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ADVANCED INTEGRATED MENTORSHIP

POLITY ASSESSMENT TEST-4

(To be filled by candidate)

Test Code : TC304

Name of Candidate : Abhishek singh

NEXT IAS Roll No. : AIM24GCL1035 **Date of Examination :** 16th July 2023

Exam Centre : Old Rajinder Nagar ☐

Bhopal ☐

Online ☒

GENERAL INSTRUCTIONS

This Question-cum Answer (QCA) Booklet contains 25 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. :

(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	13			
7	16			
8	19			
9	22			
10	25			
Grand Total				

Signature

MACRO COMMENTS

Q-1 Discuss the safeguards ~~also~~ available to civil servant against Doctrine of pleasure under Article 310 of Indian Constitution.

A Sardar Vallabhbhai Patel called Civil services as 'Steel frame of India'.

Doctrine of pleasure

↳ Under Article 310, holding of office by civil servants of Centre & States are at the pleasure of president & governor respectively.

Safeguards available to Civil Servants

Article 311 place two restrictions on the doctrine of pleasure.

① A civil servant cannot be dismissed from service by an authority subordinate to who appointed them.

② A civil servant can not be removed or demoted in rank until an enquiry on the same has happened.

② The civil servant will be informed of charges against him & will be given opportunity to be heard

2nd safeguard not available if

↓
 Conviction on Criminal charges ↓ when holding such inquiry is not practicable ↓ Security of State

Supreme Court's directive about 2nd clause

- opportunity to establish his innocence
- cross-examining the witnesses by accused.
- copy of enquiry report to accused be given.

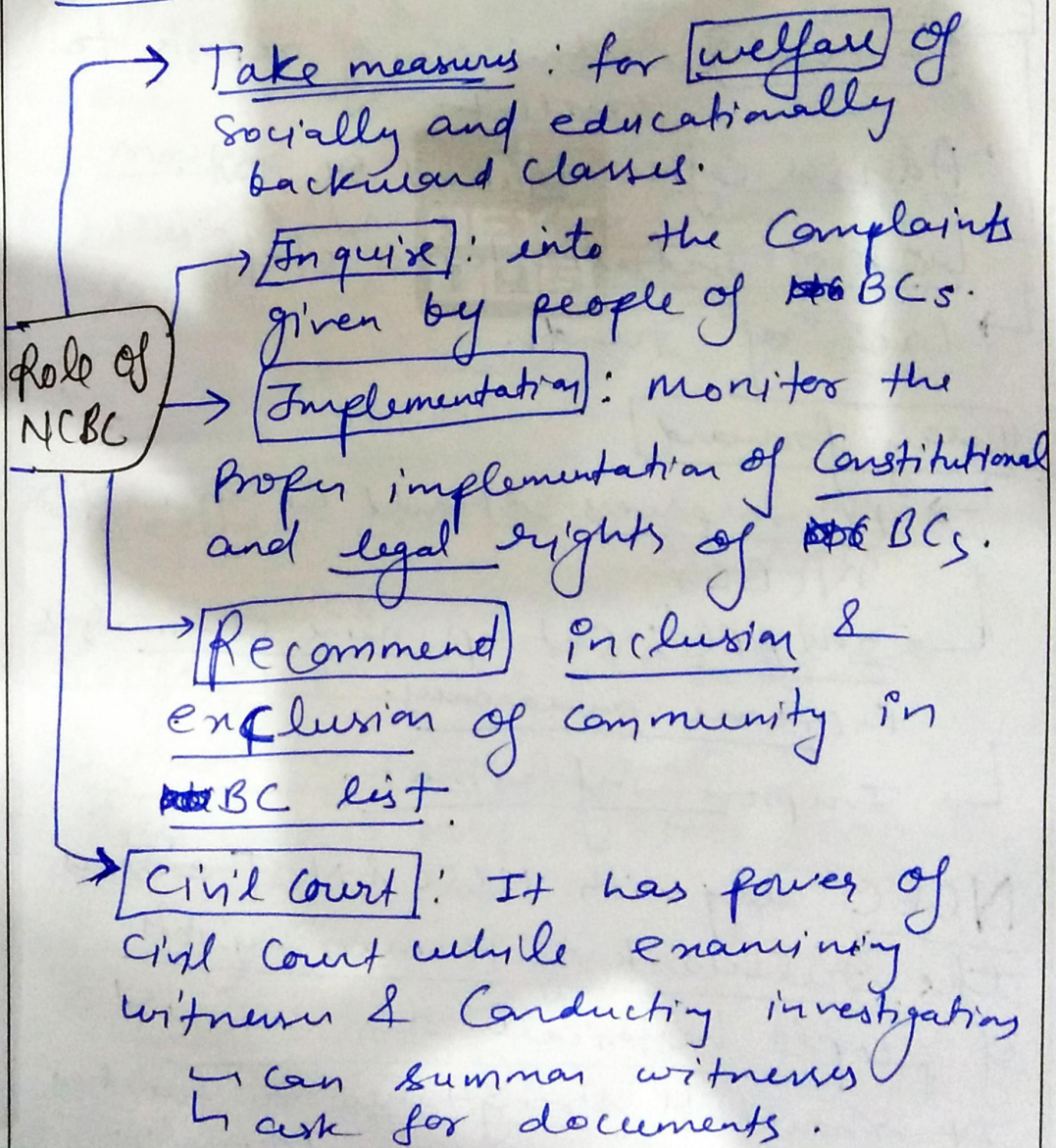
Concerns

- excessive protection to civil servant
- Takes too much time in whole process.
- Justice delayed is justice denied.

Pursuant to above concerns 92nd amendment act removed the opportunity of being heard at punishment stage & now this opportunity is available at inquiry stage. Article 311 protects honest civil servants which is necessary for them to function without fear or favour.

Q2 Discuss the role of the NCBC in the wake of its transformation from a Statutory body to Constitutional body.

Before 2018, NCBC was a statutory body. In 2018, through 102nd Constitutional amendment act, Article 338 B was added which provided Constitutional status to NCBC.



- ↳ Advise government to take proactive steps for welfare of NCBCs
- ↳ Submit Reports to president

Limitations :

- ↳ NCBC is only advisory & can not enforce its order.
- ↳ Irregular submission of reports to President
- ↳ Advises often ignored by govt.
- ↳ Lack of Infrastructure & staff
- ↳ Lack of funds.

Way forward

- ↳ More powers should be given to NCBC
- ↳ 2nd ARC : Set up online channels & increase awareness.
- ↳ Improve infrastructure

NCBC along with NCSC & NCST ~~are~~ ^{are} the bulwark of Human rights of people historically discriminated. It should be strengthened to function properly.

Q3 "The CAG has a very vital role to play". Explain how this is reflected in the method & terms of his appointment as well as range of powers he can exercise.

A Article 148 provides for office of CAG in India.

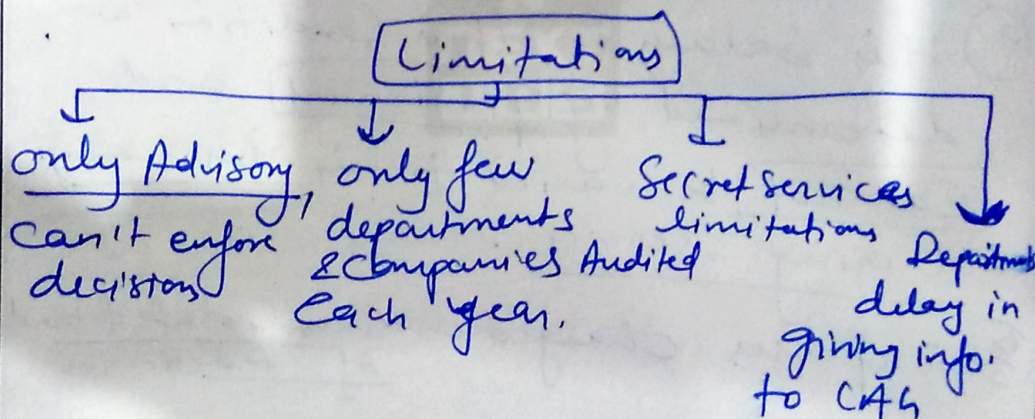
Method & terms of appointment :

- ① Appointed by president but can only be removed in the same manner as judge of Supreme Court
- ② His salary & other conditions are determined by Parliament and Can not be varied to his disadvantage during service.
- ③ Expenses charged on Consolidated fund of India.

Range of powers : (CAG Act, 1971)

- ① Audit of Govt. accounts
→ Both Central govt. & State govt.
→ Expenditure from three funds namely Consolidate & Contingency funds of India & public accounts.
- Also for UTs with legislature

- ② Audit of departments under Central & State governments. All trading, Profit loss, balance sheets etc
- ③ Audit of govt. Companies of both Central & State.
- ④ Advises President for the form in which accounts shall be kept.
- ⑤ Reports: on public accounts, finance accounts & appropriation accounts submitted to parliament.



C.A.G is the most important office in Indian Constitution as pointed by B.R ambedkar. It should be reformed and strengthened with necessary powers to function it as watchdog of public power in India.

Q-4 Recognizing the pivotal role -- Fifteenth FC has suggested reforms for ULB, Evaluate recommendations put forward by 15th FC in promoting & revitalizing ULBs in India.

Article 280 of Indian Constitution empowers president to constitute a finance commission. 15th FC under NK Singh was constituted for same.

Recommendations of 15th FC w.r.t ULBs ^{& Evaluation}

- ① Metropolitan Governance remains its one of primary focus.
- ② focus on challenges: of drinking water supply, sanitation, waste treatment in million plus cities.
- ③ Million plus challenge fund $\frac{0}{0}$
38,000 crore can be accessed by million plus ULBs if they solve above challenges i.e. 100%
Outcome based funding. ex: Mumbai (BMC)
- ④ for below million plus cities a mixture of Tied + basic + performance based grants.

- (E) Financial Accountability: Grant of Funds only if all audited accounts of ~~M~~ ULBs are available online.
- (F) State finance Commission: Made it mandatory for states to constitute SFCs and publication of Action taken report (ATR) for fund release.
- (G) Inclusion: 14th finance Commission did not include Cantonment board in ULBs. 15th FC has included it.
- (H) Increase in funds: Combining both ULBs & PRIs there is 52% increase in funding.

Despite above measures related to funding, ULBs still suffer from lack of function & functionaries.

ULBs need to be provided with sufficient powers & resources like collection of taxes, recruiting its own staff to make it effective body for better decentralized governance.

Q5 Cooperative federalism finds its true ~~mandate~~ expression in the mandate & Function of GST Council. Analyze.

Ans Article 279-A of Indian Constitution provides a GST Council.

Mandate & function :

- ① Indirect taxes : It was created to deal with ^{bringing} uniformity in collection of indirect taxes all over Country.
- ② Cascading effect : GST helps in elimination of cascading effect of indirect taxes & promote ease of doing business.
- ③ Recommended taxes : GST Council recommends what taxes to be levied on what kind of product. (Inclusion + Exclusion)
- ④ Consensus : Both States and union participate in decision making & most of decision are taken by consensus.
- ⑤ Law : Both Union and State legislature can make laws w.r.t Goods & Services taxes.

⑥ Expands State powers: Earlier States could not impose 'service' taxes. But after GST Council was created they can.

⑦ Resolving disputes: GST Council acts as effective forum for both Union & States to solve conflict regarding fiscal matters.

Concerns → GST Compensation to states Stopped

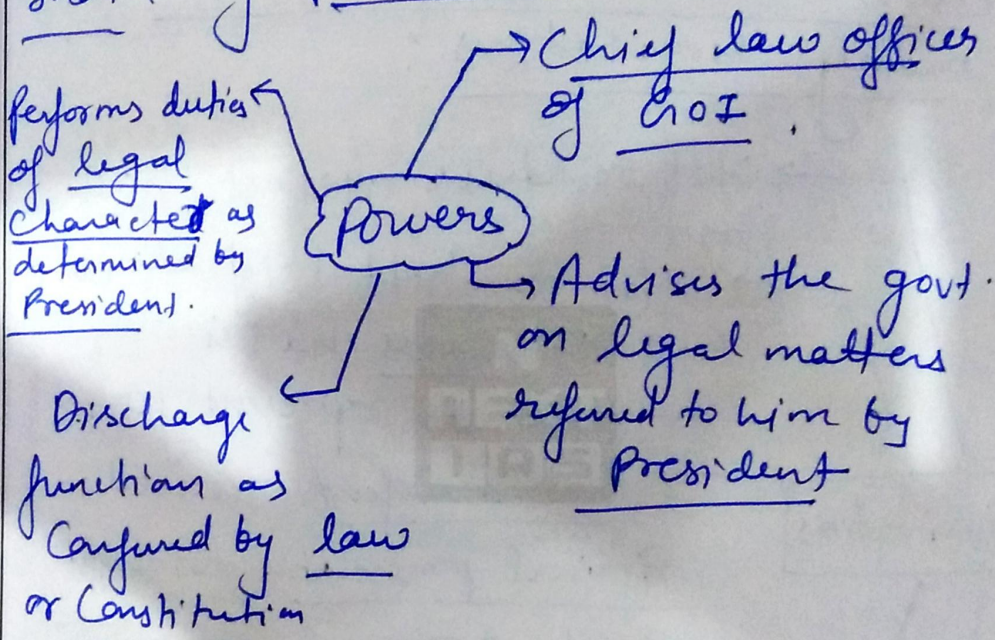
→ Hasty decisions for eg: Decision to levy 28% GST on online gaming are opposed by Gro

→ funds not released on time to states.

GST Council should facilitate states' finances & not hinder it.
under Consultations with all stakeholders including Civil society & Industry should be taken before at decision to fulfill goals of Cooperative federalism

Q6 The Attorney general is the chief legal advisor & lawyer of the GOI. Discuss.

Article 76 of Constitution provides for appointment of Attorney general of India by President.

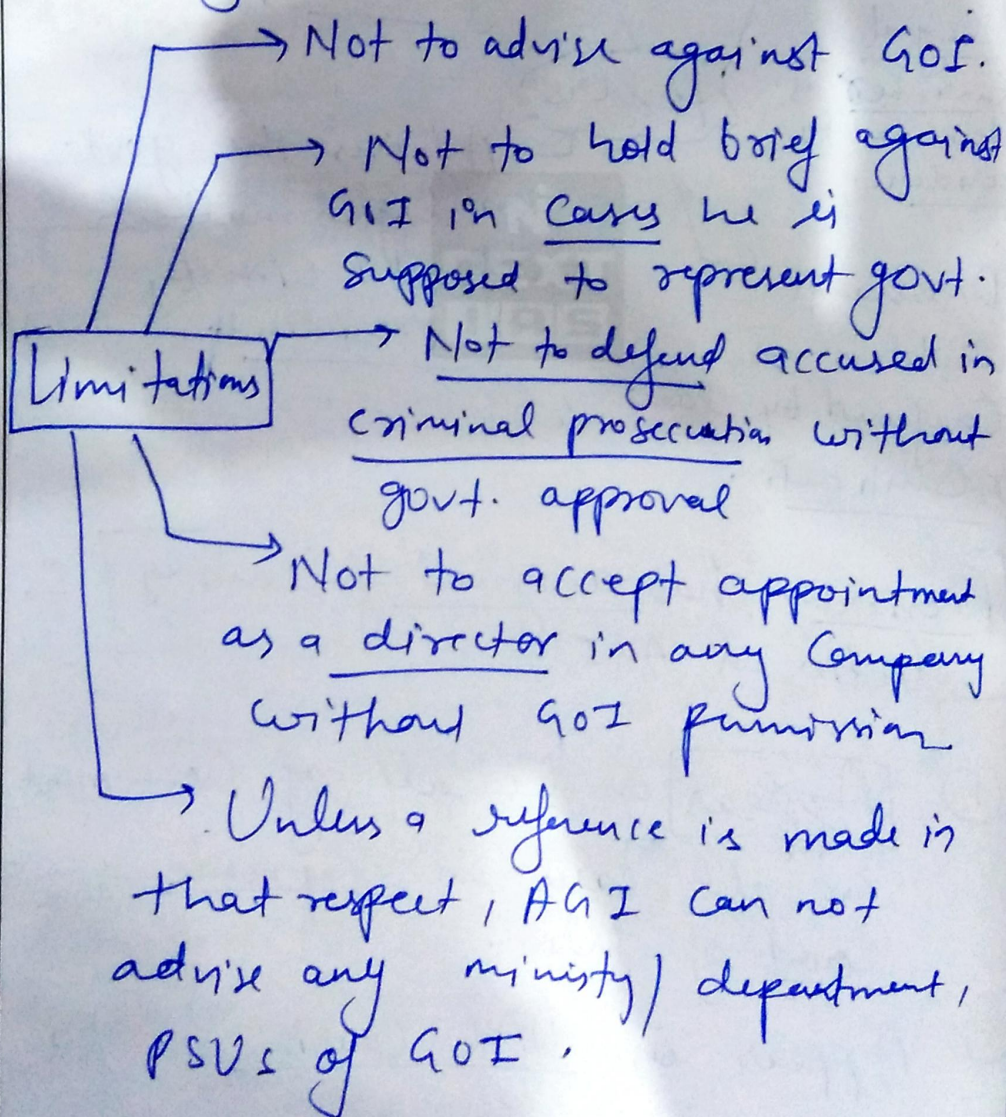


[President has assigned following] $\frac{P}{3}$
duties on AGI

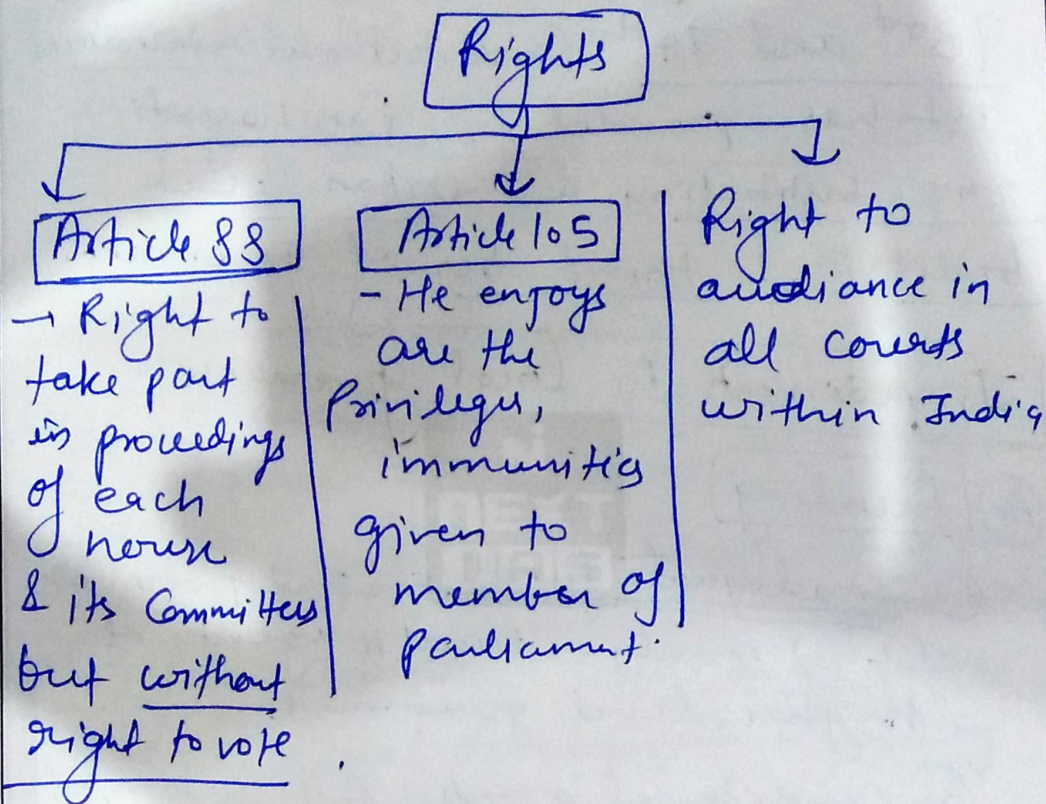
- ① Appear on behalf of Government in all cases in Supreme Court of India.
- ② Appear in High Courts for the Government

(3) Represent government in all references made by president to Supreme Court under Article 143.

Despite the above powers AGI has many limitations:



Though many limitations exists but AGI has been given many rights as well



AGI is an office of utmost responsibility for Government of India but he is not a fulltime Counsel of the government & does not fall in category of government servant. Moreover he is not barred from private legal practices.

Q-7

The key to effective decentralization is, 'Political decentralization should follow finance & functional decentralization'. Discuss in context of Impediments faced by local governance in India.

Ans:

73rd and 74th Constitutional amendment act has provided for Panchayati raj institution & urban local bodies at third tier of government.

Impediments in local governance

(A) Funding

① Inadequate funds : Local governments (LGs) merely reduced to agents of higher level governments.

② Conditional grants : Affects fiscal freedom of LGs

Ex: 15th FC's recommendation of Conditional grants w.r.t to reforms in drinking water, sanitation etc

③ Resource generation : LGs have very poor their own (tax + non tax) revenue generation capacity as they are hesitant to levy tax & don't have powers to

levy taxes & collect it.

④ State finance Commission Not Constituted in many states ex: only 15 have created.

B Functions

① Poor devolution of functions: Items in 11th & 12th Schedule coincide with state list so state govt. not devolving roles.

② Unfunctional district & Metropolitan Planning Committee

③ Panchayat patis: Women has only token representation.

④ Parallel bodies: Creation of bodies like Rural development agency by Haryana encroaches on their roles.

C functionaries:

① Lack of staff: 25% of panchayats don't even have secretaries.

② Excessive Control by bureaucracy: Sarpanch and BDO conflict happens due to this.

③ Missing Accountability: No social audit conducted

④ Delayed elections ex: Tamilnadu (24 yrs)

Reforms Suggested by 2nd ARC

- ① Clarification: State govt. should clarify the 29 items & 18 items in 11th & 12th schedule.
- ② Amend: Amend Articles 243G & 293w to increase functions of US.
- ③ Activity mapping of functions as done by Kerala govt.
- ④ Capacity building & outsourcing
- ⑤ Suo moto disclosure of information (section 4 RTI Act)
- ⑥ Technology & accountability by increasing transparency for eg: PRI A/cft should be integrated with State & Union financial systems.
- ⑦ Constitute State finance Commission
- ⑧ Increase their own resource (revenue) generation capacity by dividing max power.

Today India has more than 2.5 lakh local government and close to 34 million elected representative. This huge force should be used to transform face of local government by bringing above reforms.

Q8 What are the powers & functions of NCSC?
Discuss the performance of NCSC in promoting & protecting the rights of Scheduled Caste?

Ans NCSC has been created under Article 338 as a Constitutional body to protect interests of Scheduled Castes & Anglo Indian Community.

Powers

→ To define its own procedure.

→ Powers of a Civil Court

→ To Summon any person before it

→ To ask for any documents from any department or Courts

→ to investigate the matters

Functions

① Inquire: into the Complaints brought before it by SC & AI people.

② Investigate into specific Complaints

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- ③ Suggest: measures to be taken for welfare of respective Community for overall development
- ④ Monitor the Implementation of Constitutional and legal rights of SC & ST Community.
- ⑤ Submit Reports to president

Performance

- ① Special SC/ST cells: NCS ensured opening of cells for in all ministries, PSUs etc for welfare of respective employees
- ② Services Safeguard Wings: To register Complaint related to promotion, transfer, discrimination of employees.
- ③ Social: It effectively monitors literacy & educational for SCs especially women.
- ④ Economic: Suggest practices for land ceilings, redistribution of Surplus etc.
- ⑤ on spot enquiries in many cases, e.g. killing of SC women in Rajasthan in honour killing case.

Achievements (NCSC's Report to president)

- ↳ ① literacy rate increased by 14% & 9% for women & men respectively of SC/ST
- ↳ ② Health indicators improved like IMR, MMR
- ↳ ③ 30% increase in house & basic facilities.

Limitations of NCSC

- ① Recent case of suicide by Darshan Solanki in IIT Bombay shows NCSC has not succeeded in bringing attitudinal change
- ② Non binding recommendations & Can not punish the perpetrators.
- ③ More than 20,000 litigations pending before it (NCRB)
- ④ Reports not submitted regularly.

NCSC should be given more teeth by amending Article 338 as per recommendation of 2nd ARC report. It's resources should also be increased in terms of funding, Infrastructure & Staffs.

Even after 75 years of independence SCs are treated as a children of a lesser god. NCSC has huge potential to change the fate of SCs & it should be reformed accordingly.

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Q → 9

Highlight the Concerns related to TOR of 15th FC. Discuss how the Commission has balanced Conflicting interests. (15)

Ans

Article 280 of Constitution provides for Finance Commission.

Terms of Reference of 15th FC

- ① Union taxes' vertical distribution b/w Centre & States & Horizontal distribution between States.
- ② Grants in aid to States by Union
- ③ Use census-2011 for calculation.
- ④ Performance based incentives to States
- ⑤ Should Union continue to provide Revenue deficit grants?
- ⑥ Unions New India 2022 vision should be kept in mind ⑦ other matters.

⑧

Concerns Related to TOR

- ① Performance based grants →

- (a) Expansion of tax nets : Manipur Can't do equal to Maharashtra.
- (b) Population Control : Gangetic plain more fertility rate so they worry that Southern States will get more funds.
- (c) Controlling populist schemes : Tamil Nadu worries because it offers free schemes to huge population. Eg: TV distribution.
- (d) Controlling power sector loss : Electricity theft is rampant in North India → So they are concerned
- (2) Census 2011 data use : With population 15% weightage Southern States fear they will lose funds.
- (3) Vision for New India's 2022 :
Finance Comm. has to consider this to allocate more resources to Union. States fear loss of funds.

[Steps by 15th FC to balance
Conflicting interests →]

① vertical devolution: 41% + 1% for UTs
 of J&K & Ladakh devolved to states.

② Horizontal devolution: criteria followed
 to accommodate all states strength &
weakness. weightage of

15% → Area 12.5% → Demographic performance
 15% → Population 45% → Income distance
 10% → forest 2.5% → tax efforts

③ Grant-in-aid :

- (a) Local bodies grants
- (b) Post devolution Revenue deficit grants
- (c) Disaster management grants
- (d) Sector specific grants e.g. Health
- (e) State specific grants.
- (f) Special grants e.g. Mizoram.

Others : Reforming Local government
 bodies & its governance.

↳ Bringing more accountability
 of states.

Economic survey 2016-17 had observed "Aid-curse"
 (transfer of resources ≠ development). 15th FC
 aims to correct that by linking fund
 transfer with Accountability. Despite
 states concerns this will help in more
 Comprehensive development.

Q70 / "Interstate border disputes, if not promptly & impartially ~~settled~~ settled, can transform into persistent issues that impede development & generate friction." Highlighting the Constitutional & legal framework to resolve I-S disputes, explain why Independent India has failed to resolve I-S border disputes.

Inter state disputes act as a roadblock to goals of Cooperative federalism in India.

Constitutional Framework

- ① Article 263 : Setting up of Inter-State Council to resolve & discuss issues.
- ② Article 131 : Original jurisdiction of Supreme Court to solve "legal disputes" between federal units.
- ③ Article 136 : Special leave of SC can be used to challenge any decision by lower Courts or Tribunals.
- ④ Tribunals (Article 323A & 323B).
e.g. GST Council → fiscal disputes.
- ⑤ Article 262 : To solve river-water disputes.

Legal framework :

- ① State Reorganization act, 1956 :
Created Zonal Councils
- ② North eastern Council act : A separate Council for NE
- ③ River boards act, 1956 : Boards to manage Inter state rivers.
- ④ Inter state river disputes tribunals act 1956 : govt. can create tribunals to solve river water disputes.

Why India's failed to resolve border disputes between states ?

- ① Lingual assertion : Linguistic diversity in border regions. eg! Belagavi between Karnataka & Maharashtra.
- ② Reorganization of states in 1956 & later was not accepted by many states eg! Assam & Meghalaya
- ③ Colonial division of states based on faulty methods for 'divide & rule' eg! Assam & Mizoram
- ④ Inequitable resource sharing :

for eg: River water flowing along borders.

(5) No Constitutional mechanism for resolving border dispute as Article 262 is for river water dispute only

(6) Political opportunism: vote bank politics. eg: Maharashtra & Karnataka

(7) Difficult terrain in North east

(8) Ignoring Ethnic feelings of people living in border areas eg: North east

Way forward

↳ Land Survey based delineation

↳ using drone technology

↳ Involving indigenous people

↳ Creating No man's land

↳ Strengthening ISC & Zonal Councils

Inter state border disputes should be solved by mutual agreement along with ~~preventing~~ ^{stopping} further provocations & political restraints.