

NEXT IAS

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(To be filled by candidate)

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NEXT IAS Roll No.:	ECFC23L1020	Date of Examination :	20 th Aug 2023
Exam Centre :	Old Rajinder Nagar <input type="checkbox"/>	Bhopal <input type="checkbox"/>	Online <input checked="" type="checkbox"/>

Test Code :	TC-056	Program :	FLT <input type="checkbox"/>	FLT+ <input type="checkbox"/>
Time Taken :	3 hrs		SLT <input checked="" type="checkbox"/>	SLT+ <input type="checkbox"/>

MAIN TEST SERIES 2023 (TEST-10)

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SUBJECT/PAPER GENERAL STUDIES	Invigilator's Sign. :
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[To be filled by the STUDENT]

Student's Queries for the Evaluator (if any write them below)

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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			
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5	9			
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19	45			
20	48			
Grand Total				

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MACRO COMMENTS



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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

With a shift towards universal law, it is common for national courts taking legitimacy from international laws and applying them to national concerns.

[SC Judgements Taking International laws as source]

① Judgements on gender equality and women empowerment have been based on indigenous law as well as the UN Declaration of Human Rights

eg: Sabarimala Case Judgement allowing entry of women to temples of South India.

eg: POSH Act and Vishakha guidelines source from the Istanbul Convention.

eg: Recent release of Handbook on Combating Gender Stereotypes by SC.

② Puttaswamy judgement establishing right to privacy as part of right to life under Article 21 of Indian Constitution is based on Budapest Convention and EU's General Data Protection Regulation

③ International Labour Organization and the Conventions on Labour Rights have led to restrictions on labour exploitation.

④ Environmental cases like Godavarman case defining forests is a culmination of CDP, UNCCD, UNFCCC works.

Thus, laws are becoming universal and the SC has rightly allowed the intersection of national & international laws, keeping the count up to date.

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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।
 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

While India is the largest democracy, the United States is the oldest. Both have constitutional provisions regarding freedom of speech but have distinctive jurisprudence.

India's Provisions on freedom of speech

- ① Article 19(1)(a) provides for freedom of speech and expression.
- ② Article 19(2) provides for reasonable restriction on the exercise of this freedom
 eg: national security, public morality, relations with friendly nations, etc.
- ③ There are other methods of restricting this freedom in India:

a) Section 124A of Indian Penal Code provides for sedition on grounds of which a person can be arrested.

b) Preventive detention [Article 22(3)]
to prevent future crime.

c) disqualification in case of hate speech, etc under RPA 1951.

However, the United States has differential treatment of freedom of speech:

- ① greater freedom (as opposed to India) (sedition law does not apply).
- ② Religious discrimination occurs more often due to western form of secularism.
- ③ state laws apply, not national laws due to federal structure.

US and India both encourage freedom of speech, but with different jurisprudence.

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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

Fundamental Duties were introduced as ⁱⁿ part of Part IVA of the Indian Constitution after recommendations of the Swaran Singh Committee under the 42nd Constitutional Amendment Act.

Why were fundamental duties added?

They were inspired by the then USSR that called upon its citizens to take up responsibility of their own progress with the following ideals:

- ① Citizenship is an active process. (not just the enjoyment of rights)
- ② One can enjoy rights but also must adhere to duties.

③ A reminder to respect the nation and its people

eg: National Anthem, National flag, respect for women, brotherhood.

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Challenges in legal Enforcement

- ① Part IVA of the Constitution is not justiciable, meaning non-adherence cannot be taken to court as a matter of right.
- ② laws have been formed on the duties but are not punitive in form.
eg: National Flag Code released to define formal flag rules. However, punishment is not enforceable due to scale of applicability.
- ③ Duties are a moral imperative and cannot be imposed in a top down manner.

Thus, legal enforcement of the fundamental duties is difficult. Nevertheless, all citizens should be actively aware of them and adhere to them without need for law.

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

Central Administrative Tribunal [CAT]

is a quasi-judicial body that seeks to resolve disputes and allegations connected with officers in service as part of Groups A, B, C or D, as a channel for resolving corruption and crime in administration.

Mandate of CAT

- ① considers cases against service officers. eg: recent case of prelims of UPSC 2023 regarding difficulty level.
- ② Investigates the case and holds civil court powers to summon witnesses and evidence.
- ③ Includes judicial and executive members with domain expertise to reach recommendations for government to act upon.

Trouble between High Courts & CAT

- ① overlapping jurisdictions of High Courts and CAT.
- ② double filing of cases and opposing verdicts.
- ③ High Courts bear political bias in CAT.
- ④ All India Services vs State Services jurisdiction.

SC Verdict: the SC has maintained that like other tribunals, the CAT also has singular jurisdiction over cases it takes up and High Court must not interfere.

As a result, CAT has become somewhat more efficient and effective with reduced interference at the State level cases.

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

Equality is one of the major promises made by the Constitution - drafted to the Indian population. However, this equality is not limited to formal equality, it encompasses the socio-economic and political aspects as well.

Formal Equality

- ① This consists of equality before the law and equal protection of the law.
- ② It involves equal treatment of similar people and no prejudice or favours to anyone.

This form of equality is provided for by Article 14 of the Indian Constitution.

Substantive equality is one that expands positive liberty and creates

~~a case~~
a situation of enhanced opportunities
for all through positive action by State.

Substantive Equality

- 1) Reservation provisions for socially
and educationally backward classes
(15(4) and 16(3) of Constitution)
- ① Mandal Judgment, Indra Sawhney
Judgment
↳ OBC → 27% reservation
↳ caste based judgment
- ② 103rd CAA → EWS reservation of 10%
for economically backward section.
- 2) Cultural & Educational Rights for
preservation of minority culture and
Indian concept of secularism:
eg → Sabarimala issue (equality of
women), Triple Talag Case.

Thus, Indian concept of equality
makes proactive involvement of state
actors to ensure justice and expand
the opportunities of all individuals in
society.

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 महत्वाकांक्षा 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

Pressure Groups are (initially) informal organizations or groups of people that have a common goal and seek to apply pressure to authority bodies to reach that goal.

Similarities of Pressure Groups with Political Parties:

- 1) Platform for voices → both seek to bring together people from certain sectors to demand their rights as part of an open & vibrant democracy
- 2) Both use public opinion and strength of numbers to garner support and encourage change.

However, more pressure groups are now turning into political parties.

Factors for Transformation:

- ① Political party status allows for formalization of the organization - creating better management and labour division.
- ② Recognition through Election Commission allows for fund transfers through Electoral Bonds - gives the party leverage of finances.
- ③ Opportunity to ~~not~~ participate directly in the democratic field of legislation as opposed to lobbying (indirect).
- ④ Greater recognition and popular support [pressure groups are not considered a part of the political landscape in the eyes of voters].

eg → Anna Hazare's movement → Aam Aadmi Party under CM Kejriwal.

Thus, pressure groups are becoming political parties as it offers a straight dive into democracy.

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

The National Education Policy of 2020 introduced the need for incorporating foreign educational institutions in Indian higher education as a means of quality enhancement.

Foreign Educational Institutions can
Argument - Global Competitiveness &
Quality:

- ⊛ Increased best practices sharing between nations can improve pedagogy.
- ⊛ Infrastructural transfers and technological upgradation
eg: enhanced use of AI in classrooms for better learning outcomes.
- ⊛ Greater interoperability with international institutions will raise the standards of Indian education.

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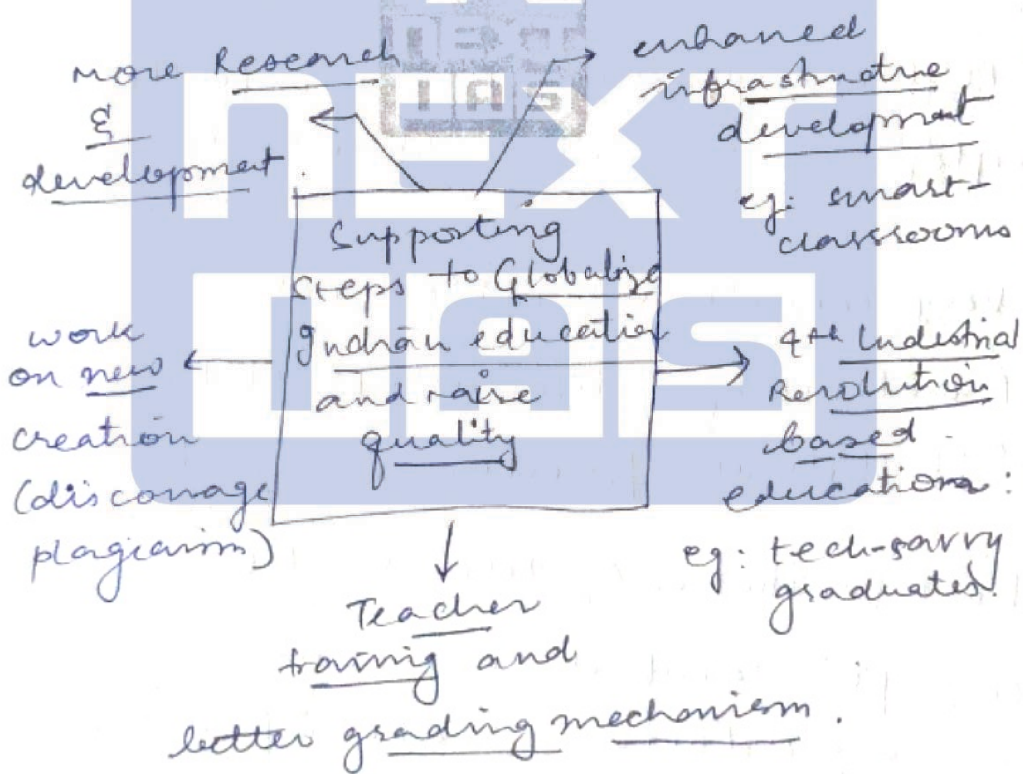
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⊕ Increased student exchange programmes will also give education in India a multicultural perspective with people-to-people linkages.

⊕ Vocational, skills-based education creating global citizens and future leaders.

However, this is not the sole solution.



Foreign Educational Institutions are an essential step towards globalizing education & making India an edu-hub.

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

Recently, Rajasthan government introduced the Right to Health bill, raising the alarm on healthcare sector limitations in India.

Limitation of Public Health Systems

- ① High out of pocket expenditure for the people, averaging at \approx 50% of total expenses.
- ② Very low doctor-patient ratio.
- ③ Prevalence of unlicensed practitioners
eg: Jhola-chaap doctors in rural India.
- ④ Low penetration of tele-health.
- ⑤ Corruption and ethical concerns amongst doctors due to information asymmetry.
- ⑥ Lethargy and apathy of hospital administration.

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Private sector can ensure equitable and accessible healthcare for all.

① Private sector involvement can promote competition and efficiency, driving down costs in healthcare provision.

② Spreading primary healthcare in rural areas through awareness drives.

③ Involving NGOs and volunteer work
eg: floating Doctors organization
[worldwide voluntary work]

④ Promoting research & development to cater to non-communicable diseases (which cause 60% deaths) and neglected tropical diseases prevalent in tribal regions.

Thus, private sector can reduce the burden of healthcare on public sector. Nevertheless spending must be increased from current 2.5% of GDP to at least 6-7% to ensure adequate healthcare.

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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

Poverty and hunger are examples of "problems without passports" as said by Kofi Annan, former UN chief. Thus, their global nature demands a global response.

Global Cooperation is Required

① Poverty is prevalent in pockets of almost all countries.

eg. India has largest population of multidimensionally poor (28% of global burden).

② Hunger in the form of food & nutritional insecurity is becoming significant in the face of climate change and refugee crises.

International Cooperation Can Revolutionize the efforts against these social ills.

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International Cooperation for poverty Eradication

- ① Sustainable Development Goals under the UN framework.
- ② World Bank initiatives and loans to address poverty in developing nation
eg: world bank works with Namaste Gange project to address poverty in northern India.
- ③ NGOs and Philanthropic Societies support
eg: Amnesty International, Bill & Melinda Gates Foundation.

Hunger Eradication:

- ① Trade and grain deals to fill the demand-supply gaps.
- ② focus on agricultural growth & sharing of technological growth
eg: western agricultural revolution eventually led to Indian Green Revolution.

Thus, international cooperation can prove to be panacea for a world with poverty & hunger.

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

Recently, the WTO ministerial Conference was held, with many developing nations feeling the brunt of an 'obsolete' body in a changing world.

What challenges is WTO facing?

- ① Preference given to developed nations over developing nations due to economic leverage - this is contrary to the multipolar world order.
- ② Increasing protectionism post-COVID raising the question of WTO's role as a free-trade torch-bearer.
- ③ Monetary policy tightening worldwide further hurting trade and exchange rates - once again unaddressed by WTO.
- ④ Delays and latency in dispute redressal - futile dispute redressal bodies.

Need for Reforms in WTO :

- ① Need for equal and balanced representation with a focus on developing nations
eg: extension of Peace Clause for both amber box subsidies in the Agreement on Agriculture as well as fisheries subsidy.
- ② Need to make the dispute redressal body more proactive and just.
- ③ Need for expansion of WTO principles to bilateral and multilateral trade treaties to ~~reduce~~ ensure free trade principles.
- ④ Need to give WTO more enforcement powers.

WTO must be reformed from within before the changing world order renders it obsolete.

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

The 69th Constitutional Amendment Act introduced the system of dual governance in India between the popularly elected Chief Minister and the Lieutenant Governor (LG) appointed by the Union.

Dual Governance Dilemma

- ① The 69th CAA along with future amendments made the LG rather powerful :
 - ⓐ "Government" would mean the LG.
 - ⓑ LG can take decisions in state subject matters like public order.
- ② Clash between popularly elected government CM (the people's mandate) and the Union's appointee i.e. the LG.
 - LG can overshadow CM's decisions.

Impact on Cooperative Federalism

- Unfortunately, the impact has been that of conflicted federalism.
- tussle between centre & state
- concerns of central supremacy
- reduced state autonomy
- "government in name only" as LG holds substantial powers
- eg: recently the officers appointed in Delhi have also come under LG's direction.

Thus, instead of creating cooperative federalism, the 69th CAA has become a political base.

Hence there is need to apply committee recommendations

- 1) Rajamannan Committee : Governors (and LGs) should ~~be~~ not be agents of the centre but should follow constitutional responsibility as head of state.

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2) Sarkaria Commission and Punchhi Commission - CM's advice can be taken for appointment of Governor/LG; need to ensure political independence.

Role of LG should be to facilitate states' governance, and not become an obstacle. Active cooperation of Centre and state can ensure this ideal is reached.

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सूचिकाएक
में उल्लेख
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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

As part of the democratic system of governance, the judiciary is one of the pillars of the democratic republic. However, its independence does not translate into complete non-interference as there is a need for checks-and-balances.

Issues with Appointment of Judges:

- ① Translucent process of appointment:
the collegium system consists of 5 judges [CJI and 4 seniormost] that appoint/nominate judges to SC/HCs through an unknown process.
- ② Possibility of bias and favours
taking the place of merit-based promotions.

③ Inadequate representation of women
in higher judiciary -
eg: only 3 SC judges are female,
while there is yet to be a female CJI.
in India.

④ Bench allocation process is also
arbitrary - no legal process is
followed. CJI is roster.

⑤ overburdened judiciary and high
case of absenteeism and vacancies

[Alternatives to the Collegium system]

① The parliament had introduced the
National Judicial Appointments Commission
(struck down by 99th CAA) as a means
of making judicial appointments more
transparent.

→ This can be brought back with
reduced executive interference to
create transparency.

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② Law Commission recommendation:
All India Judicial Service on the lines
of Civil Services for merit based
recruitment.

③ Reduced use of sealed cover-
finality in transfer/demotion
cases to ensure transparency.

④ Call for lateral entry into judiciary
at state & national levels.

⑤ Gender-targeted moves to enhance
representation of women.
eg: recently, CJI organized an
all-women team to investigate
Manipur crisis.

Thus, Indian judiciary needs to
be subject to the same checks &
balances that it ensures to create
a balanced democratic government.

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

National Commission for Scheduled Tribes is a Constitutional body under Article 338A that adjudicates on all cases related to ST community of India.

Role of NCST

- ① Investigate cases related to atrocities against STs.
- ② Act as civil court body to demand witnesses and evidence.
- ③ Provide recommendations for ST welfare with report presented to Parliament annually.
- ④ Provide approval to declare area as under Schedule 5/6 of the Indian Constitution.

Impediments in functioning of NCST

- ① Inadequate independence/autonomy
→ due to political and executive interference.
- ② Inadequate suo motu powers renders the Commission weak in handling cases on its own accord.
- ③ Recommensatory nature of advice instead of binding advice makes the body ineffective in safeguarding and promoting ST rights.
- ④ Need for a stronger workforce to cater to the specific demands of NCST - current lethargy in administrative work.
- ⑤ Inadequate domain expertise of officers in NCST makes it a talk-shop that doesn't get work done.

Reforms Required

- ① make recommendations binding - creating liability on government to act accordingly.
- ② lateral entry of NGO workers to enhance domain knowledge and expertise.
- ③ Greater investigative powers to curb crimes against STs.
- ④ Enhanced use of technology for efficient administration.

The ST population makes up ~ 8% of India's population. Strengthening & reworking of NCST is required to ensure protection & promotion of rights of STs.

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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 the provision controversial? Also, discuss the reforms suggested by Puncshht Commission in this regard.
(Answer in 250 words) 15 marks

Recently, there have been many cases regarding arbitrary reservation of bills in state legislatures by Governors as a means to create obstacles for the elected government.

eg: Tamil Nadu bills.

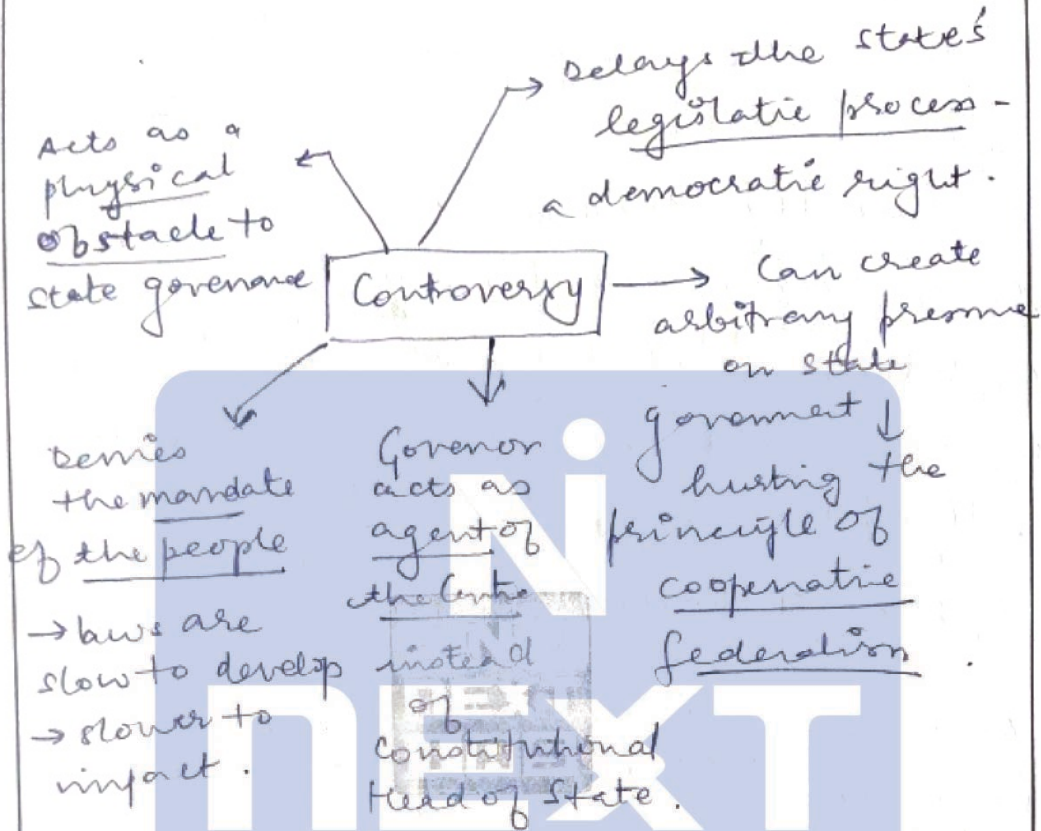
According to the constitution, the Governor can reserve any bill of the state legislature for the President's consideration especially in case of:

- clash of Centre-State laws on a concurrent subject

- if Governor feels that the bill endangers the federal structure of the state.

The provision is controversial because it gives the Governor almost unlimited powers to reserve any bill and act as a pocket veto.

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Reforms Suggested by Proroch Commission of

- ① Governor should be independent of party or political bias.
- ② CAI should be consulted before appointing Governor to truly ensure cooperative & federalism.

- ③ Governor should act as Head of state as per Constitution, and not as an agent of the Centre.
- ④ Governor only to reserve bills in cases of serious concern to federal system, not arbitrarily.

Similarly S.R. Bommai, Rameshwar Prasad and Sarkaria Commission have recommended moral use of the office to encourage productive and cooperative federal structure.

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

The Ninth Schedule was introduced by the 1st Constitutional Amendment Act as a repository of all laws not to be questioned on the premise of the "violation" of fundamental rights.

A Constitutional Paradox

① on one hand, the Constitution provided Article 32, the right to enforce all other fundamental rights. on the other hand, it allowed acts like Zamindari Abolition to take away property (earlier a fundamental right under Article 31) without the right to question the state.

② This was done to ensure socio-economic justice through land re-distribution as per Part IV Directive Principles of State Policy.

However, many questioned the legitimacy of the 9th Schedule as it gave powers to the state to prevent judicial oversight on any law it deemed.

Relevance of 9th Schedule Today

- ① After the Kesavananda Bharti Judgement of 1973, the basic structure doctrine ensures that no law is beyond judicial oversight.
 - ② Thus, laws even in 9th Schedule can be struck down if found to be contravening the basic structure.
 - ③ Nevertheless, 9th Schedule remains relevant as it still protects laws and reduces arbitrary cases in court thereby speeding up litigation and ensuring socio-economic justice.
- However, this principle applies only to some laws under 9th Schedule.

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as per I.R. Coelho Case, all ~~cases~~ ^{additions} to 9th schedule after the Kesav-nanda Bharti Judgment would be liable under judicial review.

However, all judgments before 1973, April would be outside the purview of the court.

Thus, I.R. Coelho judgment resolved the paradox by limiting jurisdiction of retrospective decisions of court and also ensured basic structure doctrine is followed.

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16.

केन्द्रीय प्रश्न
के उत्तर
लिखें

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

The Central Information Commission is a statutory body set up under the Right to Information Act 2005 as the central authority to guard citizens' right to information.

Mandate of CIC -

1) It is the highest authority in case of jurisdiction of any RTI application
→ citizen reaches out first to the Public Information Officer, then follows 1st appeal and 2nd appeal - reaches CIC - to ensure reception of information.

2) Section 4 of RTI calls for proactive display of information in government bodies - this is ensured & regulated by the CIC.

3) One Chief Information Commissioner and 10 Information Commissioners create the head of the CIC.

4) Investigations are carried out and reports are established to survey and promote the spread of information.

Thus, CIC as a body, ensures that citizens are not denied their right to a transparent & accountable governance mechanism.

Statutory Status has limited CIC's effectiveness:

2019 Amendments to the RTI Act led to some concerning changes:

- salary, tenure of officers will now be determined by the Central Government.

[earlier these were fixed as per the Act].

- ① This creates possibility of political pressure & interference in the role of UC
- ② It reduces independence of the body and creates nexus between political heads at centre and the guardians of democracy.
- ③ Coupled with Section 8 of RTI and the new Digital Personal Data Protection Bill as well as Officials Secrets Act, it creates space for government to legally hide data from public domain.

Information & Truth are the fundamentals of a functioning democracy. UC must be constitutionalized to make it a relevant and strong guardian of the basic human right to information.

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 सुझाएंगे? (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

Protection of Children from Sexual

Offences Act [POCSO] is a legal provision that seeks to implement the directive principle of children's safety as designated by the Constitution.

[Significance of POCSO]

- ① Defines sexual offences for children - defined as all people under the age of 18.
- ② Provides gender-neutral harassment cases as opposed to IPC's jurisdiction which was only girl child.
- ③ Provides for judicial & police mechanism in adjudication of such cases, linked with Juvenile Justice Act.

④ investigates cases of sexual harassment and provides judgment on action, along with procedural mechanism for safe handling of the victim.

⑤ Considers accused "guilty" until proven innocent, putting burden of evidence on the accused.

Changes Required to Enhance Effectiveness :-

① Need to expand scope of law to consider new age threats
eg: child pornography and its effective reduction.

② Need for understanding "consensual sex" at under age level.

Recent SC directive questioned the new-age changes of children under the age of 18 participating in consensual sex. What age is practical? Is it truly consensual if they don't know the full repercussions?

Candidates must not write on this margin

18.

प्रौद्योगिकी के
इस्तेमाल से
परत

③ Better use of technology and
targeting cyber security hampered
cases.

④ Enhanced surveillance & awareness
developed.

POCSO needs to consider
cultural changes regarding
children's sexuality to remain
relevant & effective in its mandate.

18. 'प्रौद्योगिकी नौकरशाही की पारंपरिक रूपरेखा को पुनः आकार देने, इसे अधिक कुशल, पारदर्शी और नागरिक-केंद्रित बनाने 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

Technology can revolutionize
governance in the age of 4th Industrial
Revolution & increasing penetration of
the digital world. Civil Services can
use technology as a talisman for
enhanced service delivery.

Technology for Bureaucratic Efficiency

- ① Better-targeting of beneficiaries
through use of geotagging. eg: SWAMITVA
scheme.
- ② Reduced ghost beneficiaries due
to digital ability to reduce errors.
- ③ Reduced leakages as a result
of direct benefit transfer through
bank account details.
- ④ Quicker implementation of projects
through oversight eg: using
drones.

- ⑤ retrofitting and end-to-end security
eg: blockchain technology used for service delivery.

Technology for Bureaucratic Transparency

- ① Use of digital grievance redressal mechanisms eg: CPGRAMS
- ② Portals used to display speed and progress of projects / legislation
eg: e-Gram Swaraaj
- ③ Use of CCTV cameras / fingerprint authorization to ensure transparent working conditions.

Technology for Citizen Centric Governance

- ① Needs-based approach to governance will cater to individual needs of the population.
eg: online application for assistance for old age / PWD / etc in transport.

② Better penetration and networking of services to deliver to the doorstep through digital networking.

③ Finally, technical training can ensure that civil servants are well versed with technological advancements and can use them for governance.

Thus, technology has the potential to upgrade service delivery and service quality in the nation.

19. भारत और अमेरिका के बीच अतीत में उतार-चढ़ाव वाले संबंध रहे हैं. हाल के दिनों में संबंधों में कितनी प्रगति 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?

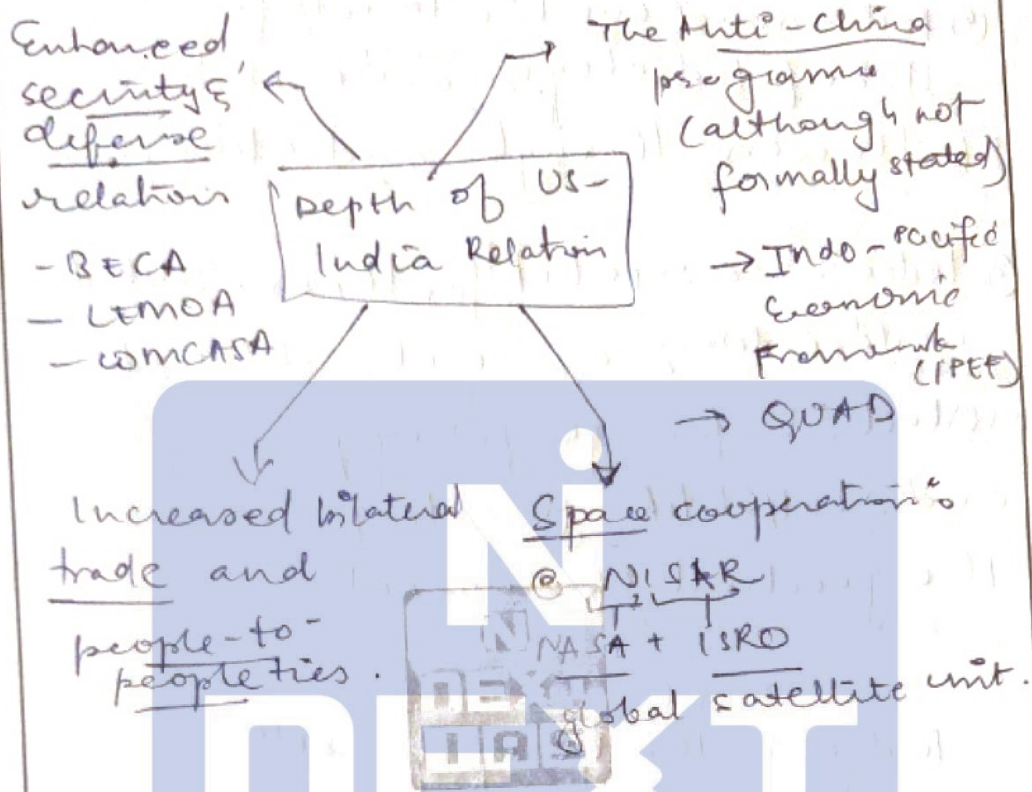
(Answer in 250 words) 15 marks

India and the US have a long history of ups and downs beginning from the first world war all the way up to today's bipolar condition of Russia-Ukraine war.

Oscillating Relationship in the Past

- ① In WWII, while India was colonized, USA pressurized Britain to force India to participate in the war.
- ② In Cold War, USA was apathetic to India's Non Aligned Policy and pressurized it to support USA against the USSR.

However, recently the US-India relationship has acquired depth:



Sharp Divergence in Russia-Ukraine War:

While the US wants India to support Ukraine against Russia, India is taking an independent stance:

① New Delhi must stick to its non-aligned decision as a matter of national interest and sovereignty.

① India must continue to call for peaceful dialogue and resolution of the war through mediation.

② India is a symbol for the multilateral world order; as such, it cannot overlook its foreign policy principles and realpolitik just to preserve the goodwill of one nation.

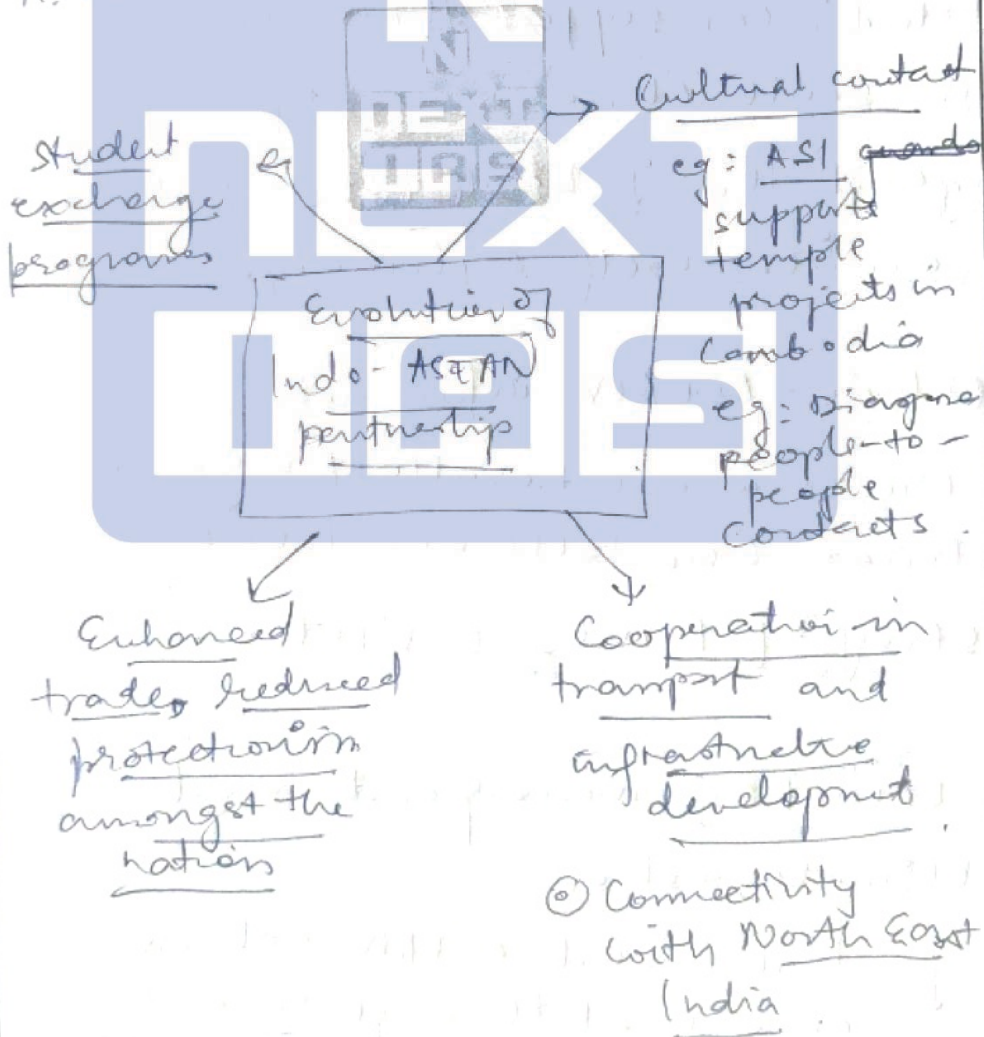
India & the US must both understand the importance of a diverse and multilateral world. Peace is the way forward and only dialogue and cooperation can resolve the deadlock of the Ukraine - Russia crisis.

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

Since the implementation of Look East, followed by Act East, India has leveraged its partnership with the ASEAN nations.



India can leverage Indo-ASEAN ties

- ① An aggressive China creates space for economic cooperation & growth
- ② Countries looking for alternatives to China can turn to India as part of China + 1 strategy.
- ③ India can support their claims in South China Sea region, against the 9 Dash line of China's wannier-wolf diplomacy.
- ④ Indo-ASEAN Infrastructure can create a counterattack against China's One Belt One Road and String of Pearls initiative.
- ⑤ Disaster management and climate action
eg: India and ASEAN nations can work through International Solar Alliance to create OSOWOG.

③ Indo-ASEAN ties in technological and space-based growth for greater security in the region [SAGAR initiative].

④ Indian Ocean as the channel for Global Blue Economy for trade creation as well as sustainable growth.

Thus, India and ASEAN nations have much scope for countering Chinese aggression while capitalizing on economic growth in the region.