

NAME - SURABHI YADAV
ROLL NO - MT23FLT 0ND13
Date - 1 | sept | 2023
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Online.

(For filling by Examiners only)

Evaluator Code :

Q.No	Pg No.	Maximum Marks	Marks	Total
1	1			
2	3			
3	5			
4	7			
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17	39			
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Grand Total				

Signature

MACRO COMMENTS

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Ans!

Supreme Court of India not only interprets the Constitution of India but also International law and treaties while considering cases.

India is a signatory to UN and a upholder of Human rights, SC further's India's ~~own~~ morale by maintaining Human rights.

Cases where SC upheld International laws and treaties /

- ① Vishakha vs State of Rajasthan while ensuring guidelines for safety from sexual harassment at workplace. interpreted UN convention on women.

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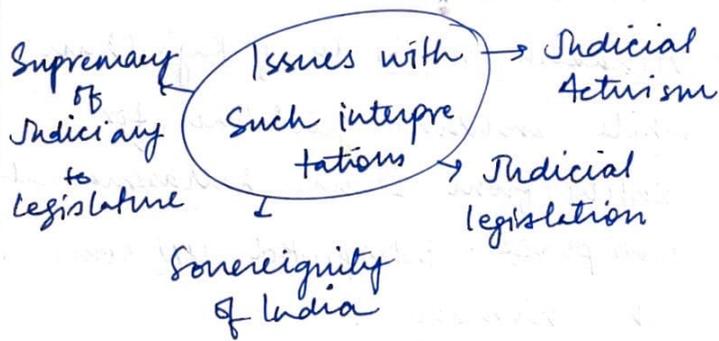
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② SC judgement of on including
Human right with dignity at
work - labour rights (ILO convention)

③ child safety upheld the UNICEF
commitments.

④ Cases on environment
Vellore Citizen's Welfare Case
M.C Mehta cases on ganga
pollution, Taz Trapezium
upheld international law of (UNDHR)
that provide for safe environment.



SC is the upholder of Human Right -
but - it must practice Judicial Restraint.

Ans 2.

USA and Indian constitution uphold
the Fundamental Rights. India
derived its Part III from USA's
Bill of Rights - hence we see
Convergence.

- Freedom of Speech and Expression has been protected by the Supreme Court.
- There are reasonable restrictions to the fundamental right such as Sovereignty and Integrity of Nation, Public law & order.

However, India and USA have their own distinctive jurisprudence

① Judicial activism as developed

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after Madbury and Madison case
is more elaborate in USA than India,
hence more freedom to SC to interpret
law in USA.

② India has integrated Judicial system
where cases like Bennett & Coleman
decide for whole nation guidelines
while USA has Federal structure
of Judiciary.

③ Judicial legislation has been
widely used in India to promote
speech and expression (eg: Anuradha
Bhain Case included Right to Internet)
as means to convey thought.

Thus, Indian & US constitution see various
convergence & divergence based on
the societal needs & evolution of
constitution as living document.

Ans 3

The Constitutional Amendment of 44th
added Fundamental Duty as part
of Part IV-A of Indian Constitution
by inserting Article 51-A, on
the recommendation of Swaran Singh
Committee.

This ensured that citizens uphold
their duties as constitutional
obligation.

However, challenges in their legal
enforcement

① They are broadly codified,
its difficult to define and
outline these themes to develop
legal provisions.

- ② Use of vague terms - eg Scientific temper development. Its difficult to assess on a barometer.
- ③ Overburdened Judiciary with over 4 crore pending cases - hearing FD related issue would be a huge task.
- ⑤ Various legal provisions deal with them separately.
- eg Right to education Art 21 A
National Flag Act for honour and conduct of National Flag

Vohra Committee and National Commission for Review the working of Constitution has suggested more duties and legal enforcement but it remains unfulfilled due to challenges listed above

ans 4

Central Administrative Tribunal has been provided under Article 343-A to deal with Administrative (Services) issues of the civil servants.

Tussle between ~~SC~~ CAT and High Courts

1- Method of Appeal

① Appeal and CAT relation with respect to Hc.

It is believed that CAT and Hc stands at equal footings but CAT cases are appealed in High Court undermines its power.

Supreme Court Verdicts

① SC has pronounced that CAT will deal with Administrative

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Issues only and its decision in such matters shall be final.

② CAT can deal with Centre as well as States Administrative issues.

③ The Judges of CAT shall be appointed by SC.

④ CAT will deal with Service related issues only, all the Criminal related cases shall go to the respective High Courts.

Thus, SC has defined various powers but (challenges) supremacy of Judiciary
 ↓
 Federal Issue Overlapping powers

remains.

SC can issue greater guidelines in collaboration with Parliament for area of Jurisdiction

Ans

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Indian Constitution provides for equality under Article 14-18. They are guaranteed by Supreme Court under Article 32.

However constitution doesn't provide mere equality in formal sense but Supreme Court through various judgement have set equal opportunities for all.

① Under Article 16, 17

↳ Caste Based Equality

- Constitution under Article 330 & 332 provide reservation to SC/ST in State / Centre elections

- Under 74th / 75th Amendment Reservation in LSAs.

- SC through Indra Sawhney Judgement upheld reservation

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to OBCs in education & employment.

② Economic Equality

↳ 103rd CAA provided Reservation to EWS

↳ SC in Bandhu Mazdoor case has upheld 103rd CAA.

③ Equality to Women

↳ Article 16, 17 and 73rd/74th CAA for 50% reservation.

↳ Vishakha guidelines to promote women at work

④ Minorities equality

↳ Article 28, 29-30 provide for their safety.

Thus our constitution and Supreme Court provide equal protection of law & equality before law.

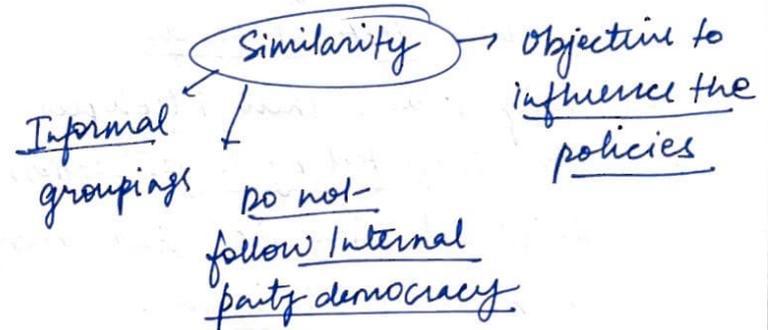
to all its citizens. Upheld SDG 5, 10

Arb.

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Pressure groups are informal groups that exert pressure on government, civil servants and political parties to meet their demands (generally represent a section eg: FICCI for business)

Political parties are groups formed (informal) to contest election and form government.



However, pressure groups are moving towards becoming Political parties because:-

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(A) Disadvantages of Pressure groups

- they're not 100% promised to guide the policy.
- They can only pressurise but not ensure.
- Have no formal recognition.

(B) Advantages of Being Political Party

- they can become government and make policies.
- They receive huge fundings through electoral bonds
- Their § and their ideologies are supported by larger section.
- Registered with ECI and access to national television.

Thus, pressure groups are moving towards the political party setup

Ans 1

India is seeking investment in Higher Education & establishment of Foreign Higher Educational Institutions.

Australia's Deakin University has already been granted permission to establish in GIFT city, Gandhinagar.

Advantages

- ① Globalisation of Education
- ② Access to better skills of International level (current skill %age is less than 5% in India) compared to 96% in South Korea)
- ③ Better Technology and curriculum modules : Use of AI, chatgpt, Blockchain Technology, Animation in education can help enhance quality of education.

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④ It will promote Indian Startups & educational Institutions to upskill their methodology. (es during U4 foreign competition)

However, certain challenges

① Educational Divide : Foreign Inst. tend to charge higher - where majority could not afford.

② It can upskill private education sector but 60% of Indian children study in government schools. they need upgradation.

③ The kind of Institution will be setup remains a challenge - encourage Edu-business. Education for profit.

Thus, proper regulatory mechanism by government shall be necessary over fees, area of setup and curriculum.

Ans

Right to Health is our fundamental Right and government in this regard aims to achieve Universal Health Access.

To reach this milestone government will have to collaborate with the private sector

Contribution to bridge gap by private Sector

- ① Research and Development could be shared by private sector.
- ② Rationalised Access to Drugs : Highest Out of Pocket expenditure on Drugs in India (Reports)
- ③ Technological collaboration : on machines like X-Ray, Oxygen, CTU scans, MRI etc which are more effective with private sector.

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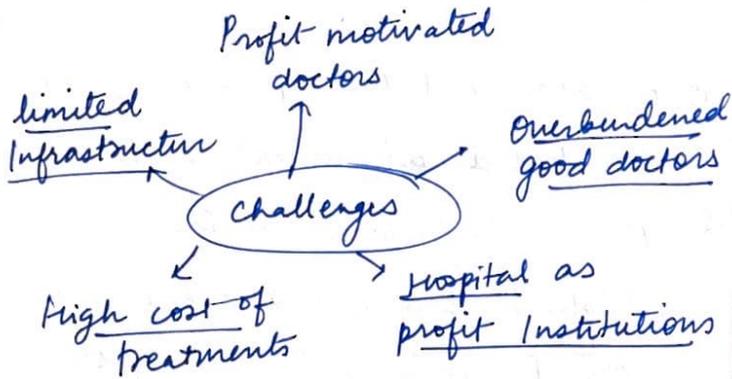
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- ④ Infrastructure Development in remote areas
- ⑤ Voluntary service by private doctors for one day in a week in underserved areas.
- ⑥ Fixing number of free treatments in a month and contribution by government.



Good Health and Wellbeing is our priority under SDG 4. To attain this PPP along with public/people is important for a healthier demography & its dividend.

Ans 9

Poverty and Hunger are inter-related issues. UN report suggests that Poverty has increased during COVID-19.

To address this issue, global cooperation could be beneficial:-

Impact

- ① United Nations could mobilise funds to poverty struck nations.
- ② Building Climate Resilience Infrastructure to ensure food Security
 - ↳ Develop nutrient specific crops
 - ↳ collaboration to declare 2023 as 'International Year of Millets' to address 'hidden hunger' of nutrition.
 - ↳ It could promote growth of Drought-Resilient crop.

③ Mobilisation of Resources and Investment to increase employment opportunities in developing nations.

④ Challenges to International Collaboration

① Developed vs Developing / Under Developed nations have different mark of poverty.
(In USA if one doesn't own a car is considered a poor, In India car is a luxury item)

② Misappropriation of funds

③ Lack of collaboration willingness

Together we can fight any evil & poverty can be eradicated via collective efforts.

Ansto.

World Trade Organisation (WTO) is the single organisation that regulates the trade rules. It was formed in _____ when the two power blocs were dominant and guided international trade. But today, India, China, Australia, EU have emerged as other poles of Relation. Thus, need a change in WTO

① Reduce USA dominance from World Trade organisation.

② Issues related to Agreements on Agriculture need to be updated.

③ Constant blocks on India's MSP and agitation hampers India's interest & food security.

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③ Vagueness in Sanitary & Phytosanitary any measures (SPS) guidelines hampers India's interest on export to EU nations

④ Stringent action on Dumping, Countervailing Activities of China. Better codification is required.

⑤ Trade complexities also include fisheries subsidy and associated climate issue - where USA and Japan provide over (20007 subsidy but still India faces charges)

⑥ Trade routes also need to be made more secure (China dominance in South China Sea) hamper ASEAN nations interests.

A life unexamined is not worth living
- Socrates. This stand true for any
UN agency. we need to analyse and
make changes with changing times.

Part 1

69th Constitutional Amendment added Article 239AA and provided for a legislative assembly in Delhi.

Dual governance Dilemma

- ① It provides for both Lt. Governor and an assembly.
- ② Assembly has power over the State subjects (7th schedule) except land, law & order, police - where Lt. governor shall be responsible.
- ③ Lt. governor enjoys veto power over state assembly.

Hence, Dual governance.

The Recent Ordinance has led to further dilemma, where the

'services' under state list have

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also been exempted from jurisdiction of State Assembly and given to Lt. governor.

Thus, though State Assembly can formulate policies for Delhi but its implementation lies with the Lt. governor.

Hence, Delhi's Dual governance dilemma

Impact on Cooperative Federalism

- ① Undermines the power of elected State legislative Assembly with no real power to implement its policy.
- ② Since Lt. governor is considered as agent of Centre, it is viewed as infringement of centre into

state matters.

③ It undermines State list which is hallmark of Federalism.

But, since Indian Constitution does not follow Federalism in strict sense (Quasi-Federal as R.C. Wheare calls it) the unity & integrity of India is supreme.

S.C Judgement has also noticed that Delhi is a special case and doesn't enjoy rights of a proper state.

It follows the idea of Asymmetric Federalism to maintain harmony among states and between centre and the state.

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Ans 12:

Indian Constitution upholds an Independent Judiciary to ensure transparent decision making, separation of power and checks and balances on legislative and executive.

However, an insulated judiciary means that it cannot be touched in any manner.

Issues of Independence vs Insulation

- ① The Constitution provides that Judges of Supreme Court shall be appointed by President in 'consultation' with the Chief Justice
- ② However, the issue of 'consultation' remained subject to interpretation if it means 'concurrence'. This was dealt in 'Judges Transfer

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Case "

- ③ The government provided for NDA to appoint SC and HC Judges.
 - ④ However, it was declared unconstitutional by the SC.
 - ⑤ Recent Method Issues
 - ① Judicial overreach by cancelling legislative mandate.
 - ② No other democracy appoints Judiciary appointing Judiciary.
 - ③ No control over Judiciary.
 - ④ Judiciary is not a state body under Article 12 - so its decision cannot be questioned.
 - ⑤ The method of selection & referring names is non-transparent.
 - ⑥ Non check and balances on Jud.
- Hence, analysing the shortcomings

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Alternatives to current system

- ① US method where judges appointed by the President and agreed to by the Congress.
- ② Appointing a committee which consider equal members of Judiciary (senior Judges, CJI) and Executive (PM, other Ministers, Speaker, Leader of Opposition)
 - Veto power could also be introduced to reduce tilt.

A fair representation of ~~the~~ Judiciary and Executive is necessary to maintain transparency and checks and balances.

Ans 13

National Commission for Scheduled Tribe (NCST) bifurcated from NCSC by 89th CAA and given Independent status under Article

Yet, it has limited success in meeting goals of tribal welfare.

Impediments in functioning

- ① Advisory Nature: It cannot take independent action. Its report are tabled in Parliament but its not compulsory to take action on its report.
- ② Fund crunches: no independent fund generation. Grants to the commission are limited to make positive impact
les: Rehabilitation of Displaced

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tribes

- ③ Declaring a tribe as Scheduled is President's power - NCST can only suggest and President's decision is final and immune from Judicial Review
- ④ It has power of civil court: but Crimes against tribes are criminal in nature: (eg) MP - mination over a tribal man.
- ⑤ Mindset change need awareness campaign: lack of willingness due to limited accountability of members and commission remains a challenge.

Reforms to effective functioning ofNCST

- Better co-ordination between Ministry of Tribal Welfare & NCST.
- Increase fund allocation.
- Introduce Accountability measures of positive changes.
- Social Audit of NCST functioning.
- More independence in governor's decision to declare 'governing council'

NCST can work as the prime organisation to uplift Tribals, It can have members from Tribal community that understand the Tribal IDEA of DEVELOPMENT.

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Ans 14.

Governor is given wider discretionary power under constitution to reserve certain bills for President's consideration. (Article 200)

Necessary to Reserve a Bill

→ If it introduces any changes in the power of High Court.

Discution in Reserving a Bill

→ It is against the provision of the constitution.

→ If it is opposed to DPSP (Part IV)

→ If it is of national importance

→ If the bill is against the larger interest of the country

The Provision is Controversial because

- ① Give wide discretionary powers to governor. (e) Reserving TN NEET Bill
- ② Conditions mentioned are not codified - they are elaborate and misc in nature.
- ③ Undermined the Federal structure of the country (Basic Structure under S.R. Bommai Case)
- ④ Governor is immune from Judicial Review / for his actions in his capacity as governor.

In this regard Punchhi Commission

Suggested some reforms

- ① Governor should be absent from active politics even at local

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level, to reduce biasness

② State legislation to be consulted while appointing a governor to maintain Centre-State harmony.

③ Committee to elect governor

④ fixing 5 year term of governor.

Above measures could ensure, that elected representatives (State legislation) are in harmony with nominated / appointed one. They represent the will of the people which must be upheld, since sign of governor stamps a bill to law.

Ans 15

9th Schedule introduced by the Constituent Assembly itself by way of 1st Constitutional Amendment provided for the protection of certain actions of state under Article 39(b)(c) from being challenged under Article 31.

Paradox

- Introduced by same Constituent Assembly that provided Constitution
- The balance between FR and DPSP could not be established.
- The supremacy of state or Individual for welfare remain a question

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Ans 16.

Central Information Commission
created under RTI Act, 2005
provides for transparency and
accountability of the government
system.

It ensures the Nolan principles of
governance.

CIC as guardian of Democracy

- ① Can request the government
official to produce any information
related to government functioning.
- ② Ensure information is voluntarily
released to the public
 - ⓐ Jan Soochna Portal of
Rajasthan

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- ③ Act as a grievance redressal
mechanism related to any
information that needs to be
published.

However, the CIC has not been
granted constitutional status.

Limitation in effectiveness due
to statutory status under RTI Act, 2005

- ① changes in RTI Act can be done
by simple majority.
- ② Independence: RTI Amendment Act
of 2019 reduced its tenure,
Salary and given transfer
power to the central government
- ③ It is not mandated funds
from Consolidate Fund of
India - hence implementation
of programmes issue

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(4) Its report are not discussed by
the Parliament.

Way forward

- ① Grant constitutional status.
- ② Insure Independence.
- ③ Grant security of tenure, salary
pension and allowances
- ④ Provide continuous flow of
funds
- ⑤ Grant powers of civil court to
allow mandatory presentation of
evidences, documents etc

CIC is an important oversight
over government functioning and
ensure trust of people. It must
be protected.

Art 17

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POCSO Act was created to take
actions against children offenders
as ~~so~~ non-cognisable offence.

Significance of POCSO Act

- ① Immediate actions taken against
accused.
- ② Non-bailable offense.
- ③ children's statements are recorded
under guided psychologist
supervision.
- ④ children are provided proper protection
and distance from offender is
maintained.
- ⑤ They're not supposed to visit
courts - to ensure their mental
wellbeing.
- ⑥ Act as a deterrence to the
criminals.

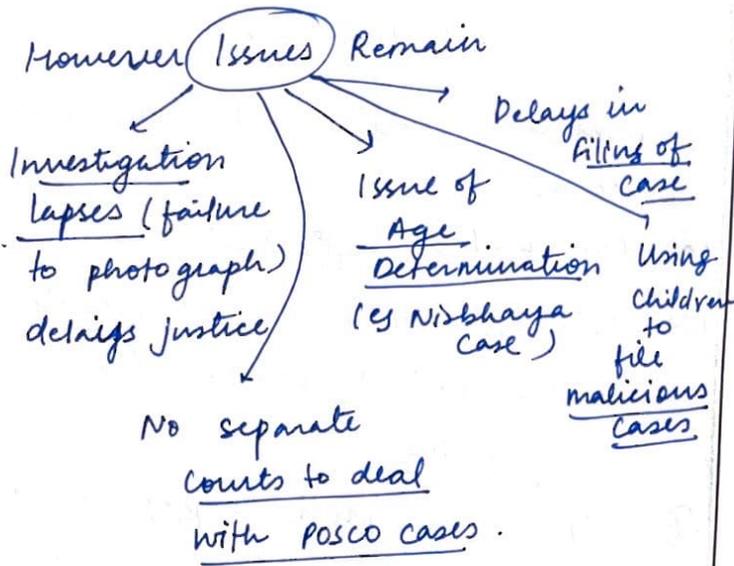
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⑦ POCSO Rules 2020 : have further elaborated on compensation, relief and support person for child.



Changes to enhance its effective implementation

① Separate Fast Track Courts to decide POSCO cases.

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② Investigation

- ↳ Increase female officers
- ↳ Documentation of evidences (Jarnail Singh case)

③ Proper representation to both the parties to prove innocence.

④ Training to Investigative officers to handle sensitive cases

POCSO Act has been a strict Act that guarantees protection to children. Sexual harassment could have uplong mental health implication. Thus, along with law, mental wellbeing should be prioritised.

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Ans 18

Technology has revolutionised every sphere of human life. In Bureaucracy it has impacted governance from traditional methods of paper work, fax, physical presence of validation, physical auction etc to more enhanced ways.

Technology → more efficient

- ① Quick response through 24x7 complaint access.
- ② Better co-ordination among agencies — DM + SSP (law & order)
DM + municipal Heads
(Urbanisation issues)
- ③ Better data collection for policy formation

Technology → Transparency

- ① Digitisation of records — Access through RTI Act.
↳ enhanced answerability.
- ② Online advertisements of government legal tenders — involvement of NGOs & scrutiny, ensure transparency.

Technology → Citizen Centric

- ① Online services — e-governance.
↳ Passport application
↳ Health Data register
All the government services & their info can be accessed online by any citizen
- ② AI based on Language Models have helped communicate with non-natives. (eg) A ^{north} ~~north~~ Indian Bureaucrat in Tamil could use AI.

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Integration of technology can modernise civil services

- ① e-Samiksha to ensure real time monitoring of civil servants and their actions.
- ② Training in blockchain could help secure Confidential data.
- ③ Technology like Robotics could aid in reaching inaccessible areas. Use of Drones in hilly areas.
 - ⓐ During COVID.
- ④ AI to collect data, process data for law enforcement. It can aid policy formulation.

In these lines, government started Mission Karmyogi to enhance efficiency of Bureaucrats

Ans.

It's said that US has no allies but only interests. This is true for India-US relationship.

Oscillating relation in past

- ① US apprehension over India's Nuclear testing.
- ② US's denial to India - GPS systems during Kargil war
- ③ US finance support to Pakistan and denial of terrorism when India raised concerns, until it saw 7/11.

However, over the years, the relationship has acquired depth, especially in recent times in various fields.

1- Military - Yudh Ashwas ^{exercise} b/w India and US in Uttarakhand

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- Sharing of Data and Military bases - signing pacts like LEMOA & BECA

- ②. Space - NISAR collaboration. Artemis Accord signed by India for joined space missions.
- ③. Trade - US is India's largest trading partner.
- ④. Climate - focus on green energy
- ⑤. Technology - Indo-US Quantum Coordination mechanism, focus on AI (Google's Initiatives)

Recent visit of Hon'ble PM of India to US has further strengthened Indo-US relation with focus on sustainable development, semiconductor industry, transitioning towards clean energy.

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India has navigated its relationship with US despite divergence on Russia-Ukraine war

- ①. Maintaining Strategic Autonomy in its voting in UN.
- ②. India's image as a responsible leader, non-aggression has helped.
- ③. China-US strategy & US seeing India as an ally against China have helped tone down US aggression.
- ④. India's dominance in Indo-Pacific & US's interest have provided convergence.
- ⑤. India-US Balance of Trade is positive for India. It helps India in better position.

Thus, various strategies have helped in positive Indo-US relation despite past divergences.

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 प्रश्न की संख्या दर्ज करें
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Ans 20

India- ASEAN nations share common geography and cultural ties. It has further evolved via Look East Policy

- ① Helped develop connectivity.
 - India- Myanmar- Thailand Trilateral Project.
- ② Developed cultural ties of Buddhism (Buddhist circuit) & commonality of Ramayana and Hindu worship.
- ③ Helped connect in defence ties
 - INS Sindhuvis to Myanmar.
 - Military exercises like garuda shakti with Indonesia

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उम्मीदवारों को इस हाशिये में नहीं लिखना चाहिए
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- ④ FTA agreements with ASEAN nations
- ⑤ Evolved from look East to Look East Through North East
- ⑥ India as an observer status to ASEAN meetings



India can however, increase strength of economy!

- Despite geopolitical realities like
- Military rule in Myanmar
 - Despotic rule in Thailand
 - China Dominance
 - Disaster management in Indian Ocean.

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◦ Increasing US interest in
Indo Pacific region .
Opportunities to foster closer

India - ASEAN relation

- ① Completion of Projects (eg) Kaladan
Multimodal Transit Project .
- ② Increase trade by signing
CEPA, FTA agreements .
- ③ Using Indian Diaspora influence .
(eg) Singapore - 1/3rd population .
to gain favourable economic
deals .
- ④ Increase Investments in infrastructure
project - (eg) Climate Resilient
Infra in Indonesia in event of
(increasing extreme weather
events (eg Cyclones))

India - ASEAN relation can boost
India's image as Net Security
Provider in the region . It can help
counter China dominance .