



TEST CODE 6 1 2 4 0 2

FIAS | MGP 2023 | Open Test – GS Paper #2

Time Allowed : Three Hours
समय : तीन घंटे

ForumIAS

Maximum Marks : 250
अधिकतम अंक : 250

GENERAL STUDIES / सामान्य अध्ययन

| | | | |
|---|--------------|---------------|--|
| Name Of Candidate परीक्षार्थी का नाम | Akansh Dhull | | |
| Roll No./अनुक्रमांक | 1910129233 | Medium/माध्यम | English <input checked="" type="checkbox"/> हिंदी <input type="checkbox"/> |
| Center Code/परीक्षा केंद्र | 1902 | Date/दिनांक | 02/09/2023 |

*Center Code : For Online - 1900 / Delhi : Karol bagh - 1901, ORN - 1902, Mukharji Nagar - 1903 / Patna : Boring Rd. - 2001 / Hyderabad : Jawahar Nagar - 2101

| INDEX TABLE / अनुक्रमणिका | | | INSTRUCTION / अनुदेश | |
|--|--------------------------|------------------------------|--|---|
| Q. No. प्र.सं. | Max. Marks अधिकतम अंक | Marks Obtained प्राप्तांक | 1. Please do furnish Name, Email, Roll No and Mobile in the answer sheet. कृपया उत्तर-पुस्तिका में नाम, ईमेल, रोल नंबर और मोबाइल नंबर भरें। | |
| 1 | | | 2. There are TWENTY questions printed in ENGLISH & HINDI, all questions are compulsory. उत्तर पुस्तिका में अंग्रेजी/हिंदी में बीस प्रश्न दिए गए हैं, सभी प्रश्न अनिवार्य हैं। | |
| 2 | | | 3. The number of marks carried by a question/part is indicated against it. प्रत्येक प्रश्न/भाग के लिए निर्धारित अंक उसके सामने अंकित किए गए हैं। | |
| 3 | | | 4. Answers must be written in the medium authorized in the admission Certificate, which must be stated clearly on the cover of this Question-Cum-Answer (QCA) Booklet in the space provided. उत्तर प्रवेश पत्र में अधिकृत माध्यम में लिखे जाने चाहिए, जो कि दिए गए स्थान में इस प्रश्न-सह-उत्तर (क्यूसीए) पुस्तिका के कवर पर स्पष्ट रूप से लिखा जाना चाहिए। | |
| 4 | | | 5. Word limit in questions, if specified, should be adhered to. Any page or portion of the page left blank in the Question-Cum Answer Booklet must be clearly Struck off. प्रश्नों में शब्द सीमा, यदि निर्दिष्ट हो, का पालन किया जाए। प्रश्न-सह-उत्तर पुस्तिका में खाली छोड़े गये किसी भी पृष्ठ या पृष्ठ के भाग को स्पष्ट रूप से काट दें। | |
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| Total/कुल अंक | 250 | | For Student Only / केवल परीक्षार्थी प्रयोग हेतु | |
| Examiner's Discretion/मूल्यांकन कर्ता का विवेक : | | | Start Time/प्रारंभ करने का समय : | End Time/समाप्त करने का समय : |
| Total Marks/कुल अंक : | | | Mode Of Examination/ परीक्षा की विधि : | Online/ऑनलाइन <input type="checkbox"/> Offline/ऑफलाइन <input type="checkbox"/> |
| *Examiner's Discretion is the marks awarded at the discretion of the examiner based on your overall impression, on the basis of (but not limited to) your handwriting, presentation, use of diagrams, flowcharts, facts and figures or absolutely anything that he/she liked in your copy. मूल्यांकन कर्ता का विवेक अंक, आपकी लिखावट, प्रस्तुति, आरेखों के उपयोग, फ्लोचार्ट, तथ्यों और आंकड़ों या समग्र रूप किसी अन्य विषय वस्तु, जो मूल्यांकन कर्ता को आपकी कॉपी में पसंद आयी के आधार पर (लेकिन इन्हीं तक सीमित नहीं) पर दिए गए अंक हैं। | | | For Office Use Only / केवल कार्यालय प्रयोग हेतु | |
| | | | ECN CODE/ ईसीएन कोड : | EG/ईजी : ① ② ③ ④ ⑤ |
| | | | | Evaluation Date/ मूल्यांकन तिथि : |

Note: Students are expected to incorporate suggestions from the solution provided in the answers. Discussion classes for the tests are also available online in your portal to aid in your preparation. Further, students are requested to see the good copies of the tests and learn from them. You can also discuss your copy with a Mentor and discover ways and means to improve your answers, or if you have any issues with this test / copy. Asks specific questions, to get specific answers.

EXAMINER'S REMARKS

ADMITAS

CRITERIA FOR THE FEEDBACK SECTION AT THE END OF EACH QUESTION

1. **AWIS = Answered What is Asked.** This means whether you have addressed the core demand of the question or not. Addressing the core demand of the question gets you an objectively fair score. It is examiner's perception if you have understood the question and if you know the answer in the first place. Creative answer writing, sometimes missing the core demand, may fetch very high or very low scores, and exposes your answer to the subjectivity of the examiner.
2. **CD & VA = Content Density & Value Addition.** Examiner will evaluate the quality and quantity of your content in the answer. In the same word limit and space limit have you (a) written what is asked (b) gone beyond what is asked (c) enriched answers through combination of (but not all!) suggestions, ideas, quotes, flowcharts, diagrams, facts and figures, data etc. This affects objective components of assessment.
3. **S & F = Structure & Flow =** Whether you have structured your answer properly or not. Whether the answer has been broken into parts and sub-parts and each part has been addressed appropriately or not. Whether the flow of the answer is maintained. Affects both subjective and objective components of assessment.
4. **P & R =** How your answer performs on the criteria of **presentation, ease of read, clarity and apparent effort** in writing the answer. This affects the subjective components of assessment.

Q.1) Critically evaluate the significance of the Basic Structure Doctrine in the five decades since its judicial pronouncement. (10 marks, 150 words)

बुनियादी संरचना सिद्धांत के न्यायिक प्रवर्तन के बाद से पांच दशकों में इसके महत्व का आलोचनात्मक मुल्यांकन कीजिए। (10 अंक, 150 शब्द)

Basic Structure Doctrine refers to a set of principles which are intrinsic to the Constitution and inviolate to it which cannot be altered even through Constitutional Amendment. It is espoused by Supreme Court from time to time. (Federalism) and was given in Keshavnanda Bharti case (1973)

Significance of Basic Structure

- ① Maintaining democracy
 - Raj Narain case, SC upheld that free and fair election is basic structure
- ② Safeguarding Judicial Review
 - This led to ensuring Constitutional balance and supremacy of Constitution
 - eg. Minerva Mills → FR > DPSP
- ③ Protection of Fundamental rights

① Ensure federal balance

(SR Bommai case, it expounded that state powers are derived directly from Constitution and curbed use of Art 352)

③ Maintenance of Separation of Powers

- Independence of Judiciary was considered basic structure (NJAC case)

⑥ Guide to international jurisprudence

(~~is~~ Copied to Bangladesh)

Challenges created by Basic Structure

① legitimacy → No mention in Constituent Assembly and had thin majority (7:6)

② Judicial activism and overreach and made judges the ultimate sovereign (99th CAA was near unanimous was struck down)

Basic Structure doctrine is an important concept to allow for consistency in Constitutional values. The Parliament should also contribute to basic structure and give it a tangible, codified shape.

Feedback

(For OFFICE use only)

| # | (C) | (A) | (P) |
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| AWIS | | | |
| CD & VA | | | |
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Please put tick marks in the above table.

Here G is Good, A is Average and P is Poor.

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| TOTAL MARKS | |
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Q.2) Though defamation law is vital to protect one's reputation and dignity in society, weaponization of the same to curb dissent and free speech is antithetical in a constitutional democracy. Comment. (10 marks, 150 words)

यद्यपि मानहानि कानून समाज में किसी की प्रतिष्ठा और गरिमा की रक्षा के लिए महत्वपूर्ण है, लेकिन संवैधानिक लोकतंत्र में असहमति और अभिव्यक्ति की स्वतंत्रता पर अंकुश लगाने के लिए इसका हथियारीकरण विरोधामासी है। टिप्पणी कीजिए। (10 अंक, 150 शब्द)

Defamation (u/s 499 of IPC) is also a reasonable restriction to Art 19(1)(a) (Freedom of speech and expression). Defamation in India is both criminal and civil. Recently, an Opposition leader was convicted under it.

Vital to protect Reputation & Dignity

- ① Deterrent to individuals to spread false information against persons.
- ② Leads to social boycott and ostracism.
- ~~It~~ Even accused of crimes are seen with eye of suspicion.
- ③ Necessary more so even today's time of infodemic and wide reach.
- ④ Right to be forgotten can barely be exercised and any comment as there to stay. (4a) Parity with contempt which is for Judges.

⑤ Adverse domino effect

~~It~~ Defamation of character → Mental health → Suicide

Thus it creates accountability challenge and thus be nipped in bud

Weaponisation is Antithetical

① "Respect is safety value of democracy" - CJI

- Non person remarks should not be taken personally.

② Reduces scope of genuine criticism

- "I may disagree with what you say, but protect to death your right to say it"

Thus creates slippery slope - Veltave

③ Creates self censorship and chilling effect on free speech (Art 19)

④ Misuse for political gains

While criminal defamation should be repealed, civil defamation should continue. Similarly action needs to be taken on personalised derogatory actions (eg. Beysaker scam) while constructive criticism be welcomed.

Feedback

(For OFFICE use only)

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Q.3) Explore the legal-constitutional basis for the conflicts between the elected government and the institution of the Lieutenant Governor over the governance process in the Union Territory of Delhi. Analyse the role that the Government of National Capital Territory of Delhi Act, 2023, can play in resolving it. (10 marks, 150 words)

केंद्र शासित प्रदेश दिल्ली में शासन प्रक्रिया को लेकर निर्वाचित सरकार और उपराज्यपाल की संस्था के बीच टकराव के कानूनी-संवैधानिक आधार का अन्वेषण कीजिए। राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार अधिनियम, 2023 इसे हल करने में क्या भूमिका निभा सकता है, इसका विश्लेषण कीजिए। (10 अंक, 150 शब्द)

Recently, the Parliament passed the GNCTD Act, 2023 and created National Capital & Civil Service Authority to handle services (Entry 41)

Legal Constitutional Basis

| | | | | | | SC Judgement |
|--------------------|-----------------------------------|-------------------|----------------------------------|----------------|----------|--------------|
| 69th CAA Act 239AA | 2015 MHA notification on Services | 2018 SC judgement | 2019 SC split verdict on service | 2021 GNCTD Act | 2023 Act | |

① Act 239AA itself

- While legislative Assembly can make laws for state list and concurrent list, Act 239AA (3B)(3c) allows Centre to overrule same with parliamentary law

② Conflict over control of services

- While only 3 entries based from Govt of NCT, Parliament can make law simultaneously.

① GNCTD Act, 2021

- Reduce rule making power of Assembly
- Government would mean LG

② Supreme Court judgement (2018) not clarifying when can matter be referred to President

Role of GNCTD Act, 2023

- ① NCCSA and for decisions related to services (Entry 41)
- ② LG as final authority in case of conflict while working on aid and advise of government

Challenges created by Act

- ① Breaks triple chain of accountability
People → Assembly → Minister → Service
- ② Overruled Constitutional bench judgement by an act.

③ Roadblocks and conflicts over powers of LG

The LG and NCT government should work selflessly by following ethical ideals for people welfare

Feedback

(For OFFICE use only)

| | G | A | P |
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Please put tick marks in the above table.

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TOTAL MARKS

Q.4) The objective of the Mediation Bill, 2023 is to have a mediation first approach to civil and commercial disputes resolution, with the purpose of reducing the burden of litigation on Courts, providing alternate means of disputes resolution, and enhancing the country's reputation as an investor friendly destination. Comment, with special emphasis on the salient features of the bill.

(10 marks, 150 words)

मध्यस्थता विधेयक, 2023 का उद्देश्य अदालतों पर मुकदमेबाजी के बोझ को कम करने, विवाद समाधान के वैकल्पिक साधन प्रदान करने और निवेशक अनुकूल गंतव्य के रूप में देश की प्रतिष्ठा को बढ़ाने के उद्देश्य से नागरिक और वाणिज्यिक विवादों के समाधान के लिए मध्यस्थता प्रथम दृष्टिकोण रखना है। विधेयक की मुख्य विशेषताओं पर विशेष जोर देते हुए टिप्पणी कीजिए। (10 अंक, 150 शब्द)

Indian Judicial System now has around 5 crore case pending with case clearing ratio only about 80% (Economic Survey 2017). In this light mediation is required.

Commercial Disputes Resolution

- ① Mediation Bill, 2023 allows for international mediation under Singapore Convention
- ② It ensures EODB by quick settlement of disputes in informal mechanism.

Reduce litigation on Courts

- ① Mediation can be alternative for compoundable crimes and petty financial crimes

⊕ Thus it allows the court to focus its energies on important matters

Alternate Means of Dispute Resolution

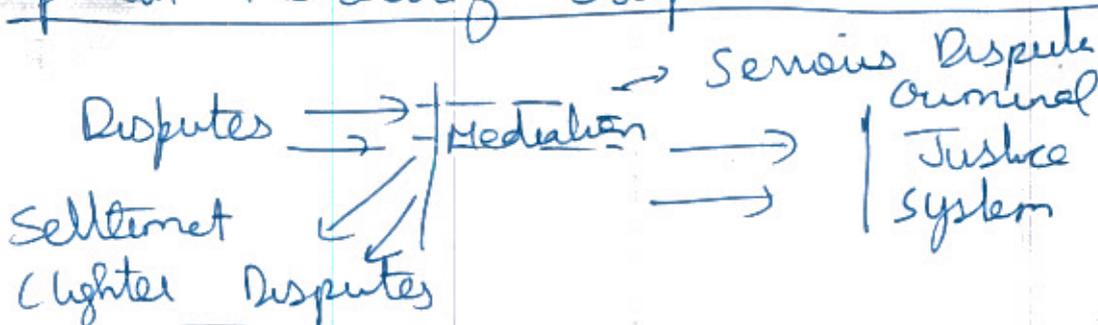
⊕ Mediation Bill 2023, says that community & elders can act as mediators

⊕ "Thus it allows cheap, effective, local and linguistic justice"

→ Mediation can thus contribute to both EoDB and Ease of living.
Easier enforceability of contracts will spur Investment

Challenges → lack of enforceability
→ no decision on Merit

Thus mediation should act as first step in resolving disputes



Feedback

(For OFFICE use only)

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Here G is Good, A is Average and P is Poor.

TOTAL MARKS

Q.5) A middle point between socialism and capitalism, cooperatives bring the best of the both worlds. Assess the utility of the cooperative model in effecting rural prosperity.

(10 marks, 150 words)

समाजवाद और पूंजीवाद के बीच एक मध्य बिंदु, सहकारी समितियां दोनों दुनिया का सर्वश्रेष्ठ लाती हैं। ग्रामीण समृद्धि को प्रभावित करने में सहकारी मॉडल की उपयोगिता का आकलन कीजिए। (10 अंक, 150 शब्द)

"Cooperatives can ensure privatisation of losses while socialisation of profits". Cooperatives refer to a group body which functions on the principle of one person - one vote. (eg Amul).

Cooperative Model in Rural Prosperity

Benefits

① Provides economies of scale

- Helps eliminate middleman
 - Create networks and access the market
- eg AMUL model

② Focus on inclusive growth

- Ownership is based on membership and thus benefits distributed among all

③ Rural leadership

- Cooperatives are avenues to promote rural leaders who can later

participate in representative politics
 Seen in Maharashtra

- ① Fulfill rural demands and interests
- ② Focus on activities from bottom up approach → Creates better multiplier effect
- ③ Creates rural employment, skills, access to credit, financial inclusion

Challenges in Cooperative Model

- ① Politics in cooperatives and demerit of some
- ② lack of elections despite elaborate provisions in Constitution.
- ③ Regulatory challenges of multistate cooperatives
- ④ Corruption issues
 High NPA in Cooperative Banks
 Cooperatives should be integrated with SHG and LGU with better mentoring by NGOs to create inclusive, all encompassing institutions.

Feedback

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| # | G | A | P |
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Please put tick marks in the above table.
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Q.6) Evaluate the efficacy of Forest Rights Act, 2006 (FRA) and Panchayat (Extension of the Scheduled Areas) Act, 1996 (PESA) in attaining their mandate. Also, recommend measures to make these legislations more effective in attaining their desired objectives. (10 marks, 150 words)

वन अधिकार अधिनियम, 2006 (एफआरए) और पंचायत (अनुसूचित क्षेत्रों का विस्तार) अधिनियम, 1996 (पीईएसए) की प्रभावकारिता का मूल्यांकन उनके अधिदेश को प्राप्त करने में कीजिए। साथ ही, इन विधानों को उनके वांछित उद्देश्यों को प्राप्त करने में अधिक प्रभावी बनाने के उपायों की सिफारिश कीजिए।

(10 अंक, 150 शब्द)

"Nothing has displaced more people besides war or wildlife conflict"

Forest Rights Act, 2006 → Features



Success

- ① Right to livelihood to tribal (Art 21)
- ② Better income opportunities (via local rights, MFP rights)
- ③ Democratic decentralisation ground

Challenges

- ① Only 37% of claims accepted (NGO's)
- ② Encroachment (Nittur gram)
- ③ SC order to evict → no policy consensus

PESA Act, 1996

Extension to 73rd, 74th CAA to 5th Schedule areas

Enhanced powers to gram Sabha (MFP, Minor Mineral, Minor Waterbody)

Features

Tribal specific

Success

Weakness

- | | |
|---|--|
| <ul style="list-style-type: none"> ① Democratic decentralisation and tribal leadership ② Reduced 3D's (Dispossession, Disunity, Displacement) ③ local benefit of resources | <ul style="list-style-type: none"> ① stronghold of <u>forest bureaucracy</u> ② Inert role of <u>gram Sabha</u> ③ <u>Corruption</u> at local level |
|---|--|

Measures to make them more effective

- ① Saxena Committee recommended release role of gram Sabha in FRC
 - ② Continuous approval and grievance redressal mechanism to curb corruption
 - ③ Awareness about rights of tribals and using Rwandan model (Playing back profits)
- "The success of a State is death with how it treats its vulnerable sections"
T- of tribals should transform to tremendous opportunities

Feedback

(For OFFICE use only)

| # | G | A | P |
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Please put tick marks in the above table.
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| TOTAL MARKS | |
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Q.7) Differentiate between the legal and illegal means adopted by advocacy networks to advance their interests. What are the factors that limit their effectiveness as a pressure group?

(10 marks, 150 words)

अपने हितों को आगे बढ़ाने के लिए दबाव समूह द्वारा अपनाए गए कानूनी और गैर-कानूनी तरीकों के बीच अंतर कीजिए। वे कौन से कारक हैं जो एक दबाव समूह के रूप में उनकी प्रभावशीलता को सीमित करते हैं?

(10 अंक, 150 शब्द)

Advocacy networks refers to spontaneous associations formulated to bring about certain interests specific to certain groups. They are informal in nature.

~~leg~~ Farm law protest group)

| Legal Means | Illegal Means |
|--|---|
| <ul style="list-style-type: none"> ① <u>Petition</u> to the government about interests ② Use of <u>Courts</u> by filing PIL's leg Stay on Farm laws) ③ Protest on Jantar Mantar leg Wrestler protest) | <ul style="list-style-type: none"> ① <u>Blocking</u> of highways causing inconvenience (Amit Sahni case → limitation of protest if other options explored) ② <u>Gherao</u> (leg Meerut DM by BKU in 1980's) |

- ① Silent protest
- ② Walkaway
- ③ Relay protest

- ③ Abduction
(eg IAS in Gujarat by Fishing groups)
- ④ Marches without permission

Factors limiting effectiveness as Pressure groups

- ① No continuity of protest due to spontaneous & sporadic nature.
- ② Difficulty to gather real mass support (eg labour pressure groups in labour code)
- ③ Use of illegal means
(eg strikes, etc)
- ④ Indisciplined cadre
(eg Jan, 2021 → Disrespect to national flag)

Pressure groups are beneficial to government as they highlight genuine concerns but should be done on legitimate bases.

Feedback

(For OFFICE use only)

| # | G | A | P |
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| AWIS | | | |
| CD & VA | | | |
| S & F | | | |
| P & R | | | |

Please put tick marks in the above table.

Here G is Good, A is Average and P is Poor.

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| TOTAL MARKS | |
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Q.8) Discuss the steps taken by the government in empowering Self Help Groups as a development partner in poverty alleviation. Also highlight the challenges in the working of SHGs.

(10 marks, 150 words)

गरीबी उन्मूलन में विकास भागीदार के रूप में स्वयं सहायता समूहों को सशक्त बनाने के लिए सरकार द्वारा उठाए गए कदमों पर चर्चा कीजिए। एसएचजी के कामकाज में चुनौतियों पर भी प्रकाश डालिए।

(10 अंक, 150 शब्द)

India has approximately 1.2 crore SHG of which 88% are owned women led. SHG refers to voluntary association primarily of women from similar socio-economic background who come together as collective borrowing and production unit.

Steps taken by Government in empowering SHG's as in Poverty Alleviation

① Access to credit w/o collateral 2015 NPLM

| | | |
|---------------------------------|-------------------------|----------------------------------|
| 1969 Bank Nationalisation | NABARD RRB programme | 1993 SHG - Bank linkage |
|---------------------------------|-------------------------|----------------------------------|

② Thus financial inclusion has ensured better access to government schemes, insurance, social safety.

③ linkage with NRLM

→ It allows skip development and thus self employment.

① Schemes like SVANIDHI for urban groups

All this has allowed SHG to start own vocation, gain better access to market and be financial independent

(Rural Development Ministry (Kishu target by 2024))

Challenges in SHG working

① Disparities on account of region (e.g. North East have less SHG's)

② Rising NPA's in some SHG's and concerns of wilful default

③ Top down approach of SHG leading to suppression of candid needs

④ Power play & politics.

SHG can be drivers for change and shift emphasis from woman development to woman led development

- PM

Feedback

(For OFFICE use only)

| # | G | A | P |
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| AWIS | | | |
| CD & VA | | | |
| S & F | | | |
| P & R | | | |

Please put tick marks in the above table.

Here G is Good, A is Average and P is Poor.

TOTAL MARKS

Q.9) Changing strategic realities come with their own constraints and possibilities. Describe briefly India's defense diplomacy in the context of contemporary geopolitics.

(10 marks, 150 words)

बदलती रणनीतिक वास्तविकताएं अपनी बाधाओं और संभावनाओं के साथ आती हैं। समकालीन भू-राजनीति के संदर्भ में भारत की रक्षा कूटनीति का संक्षेप में वर्णन कीजिए।

(10 अंक, 150 शब्द)

"We are heading towards a meaner, smaller and poorer world"

- EAM

→ The court highlights the confusion at global stage

Contemporary Geopolitics

① Confusion over polarity

"USA wants unipolar world and bipolar Asia, China wants bipolar world, unipolar Asia, India and Japan want both to be bipolar."

② Rising importance to global South and middle powers

③ Confusion after Russia-Ukraine crisis

France
→ "Europe not vassal of USA"

China - Russia
no forbidden partnership

④ Indo Pacific as new theatre and importance to FIPIC countries ~~for~~ ^{Solomon Islands}
India's Defense Diplomacy

① Omnipresent

- Defense engagement with Russia (46%), France (27%), USA (11%) SIPRI

② Diversification and shift beyond Russia

③ Focus on Defence exports

(~~eg~~ 1.5 billion \$ presently → Philippines and Vietnam)

④ Indigenous Designed, developed and Manufactured (IDDM) emphasis for strategic autonomy

⑤ Defence Diplomacy for larger partnerships
 (~~eg~~ Jet engine deal → Co-development)

India's defense diplomacy is critically anchored to its larger world view and foreign policy premised on India's led regionalism in Indo-Pacific

Feedback

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TOTAL MARKS

Q.10) Explain the significance and implications of the China-brokered diplomatic accord between Iran and Saudi Arabia. (10 marks, 150 words)

ईरान और सऊदी अरब के बीच चीन की मध्यस्थता में हुए राजनयिक समझौते के महत्व और निहितार्थ को स्पष्ट कीजिए। (10 अंक, 150 शब्द)

Recently China ensured success of its mediated diplomacy by ensuring pact between Iran and Saudi. It meant ~~re~~establishment of diplomatic relations and signing 1998 Security agreement.

Significance of Deal

- ① Regional peace in West Asia
- ② Pax Americana → Pax ~~Pakia~~ China

This means Sinoisation of the region as US loses interests and shifts to Indo-Pacific

- ③ Talks with Iran after JCPOA withdrawal leading to reduce tensions on nuclear bombs

Positive Implications

- ① Energy security in the world and reduced supply chain issue

- It is good for India's energy security
- ② Peace in Yemen
- Lead to reduced piracy and shifting of longitudinal risk → Reduced cost of demurrage

Other Implications

- ① Irrelevance of mechanisms like I2U2 of India. Warning Unilateral balancing of India ^{Israel} Iran India Saudi
- ② Pax Pakistania as it is part of Muslim brotherhood
- ③ Solving Malaccan dilemma of China ~~Area~~ by oil transport through CPEC
- ④

However overall it leads to creation of peace which helps in forming Asian cooperation for Asian Century. India should however not allow Sinicisation of the region

Feedback

(For OFFICE use only)

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Q.11) A key pillar of Constitutional morality is constitutional punctuality. Illustrate with suitable examples, how a lack of constitutional punctuality not only hinders democratic functioning of the State, but also goes against the spirit of the Constitution. (15 marks, 250 words)

संवैधानिक नैतिकता का एक प्रमुख स्तंभ संवैधानिक समयबद्धता है। उपयुक्त उदाहरणों के साथ स्पष्ट कीजिए कि कैसे संवैधानिक समयबद्धता की कमी न केवल राज्य के लोकतांत्रिक कार्यकलाप में बाधा डालती है, बल्कि संविधान की भावना के भी खिलाफ जाती है। (15 अंक, 250 शब्द)

Constitutionality Morality refers to those values and ideas which are intrinsic to India's Constitution and are its cultural ethos.

~~Equality~~ Equality, Fraternity, Secularism

Constitutional Punctuality refers to evolution of Constitution to recognise new rights under the larger principles (e.g. Right to Privacy under Art 21)

Lack of Constitutionality Punctuality

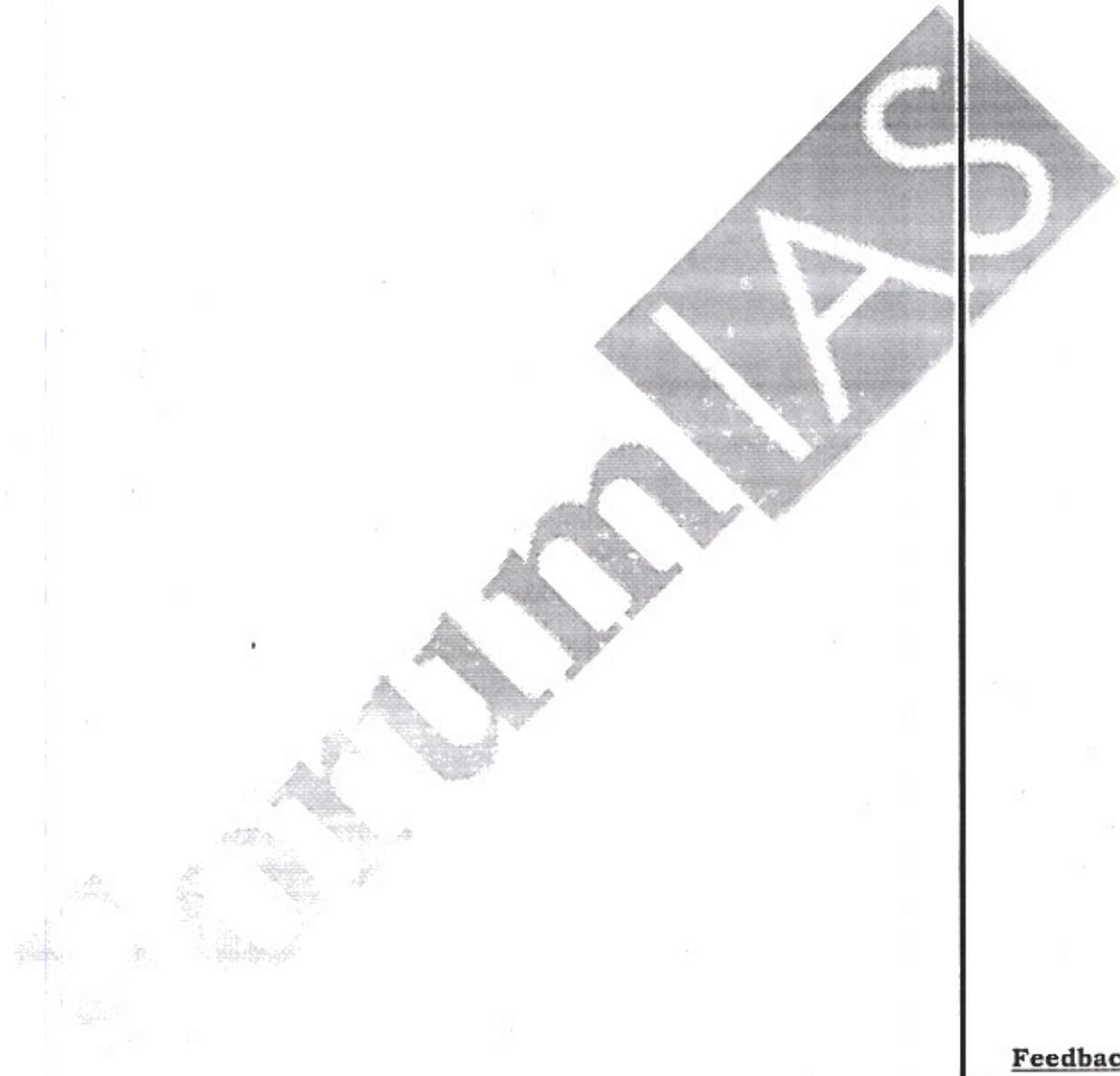
Against Spirit of Constitution

- ① Makes the Constitution fossilised
- ② Ignorant to needs of vulnerable sections
- ③ Difficult to adapt leads to

decay

① Unresponsive of institutions against larger rights

Hinders Democratic Functioning



Feedback

(For OFFICE use only)

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Q.12) Free and fair elections are the lifeblood of a democracy, and electoral reforms are at the core of political reforms. In this context, highlighting the challenges to functioning of the Election Commission, suggest the necessary reforms needed, with special reference to the Chief Election Commissioner (CEC) and Other Election Commissioners ECs (Appointment, Conditions of Service and Term of Office) Bill, 2023. (15 marks, 250 words)

स्वतंत्र और निष्पक्ष निर्वाचन लोकतंत्र की जीवनरेखा हैं और निर्वाचन सुधार राजनीतिक सुधारों के मूल में हैं। इस संदर्भ में, निर्वाचन आयोग के कामकाज की चुनौतियों पर प्रकाश डालते हुए, मुख्य निर्वाचन आयुक्त (सीईसी) और अन्य निर्वाचन आयुक्त ईसी (नियुक्ति, सेवा की शर्तें और पदावधि) विधेयक, 2023 के विशेष संदर्भ में आवश्यक सुधारों का सुझाव दीजिए। (15 अंक, 250 शब्द)

Art 324 of the Indian Constitution provides ECI with powers of superintendence, direction and control of elections for free and fair elections. Further Nehruvian Gill judgement gives ECI plenary and residual powers but challenge remain

Challenge in Functioning of Election Commission

- ① lack of enforceability of Model Code of Conduct; allegations of biased interpretation and applications
- ② lack of power to deregister political parties or take action against religious based political parties
- ③ No legislation to tackle with hate speech (ex 80-20 fight in UP like

veiled statements

④ Internal Issues of ECF

- Appointment process → Before ~~2000~~ ~~2001~~ ~~2002~~ ~~2003~~ ~~2004~~ ~~2005~~ ~~2006~~ ~~2007~~ ~~2008~~ ~~2009~~ ~~2010~~ ~~2011~~ ~~2012~~ ~~2013~~ ~~2014~~ ~~2015~~ ~~2016~~ ~~2017~~ ~~2018~~ ~~2019~~ ~~2020~~ ~~2021~~ ~~2022~~ ~~2023~~ ~~2024~~ ~~2025~~ ~~2026~~ ~~2027~~ ~~2028~~ ~~2029~~ ~~2030~~ ~~2031~~ ~~2032~~ ~~2033~~ ~~2034~~ ~~2035~~ ~~2036~~ ~~2037~~ ~~2038~~ ~~2039~~ ~~2040~~ ~~2041~~ ~~2042~~ ~~2043~~ ~~2044~~ ~~2045~~ ~~2046~~ ~~2047~~ ~~2048~~ ~~2049~~ ~~2050~~ ~~2051~~ ~~2052~~ ~~2053~~ ~~2054~~ ~~2055~~ ~~2056~~ ~~2057~~ ~~2058~~ ~~2059~~ ~~2060~~ ~~2061~~ ~~2062~~ ~~2063~~ ~~2064~~ ~~2065~~ ~~2066~~ ~~2067~~ ~~2068~~ ~~2069~~ ~~2070~~ ~~2071~~ ~~2072~~ ~~2073~~ ~~2074~~ ~~2075~~ ~~2076~~ ~~2077~~ ~~2078~~ ~~2079~~ ~~2080~~ ~~2081~~ ~~2082~~ ~~2083~~ ~~2084~~ ~~2085~~ ~~2086~~ ~~2087~~ ~~2088~~ ~~2089~~ ~~2090~~ ~~2091~~ ~~2092~~ ~~2093~~ ~~2094~~ ~~2095~~ ~~2096~~ ~~2097~~ ~~2098~~ ~~2099~~ ~~2100~~ ~~2101~~ ~~2102~~ ~~2103~~ ~~2104~~ ~~2105~~ ~~2106~~ 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③ Conditions of service same as Cabinet Secretary and not judge
However various other reforms are needed

- 1) Parity between EC and EC and security of tenure to both
- 2) Role of executive need to be further reduced to avoid conflict of interest

Other Regulatory Reform

① Overarching legislation giving powers to ECI to

- Deregister parties
- Take action against hate speech
- Sanction/backing to MCC

② Ability to have own staff to local level to ensure free and fair elections

③ Besides free and fair elections provide sanctity to the elected government to carry out governance. India should disseminate its electoral practices in larger South Asia through Presidency of Asian Electoral Association

Feedback

(For OFFICE use only)

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Please put tick marks in the above table.

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Q.13) Striking a fine balance between national security on one hand, and freedom of speech and expression on another is the key to democratic ethos. In light of this statement, write a critical note on the relevance and need for stringent laws like the National Security Act and Unlawful Activities Prevention Act (UAPA) in a vibrant democracy. (15 marks, 250 words)

एक ओर राष्ट्रीय सुरक्षा और दूसरी ओर वाक एवं अभिव्यक्ति की स्वतंत्रता के बीच एक अच्छा संतुलन बनाना लोकतांत्रिक लोकाचार की कुंजी है। इस कथन के आलोक में, एक जीवंत लोकतंत्र में राष्ट्रीय सुरक्षा अधिनियम और गैरकानूनी गतिविधियां रोकथाम अधिनियम (यूएपीए) जैसे कड़े कानूनों की प्रासंगिकता और आवश्यकता पर आलोचनात्मक टिप्पणी कीजिए। (15 अंक, 250 शब्द)

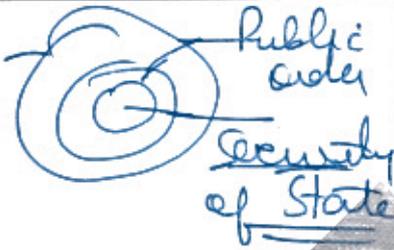
~~As~~ "Dissent is the safety valve of Democracy" - CJI
 While freedom of speech and expression is paramount, it can be curbed for legitimate state and with safeguards (Anwaradha Basin case)

Balance between National Security and Freedom of Speech

- ① Can be ~~was~~ curbed for public order and security of state
 (eg Internet shutdown in Manipur)
- ② Large state curin has to be respected (eg Kashmir shutdown)

However such Balance should be merited

① Proper implementation ^{law and} order
Thus it should only be used for security of state cases



② Lack of safeguard based law is problematic (Shreya Singhal case)

~~eg~~ Internet Shutdown for exam

Relevance and Need of UAPA and National Security Act

① To counter terrorism based challenges especially in terms of overground workers

~~eg~~ PFI was banned

② To maintain friendly relations and bilateral mechanisms

(~~eg~~ Burning of Quran)

Such incidents require strict action

③ Public tranquility

- Art 19 itself allows for reasonable

restrictions

- ④ To give plenary powers to examine domestic and cross border linkage

Challenges in such law

① Scope for misuse

(~~ex~~ UAPA, 1967 → now Individuals allowed designated as terrorist)

② Process is the punishment

③ Stringent conditionalities over issue of Bail

Way Forward

① Independent regulator on application and avoid misuse

② Parliamentary and judicial scrutiny

While such laws are required, they can sometimes initiate Iron law of oligarchy → use of power to stay in power

Feedback

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TOTAL MARKS



Q.14) The overhaul of India's criminal justice system is not only a long due reform, it is also imperative for decolonizing India's penal system. Elucidate in the light of recently proposed trinity of Bhartiya Nyaya Sanhita Bill, 2023, Bharatiya Nagrik Suraksha Sanhita Bill, 2023 and Bharatiya Sakshya Bill, 2023. (15 marks, 250 words)

भारत की आपराधिक न्याय प्रणाली में आमूल-चूल परिवर्तन न केवल लंबे समय से अपेक्षित सुधार है, बल्कि यह भारत की दंड व्यवस्था को उपनिवेशमुक्त करने के लिए भी जरूरी है। हाल ही में प्रस्तावित भारतीय न्याय संहिता विधेयक 2023, भारतीय नागरिक सुरक्षा संहिता विधेयक 2023 और भारतीय साक्ष्य विधेयक 2023 की त्रयी के प्रकाश में स्पष्ट कीजिए। (15 अंक, 250 शब्द)

India's criminal justice vests on the IPC, CrPc and CPC all of which are colonial remnants (1860's). While they do have some positives, the large system is adversarial and was meant for colonial subjugation. This reform is imperative.

Long Due Reform

- ① Incorporates digital ideas and digital evidences and promotes facilities of videoconference for hardened criminals through Bhartiya Sakshya Bill, 2023
- ② Decriminalises various minor offences to ensure trust based governance and reduce overcrowding of prisons
→ Bhartiya Nyaya Sanhita Bill 2023

introduces community punishment

③ Recognition to demands of women's groups and committees ~~Let~~ Verma Committee
- Death penalty for crimes against minor.

④ Brings synergy between general law and specific law.

⑤ Sync of Bharatiya Nyaya Samhita with POCSO, 2023

⑥ Contemporary solutions and requirements

⑦ FIR in any police station and digital FIR allowed.

Decolonise Penal System

① Repeals crimes like Sedition (Art 24) _A
- in Bharatiya Nyaya Samhita

② Allows for a peaceful mechanism to express, dissent and do protest

③ Overcomes laws which are colonial remnants

③ Focus shifted from adversarial arrest based system to rehabilitation justice

Challenges

① Presence of sedition but in alternative form in Bhartiya Nyaya Sanhita, 2023

② Death penalty still present

However, 3 codes were a step in right direction in overall change in India's criminal justice system

Feedback

(For OFFICE use only)

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Q.15) What ails institutions of Higher education? Bring out the possibilities and challenges that come with the entry and operation of foreign educational institutions seeking to impart higher education. (15 marks, 250 words)

उच्च शिक्षण संस्थानों में क्या समस्या है? उच्च शिक्षा प्रदान करने के इच्छुक विदेशी शिक्षण संस्थानों के प्रवेश और संचालन से जुड़ी संभावनाओं और चुनौतियों को उजागर कीजिए। (15 अंक, 250 शब्द)

UGC Regulations 2023 allow for internationalisation of higher education with Deakin University promising to set campus in GIFT city and IIT-Madras setting a campus in Zhabar

Ailing institutions of Higher Education

According to QS World Ranking, 2023 no Indian institute is in Top 100 of the world

Adiments

① Vacancies in teaching staff as high as 80% for some posts and quota - 12 out of 20 IIM's don't have SC staff

② Funding constraints

- Most of the funds go to select Central Institutes while State and private institutions where majority

of children study lag behind

③ lack of industry - academia linkage leading to low learning outcomes and employability

④ Issues of academic integrity

- Rampant plagiarism as seen with recent reports.

⑤ Research and Development issues

- lack of access to scientific journals
- Poor access to funds
- limited JRF scholarships

Entry and Operation of Foreign HEI

Possibilities

① Saving of foreign exchange

- Ministry of Education says 6 Billion \$ needed to fee Indian students studying approach

② Exchange of best practices, exposure to world class capital - human technical

- Allows collaboration opportunities between universities

- ③ India as education hub of Asia with admissions from countries around → softpower
- ④ Steppage of brain drain from India
- ⑤ Positive competition leads to better quality and innovation for all.
- ⑥ Achievement in India's goal of 45% enrolment in HEI (Nep 2020)
[Presently 27%]

Challenges

- ① Concerns regarding privatisation of education leading to divide
- ② Issues regarding autonomy of curriculum and challenges of promotion of india content
- ③ Factor Internationalisation of HEI not very popular worldwide China

India was a global leader when its institutions like Nalanda and Taxila used to shine in world. India should leverage internationalisation to create better knowledge institutions

Feedback

(For OFFICE use only)

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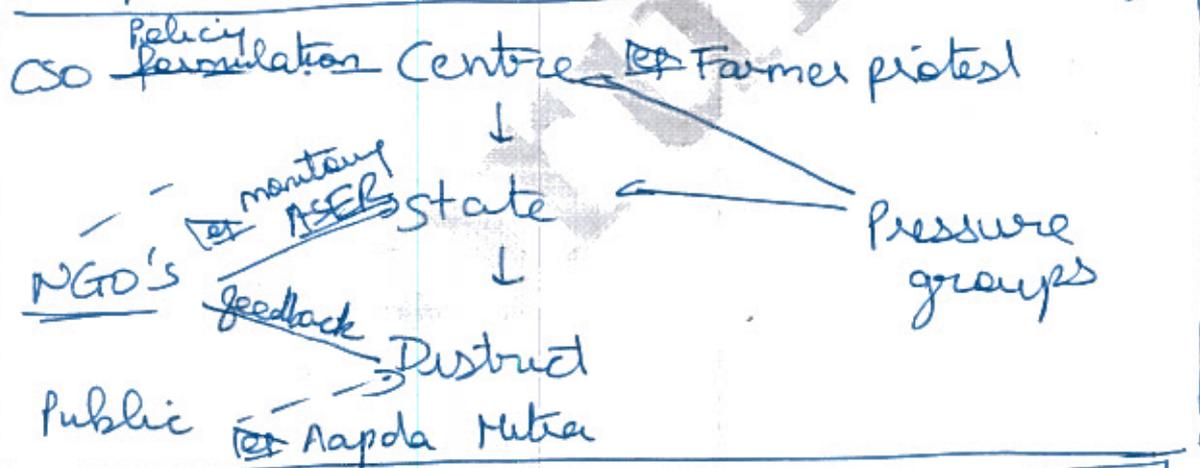
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Q.16) Partnership between the State and CSOs for delivering development, while promising at face value, is fraught with challenges. Discuss. (15 marks, 250 words)

विकास हेतु राज्य और सीएसओ के बीच साझेदारी, अपेक्षित उद्देश्यों के भरोशों के साथ, चुनौतियों से भरी है। चर्चा कीजिए। (15 अंक, 250 शब्द)

"Coming together is the beginning, staying together is progress, working together is development" - Henry Ford.

Civil Service organisations refers to aggregate of bodies, group which are non government in nature but participate in public function (i.e. NGO, Pressure Group)



Promising for Delivering Development

① Policy Formulation

- Better insights and stakeholders concerns ~~of~~ GST ~~and~~ on textile and apparel.

→ Impact on all stakeholders evaluated
 ↳ FCA, 2023 and impact on tribals, wildlife, biodiversity

→ Subject expertise

↳ Data protection bill → NGO's like Internet Governance forum, Nidhi

② Policy Implementation

- local support ↳ FRA, 2006 better with local NGO's having record

→ Exclusion, inclusion errors

↳ PAEG telling government difficulties with NMMS system of MGNREGA.

→ Better reach

↳ Register NGO's in Cyclone Taktax

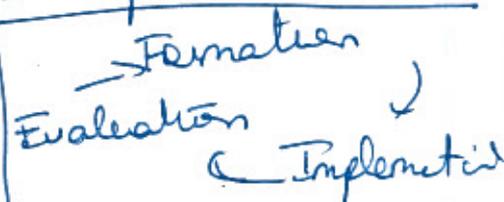
③ Policy Evaluation

- Impartial and unbiased feedback

↳ Only 38% of FRA claims processed

- Accountability & corruption

Thus partnership allows continuous & agile policy



Challenges → Destructive criticism

① Issues with NGO's

(IB report, 2020 says NGO's have bias) which led to derailment of development processes

② Corruption in cases of partnership seen (e.g. Discrepancy of fund utilisation of various child care institutions)

③ Poor internal capacity

Human resource
→ Best talented not attracted to NGO's

Monetary resource

→ FCRA, 2020

Physical resource
↓
Office

④ Narrow, parochial interests

→ FICCI only concerned with business impact of decision, farmer protest

⑤ Politicised and hidden agenda of CSO's (e.g. Youth bodies in India)

Partnership based governance allows emergence of best of both worlds. However CSO's should build transparency and accountability and lead by example in trust based governance.

Feedback

(For OFFICE use only)

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TOTAL MARKS

Q.17) Critically analyse the working of the POCSO Act, 2012 in addressing the menace of child sex abuse in society in the 10 years since its enactment. How far has the National Commission for protection of child rights been successful in fulfilling its mandate? (15 marks, 250 words)

इसके लागू होने के बाद से 10 वर्षों में समाज में बाल यौन शोषण के खतरे को संबोधित करने में POCSO अधिनियम, 2012 की कार्यप्रणाली का आलोचनात्मक विश्लेषण कीजिए। राष्ट्रीय बाल अधिकार संरक्षण आयोग अपने अधिदेश को पूरा करने में कहीं तक सफल रहा है? (15 अंक, 250 शब्द)

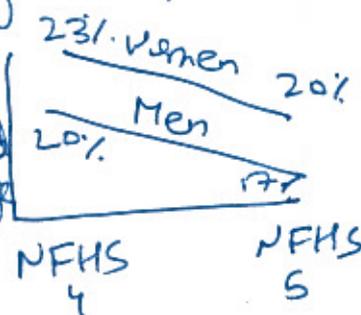
Recently CJI asked the government to review age of consent provision under the POCSO Act, 2012.

POCSO Act, 2012 → Key Features

- ① Few crimes against children committed by older men.
- ② Age of consent is 18.
- ③ Gender neutral law and coverage to boys.
- ④ Separate and fast track courts and no time to initiate complaint.

Rationale and Benefits

- ① Stringent punishments coupled with awareness has increased reporting of cases especially within family.
- ② Deterrence against child marriage and falling child marriage rate.



- ③ Spotlight to harassment and pedophilia against boys
- ④ Better institutional structures ^{for} child care institutes, psychological board

Challenges

- ① UNESCO study says more than 25% cases are consensual in nature.
- ② Not 14 study say that 97% cases end in acquittal
- ③ Harassment by parents against willful couples
- ④ Against tribal customs → leads to failure of tribal youth
- ⑤ Not in sync with changing societal norms and adolescent sexual relations

NCPER in fulfilling its mandate

NCPER is a Constitutional Body. It came in forefront during pandemic with iterations of Bal Swaraj Portal for pandemic led orphans.

Successes in fulfilling Mandate

- ① Spotlight to child issues and child welfare
- ② Monitoring of institutions, schemes for child welfare
- ③ Recent Tamil Nadu childcare institution controversy
- ④ Formulation of child beneficial policies and reviewing legislations from this perspective (e.g. PM-POSHAN failures)
- ⑤ National spotlight to issues, suo moto complaint and powers of civil court.

Challenges in Fulfilling Mandate

- ① Lack of enforceability and powers are recommendatory in nature
- ② Lack of technical expertise, funds and staffs to comprehensively review
- ③ Dependent on Ministers (e.g. WCD) who have conflict of interest (manages institutes)
- ④ No punitive power over child NGO's
NCPDR should be transformed as overarching custodian of child rights ensuring unity of voice → unity of purpose

Feedback

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Q.18) Discuss the challenges that keep India multi-dimensionally poor with special reference to NITI Ayog's National Multidimensional Poverty Index Report. (15 marks, 250 words)

नीति आयोग की राष्ट्रीय बहुआयामी गरीबी सूचकांक रिपोर्ट के विशेष संदर्भ में उन चुनौतियों पर चर्चा कीजिए जो भारत को बहुआयामी रूप से गरीबी बनाए रखती हैं। (15 अंक, 250 शब्द)

Poverty in India is a complex subject. While IMF says India has eliminated extreme poverty, World Bank says 10% of India's population is poor. In this background Niti's MPI report says that India lifted 45 crore people out of poverty since 2005 and present MPI is 15%.

Challenges that keep India poor multi dimensionally

- ① Challenges related to data estimation
 - Confusion regarding the real scourge of poverty.
- ② Inclusion - Exclusion errors
 - Sporadic poverty people are excluded which those not poor are included in schemes like NFSA, 2013 (Jean Dreze)
- ③ Challenges related to education

- Learning poverty highlighted by World Bank
- Drop outs after primary education
- Quality of education is uneven

④ Health related challenges

- High out of pocket expenditure (still around 40-50%) enough to make people die in poverty.

⑤ Apathy to vulnerable sections

- Parliamentary standing committee says that only 6 crore spent out of 250 crore on PM - PVTG last year

⑥ Issues regarding Urban poor unaddressed

- 17% of urban population lives in slums (MoHUA)

- No Urban employment guarantee scheme

⑦ Issues regarding standard of living

- Greater than 30% rural houses don't have piped water despite JJM (R)

- Internet divide

MPI Report 2023

- The report says that though India has achieved considerable progress it lags behind in health and education.
- Role of subsidy and cash transfers in reducing poverty.

Way Forward in light of MPI Report 2023

- ① Saturation of government schemes and programmes coupled with better targeting
 - ☑ NFSA → 2013 → Free food grains under GKY
- ② Focus on integrated health
 - Preventive + Curative health
 - (☑ Rare disease policy, Sickle Cell Anemia)
- ③ Qualitative education (☑ PM SHRE)
- ④ Projects like PM VKAS, PM PVTG to reach last mile

"Poverty alleviation is not charity, it is the act of justice". The society needs to collectively overcome the poverty of aspirations of poor for Viksit Bharat

Feedback

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Q.19) BRICS can serve as a platform for shaping a post-Western global order, but the potential of the grouping is held back by internal contradictions. Examine. (15 marks, 250 words)

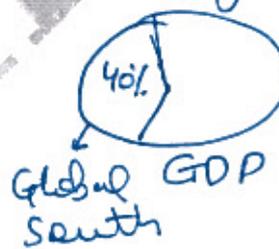
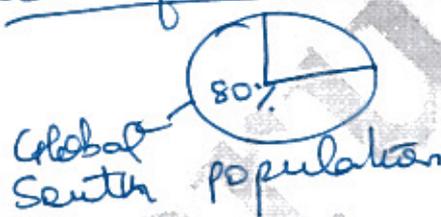
ब्रिक्स उत्तर-पश्चिमी वैश्विक व्यवस्था को आकार देने के लिए एक मंच के रूप में काम कर सकता है, लेकिन समूह की क्षमता आंतरिक विरोधाभासों के कारण बाधित है। परीक्षण कीजिए। (15 अंक, 250 शब्द)

Recently a BRICS summit was held in South Africa. BRICS is a grouping of middle powers (Brazil, Russia, India, China, Russia) who collectively contribute around 60% of population and 40% of GDP.

Post western Global order

① Emergence of countries in global South

→ South-South cooperation



② Rise of such powers at global high table shaping world affairs ~~at~~ G4
→ Through UNSC

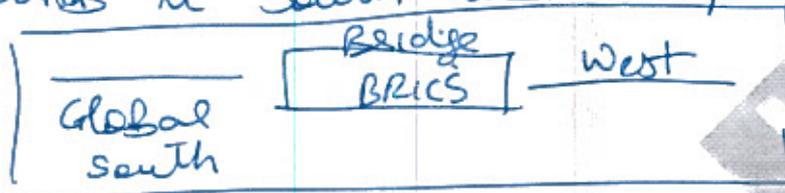
③ Reforms of Bretton Woods institutions like IMF and World Bank → Biased towards western countries.

④ ~~Center~~ Forging global consensus on issues beyond western principles

CBDR for climate change, strategic autonomy in Russia Ukraine

Role of BRICS in Shaping

① Partnership of emerging economies and nations & South western power



② Presentation of alternative institutions and forums (e.g. New Development Bank to counter IMF)

③ Resource capacity of States to help other countries bilaterally (e.g. India currency swap agreement with Sri Lanka)

④ Relevancy of BRICS countries

- Russia - Ukraine Crisis

Russia / participant

India → mediator

"This is not an era of war" - ~~Mod~~ PM

⑤ Primary in global system

→ China → 1st in GHG emissions, India 3rd

Brazil → Amazon forest (20% of world's Oxygen)

→ China → 2nd in economy, India → 5th.

Challenges due to Internal Contradictions

① Sinocentrism of BRICS

- All countries have negligible trade with each other except China

② Weaponisation of BRICS by China

- Use of BRICS to push for its BRI to counter western power.
- China centered expansion of BRICS

③ Difference over Shared Values

Democracy
 ✓ India, Brazil

Authoritarianism
 ✓ China, Russia

↓
 Diplomacy & dialogue
 to counter war

↓
 "No forbidden partnership"

④ BRICS ineffective in forging consensus and lack of yearly participation. Focus limited to NDB.

India should use BRICS to change global narratives and set BRICS as an example for an inclusive, participatory and reformative world order.

Feedback

(For OFFICE use only)

| # | G | A | P |
|---------|---|---|---|
| AWIS | | | |
| CD & VA | | | |
| S & F | | | |
| T & R | | | |

Please put tick marks in the above table.

Here G is Good, A is Average and P is Poor.

TOTAL MARKS

Q.20) "WTO is dead! Long live WTO!" In the context of this statement, account for the reasons behind why the WTO is dysfunctional. In your opinion, what reforms are needed to promote resilient, sustainable, and inclusive world trade. (15 marks, 250 words)

"WTO मृत हो चुका है! WTO लंबे समय तक जीवित रहेगा!" इस कथन के संदर्भ में, उन कारणों पर प्रकाश डालिए जिनके कारण WTO निष्क्रिय है। आपकी राय में, लचीले, टिकाऊ और समावेशी विश्व व्यापार को बढ़ावा देने के लिए किन सुधारों की आवश्यकता है। (15 अंक, 250 शब्द)

Recently WTO ~~was~~ ruled against sugar subsidies of India. However India has appealed against the same in Appellate body which will create deadlock.

Reasons behind WTO being Dysfunctional

① No composite of Dispute Settlement body due to US vetoing its appointment

② Consensus based decision making
- Challenges to forge common ground
eg Public subsidies, Agriculture.

③ lack of interest in WTO

Developed countries

Firmly favourable to developing

Developing countries

Favourable to developed

Self conception of developed or developing

Moratorium on E trade, only 2 year transition for IUU fishing

Focus on bilateral or regional mechanisms (eg RCEP)

Reforms to promote Resilience, Sustainable, Inclusive Trade

Resilience

- ① specific directions against weaponisation of supply chains (eg Semiconductors)
- ② Scope of cooperation even during crisis (eg Russia - Ukraine)
- ③ Charter giving clarity on continuity

Sustainable

- ① Environmental considerations (eg IUU fishing)
- ② Adopting principles of CBDR and climate justice

~~Net~~ Carbon intensity based caps but on differential basis)

Inclusive Trade

- ① While participation of all countries (~~Net~~ Iran etc be included), focus should be on 2/3 voting for decision
- ② Dispute settlement body should have equal representation
- ③ Participation of Non State Actors in heteropolar world

WTO is *sin qua non* in a globalised world and to overcome issues like protectionism. A revamped WTO can ensure the ideal of 'Vasudeva Kutumbham' by global prosperity.

Feedback

(For OFFICE use only)

| | ☺ | 😊 | ☹ |
|---------|---|---|---|
| AWIS | | | |
| CD & VA | | | |
| S & F | | | |
| P & R | | | |

Please put tick marks in the above table.

Here G is Good, A is Average and P is Poor.

| | |
|-------------|--|
| TOTAL MARKS | |
|-------------|--|

Mentor Feedback Questions

- 1
- 2
- 3
- 4
- 5

Test Goal

- 1
- 2
- 3

Outcomes

-
-
-
-
-

Marking Scheme

| Mark | Good | Average | Below average |
|-----------|----------------------|-----------|---------------|
| 10 Marker | 3.75 – 5.0 | 3.0 – 3.5 | < 3.0 |
| 15 Marker | 5.75 – 7.0 | 4.0 – 5.5 | < 4.0 |
| ✓ | Key / Relevant Point | | |
| ✗ | Vague / Irrelevant | | |

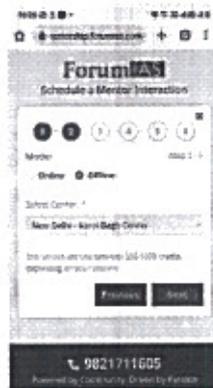
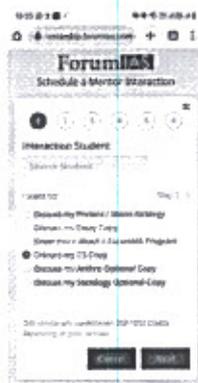
* Subject to change without prior notice.

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