Mathews Case, court clarified that under complete justice and right of High Court to checks and balance on its working

iii) Through basic structure doctrine court held that it has every right to judicial review on its verdict.

Next IAS ID: MT23FLTON014, TC010, 03-09-2023 11:47 AM

5- The idea of equality is largely defined under Art 14 to 18 with the spirit of equality before law, equal protection of law to envisage doctrine of rule of law

Spirit of equality :-

i) In Maneka Gandhi Case, Supreme Court stated that substantive equality under Article 21 through due process of law

ii) Ambedkar stated Art 17 of right against untouchability must be aspired over formal verdict for true eradication

iii) The complementaries ~~are~~ as observed by Preamble through Equality, liberty and fraternity.

(Please do not write anything except the question number in this space) कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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iv) In Keshavananda Bharti Case, Supreme Court held Right To equality as basic structure, and thus putting substantial limit on amending power

v) In Sabarimala Case, Court expanded Right to religion by advocating gender equality over legal equality

vi) In Janhit Abhiyan Case, Supreme Court to allow 103rd CAA of EWS stated that here equality is equated for economic equity for development

vii) In equality aspect, Austin stated India envisages social equality, which can't be defined through legal means

Next IAS ID: MT23EL10N014, TC010, 03-09-2023 11:47 AM

Q6- Pressure group are interest articulation grouping comprising of like minded ideological group that represent aspiration outside formal political structure

Similar objective :-

i) They both aim for safeguarding public interest like financial matter by FICCI is considered in budgeting.

ii) They both aim to reach last mile like TRIFED complementing governance to tribal people

iii) Pressure groups help political parties in policy implementation like Greenpeace for monitoring and identification

iv) Thus both aspire wills of citizen be fulfilled.

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Factors encouraging transformation

i) The mass support to pressure group act as "vote bank politics" like Sanjay Baru on how RSS promoting Hindutva parties

ii) The fulfillment of aspiration by lobbying and movement converge to party like AAP formed post India against corruption

iii) Rajni Kothari highlighted it as means for ensuring interest of vested group like converting to regional parties.

iv) It provides wider representation and acceptance through active politics Thus such transformation is largely for better prospects.

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7 - In the recent published guidelines by Higher Education Board for international institution creates way for their inclusion in Indian system.

Benefits in transformation

I) The improving competitiveness with better prospect for qualitative education

II) Improving employability through modern curriculum

III) Expanding culture of research and advocating academia-industry linkage

IV) Promoting new courses and cultural change towards entrepreneurship

V) New Education policy, 2020 stated that it can promote greater internal

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competition and avenue for improving existing higher education institutions

Challenges

1) Vidhi Centre stated that it can corporatize education and promote furtherance of class inequality.

11) PRATHAM NGO stated that it may hamper vocational learning and greater penetration of English led education

111) The reluctance of these institutions to open in rural area and thus further rural-urban divide

Thus at present need lies to strengthen Institutions of eminence and stepwise approach to allow foreign institution

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8- In the report by National family health survey, with 1/3rd of child malnourished, 40% gap in primary health and poor doctor ratio, needs for expanding our health system.

Benefit of private sector :-

I) Accounting for increased investment in ensuring greater accessibility due more options

II) Improving health infrastructure with world class facility and research facilities

III) The solution to loopholes especially in rare disease treatment and ensuring availability of healthcare.

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iv) WHO stated the need in tertiary healthcare sector as only 27% of required infrastructure available

challenges

i) Further increasing out of pocket expenditure and thus affordable challeng

ii) The expanding class based differene and inaccessible at rural areas

iii) The challeng of inclusion of marginal section and lack of pro-poor approach

Thus need lies in improving our public health setup with increasing budget allocation and for private healthcare, the planned system be envisaged.

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9- The Sustainable development Goals clearly prioritize on ending poverty and hunger as targets 1 and 2

Urgent need for global cooperation

i) The changing nature of its impact due cross-border implication by refugee problem

ii) WHO stated it as humanitarian problem and thus responsibility to all.

iii) The cause of poverty as per NKrumah was largely to historic injustice due colonialism and needed to be addressed

iv) The hunger issue at horn of Africa has resulted into regional violence expanding across territories.

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Internal cooperation benefit :-

i) It creates moral responsibility as India through Vaccine Maitri and Sagar initiative showcased

ii) It helps in regional development and safeguarding humanity.

iii) It will prevent spill over effect like terrorism in West Asia due to it

iv) It will ensure right spirit of International responsibility through concessional line of credit.

v) Oxford study stated that resolving such problems prevent issue of coup or power abuse

Thus high time for International collaborat for it.

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10- World Trade Organization was formed out of GATT for economic cooperation and promoting more liberalized and free global trade.

Need for WTO reforms

i) The lack of consensus building due to diverse aspiration of developed and developing nations

ii) The issue of resolution of conflict due to non-timely creation of adjudication and appellate board

iii) The lack of global coordination and divergence like against Nagoya protocol for benefit sharing

iv) It fails to ensure subsidy rationaliza

(Please do not write anything except the question number in this space) कृप्या इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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and lack of time bound implementation of its commitment.

v) The failure to represent voices of under-developed and developing nations like in IPR relaxation and fisheries subsidy

vi) Fail to check on misuse of means like phytosanitary restriction or clean development mechanism by EU

Way forward

i) The need to advocate multi-lateralism and significant support to developing nation

ii) Taking active efforts like IPR relaxation during Covid-19.

iii) The reform in administration for more inclusive and appropriate adjudication means

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11- New Delhi being the capital, requires more nuanced administrative system as it not only houses parliament and key departments but also foreign embassies and crucial institutions

69th Constitution Amendment and dilemma

i) The issue of federalism spirit as it aims to give excessive power to Lt. Governor.

ii) The complexity of governance, as Lt. Governor has right to reserve bill of state subject for President consideration

iii) The amendment has given Centralizing tendency, as all act is defined to be under Lt. Governor wills and can challenge state government working.

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iv) The lack of accountability on conduct of Lt. Governor, as it can question any working and laws passed by Delhi state Government

v) Vidhi Centre stated that the tussle is majorily to aid Centre to have its control during cohabitation situation

Impact of it :-

i) The over-excessive interference has resulted policy paralysis in Delhi

ii) The misuse by Lt. Governor of its power has impacted public trust on elected leaders

iii) The divisive politics and lack of accountability on working of permanent executives

iv) The key issue of delay in legislative working due reservation of bills

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for President consideration.

Way forward :-

i) Supreme Court in NCT Case clearly stated that real power lies in elected Government of Delhi

ii) Law Commission highlighted that seperate governance model be envisaged to resolve tussle

iii) Learning from best pendences like Washington model or London model of governance

Thus need to ensure spirit of federalism, which is basic structure (S.R. Bommai Case).

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12- In the backdrop of raising opaque working of collegium system in appointment has led to increased trust deficit in its working.

Independent not insulated judiciary

I) Art 50 accounted for clear seperation between judiciary and executive

II) Art 142 has given judiciary to take any measure for complete justice

III) However, mechanism of impeachment is based on legislative means

IV) The constitution accounted the spirit of checks and balance to ensure accountable working.

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Issue with appointment system :-

i) Lack of transparency or reporting in working of collegium system

ii) It fails to account role of other organs of Government for more inclusive governance

iii) Vidhi Centre stated that such system fails to account inclusive appointment as rarely female judges are part of it

iv) National Judicial data grid stated due stalled working, the raising vacancy in post.

v) Lack of clear mechanism for appointment at internal administration within courts and fail to account merit over seniority.

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Alternatives for it

1) The creation of All India Judicial services to ensure timely recruitment on merit basis

11) Centre for political research stated that use of means like online streaming or presenting report of working of collegium

111) The need for more inclusive appointment by overcoming strict principles of seniority

1V) Creating inclusion of executive like law Minister in appointments

Thus transparent appointment system be envisaged.

(Please do not write anything except the question number in this space) कृप्या इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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13- National Commission for Scheduled tribe, as constitutional body is created to account for judicious focus in developing and resolving concerns of tribals.

Confined to monitoring and advisory

I) Lack of adequate judicial power to ensure timely aid to concerns

II) Limited role in ensuring inclusion exclusion of tribals in scheduled tribe list

III) The limited scrutiny and discussion of reports presented to President

IV) Xaxa Commission observed its lacity in including tribals within Commission executive Committee.

(Please do not write anything except the question number in this space) कृपया इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

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उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए Candidates must not write on this margin

Impediments in functioning :-

i) The problem of funds, function and functionaries due to lack of timely allocation and appointment

ii) TRIFED stated that NCST is challenged with lack of support from state government for ground level working

iii) The doctrine of pleasure and excessive politicization prevents non-partisan working

iv) Lack of awareness about such commission at the level of tribals

v) Lack of timely field work and rapport building exercises.

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Reforms needed :-

I) The devolution of funds charged on consolidated fund of India

II) Revisiting its composition to ensure greater representation from tribal

III) Law Commission suggested that mandatory recommendation of commission be ensured from it for tribal listing

IV) Bhuria Committee recommended its extended role to ensure implementing PESA Act for good governance

Thus it will help in judicious working of commission

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उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए Candidates must not write on this margin

14- In Indian federal system, the working of State Government is vested under Governor to ensure political continuity with Union.

Governor reserve a state bills :-

i) If a bill is in contravention to ideals of constitution or hampers its spirit in governance

ii) The bill that exceeds its working over the subject listed under State list

iii) The bill that can potentially change sovereignity and integrity of nation or International relations

iv) The bill that aims to overcome laws or regulation formulated by

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उम्मीदवारों को इस हाशिए में नहीं लिखना चाहिए Candidates must not write on this margin

union under concurrent list.

v) The bill that is impacting implementation of Union orders like in matters of railways etc.

Controversial provision :-

i) The misuse of authority like in recent West Bengal case of undue use of reservation criteria

ii) The mistrust and hampering of federal spirit like in Tamil Nadu on politicization of the post

iii) The policy paralysis and delays like in working of Delhi Government

iv) The misuse of it in advocating President rule in earlier 1970's

v) The delay in implementing timely laws

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Reforms by Punchi Commission

i) The need to ensure fixed tenure for Governor to present misuse of doctrine of pleasure

ii) The appointment must be made in consultation with state Government and consensus building

iii) The need to expand state subject and putting new subject under concurrent list

iv) The clear guidelines on reserving bill for President and promulgation of ordinance

v) The Governor must work in aligned to council of minister of state Thus Governor must act as lynchpin.

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15- 9th Schedule was added by 1st Constitution amendment act, so as to protect certain subject from judicial scrutiny like land reforms

Paradox :-

I) On accounting socio-economic reforms, it has violated Right To property, the than fundamental rights

II) It undermines power of Judiciary as it prevents their scrutiny and impacted basic structure doctrine of judicial review

III) ADR stated that it acted as constitutional mechanism to prevent constitutional morality of Constitutional remedy under Art 32

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iv) The centralization tendency for ensuring whimes and fancies of ruling government by misusing it

Non-relevance in present times

i) The parliament despite having right to put subject under it, doesn't immune it from judicial review

ii) The issue of misusing it in earlier times is done away by IR Coelho case by keeping it under judicial review

iii) The doctrine of eclipse, as it is now mere alive in existence but dead by its mandate

iv) Lack of clarity in listing and scrutiny has made it non-supportive by public.

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IR Coelho judgement

i) It clarified stand that Government still has every right to put any subject under it

ii) But it doesn't means they are immune to judicial review, as it forms basic structure

iii) Right To property still holds relevance as constitution right as Art 300(A)

iv) The doctrine of pith and substance be ensured it utilization of the 9th Schedule

Thus 9th Schedule is more or less "dead by spirit" as stated by former Justice Iyer.

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16- Central Information Commission is a statutory body under RTI Act envisaged with responsibility to ensure implementation of RTI for good governance.

Guardian of democracy :-

I) IInd ARC stated that it can aid in bringing silent revolution through transparent governance

II) It promotes doctrine of checks and balance on executives by making them accountable for presenting information

III) It holds necessary power in promoting public interest by ensuring information for public scrutiny.

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Challenges :-

i) With amendment now it works under doctrine of pleasure in ~~app~~ office condition

ii) The lack of fund devolution and dependency on central government

iii) The right to government authority to refuse information on national security like refusing criteria on choosing Sachin Tendulkar for Bharat Ratna

iv) The excessive delay as PRS legislative stated that over 40% cases are still under monitoring

v) It fails to account misuse of RTI that has resulted into stalling development projects.

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Issue of statuory status :-

I) The lack of mandate on Government for timely appointments

II) Lack of clear framework and power in its working with sufficient quasi-judicial power.

III) The political dependency and hence non-immune to politicization

Way forward :-

I) Mere constitutional status won't work until significant authority and independence be given

II) IInd ARC stated that CIC must be given autonomous status for ensuring effective working for good governance.

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17- POCSO Act was promulgated for resolving the menace of child abuse and ensuring adequate justice and rehabilitation for victim

Significance

I) The gender neutral aspect of it ensure safety to all children

II) The post-facto nature as complains can be made under it even after one becomes major

III) The provision for fast track courts for speedy and sensitive justice delivery

IV) The focus on proper psychological counselling and rehabilitation to overcome mental uncomfort.

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Challenges

i) The Pratham NGO observed lack of inclusion and awareness in our educational curriculum

ii) Lack of timely justice due to non-implementation of fast track courts

iii) As per NCRB over 80% of cases are witnessed in close circuit by family members

iv) The issue of sensitive handling due sensational media coverage

Way forward :-

i) National Commission stated that the need for effective implementa with support of Civil societies

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ii) National Judicial data grid stated that district legal service authority must take special measures for timely justice delivery to victims

iii) Sensitive awareness by using school curriculum and civil society to raise public awareness

iv) The need to safeguard child's right and ensure sensitive media handling of such cases

Thus POCSO is the right steps towards justice for children and their protection.

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18 - World Bank stated that accounting technology driven e-governance not only advocate good governance but also help in public faith on government.

Benefit of technology

i) Through data governance ensuring timely policy evaluation and resolving exclusionary errors

ii) The benefit in grievance redressal mechanism like CPGRAMS.

iii) It helps in ensuring timely service delivery like blockchain technology to check subsidy to farmers

iv) It promotes culture of public audits like Telangana Open data governance

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v) WHO applauded India's good governance through CoWIN and Aarogya setu portal for technology based governance.

Challenges :-

i) The bureaucratic reluctance and apathy towards modernizing governance

ii) The misuse of data and technology as Cambridge Analytica stated for surveillance governance

iii) Lack of adequate data security mechanism and technical expertise

iv) The technological challenges like in Jharkhand excluding many beneficiary from PDS.

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Way forward

1) Karmayogi mission clearly stated role based governance and thus accounting means for technology capacity

11) NITI Aayog stated mandatory technology based training and capacity building drives

111) The need to Indianize technology with adequate cyber-security and protection mechanism

1v) The balanced approach with using technology and human intelligence

Thus through this, India can achieve minimum government, maximum governance

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19- India-USA relation are defined by comprehensive and global strategic partnership which is expanding in shared Geo-strategic goals across Indo-Pacific.

Depth in relation :-

i) The percolation of relations into new multi-lateral ties like QUAD, I2U2 forum for geo-political convergence

ii) The expanding domain like India signing Artemis Accord for space cooperation

iii) The geo-economic expansion with launch of new critical energy (i-CET)

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partnership across emerging technology and disruptive innovation

iv) The expansion in geo-political solidarity against Chinese expansionist tendencies and cooperating for global peace

Challenges :-

i) The lack of timely bilateral engagements post enthusiastic launch of initiative

ii) The problem of divergence across Russia-Ukraine war and India's neutral stance

iii) The nationalist tendency like America's first policy, CAATSA etc

iv) The lack of expansion across trade and diaspora utilization.

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Ways to navigate :-

i) The advocation of collaborative efforts towards newly identified sectors like green technology

ii) The need to expand defense ties that was highlighted under BECA, COMCASA etc, with military exercises

iii) C. Rajamohan insisted on frequent 2+2 dialogues for better confidence building and bilateralism

iv) The need to ensure strengthening convergent point like tackling Chinese debt trap diplomacy

As PM Modi stated that "future belongs to AI that also means America India relations".

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20 - India-ASEAN relations are now defined by External Affairs Ministry through 'Act East policy' and 'Neighbourhood first policy' highlighting on its crucial aspect:

Evolution of relation

I) The increasing geo-economic ties as India accounts for top 5 investor across South East Asia

II) The geo-political expansion from limited engagement to increasing convergence for peaceful Indo-Pacific and against Chinese assertion

III) The geo-strategic convergence from limited regional safety to now

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global action against countering terrorism and securing important sea lanes of communication

iv) The expansion of coordination towards new sector like interest shown to India's Brahmos missile by Indonesia, Vietnam etc.

Challenges

i) Lack of regional support post withdrawl from RCEP

ii) The lack of timely engagements and multi-lateral convergence

iii) The stalled nature of economic cooperation and trade compare to China

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To leverage opportunities :-

i) The expansion across soft diplomatic means like cultural exp exchange on Buddhism

ii) The expanding coordination like in resilient supply chain and trade in new commodities

iii) The engagements exceeding from Shangri La dialogue towards more frequent bilateral coordination

iv) Expanding to new areas like disaster management, clean energy and safeguarding nature.

Thus Indo-Asean relation must be revamped.