NEXT IAS

NEXT IAS (Head Office) : 27-B, Pusa Road, Metro Pillar no. 118, Near Karol Bagh Metro, New Delhi-110060
Bhopal Centre: Plot No. 46, ZONE-2, M.P. Nagar, Bhopal-462011
Ph: 8081300200, 8827664612 | **E-mail:** mts@nextias.com | **Web:** www.nextias.com

(To be filled by candidate)

Name of Candidate : MOHIT GUPTA

NEXT IAS Roll No.: A1M24GCRA017 Date of Examination : 22/08/23

Exam Centre : Old Rajinder Nagar ✓ Bhopal ☐ Online ☐

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Time Taken : _____

Program : FLT ☐ FLT+ ☐ SLT ☐ SLT+ ✓

MAIN TEST SERIES 2023
(TEST-10)

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SUBJECT/PAPER
GENERAL STUDIES

Invigilator's Sign. : .....

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Evaluator's response

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Evaluator Code :

Q.No	Pg No.	Maximum Marks	Marks	Total
1	1			
2	3			
3	5			
4	7			
5	9			
6	11			
7	13			
8	15			
9	17			
10	19			
11	21			
12	24			
13	27			
14	30			
15	33			
16	36			
17	39			
18	42			
19	45			
20	48			
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1. मानवाधिकार के मुद्दों पर सर्वोच्च न्यायालय के हालिया निर्णय अंतर्राष्ट्रीय कानून और संधियों को न केवल प्रेरणा के स्रोत के रूप में बल्कि विधि के स्रोत के रूप में उपयोग करने में एक उल्लेखनीय बदलाव का संकेत देते हैं। प्रासंगिक निर्णय–विधि के संदर्भ में परीक्षण कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

The recent Supreme Court judgments on human rights issues mark a remarkable shift in using International law and treaties not just as a source of inspiration but as a source of law. Examine with reference to relevant case laws. (Answer in 150 words) 10 marks

Ans) • Supreme Court has not only acted as "protector of Constitutional rights" but have upheld "basic Human Rights" too.

International laws & Treaties as inspiration & source of law

① Anuradha Bhasin Judgement & Shreya Singhal Case upheld the Right to Access Internet & To free speech & expression as drawn from internet accessibility treaty.

② Universal Declaration of Human Rights has been source of inspiration

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(a) Right to livelihood → Olga Tellis Case

(b) Right to Privacy & Personal Dignity as identified in KS Puttaswamy Case.

(c) Right to self determination of identity → Navtej Johar Case & NALSA Vs UoI Case.

(3) Rights of under-trials & prisoners for humane treatment was recognized by SC in multiple PILs & orders were also issued.

(4) Cartagena & Nagoya-Kuala Lumpur protocol was used for ethnic community rights in Vedanta Bauxite Mining Case & Divya Pharmacy Vs Uttrakhand Case.

SC has ~~multip~~ broadned horizon of human rights by including international treaties.

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2. संवैधानिक प्रावधानों में समानता के बावजूद वाक् एवं अभिव्यक्ति की स्वतंत्रता पर संयुक्त राज्य अमेरिका और भारत का अपना विशिष्ट न्यायशास्त्र है। विश्लेषण कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

The United States and India have their own distinctive jurisprudence on freedom of speech and expression despite the similarities in constitutional provisions. Analyse. (Answer in 150 words) 10 marks

Ans) Both Bill of Rights of USA & Part III Fundamental Rights of Indian Constitution give freedom of speech & expression but they have evolved differently in both countries.

Distinctive Jurisprudence in USA & India

(1) Courts in USA have identified Corporate Freedom of Speech & Expression through political funding & advertorials. However, such provisions are not available in USA.

(2) Criticism of Judiciary :- Objective criticism allowed except for Contempt of Court in India.

USA :- Judiciary is super chamber &

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no criticism is allowed.

(3) Judiciary in India cannot try the statements of legislators within Parliament, while US Courts have wide powers to try Senators & Congressmen.
(Ex) - Donald Trump Case -

(4) Presence of sedition provision (154A of IPC) in India, while no such limitations is present in USA.

(5) Constitution itself provide ground for limitations under Art. 19(2) while government of the day decide limitations in USA.

Despite similar provisions, trajectories of both jurisprudences have been widely different.

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3. मौलिक कर्तव्य एक अनुस्मारक हैं कि नागरिकता मात्र एक निष्क्रिय प्रस्थिति नहीं है, बल्कि एक सक्रिय संलग्नता है। चर्चा कीजिए। इनके विधिक प्रवर्तन में कौन–कौन सी चुनौतियाँ हैं? (150 शब्दों में उत्तर दीजिए) 10 अंक

Fundamental Duties are a reminder that citizenship is not merely a passive status but an active engagement. Discuss. What are the challenges in their legal enforcement? (Answer in 150 words) 10 marks

Ans 3) Swaran Singh Committee suggested fundamental duties which were finally incorporated through 42nd & 44th Amendment under Article 51A.

Passive Status to Active Engagement

(1) Citizens have duties along with rights. They help make citizens aware about responsibilities for national development.

(2) Help preserve culture & heritage. Uphold values of freedom struggle like Courage & Patriotism.

(3) They encourage citizens to render national duties in crisis. (Ex) - Doctors & Police during Pandemic.

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④ Promote Philosophy of "Nation's Development through Citizens Contribution".

Challenges in Legal Enforcement

① Vague & Ambiguous language. (Ex)- Freedom ~~that~~ struggle values are not codified.

② Non-Uniformity. (Ex)- Priests cannot be expected to have Scientific temper.

③ Already existing laws serving same purpose. Legal Enforcement will lead to duplicity of laws. (Ex): Flag code of India

④ Difficult to enforce as they depend on voluntary acceptance-

Former Vice President V. Naidu emphasized "Need is for awareness & social acceptance of fundamental duties, not legal codification".

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4. केंद्रीय प्रशासनिक न्यायाधिकरण (CAT) के अधिदेश पर चर्चा कीजिए। सर्वोच्च न्यायालय के पूर्व के निर्णयों ने CAT और उच्च न्यायालयों के बीच क्षेत्राधिकार संबंधी विवाद को किस सीमा तक हल किया है?

(150 शब्दों में उत्तर दीजिए) 10 अंक

Discuss the mandate of the Central Administrative Tribunal (CAT). To what extent earlier SC verdicts have resolved the jurisdictional tussle between CAT and High courts? (Answer in 150 words) 10 marks

Ans 4) Central Administrative Tribunal (CAT) were setup by 42nd Constitutional Amendment & CAT Act providing for them.

Mandate of CAT

(1) Constitutional Provision: Article 323A enabling Parliament to setup CAT.

(2) Look after issue of appointment, & dismissal training, posting (transfers) of all persons employed by the Central Government.

(3) Certain class of personnel are exempted:
(i) Military Personnel
(ii) officers & Staff of Supreme Court & High Court.
(iii) officers & Staff employed by Parliament.

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Jurisdictional Tussle between High Court & CAT : SC Verdicts

(1) Tussle was on right to appeal of CAT verdict & staff of High Court under CAT ambit or not.

(2) Solutions by SC : (i) Verdict of CAT will be final & binding for all central employees.

(ii) No right to appeal under writ jurisdiction of High Court.

(iii) Staff of High Court is outside CAT ambit.

(3) Limitations : (i) Appeal can be filed in cases of grave injustice or procedural lapes.

(ii) However, both these terms are not defined.

Need of the hour is to amend CAT Act on lines of SC verdict with clear definitions.

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5. 'भारतीय संविधान के तहत समानता केवल औपचारिक समानता नहीं है, बल्कि इसमें वास्तविक (मौलिक) समानता का विचार भी शामिल है।' संवैधानिक प्रावधानों और इस संदर्भ में सर्वोच्च न्यायालय के निर्णयों के आलोक में कथन का विवेचन कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

'Equality under the Indian constitution is not merely about formal equality, it also incorporates the idea of substantive equality'. Discuss this statement in light of constitutional provisions and relevant Supreme Court judgments. (Answer in 150 words) 10 marks

Ans 5) Indian Constitution envisages equality - Political, Social & Economical i.e. formal as well as substantive equality.

Idea of Substantive Equality : Constitutional Provisions & Judgements

(1) Affirmative Action for socio-economic equality as provided under Art 15(4) (education) & 16(4) (jobs).

Judgement in Indira Sawhney Case upheld the constitutional validity of same.

(2) Affirmative action for Backward Classes by 103rd Amendment Act & inserting Article 15(6) & 16(6) for EWS reservation.

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SC in Ram Singh Case (Delinking Backwardness with caste) & Tanhit Adhiyaan Case upheld the same.

(3) Article 39(b) & 39(c) providing for redistributive justice & measures like land reforms for socio-economic equality - Kesavananda Bharati Case & IR Coelho Case upheld validity of such reforms for socio-economic equality.

(4) NALSA v/s UOI & Navtej Johar Case - Equal opportunities for non-binary genders.

(5) National Safai Karamchari Union Case - No citizen should be subjected to manual scavenging - no deprivation.

Substantive Equality has enabled citizens to 'participate as equals' in public discourse.

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6. दबाव समूह और राजनीतिक दल राजनीतिक प्रक्रिया को लोकतांत्रिक बनाने के अपने उद्देश्य में स्वाभाविक रूप से समान हैं, यद्यपि वर्तमान समय में अधिकतर दबाव समूह राजनीतिक दलों में रूपांतरित होने की महत्त्वाकांक्षा रखते हैं। उन कारकों का सविस्तार वर्णन कीजिए जो इस रूपांतरण को प्रोत्साहित कर रहे हैं।

(150 शब्दों में उत्तर दीजिए) 10 अंक

Pressure groups and political parties are inherently similar in their objective to democratise the political process, however, more and more pressure groups today aspire to transform into political parties. Elaborate and highlight the factors that are encouraging this transformation.

(Answer in 150 words) 10 marks

Ans 6) The differences between Pressure Groups & Political Parties are diluting due to newfound political aspirations of the former.

Impact of such transformation

(1) Pressure groups are engaging in political mobilisation of people. This has further created rift between political parties & pressure groups. (Ex)°₀ Bhartiya Kisan Union.

(2) Diversion of political funding. This has created issues of financial propriety.

(Ex)°₀ Possible foreign funding of pressure groups.

(3) Political activities of pressure groups

Candidates must not write on this margin

has decreased credibility as policy input provider owing to vested interests.

Factors encouraging such transformation

① Centralization of governance structures is on the rise. This has reduced process of deliberation with pressure groups

② Rise of One Party Politics & shrinking political middleground.

③ Misuse of pressure groups for vested profits by political parties.

④ Declining trend of proper research by pressure groups & increasing policization.

⑤ Less consideration of grievances submitted by pressure groups. (Ex: FICCI's role is on decline.

Pressure Groups & Political Parties should operate in distinct democratic spaces. Unnecessary intermixing will increase confrontation & conflict.

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7. "क्या भारत में उच्च शिक्षा की वैश्विक प्रतिस्पर्धात्मकता को बढ़ाने तथा वर्तमान गुणवत्ता चुनौतियों का समाधान करने के लिए विदेशी शैक्षणिक संस्थानों का प्रवेश एक परिवर्तनकारी कदम हो सकता है?" तर्क सहित पुष्टि कीजिए।
(150 शब्दों में उत्तर दीजिए) 10 अंक

"Can the infusion of foreign educational institutions be a transformative step in enhancing the global competitiveness of higher education in India and addressing the prevailing quality challenges?" Justify with reason.
(Answer in 150 words) 10 marks

Ans 7) Recent announcement of Australia's DEAKIN University in GIFT City is based on aims & objectives of New Education Policy 2020.

Infusion of Foreign Educational Institutions (FEIs) is transformative step

(1) Global Standards of education - Better faculties & Relevant courses.

(2) Integration of Indian Higher Education with global counterparts - Ease of research & student exchange.

(3) Reduce Competitive exam pressure on students by opening new avenues.

(4) Prevent Brain Drain by outmigration.

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(5) Better competitive standards for quality education will be there for Indian Universities & Best Practices can be shared.

Limitation of FEIs Introduction in India

(1) High course fees & unavailability of reservation → Non Inclusive Education.

(2) Can't resolve structural issues of Indian institutes.

- Outdated Curriculum
- Old Infrastructure
- High Professor-Student ratio

(3) Create jurisdictional issues - Non-implementation of UGC & AICTE norms will create disparities.

Though FEIs are a welcome step, but government must also focus on structural reforms in Indian Universities for improving quality of education.

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8. सार्वजनिक स्वास्थ्य प्रणाली की सीमाओं को संबोधित करने के हेतु निजी क्षेत्र किस प्रकार सभी के लिए समान और सुलभ स्वास्थ्य देखभाल सुनिश्चित करने के अंतर को पाटने में प्रभावी योगदान दे सकता है? चर्चा कीजिए।

(150 शब्दों में उत्तर दीजिए) 10 अंक

To address the limitations of the public health system, how can the private sector contribute effectively to bridging the gap to ensure equitable and accessible healthcare for all? Discuss.

(Answer in 150 words) 10 marks

Ans 8) Private Sector can be instrumental in India's aim of Universal Healthcare Coverage.

Private Sector Participation in Health Sector

(1) Setting up more branches in remote areas. Better facilities & doctors can be employed in rural areas.

(2) Empanelment of Private Hospitals under Ayushman Bharat has allowed wider Coverage of beneficiaries.

(3) Funding to private sector for medical research & development. Medical Infra-structure for high incidence diseases

Candidates must not write on this margin

like Malaria, Cholera etc - can be setup.

(4) Improve personnel availability to match WHO standards (1:1000 for doctors & 1:300 for nurses).

(5) Dedicated trauma centres, cancer research hospitals can be setup with help of government support. (Ex) - Tata Cancer Hospital Mumbai

(6) Coverage under health insurance will ensure world-class facilities at cheap prices for poor - (Ex): State Compensation to hospitals directly.

(7) Digital Apps like Practo, Tata 1mg can help deliver tele-medicine & medicine delivery -

Private Sector's innovation & reach can be leveraged for "Swasth Bharat, Surakshit Bharat".

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9. गरीबी और भुखमरी उन्मूलन के लिए वैश्विक सहयोग की यथाशीघ्र आवश्यकता है। अंतर्राष्ट्रीय सहयोग गरीबी और भुखमरी की चुनौतियों से निपटने के प्रयासों को कैसे प्रभावित कर सकता है? विश्लेषण कीजिए।

(150 शब्दों में उत्तर दीजिए) 10 अंक

There is an urgent need for global cooperation to eradicate poverty and hunger. In this context analyse how international cooperation can impact efforts to address the challenges of poverty and hunger.

(Answer in 150 words) 10 marks

Ans 9) "Poverty Anywhere is threat to Prosperity Everywhere" - indicates urgent need for global Cooperation on poverty & hunger eradication.

(1) Developing Global Nutrition Supply Chains. International Aid for famine & drought ridden areas. (Ex) - USAID for Sub-Sahara.

(2) Agricultural productivity of underdeveloped Countries can be increased by sharing technology & best practices.

(3) Technology & Digital Solutions for Human Resource Development to

Candidates must not write on this margin

eradicate poverty. (Ex) - e-VBAB Initiative for digi-education & digi-health by India.

(4) Poverty & Hunger has direct correlation with

- Conflict Zones like Wars
- Climate Change
- Epidemics & Pandemics like COVID.

Tackling all of these call for global cooperation. (Ex) :- Paris Agreement for Climate Change.

(5) Capacity Building & Capability Enhancement of resource poor areas to ~~elevate~~ eliminate poverty & hunger. (Ex) : Asia-Africa Growth Corridor for Codevelopment.

Need of the hour is to realise that accentuating inequalities can be countered only through robust global cooperation.

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10. बदलती वैश्विक गतिशीलता को ध्यान में रखते हुए विश्व व्यापार संगठन (WTO) में प्रभावी और सार्थक सुधार किए जाने की तत्काल आवश्यकता है, ताकि आधुनिक व्यापार की जटिलताओं को दूर करने में WTO की प्रासंगिकता और क्षमताओं का उपयोग किया जा सके। चर्चा कीजिए। (150 शब्दों में उत्तर दीजिए) 10 अंक

The changing global dynamics require prompt effective and meaningful reforms within the World Trade Organization (WTO), to ensure its relevance and capacity to address modern trade complexities. Discuss. (Answer in 150 words) 10 marks

Ans(10) WTO is the single apex agency to regulate Rules of global trade, ensure parity & equity in trade relations.

Issues & Reforms Required in WTO

(1) No Development on Bali Package providing Concessions to developing countries. Differences between developing & developed-countries has effectively stalled working of WTO.

(2) Dysfunctional Dispute Resolution Body with USA blocking appointment of judges.

(3) Rising Protectionism in global trade

Ex:- Inflation Act of USA, Carbon Border Tax of EU etc.

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④ Influence of economic giants on distorting trade. (Ex) :- USA using trade as a method of sanctions.

⑤ High trade deficits of developing countries due to neocolonial global forces -

Reforms required :- ① Immediate resolution of subsidy issue -

② Robust Appellate Body with timebound resolution of cases.

③ Powers to penalise protectionist ~~trust~~ measures -

④ Support & concessions to developing countries (Ex) :- Allowing Manufacturing grants

Immediate reforms at WTO can ensure democratic liberal & free market based global trade order.

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11. 69वें संविधान संशोधन ने किस प्रकार दिल्ली में दोहरे शासन की दुविधा को उत्पन्न किया है? संविधान में परिकल्पित सहकारी संघवाद पर इसके प्रभाव की चर्चा कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

How has the 69th Constitutional amendment led to Delhi's dual governance dilemma? Discuss its impact on cooperative federalism as envisaged in the Constitution. (Answer in 250 words) 15 marks

Ans (1) 69th Constitutional Amendment (CAA) Act, 1992 inserted Article 239AA in the Indian Constitution for the governance of National Capital Territory of Delhi (NCT-D).

Delhi's Dual Governance Dilemma by 69th CAA

(1) Two centres of power: Democratically elected Council of Ministers (CoM) & Centrally appointed Lieutenant Governor (LG).

(2) LG to act on aid & advise of CoM on all matters except for land, police & public order. This created ambiguities in separation of power.

(3) Confrontationist stance between LG

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and CoM led to governance paralysis in Delhi.

(4) It created issue of appointments & transfer in services. Differing stance of Supreme Court in 2021 Judgement & subsequent GNCTD Act created situation of conflict between Centre & Delhi Govt.

Impact on Cooperative Federalism

(1) LG is now defined as Government of Delhi for all purposes - "Tyranny of the Unelected".

(2) Special Provisions in violation of 7th Schedule for Delhi deprived democratic government of exercising power.

(Ex) - No Control on Police even during disturbance.

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(3) Federal Conflict between Centre & Delhi's CoM, depleting trust & confidence of people of Delhi.

(4) Excessive interference in day to day administration of ~~gov~~ Delhi's executive. (Ex): Mandatory approval of LG

(5) Policy Paralysis affecting people's interest & development agenda of Common Public. (Ex): DERC Chairman Post vacant for 6 months.

(6) Perceived violation of SC Judgement & Federalism which is part of Basic Structure.

Balakrishna Panel has suggested division of Delhi into Core & NCR region with former under Union Govt & later under Delhi's CoM to resolve tussle.

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12. "संविधान एक स्वतंत्र न्यायपालिका की परिकल्पना करता है, न कि पृथक न्यायपालिका की"; दिए गए कथन के आलोक में उच्च न्यायपालिका में न्यायाधीशों की नियुक्ति से जुड़े मुद्दों पर चर्चा कीजिए तथा वर्तमान प्रणाली के विकल्प तलाशिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

"Constitution envisages an independent judiciary, not insulated judiciary"; In the light of the given statement, discuss the issues associated with the appointment of judges in the higher judiciary and explore alternatives to the current system. (Answer in 250 words) 15 marks

Ans 12) Article 124 providing for appointment of Judges by President aimed at independence of Judiciary, not insulation.

Issues in Appointment of Judges in Higher Judiciary

(1) Critics allege that through Second & Third Judges Case, the word Consultation was interpreted as "Concurrence". This was against Constitutional spirit of Checks & Balances. Additionally striking down of 99th Constitutional Amendment Act establishing National Judicial Appointment Commission (NJAC) is criticised as Judicial Overreach.

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(2) Issues with Collegium System :- (i) Lengthy process & leads to vacancies (30% in High Courts).

(ii) No Transparency in functioning of Collegium.

(iii) Lack of standard criteria for appointment

(iv) Allegations of Nepotism - Uncle Judge Syndrome in higher judiciary.

(3) Executive can effectively stall recommendations of collegium without citing relevant reasons.

(4) Lack of Diversity & Inclusivity in higher judiciary - both caste wise & gender wise -

(5) Senior judges of Courts give their precious time for non-judicial tasks.

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Possible Alternatives to Current System

We need an NJAC-like body which can be constituted on following lines:

(a) Judicial Majority - or Casting Vote to Chairman.

(b) Legal Codification of eligibility criteria & removing ambiguities like "subject to fitness" & "clearance by government".

(c) Two members which are appointed must have legal knowledge/eminent jurist.

(d) Removal of "veto provisions" by any two votes against the recommendation.

(e) Time bound process of appointment & prior appointment for future vacancies.

We need to balance judicial independence as well as ensure executive say to maintain Constitutional Separation of powers.

Candidates must not write on this margin

13. राष्ट्रीय अनुसूचित जनजाति आयोग (NCST) प्रायः निगरानी और सलाहकार की भूमिका तक ही सीमित है। संवैधानिक दर्जा प्राप्त होने के बावजूद NCST के कामकाज में क्या बाधाएँ हैं? इसमें सुधार हेतु सुझाव भी दीजिए।

(250 शब्दों में उत्तर दीजिए) 15 अंक

The National Commission for Scheduled Tribe (NCST) has largely been confined to a monitoring and advisory role. What are the impediments in the functioning of NCST despite the constitutional status, also suggests reforms.

(Answer in 250 words) 15 marks

Ans (13) NCST is a constitutional body entrusted to scrutinise government actions & legislations while protecting interests of Scheduled Tribes (STs) & giving policy inputs for ST welfare.

Impediments to functioning of NCST

(1) Advice tendered by NCST do not have legally binding force. Executive may or may not accept recommendations.

(2) Absence of separate secretariat & own departmental workforce. Due to lack of manpower, NCST need to rely on state executives like police force for any action.

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(3) Lack of separate fund to ensure fiscal autonomy. High dependence on Compensation by Executive for any victim.

(4) National ST subplan is designed by Ministry of Tribal Affairs. NCST has limited say in financial allocation of resources.

(5) Lack of connect with tribes. Chairperson & other members are often politicians/ bureaucrats with little concern for tribal welfare.

(6) Presence of parallel executive bodies effectively limiting it's operational role.

Possible Reforms to Empower NCST

(1) Appointment of officeholders should be after Consultation with tribal leaders & NGOs of that area. People with deep

Candidates must not write on this margin

Connect of to tribes should be appointed.

(2) Fiscal Autonomy by separate NCST Fund which is charged on Consolidated Fund & replenishes regularly.

(3) Dedicated cadre & workforce for carrying out objectives.

(4) Recommendations of NCST can be made binding through law.

(5) Setting up regional offices specially in tribal dominated areas - This will provide real-time inputs to NCST.

(6) Annual Report of NCST should also mention limitations & cases of tribal atrocities & displacement

NCST's robust functioning will work wonders for addressing issues of tribal development.

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14. राज्यपाल किन–किन परिस्थितियों में किसी राज्य के विधेयक को राष्ट्रपति के विचारार्थ आरक्षित कर सकता है और यह प्रावधान विवादास्पद क्यों है? साथ ही इस संबंध में पुंछी आयोग द्वारा सुझाए गए सुधारों पर भी चर्चा कीजिए। (250 शब्दों में उत्तर दीजिए) 15 अंक

Under what circumstances can the Governor reserve a state bill for the consideration of the President and why is this provision controversial? Also, discuss the reforms suggested by Punchhi Commission in this regard. (Answer in 250 words) 15 marks

Ans 14) Article 200 & Article 360 provides powers to Governor to reserve a state bill for Presidential Consent.

Circumstances where such bills can be Reserved

1. Any bill changing/affecting powers & jurisdiction of High Court.
2. Any bill with ambit wider than state boundaries. (Ex: For inter-state trade & Commerce.
3. Any Bill concerned with security & integrity of Country.
4. All financial bills during Financial Emergency.
5. Any bill affecting wider national interest.

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Controversy associated with this provision

(1) Excessive Discretion to Governor → No codification of terms like "larger national interest" & "security & integrity".

(2) In case President rejects such a bill, there is no provision of reconsideration. The Bill lapses despite having democratic mandate of Council of Ministers (CoM)

(3) No timeline to decide on such bills.

(4) Inputs of CoM are not necessary while referring the bills.

(5) Criticism on account of violation of "Federalism" → Basic Structure of the Constitution.

Candidates must not write on this margin

Reforms suggested by Sarkaria Commission

(1) Legal Codification of exact situations when such bills can be ~~left~~ referred.

(2) Time Bounded decision within 6 months.

(3) Bill should only be reserved in exceptional circumstances when explicit violation of Constitutional principles is there or state make laws outside it's jurisdiction.

(4) Governor should act in non-partisan manner. Additionally, appointment of Governor itself should be after consultation of Chief Minister.

Article ~~356~~ 200 is an "Emergency Bill & not a staple diet". It should be used Rarely & in federal spirit.

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15. नौवीं अनुसूची ने संपत्ति के मौलिक अधिकार के तहत सामाजिक–आर्थिक न्याय से संबंधित कानूनों को चुनौती से बचाने के लिए एक संवैधानिक विरोधाभास उत्पन्न किया। क्या वर्तमान समय में नौवीं अनुसूची की कोई प्रासंगिकता है? आई. आर. कोएल्हो निर्णय ने इस विरोधाभास का कैसे समाधान किया? (250 शब्दों में उत्तर दीजिए) 15 अंक

The Ninth Schedule fabricated a constitutional paradox to safeguard laws related to socio-economic justice from being challenged under the fundamental right to property. Does the ninth schedule have any relevance in present times? How did the IR Coelho judgment resolve this paradox?

(Answer in 250 words) 15 marks

Ans (15) 9th Schedule was inserted by 1st Constitutional Amendment Act (CAA) as it inserted Article 31B providing immunity from judicial review.

Issues associated with 9th Schedule
- No Judicial review which is part of Basic Structure (L Chandra Kumar Case)
- Misuse (Zoot Laws)
- No objective criteria as to what laws can be inserted.

Relevance of 9th Schedule in Present Times

(1) Post Kesavananda Bharati Judgement, 9th Schedule was also open to judicial scrutiny. However, any laws inserted before this still cannot be reviewed.

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- Thus, land reforms of 1960s are still protected.

(2) 9th Schedule ensures government can enact legislations to enforce Directive Principles of socio-economic justice.

(3) Decreases litigation burden of courts, which would otherwise have been flooded with cases for Right To Property.

(4) Ensures separation of powers & restrains judiciary from invalidating socialistic measures of Parliament.

(5) States have also requested to insert certain laws. This ensures coordination between both levels of government.

(Ex):- Jharkhand Bill for Tribal 77% reservation.

Candidates must not write on this margin

IR Coelho Judgement Resolving the Paradox

(1) Resolved the paradox of application:

(i) For laws before Kesavananda judgement, their content & intent cannot be reviewed. However, their purpose of insertion is open to judicial review.

(ii) For laws post judgement, they should not violate Basic Structure Doctrine.

Hence it harmonized application by removing ambiguities.

(2) Upheld Constitutional validity of 9th Schedule.

(3) Balance between judicial review & Parliamentary legislative Power.

Through Rational interpretation of intent of 9th Schedule, IR Coelho removed it's Paradox.

Candidates must not write on this margin

16. "केंद्रीय सूचना आयोग सुशासन के लिए अटूट प्रासंगिकता के साथ लोकतंत्र के संरक्षक के रूप में खड़ा है।" CIC के अधिदेश के संदर्भ में कथन को न्यायोचित ठहराइए। क्या CIC की वैधानिक स्थिति ने हाल के दिनों में इसकी प्रभावशीलता को सीमित कर दिया है? (250 शब्दों में उत्तर दीजिए) 15 अंक

"Central Information Commission stands as the guardian of democracy, with an unwavering relevance to good governance." Justify the context in terms of the mandate of the CIC. Has the statutory status limited the effectiveness of the commission in recent times? (Answer in 250 words) 15 marks

Ans 16) Central Information Commission (CIC) was established through Right to Information Act 2005 (RTI) as apex body for all RTI related matters.

Mandate of CIC as guardian of democracy

(1) Monitor the implementation of RTI Act
- Correct Information as Right of Citizens under Art 19(1)(a)
- Transparency in functioning of institutions
- Empowering Citizens

(2) Appellate Body for all RTI Disputes.
- Ensures information reaches citizens
- Directs Public Institutions for providing institutions
- Examining discrepancies in information provided.

(3) Acts as important institution to

Candidates must not write on this margin

ensure transparency & accountability.

(4) Ensures information is not denied by misuse of exemptions under RTI Act like National Security, Personal Information etc.

(5) Ensures time bound reply of PIOs. Has powers to impose penalties if institutions deliberately delay RTI reply.

(6) Digitizing RTI infrastructure like e-filing to ensure access to all citizens & faster resolution of disputes.

Statutory Status limiting the effectiveness

(1) Appointments of Information Commissioners (ICs) & Chief ICs done by executive. This undermines

Candidates must not write on this margin

their ~~autonomy~~ autonomy & independence.

(2) Legal compliances adding administrative burden on CIC.

(3) Actions of CIC come under judicial review. Pending litigations might delay information delivery.

(4) Rise in number of denials of RTI under Section (8) & Section (11) of the Act despite statutory status. (PCL report 2021 - 30% rise in denial of information)

However, statutory status of CIC also empower it legally to punish non compliant public institutions, issue binding directives & time bound information delivery.

Separation & Autonomy from Executive in appointment & funds will further raise it's credibility.

Candidates must not write on this margin

17. यौन अपराधों के खिलाफ बच्चों की सुरक्षा सुनिश्चित करने में POCSO अधिनियम के महत्व पर चर्चा कीजिए। वर्तमान अधिनियम के प्रभावी कार्यान्वयन को सुनिश्चित करने के लिए आप इसमें क्या परिवर्तन सुझाएँगे?

(250 शब्दों में उत्तर दीजिए) 15 अंक

Discuss the significance of the POCSO Act in ensuring the safety and protection of children against sexual offences. What changes would you suggest to the present Act to enhance its effective implementation?

(Answer in 250 words) 15 marks

Ans) Prevention of Children from Sexual offences (POCSO Act) is a stringent legislations clamping down sexual predation against children - both physically & virtually.

Significance of POCSO Act

(1) Made any sexual offence against Children as non-bailable & non-compoundable.

(2) Trial of cases by fast track courts & faster conviction in cases has been it's achievement.

(3) It also reverses burden of proof. This ensures that offenders don't get acquitted due to lack of evidences.

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(4) Covers all form of child sexual offences including virtual offences like production & sharing of child pornography, sexually explicit image sharing etc.

(5) Tasks Union & State government to provide safe environment for children. A consultative & therapeutic infrastructure to deal with trauma.

(6) In harmony with Juvenile Justice Act. Any crimes committed by adolescent are also tried as adults.

(7) Ensuring physical safety, psychological development & holistic protective infrastructure for children.

Candidates must not write on this margin

Changes to present act to enhance it's effectiveness

(1) Supreme Court recently remarked relooking at POCSO provisions for consensual sexual relationships by adolescents. There is need to revisit age of consent.

(2) Judiciary is flooded with POCSO cases where parents accuse of sexual offence ~~etc~~ if they disapprove of adolescent relations. Such issues need urgent relook.

(3) Exemptions under Personal laws should be removed. Any offence against ~~st.~~ children should be treated with same severity

(Ex): Hadia Case, 2021.

POCSO has been an instrumental legislation decreasing child sexual offences. Certain improvements will further increase it's efficiency.

Candidates must not write on this margin

18. 'प्रौद्योगिकी नौकरशाही की पारंपरिक रूपरेखा को पुनः आकार देने, इसे अधिक कुशल, पारदर्शी और नागरिक–केंद्रित बनने हेतु प्रेरित करने के लिए उत्प्रेरक के रूप में कार्य करती है।' इस कथन का आशय स्पष्ट कीजिए तथा यह भी पता लगाइए कि प्रौद्योगिकी का एकीकरण लोक सेवा के आधुनिकीकरण के सरकारी प्रयासों को कैसे तेज कर सकता है। (250 शब्दों में उत्तर दीजिए) 15 अंक

'Technology serves as the catalyst for reshaping the traditional contours of bureaucracy, propelling it to become more efficient, transparent, and citizen-centric.' Explain and also explore how the integration of technology can expedite governmental efforts aimed at modernizing the civil service.
(Answer in 250 words) 15 marks

Ans) Technology is the central focal point of Mission Karmyogi which aims to build future ready & tech enabled Civil Service with aim of "Minimum Government, Maximum Governance".

Integration of technology to modernize Civil Service

(1) More Efficient Civil Service • (i) Time Bound Delivery of service - Ex - e-Office reflecting file status at all levels.

(ii) Leveraging people participation in policy design - Ex • Open Public Comments on Draft Bill.

(iii) Most efficient utilisation of scarce

Candidates must not write on this margin

resources (Ex): CoWIN App during Covid

(iv) Ensuring optimum solutions are delivered. (Ex): Digi education & health services

(2) More transparent civil services: (i) Redressal of grievance - (Ex):- CPGRAMS Portal.

(ii) Transparency in auctions & tenders. (Ex):- GeM Portal for government purchase.

(iii) Easy retrieval of information. (Ex): Dashboards & e-filing of RTI.

(3) Citizen-centric civil services: (i) last mile connectivity & quality of service delivery - (Ex): e-NAM & Amrit Sarovar Dashboard

(ii) Participative Governance. (Ex): e-Jansunwai at District level.

(iii) Customised solutions for local demands.

Candidates must not write on this margin

Possible improvements in use of technology for efficient civil service

(1) Training & capacity building for lower bureaucracy. Digital literacy for grassroot level bureaucracy is need of the hour.

(2) Integration of digital initiatives for easier access to citizens & less burden for officer. (Ex): on lines of ~~UMANG App~~.

(3) Integration of Central & State e-initiatives for civil servants. Ideas like Civil Service Digi Stack can be explored.

(4) Certain Grievance Redressal mechanisms like chatbot of Consumer Affairs Ministry are dysfunctional → need improvements.

Digitally Empowered Citizens & techsavvy bureaucracy will ensure ~~enable~~ real benefits for all stakeholders.

Candidates must not write on this margin

19. भारत और अमेरिका के बीच अतीत में उता॰–चढ़ाव वाले संबंध रहे हैं, हाल के दिनों में संबंधों में कितनी प्रगाढ़ता आई है? रूस–यूक्रेन युद्ध के मुद्दे पर वाशिंगटन के साथ तीखे मतभेद के बाद नई दिल्ली को अमेरिका के साथ अपने संबंधों को कैसे आगे बढ़ाना चाहिए?
(250 शब्दों में उत्तर दीजिए) 15 अंक

India and US have had an oscillating relationship in the past, to what extent has the relationship acquired depth in recent times? How should New Delhi navigate its relationship with the US after its sharp divergence with Washington on the issue of the Russia- Ukraine war?
(Answer in 250 words) 15 marks

Ans 19) • India- US relationship is based on convergence of political ideologies (democracy) & complementing interests- However, instability in geopolitical order has also impacted our relations with USA.

Relationship acquiring greater depth in recent times

(1) Economic Depth °(i) US is largest trading partner with bilateral trade of >120bn USD.

(ii) Trade Balance in India's favour with highest export of services.

(2) Strategic Depth °(i) Military Agreements (ComCasa, LEMOA, BECA) & military exercises (Vajra Prahar, Malabar etc)

(ii) Civil Nuclear Deal 2005 marked a highpoint.

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(iii) Common interest of countering Chinese hegemonic advances.

(iv) iCET – Partnership on emerging & critical tech.

(3) Geopolitical Depth by multilateral collaboration:
(Ex) :- QUAD, I2U2, G20 etc.

(4) Presence of Indian Diaspora & India's influence through soft power.

(5) Political Cooperation. (Ex) :- Hon'ble PM addressed Joint Session of Congress second time.

Limitations of relationship in recent times

(1) Growing protectionism of USA. (Ex) :- Declining H1B work visas.

(2) US criticising India's stance on Russia Ukraine war.

(3) India was not part of US led Minerals Security Partnership.

(4) Hate Crimes against Indians in USA.

(5) USA's unwanted Commentary on internal

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affairs of India -

New Delhi balancing relationship with USA after Russia - Ukraine War

① we have focussed on areas of convergence & Codevelopment. Recent iCET Partnership & focus on QUAD are testimony to same.

② Relationship has deepened on mutual benefits. India has refused to align its stance as per USA's wishes. EAM Jaishankar calls it Multialignment / Self Alignment.

③ Emerging areas of cooperation : Regulation on Data, AI ; Green Mobility & Renewable Energy ; Space Collaboration (~~Artemis~~ Artemis Accords) have been basis of our partnership.

In era of disturbed geopolitics, India's Self Alignment has reaped benefits for ensuring its national interests.

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20. 'पूर्व की ओर देखो नीति' के कार्यान्वयन के पश्चात् भारत–आसियान साझेदारी किस प्रकार विकसित हुई है? भारत भू–राजनीतिक वास्तविकताओं को ध्यान में रखते हुए अपनी अर्थव्यवस्था की बढ़ती ताकत का लाभ किस प्रकार से भारत–आसियान संबंधों को घनिष्ठ बनाने के अवसर के रूप में उठा सकता है?

(250 शब्दों में उत्तर दीजिए) 15 अंक

How has the India-ASEAN partnership evolved since the implementation of the 'Look East Policy'? In what ways can India leverage the increasing strength of its economy alongside geopolitical realities as opportunities to foster closer India and ASEAN relations? (Answer in 250 words) 15 marks

Ans) In 2014, India shifted it's stance from look East to "Act East" which went beyond just economic cooperation



India-ASEAN partnership evolution since Look East Policy

① Deepened economic cooperation with rising bilateral trade & finalisation of India-ASEAN FTA.

② Cultural Contacts through Buddhism & Hinduism has increased. Recent

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First International Dharma - Dhamma Conference saw ASEAN Participation.

(3) India's participation in ASEAN Defence Ministers' Meetings (ADMM). Further Strategic defence collaboration like BrahMos sale to Vietnam.

(4) Partnership over Disaster Management.

(5) Connectivity Projects. Ex:- Kaladan Multimodal Project, IMT trilateral.

(6) Convergence of SAGAR & Act East to develop maritime capabilities.

(7) Partnership for security in Indian Ocean Region.

(8) Other multilateral forums like BIMSTEC, IORA etc.

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India leveraging it's economic power & geopolitical space for further convergence

(1) Economic Collaboration by Supply Chain Development. Resource Base of ASEAN & Human Capital of India can complement each other.

(2) India representing South Asia & South East Asia's demand on multilateral forums like G20. (Leader of Global South)

(3) Partnership for secure Indian Ocean Region & free & open Indo-Pacific. Threat of China is common to both of us.

(4) Common issues - Disaster Management, Renewable Energy, Groundwater Depletion etc. can be leveraged for partnership.

India - ASEAN have complementing capabilities & similar interests which can be harnessed.

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Space for Rough Work

NEXT IAS