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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 : Jaswant Malik

NEXT IAS Roll No.: ..... Date of Examination : 02/09/2023

Exam Centre : Old Rajinder Nagar ☑ Bhopal ☐ Online ☐

Test Code : _____

Time Taken : _____

Program : FLT ☑ FLT+ ☐ SLT ☐ SLT+ ☐

MAIN TEST SERIES 2023
(TEST-10)

GENERAL INSTRUCTIONS

This Question-cum Answer (QCA) Booklet contains 56 pages. Immediately on receipt of the booklet, please check that this QCA booklet does not have any misprint or torn or missing pages or items, etc. If so, get it replaced by a fresh QCA booklet.

Candidates must read the instructions on this page and the following pages carefully before attempting the paper.

Candidates should attempt the questions strictly in accordance with the instructions specified in the question paper and in the space prescribed under each question in the booklet. Any answer written outside the space allotted may not be given credit.

Question paper will be provided separately and can be taken by the candidates after conclusion of the exam.

.....

SUBJECT/PAPER
GENERAL STUDIES

Invigilator's Sign. : .....

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(For filling by Examiners only)

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			
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14	30			
15	33			
16	36			
17	39			
18	42			
19	45			
20	48			
Grand Total				

Signature

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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

The role of supreme court in India is that of "Guardian" of fundamental rights (Part-3) of constitution

Recent Supremecourt Judgements and International treaties as source of law

1) "Presumption of innocense" principle upheld by providing protection against arrest.
(Eg) Testa Setalvad case.

2) Upholding political rights of free speech, adherence to International convention of civil rights
(Eg) Elgar Parishad case, bail given

3) Recognising third gender in NALSA judgement 2013 ; giving

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legal status to transgenders

4) Decriminalising same-sex relationship, and according recognition and respect (eg) Navtej Singh Johar case (2017)

5) Concretising and upholding right to privacy in puttuswamy case as part of fundamental rights

Issues with wide international law use

1) Undermines parliamentary sovereignty.

2) Judgements violating ancient traditions and customs (eg) Sabrimala case)

3) Violates principle of separation of power, with interference with legislature's role

Need to practice judicial restraint, and respect roles of other organs and local sensibilities.

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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

United states is the oldest constitutional democracy and India is the biggest.

Similarities in constitutional Provisions

1) Right to free speech and expression, part of fundamental rights chapter

2) Some reasonable restrictions are mentioned like protecting National security, etc.

Distinctive Jurisprudence

1) With 1st constitutional Amendment, Right to speech was acquired nearly absolute status in US.

2) "Burning of national flag" protected under right to speech in US, but criminal in India.

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3) Courts in US ask for higher evidence for restricting free speech from state.

4) While in India, reasonable restrictions are quite wide and arbitrary

(g) Defamation, Contempt of court

5) Right of speech and right to occupation in US seen in one integrated way

(g) Legalisation of Pornography.

The different cultural contexts, and historical journeys of two countries influence the distinctive jurisprudence.

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3. मौलिक कर्तव्य एक अनुस्मारक है 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 added as Art 51-A in Indian constitution through 42nd constitutional amendment in 1976

Fundamental Duties: Reminder for Active Engagement

1) Duty to protect and promote environment al and (lakes, waterbodies, forests) calls for active role.

2) Development of scientific temper, requires citizens active engagement.

3) Cherishing and adopting Indian freedom struggle ideas of fraternity → asks citizen to form associations

4) Promotion of communal harmony and protection of culture

5) Giving up anti-women practices (active movement against patriarchal attitude)

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6) Ensuring right to education for all children aged 6 to 14 (active role of parents)

7) Stopping destruction of public property.

Challenges in legal Enforcement

1) Not codified in an Act and hence not legally enforceable.

2) Federal Issues → some subjects fall under State and concurrent list
(eg) Environment under concurrent

3) Awareness of citizens about duties lacking

4) may come in conflict with other provisions of laws and constitution

Way forward

↳ Enhanced public sensitisation

↳ use of soft means (persuasion, cooperation) to ensure behaviour change.

"Fundamental duties and rights are sides of the same coin" — Gandhi

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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

Central Administrative Tribunals (CAT) are created under Art 323-A brought with 42nd Constitutional Amendment, 1976

Mandate of CAT

1) Created under Tribunals (Act), 1985

2) Resolving service matter disputes of employees of Central, State and other Government officials.

3) Adopts natural justice approach and lead to faster decision making.

4) Major issues dealt with are salaries, postings, transfer, suspension of employees in different ministries and department.

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SC's Verdicts : Resolving Tussle

1) In famous L Chandrakumar (1997 case), SC has declared Tribunal's verdict open to appeal to higher Court.

2) To the extent, the tribunals encroach on HC's jurisdiction, all such provisions are null and void.

3) SC, in various cases have stressed to maintain autonomy and respect the authority of high courts

Issues Remaining

↳ Tribunals pass order violating HC/SC directions (eg) ~~pass~~ pension order case.

↳ Issues of pendencies of cases.

↳ 'Tribunalisation' of justice ; with rising number of tribunals created.

Need of the hour is to respect HC/SC mandate, fill vacancies for smooth dispensing of cases.

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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

Right to equality (Art 14–18) is Part of fundamental Rights chapter Under part-3 of Indian Constitution.

Not merely formal; But substantive Equality

1) Article 14 provides for equality of law and equal protection of law for all (formal)
   ↳ To enhance protection of marginalized sections, special provisions like Prevention of atrocities Act, 1989 created

2) No discrimination on basis of caste, race, religion in public places
   ↳ Special reservation provision for SC/ST/OBC/EWS in educational institution (substantive)

3) In PA Inamdar case, the SC has

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restricted reservation to only public funded institutes.

4) No discrimination on caste, sex, religion in public employment (Art 16, formal)

↳ Reservation for EWS/OBC (Substantive)

↳ Reservation for women in panchayati raj, Police force (Substantive)

5) Strict provisions against untouchability, use of titles → create common, equal citizenship

Need for Substantive Equality

↳ Special provisions to account for historical injustice (SC/ST case)

↳ mainstreaming of marginalized (transgender/PWD rights)

↳ Different social & economic position (Men vis-a-vis women)

Substantive equality provisions ensure inclusive and participative growth.

"SABKA SAATH SABKA VIKHWAS"

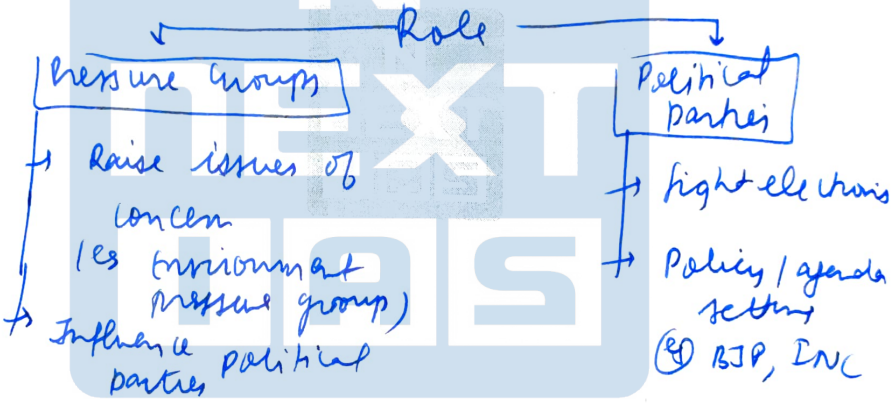
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6. दबाव समूह और राजनीतिक दल राजनीतिक प्रक्रिया को लोकतांत्रिक बनाने के अपने उद्देश्य में स्वाभाविक रूप से समान हैं, यद्यपि वर्तमान समय में अधिकतर दबाव समूह राजनीतिक दलों में रूपांतरित होने की महत्त्वाकांक्षा रखते हैं। उन कारकों का सविस्तार वर्णन कीजिए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

Pressure groups and political parties provide platforms for enhanced public participation and act as safety valve of democracy.



Pressure groups transform into Political Parties

1) Intervention in areas beyond their sphere of work

(eg) Kisan-pressure groups during protest also formed parties in Punjab elections.

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4) The India against corruption (IAC) also transformed into Aam Aadmi party.

3) Leadership and cadres of pressure groups and parties often intersect.

Factors encouraging their Transformation

1) Reduced influence of role of pressure groups.

2) Political ambitions leaders (eg Jay Prakash Narayan retired IAS formed pressure group → Janata party

3) Slow pace of change/reform

4) Reduced trust in existing politicians, desire to "be the change"

Consequences of transformation →
- public perception of pressure groups declined
- No legitimacy, fighting for personal benefit

Need for effective communication channels to bridge deficit between parties and pressure groups.

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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

The New Education Policy 2020 encourages setting up foreign university campuses in India.

Foreign Educational Institutes (FEI) role in enhancing competitiveness & quality

1) Brings in new capital investment, help in expanding infrastructure and quality

2) Promotes greater student-faculty exchange

3) Enhance scope for global academic collaboration

(eg) Indian institutes partnering with parent schools

4) Exchange and mutual use of Research methodologies, infrastructure
   ↳ Enhances quality.

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5) Exposure to cutting-edge research around the globe.

6) Sets up pathways for foreign faculties, students in Indian universities.

7) Helps in enhancing competition (locally) towards global standards.

Concerns with FEI

↳ Profit making motives of universities

↳ Higher fees would reduce access

↳ Premier institutes (like Ivy league) rarely create branches → only lower-tier colleges will come

↳ Structural issues underscored
- → Low education spending (2.9% of GDP)
- → Academia-Industry link missing
- → Over-regulation

Way forward

↳ Create right regulation (↓ compliance cost)

↳ Protect and promote institute autonomy

SDG-4 require good quality education for all.

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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

• Enhancing public health is a mandate under Art 47 of Directive Principle of State policy.

Limitations of Public Health System	Role of Private Sector to bridge gap
1) Low Health spending (2.1% of GDP)	1) Through private capital investment, more funds will come
2) Personnel shortage in public hospitals	2) Bridge personnel gap in ANM, BDS, MBBS doctors with better pay
3) Rural-Urban disparity	3) setting up facilities in remote areas (eg collaboration with NGOs, Trusts) Jan Swasthya Abhiyan
4) Preventive Healthcare ignored (Only 10% of Health Budget	

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5) low facilities of Geriatric Health care

6) Lack of diagnostic facilities to arrest NCD (Non-communicable disease) rise.

4) Creating old age living homes, personalized nursing assistan.

5) Path labs, private blood banks etc

6) Through greater innovation, would reduce cost.

Concerns with Private Sector

1) "Health" as profit making sector

2) Over-prescription, unnecessary treatment to make quick buck.

3) Absence of strict regulations to prevent corruption

(eg) Recent Scam in Safdarjung Hospital

4) Quality Issues (Presence of unqualified doctors in tier-2,3 towns)

Way forward

- Strengthen Insurance based model (PM-Ayushman)
- PPP in District Hospitals (NITI Aayog)
- Quality and accessibility with effective regulation

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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

The COVID-19 pandemic has pushed 100 mn + people back into poverty and worsened nutritional indicators across the globe.

Need for Global Cooperation:
- ① Resource and Income inequality b/w regions
- ② moral Imperative
- ③ Contribute to global peace and order
- ④ Concentrated, collaborated effort faster result.

International collaboration Impact on poverty and hunger

1) World food programme ensures food security in low-income countries

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2) Research and Development under International fund for Agri development (IFAD).

3) Supporting farmers (Largest job creator) under FAO programmes.

4) Relief efforts of FAO, WB in war torn areas (eg) Yemen, Sudan etc

5) Through global investment, setting up of Industries → Decent Jobs → Rise in Purchasing Power → Mitigate Poverty and Hunger

Challenges → Lack of cooperation (US vs China conflict)

↳ International Bureaucracy slows down implementation

↳ Fund Mobilization Issues

Way forward

↳ Enhance official contribution to UN agencies (too much dependent on Donation)

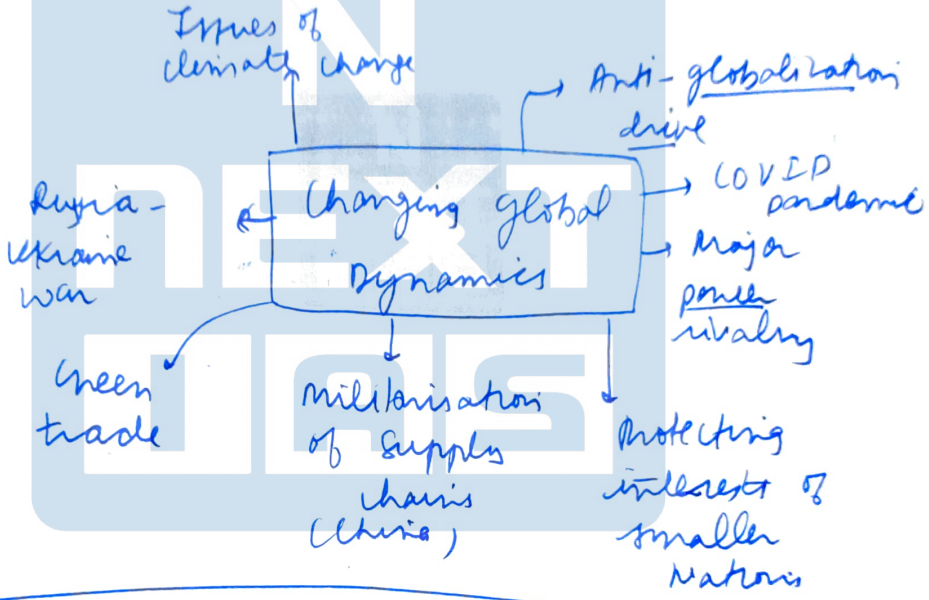
↳ Better exchange of Newer technologies

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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

WTO was created in 1995 from the GATT agreements on trade in goods and services through Uruguay rounds.



Effective and meaningful Reforms

1) Revitalising the Trade Disputes settlement body ⇒ appointing required members

2) Greater clarity on status of developing nations. and

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General system of References.

3) Enhance the participation of global south countries to address issues of EU - Carbon Tax, Agriculture Subsidies etc.

4) Reduce the dominance of USA and western nations and ensuring equitable Participation

5) Reducing Tariff, non-tariff barriers

6) Completing deliberations of IPR Doha round.

The WTO needs to bring legitimacy to promotion of trade and stop de-globalization drives by global prosperity.

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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

69th constitutional Amendment 1989 added article 239-A in Indian Constitution.

Features of 69-A
- To member legislative assembly
- power on police, land, public order to LG
- Electoral decentralisation ensured.

69th CA → Delhi's Dual Governance Dilemma

1) created two power centres
   - CM heading Cabinet
   - Lieutenant Governor (LG) representing President (Union Govt.)

2) lack of clarity on resolution of disputes between LG and CM

3) Areas of control, roles and responsibilities are not clearly stated.

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4) Keeping 3 crucial subjects, fragmented governance

5) lack of effective accountability mechanisms. parties blaming LGs, LGs blaming politicians for governance failures → Public Suffer.

Impact on Cooperative federalism

1) Dual Governance models, without clear roles breeds conflict between state and national parties.

2) Duly elected government made subservient to unelected bureaucrat ↳ violates principle of popular sovereignty.

3) with recent Delhi Administration, Act 2023 ; all decisions of CM have

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been made subject to LG approval.

4) Elected CM made a "rubber stamp", without any discretion and power

(eg) Service matter of employees (basic transfers, suspensions require LG approval)

5) Violates the SC Judgement (2023) on primacy to CM on state list subjects.

There is need to ensure greater transparency and accountability in roles of CM and LG. to ensure public welfare.

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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

* Independent Judiciary is the sine-non-qua of a constitutional democracy"

— Granville Austin
(Constitutional scholar)

Appointment of Judges in Higher Judiciary in India

→ Article (124), (226) appointment
① by president for SC Judges and HC

→ ② Names recommended through collegium headed by Chief Justice of India + 4 Judges (Senior)

→ ③ Before final list, law ministry approves and vets the list with (IB, CBI) investigation background checks.

Issues with Appointment process

1) Non-transparent process with no public knowledge on criteria followed

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to prepare preliminary list

2) Selection of judges, why one was selected and other rejected not known.

3) Allegation of Bias (Judges appointing Judges)
   - ↳ low representation of SC/ST/Women
   - ↳ A "High Caste Boys" Club

4) Names forwarded to ministry and not approved are not known (what are major reasons for non-approval.

5) No timeline on ministry to approve names → "wait down judiciary to make favorable name"

   (eg) Arunlidhan Judge not promoted to SC despite good performance

Alternate System

1) USA
   - ↳ President makes a list, seeks bipartisan support and get in approved in Senate.

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2) NJAC (National Judicial Appointment Commission) with participation of executive to fasten the process and ensure greater transparency.

Way forward

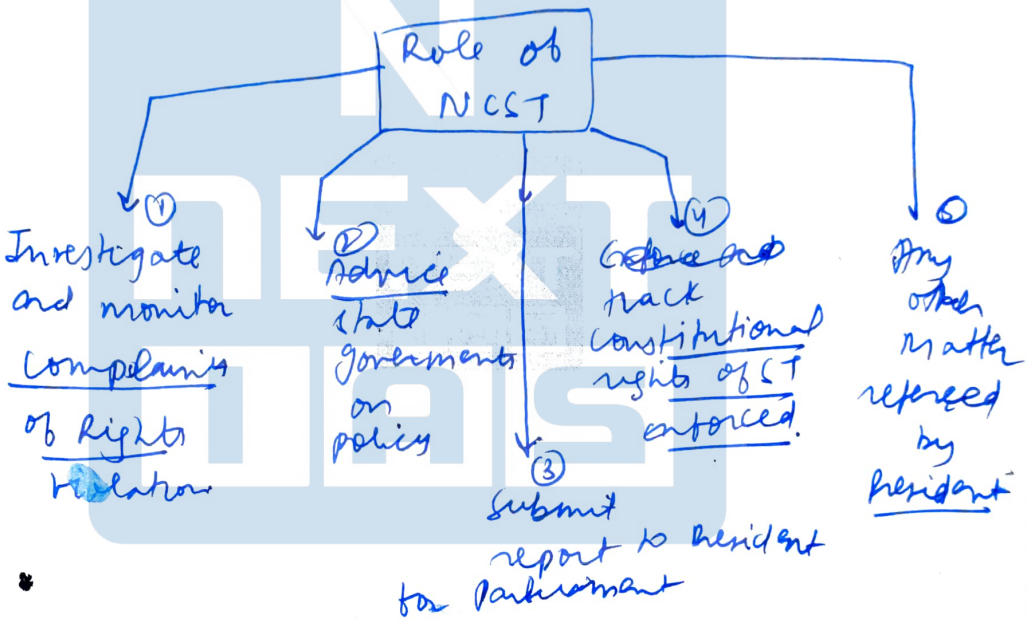
1) Need for greater openess about process.
2) The Judiciary collegium system needs to be overhauled → (not given the best outcome)
3) Collegium not finds mention in constitution
4) Balance Judiciary Independance with Accountability and Transparency.

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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

NCST was created as a separate body in 2003 under Art 338-A of Constitution



Impediments to functioning of NCST

1) Lack of capacity
   - → Shortage of skilled personnel
   - → Inadequacy of funds
2) meetings are not happened regularly
   (No meetings in last 2 years)

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3) Delay in appointments of members and Chairperson

4) Only an advisory role, no implementation powers, recommendations not taken seriously → demotivates staff.

5) Lack of research, investigative capabilities → dependent on state / Central policies.

Reforms in NCST

1) Fasten completion of appointments on all vacancies.

2) Ensure meetings are held in regular intervals (3 months)

3) Enhance collaboration and support to work with civil society organizations.

4) Make report presentation in parliament

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mandatory in fixed time, and seek action taken report.

The above steps can help in revitalising NCST and strengthen interests of ST community in India.

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4. 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 Punchhi Commission in this regard.
(Answer in 250 words) 15 marks

The Governor reserves the State assembly bill under Article 200 for consideration of President.

Circumstances for reserving a Bill

1) If it violates the powers distribution under Schedule 7.
2) Did not comply with central government directions under (Art 355, 257)
3) If a bill with similar provision, would have required president's approval for introduction.
4) Outside the jurisdictional powers of State government.
5) ~~Violates~~ Threat to national security and integrity.

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Controversy around provision

1) No time frame given to president to approve Bill.

2) Telgana Govt. approach SC for delay in Governor's approval → Governance suffered.

3) Abuse of provisions

- (eg) Kerala governor reserving University's Bill without any precedent.

Punchhi Commission Recommendations

1) Time bound approval process (like upto 6 months)

2) Governor to communicate reasons for reserving the bill → helps reducing trust deficit.

3) At all times governor is bound by aid and advice of ministers cabinet (Art 163) unless stated otherwise

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by keeping the state government in loop and ensuring timely approval would reduce conflict and controversy

Governor ought to ensure fairness and due dilligence to ensure his position and actions not weaken federal structure.

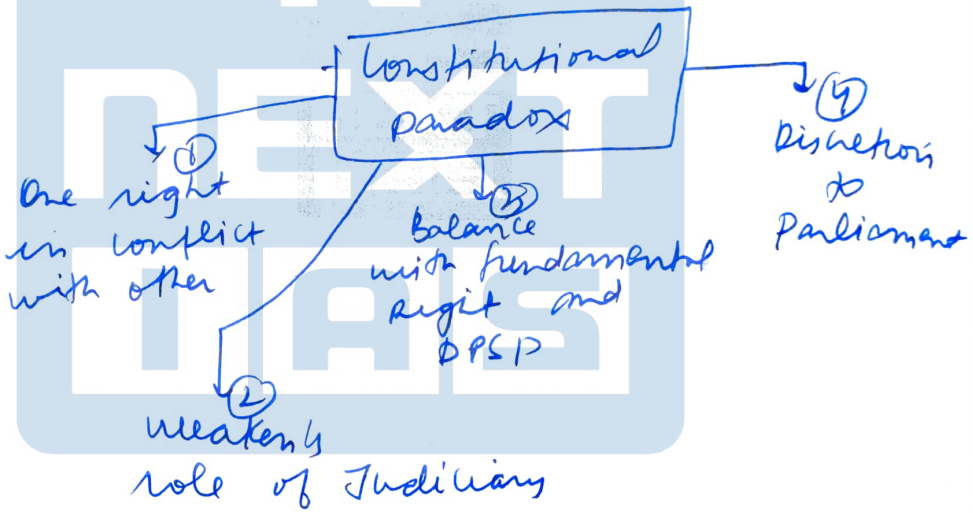
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15. नौवीं अनुसूची ने संपत्ति के मौलिक अधिकार के तहत सामाजिक–आर्थिक न्याय से संबंधित कानूनों को चुनौती से बचाने के लिए एक संवैधानिक विरोधाभास उत्पन्न किया। क्या वर्तमान समय में नौवीं अनुसूची की कोई प्रासंगिकता है? आई. आर. कोएल्हो निर्णय ने इस विरोधाभास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

The 9th Schedule was brought in with 1st Constitutional Amendment, 1951 to safeguard land reform laws from Judicial scrutiny.



Relevance of 9th Schedule in Present times

Relevant → Yes

1) The land redistribution and land reforms agenda not fulfilled

2) Rising income and wealth inequality (OXFAM reports, top 1% → 40% wealth)

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redistributive policies require Sch-9 protection.

3) Constitutional goal of creating equality of opportunity and reduce inequality (Art 38)

4) vehicle to promote inclusive, participative growth (e.g. women Reservation in Jobs)

Not Relevant.

1) Socio-Economic justice measures can be undertaken without its protection.

2) ~~In Coelho~~ Land resettlement Act (2013), Forest Rights Act have ensured land reforms.

3) Right to property, no longer a fundamental right, therefore no need for Schedule 9.

IR Coelho Resolving the paradox

1) All Acts post April 1973 in Schedule-9 would be open to Judicial review.

3) violation of fundamental rights to

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to fulfill DPSP goals would not pass judicial scrutiny

3) A case by case approach would be taken. No automatic protection to Acts under Schedule-9.

In Waman judgement resolved the paradox with clarity on Judicial review of cases under schedule-9.

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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

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Central Information Commission was created under Right to information Act, 2005.

Mandate of CIC

1) Good Governance
   - → Enhances public scrutiny and public participation
   - → Ensure timely delivery of information
   - → Creates a culture of transparency in Public offices (Schedule-4 disclosures)

2) Robust grievance redressal
   - → failure to get information in 30 days → 1st appeal within 45 days
     - ↓
     - 2nd appeal to State IC
     - ↓
     - 3rd Appeals to CIC

3) Guardian of Democracy
   - → ensure accountability of officials

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↳ Promote "citizen centric" policymaking

↳ Ensure citizen rights enforcement

• (e.g.) Entitlements under MGNREGA, NFSA.

Statutory Status limited effectiveness

1) Recent amendments gives higher control in hands of central government.

2) Reduction of tenure to 3 years, and no protection

3) Earlier, salaries and other conditions were comparable to ECI.

4) Issues of vacancies (40% in state offices 30% in Central Info. Commission)

5) Dependence on other ministries for support

6) Funding and allocation not protected and on whims of executive.

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Other Issues → high number of appeals (>3 lakhs)
→ >100 killings of RTI activists
↳ political parties outside RTI

Way forward

1) Need to strengthen autonomy with protection of tenure.

2) Giving Constitutional status.

3) filling vacancies and ensure faster appeal resolution.

"RTI act enhanced the democratic ethos and ensured citizen led Governance" (UNDP)

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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

According to NFHS-5, 1/3rd of all children have faced sexual harassment / offence in their childhood

Significance of the Act

1) Gender-neutral provisions of the act

2) Strict punishments; with minimum jail term of 10 years

3) Setting up of fast-track courts, resolve the case in less than 1 year

4) Provision of rarest of rare, and repeated offenders > 20 years of imprisonments and death penalty.

5) Through effective awareness, fights the taboo around sexual crime and ensure increased reporting.

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Changes in the present Act

1) focus is more on high punishment, longer terms → this acts as a challenge in conviction.

2) Pendency on cases remains high. Need for legal mandate to complete trial and investigation within fixed period.

3) Greater involvement of civil-society organizations for awareness and training

4) Greater convergence of district child protection offices, social welfare department

5) Easier reporting rules / online portal facility

6) "victim-oriented", sensitised law enforcement process.

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The POCSO Act ensures children rights are not violated and creates a safe space for growth and development of children.



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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

Technology integration in bureaucracy has increased in the recent times.

Technology as catalyst in Bureaucracy

1) Efficiency

→ DBT (with JAM trinity) saved government ₹1.3 lakh crore in welfare payments.

→ Use of Remote-sensing digital tools to boost tax collection in municipalities

2) Transparent

→ Geo-tagging of Assets under MGNREA

→ Aadhar authentication in PDS system

→ Blockchain based Land records digitalisation → Conclusive land titles.

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- Filing of RTI's online
- E-Tendering, E-Auction brings transparency

3) Citizen-Centric

- Governance-process Reengineering with online passport, license application
- Mee-Seva portals for welfare schemes
- faceless and automated tax-audits, Labor Inspection

4) Other benefits → Builds capacity fast (eg CoWIN in COVID)
   - Increasing convergence (Single window clearance.
   - Regular tracking monitoring (Online Dashboards)
   - AI models in disaster prediction

Integrating Tech to modernise civil services

1) Rules to Role based civil services
2) Reducing discretion of bureaucrats.

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3) Online training and upskilling of bureaucrats

4) Citizen feedback mechanism (e-gov portal) would strengthen accountability.

5) Helps breaking silos approach of working

(eg) AI led Big data analysis for trend analysis.

The concerns of digital divide, access and literacy, data protection need to be overcome for leveraging true technology potential.

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19. भारत और अमेरिका के बीच अतीत में उतार–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

India and US, both constitutional democracies shares values of rule based international order.

A) Oscillating relationship in past

1) Greater India - Russia alliance, dependence on defence

2) Nuclear Sanctions post 1974 test

3) NAM movement, did not join US-Cold War Camp.

B) Acquired Depth in Recent times

1) Civil Nuclear Agreement (2008)

2) 5 comprehensive military and logistics agreement signed (BECA, LEMOA etc)

3) US now largest trading partner of India (~$128 Billion trade)

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4) Greater Defence cooperation
ft Malabar Exercise, Yudha Abhyas etc

5) Cooperation in emerging technologies (iCET) alliance

6) Multilateral forums and groups
(eg) I2U2, QUAD)

7)

Navigating relationship post Russia-Ukraine war

1) Stress on strategic autonomy

2) Russia an old, trusted friend. Long time defence cooperation

3) Take on a "mediating role" to resolve Russia-Ukraine crisis with dialogue and deliberation.

4) ~~Understate~~ Highlighting China as major danger for world peace and stability.

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5) Strategic convergence in free and open Indo-Pacific.

6) Push for greater multilateral reforms and enhance cooperation with like minded nations to contain China

Other limitations between India-China
- → H1B issues for diaspora
- → Removal GSP (preferential trade status)
- → hasty withdrawal from Afghanistan

Need to overcome these issues, and contribute to world peace and security

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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

India and ASEAN countries share historical, cultural and economical relationship since many years.

Evolution of India - ASEAN partnership

1) Create Connectivity projects
   - Kaladan
   - IMT highway
2) Increase in trade and services (trade > $85 Billion)
3) Convergence in activities on Indo-Pacific
4) Use of North-East India as a bridge of prosperity between South Asia and ASEAN
5) Defence and military dialogue (Shangri La Conference)

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Leverage Strength of Economy and geopolitical reality

1) Fastest growing Economies in the world (India)

2) Potential of medical tourism.

3) Removal of tariff - non-tariff barriers

4) Greater cooperation in humanitarian and Relief operations

5) Defence alliance and exercise to increase synergy in Indian ocean

6) India-ASEAN combined strength to contain influence of China

Need to overcome issues of RCEP withdrawal, for better relations.