NEXT IAS

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ADVANCED INTEGRATED MENTORSHIP

POLITY ASSESSMENT TEST-4

(To be filled by candidate)

Test Code : TC304

Name of Candidate : RITIKA CHITLANGIA

NEXT IAS Roll No. : AIM24GCRA075 Date of Examination : 16/7/23

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

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DONT'S

1. Do not write your name or registration no. anywhere inside this Question-cum-Answer Booklet.
2. Do not write anything other than the actual answers to the questions anywhere inside your QCA Booklet.
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1. Read the Instructions on the cover page and strictly follow them.
2. Write your registration number and other particulars, in the space provided on the cover of QCA Booklet.
3. Write legibly and neatly. Do not write in bad/illegible handwritings.
4. For rough notes or calculation, the last two blank pages of this booklet should be used. The rough notes should be crossed through afterwards.
5. If you wish to cancel any work, draw your pen through it or write "Cancelled" across it, otherwise it may be evaluated.
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1. DIscuss the safeguards available to civil servants against the 'Doctrine of Pleasure' under Article 310 of the Indian constitution. (Answer in 150 words) 10 Marks

Article 310 of the constitution deals with the protection of security of tenure and efficient functioning of the Indian bureacracy.

Appointment of civil servants
→ Recruited by the Union Public service commission through merit examination.
→ Selection through the exam does not guarantee 'right to post'.
→ Appointed under the seal of President.

Safeguards
'Doctrine of Pleasure' – The civil servants will hold office till the pleasure of President.
→ President : Nominal head; council of ministers : executive/real head.

① Any civil servant cannot be arbitrarily dismissed without sufficient grounds.

(2) Any enquiry into disciplinary conduct will be monitored and conducted by UPSC, as well as central vigilance commission ⇒ dismissal only on evidence.

(3) Protection against arbitrary action for whistleblowers.
Eg: IAS Sanjay Popli.

(4) Protection for independent and impartial functioning for bureaucrats.

Therefore, Article 310 provides safeguards to civil servants to ensure that they can deliver their duties and maintain detachment from political pressures in public service delivery.

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2. Discuss the role of the National Commission for Backward Classes in the wake of its transformation from a statutory body to a constitutional body.

(Answer in 150 words) 10 Marks

The National commission for backward classes was constituted as a statutory body after Mandal case Judgement in 1992, later it was accorded the status of a constitutional body, under Article 338 B.

Functions of NCBC
- examining constitutional & legal safeguards for SEBC
- Dispute resolution and inquiries into complaints
- Participation in socio-economic policy making etc.

Role of National commission for Backward classes

1) Accorded the same status to SEBC, as Scheduled castes and scheduled tribes ⇒ constitutional backing.

2) Earlier, it only had the powers of inclusion and exclusion of castes, now it can participate in socio-economic development.

3) More than 50,000 complaints of SEBC were pending with National commission for scheduled castes ⇒ NCBC provides speedy dispute resolutions.

4) can provide recommendations and evaluate working of safeguards ⇒ proposed reservation for SEBC under Article 46.

Lacunaes

1) Recommendations are non-binding
2) still, 89% atrocities are registered against socially & educationally Backward classes.
3) Delays in tabling of reports.
Eg: According to RTI, no. of reports have been declining in last 20 years.

Way Forward

1) Recommendations should be binding.
2) speedy grievance redressal.
3) Audit mechanisms to evaluate functioning of various schemes for SEBC.
4) Appointment of members of NCBC should be transparent and accountable.

Therefore, in order to ensure intra-generational equity, strengthening of NCBC is crucial for 'India@75'.

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3. "The Comptroller and Auditor General (CAG) has a very vital role to play." Explain how this is reflected in the method and terms of his appointment as well as the range of powers he can exercise. (Answer in 150 words) 10 Marks

Article 148 of the constitution provides for the comptroller and Auditor General, which according to BR Ambedkar is one of the bulwarks of the constitution.

Method & Terms of Appointment

The CAG (Powers, Duties and Functions) Act, 1971 was enacted by Parliament, as per Article 149:

1) The CAG shall be appointed by the President, on advice of council of ministers
2) The removal of CAG can only be on the grounds mentioned in the constitution i.e. proved misbehaviour and incapacity.
3) conditions of service cannot be altered to dis advantage.
4) Administrative charges, salaries, pensions are charged upon consolidated fund of India.
5) Not eligible for reappointment.

Powers and functions

1) conducts independent audit of consolidated fund, contingency fund and other receipts and expenditures of India & states.

2) Tables 3 reports to President & Governor: Audit reports of Appropriation Account, Financial Account and others.

3) Acts as a friend, philosopher, guide to the Public Accounts committee ⇒ Financial scrutiny.

4) CAG is the financial accountant of the Parliament & ensures executive's accountability.

5) Also conducts audits of various government companies like Damodar valley corporation, ONGC, local governments etc.

6) Maintains state Accounts.

Limitations

1) Only Auditor general, not comptroller.

2) Expost Facto audit.

3) Secret service Expenditure ⇒ executive agencies require only a certificate from CAG.

4) Opacity & conflict of interest in appointment

Way forward

1) Amendment to CAG Act (Vinod Rai comm).

→ collegium like system for appointment

→ CAG Audit for PPP projects

→ consultation with PAC and state governments for appointment of CAG.

Therefore, CAG is very vital for fiscal responsibility & accountability.

4. Recognizing the pivotal role of urbanization as a driver of national economic growth, the Fifteenth Finance Commission has suggested major reforms for Urban Local Bodies. Evaluate the recommendations put forward by the Fifteenth Finance Commission in promoting and revitalizing ULBs in India. (Answer in 150 words) 10 Marks

Urban local Bodies were granted a constitutional status, after 74th Amendment Act, 1992. Schedule 12 deals with various provisions related to Urban local Bodies.

~~Key challenges~~ Disaster Mangement

Local level city planning

Cleanliness & sanitation

Key Roles of ULB's

Collection of Property tax

Provision of basic amenities

Maintainance & upkeep of infrastructure

Key challenges with ULB's

1) Lack of financial autonomy - over-dependence on funds from upper tiers of government.

2) Overreliance on proper tax ⇒ lack of diversified revenue basket.

3) Inconsistent performance due to paucity of resources.

4) Non-codified functions and overlapping jurisdiction with state governments.

Recommendations of 15th Finance commission

1) Development of municipal bond market for ULB's to raise revenue.

2) Proper audit of bodies borrowings and conditional devolution of grants.

3) It had alloted 1 lakh crore for ULB's on the following criteria:
 i) Based on Performance review and audit
 ii) Floor property tax rates to encourage greater generation of revenue.
 iii) Conditional grants ⇒ dependent on constitution of state finance commissions.

4) Centre and states should share 1/6th of GST revenue to ULB's and PRI's.

5) Acknowledged the principle of subsidiarity i.e. the smallest level authority is most competent to deal with local challenges eg: water crisis, electricity, sanitation, disaster management etc.

6) Participatory budgetary process — at present only 1% of GDP, as compared to 7.5% in Brazil & 6% in south Africa.

Therefore, these recommendations by 15th Finance commission needs to enforced to make ULB's the wagons of qualitative and quantitative urbanisation.

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5. Cooperative federalism finds its true expression in the mandate and function of the GST council'. Analyse. (Answer in 150 words) 10 Marks

101st Amendment Act, 2016 implemented the Goods & services tax regime, and Article 279A was added to provide for Goods & services Tax council.

Role of GST council in Cooperative Federalism

1) Inter-states dispute resolution body.
⇒ provides a forum for grievance redressal.
Eg: GST compensation issue to states.

2) coherent policy making
Eg: 50th GST council meeting was held recently to decide tax slabs for the country.

3) Forum for discussion and dialogue.
Eg: 1/3rd weightage → centre } voting
2/3rd weightage → states }

4) Brings together centre and states for envisioning 'One Nation, one Market, one Tax'.

5) Incentivises competitive federalism
Eg: GST regime ⇒ ease of doing business ⇒ Reduction in logistics cost ⇒ investment & infrastructure.

6) It was the formation of GST council that increased the confidence of states in centre, and agreed to give up taxation powers.
7) Inclusion of chairperson of Board of Indirect taxes & customs ⇒ ensures representation in crucial policy making
8) Bridges trust deficit.

Problems
1) Recommendations are non-binding
2) Irregular meeting schedule.
3) Centre had promised GST compensation for 5 years to states (2017-2022) ⇒ Re-emerging issue
4) Volatility in GST collections ⇒ derails consistent policy formulation by GST council
5) Recent proposal to reduce voting share of the states ⇒ power sharing issues between centre & state.

Way Forward
1) Recommendations should be binding on states as well as centre.
2) Frequent meetings of GST council
3) Inclusion of Home minister & Prime ministers & chief ministers in GST council meetings ⇒ increase credibility
4) Proper sharing of power & grievance resolution.
∴ GST council is the cornerstone of cooperative fiscal federalism in India.

6. "The Attorney-General is the chief legal adviser and lawyer of the Government of India." Discuss.
(Answer in 250 words) 15 Marks

Article 76 of the Indian constitution provides for the Attorney General, the highest law officer of the country.

Constitutional Provisions

Article 76
⇓
Highest law officer

Article 88
⇓
Right to attendance in all court proceedings

Article 105
Privileges & immunities that of member of Parliament

Functions of Attorney General

1) Lawyer for the government of India i.e. represents the Government of India in any case that concerns it.

2) chief legal advisor to the Government of India, in any case that concerns it

3) Represents the President under Article 143 of the constitution ⇒ advisory jurisdiction of the supreme court.

4) Any other function as demanded by the President.

Limitations on Attorney-General

1) Attorney general cannot take up any case in which he/she had represented Government of India ⇒ avoid conflict of interest.

2) cannot provide legal advice in any case which had involved Government of India.

3) Has to take the sanction of the President before taking any criminal case ⇒ every crime is committed against the 'state'.

4) cannot become the director of any company, without previous sanction from the President.

Problems with the office of Attorney-General

1) Appointment and term - despite being a constitutional body ⇒ President, on recommendation of executive, appoints

Attorney General ⇒ Highly opaque and accountability issues.

2) No fixed term provided by constitution i.e. remains in office till the 'Pleasure of President'. ⇒ arbitrary grounds of removal.

3) Primarily a political appointment ⇒ usually resigns with the fall of the government.

Recommendations

1) Collegium like system, involving CJI, Law Minister, supreme court judges, distinguished jurists ⇒ to appoint AG.

2) safety and security of tenure for impartial functioning.

3) increasing representation ⇒ No women Attorney General so far.

Therefore, the post of Attorney General is extremely significant, as it is a representative of the Parliament, and needs to strengthened and empowered to deliver efficiency and transparency.

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7. The key to effective decentralization is, 'political decentralization should follow finance and functional decentralization'. Discuss in the context of impediments faced by local governance in India. (Answer in 250 words) 15 Marks

The 73rd and 74th Amendment, 1992 constitutionalised local self governments, for effective grassroot decentralisation, based on principle of subsidiarity i.e. the local level decision making body is the most competent authority.

Political Decentralisation	+	Economic Decentralisation	+	Social Justice	=	Grass root Democracy

However, at present, local self-governments are marred by numerous impediments.

Challenges

(A) Funds

1) Lack of financial autonomy - over-dependence on flow of funds from upper tiers of government.

2) over-reliance on property tax - lack of innovative financial mechanisms to diversify revenue basket.

3) Most of the states have not constituted State Finance commissions.
Eg: only 9 states have SFC, while only 2 are active.
4) Insufficient revenue and resources ⇒ borrowings and interest charges ⇒ minimal capital expenditure.
5) Delay in devolution of funds by states and centre.

Reforms required:
1) Development of municipal bond markets to raise funds.
2) Participatory budgetary processes.
3) Proper financial and social audit mechanisms to ensure accountability.
4) sharing of 1/6th GST revenue by centre and states.
5) use of local resources to raise funds
Eg: common resources like ponds, tanks, forests etc.

Challenges
(B) Functions
1) Non-codified functions ⇒ discretionary actions ⇒ lapse in effective delivery.
2) overlapping jurisdiction with state

governments ⇒ lack of will for devolution of functional autonomy.

3) Ineffective implementation of The Panchayat Extension to Scheduled Areas Act, 1996 ⇒ tribal autonomy over minor forest produce, water and mineral resources etc.

Reforms Required:

1) Codification of function & time-bound delivery of services.

2) Audit of finances and functions by Comptroller & Auditor General ⇒ strengthen credibility & functioning.

3) Digitisation & use of technology to better capacity building

4) Increasing stakeholdership of the local residents.

Eg: Dairy development, horticultural exports, agro-socio forestry to boost tourism etc.

Hence, local self governments can be the wagons of preservation of village lifestyle, increasing political participation and stakeholdership in economic development.

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8. What are the powers and functions of the National Commission for Scheduled Caste (NCSC)? Discuss the performance of NCSC in protecting and promoting the rights of Scheduled Caste. (Answer in 250 words) 15 Marks

Article 338 of the constitution provides for the formation of National commission for scheduled castes. It acts as a body for safeguard of the interests of scheduled castes.

Functions of NCSC

1) Evaluation of the existing constitutional and legal safeguards for the scheduled castes.

2) Inquiries into complaints against discrimination of scheduled castes & grievance redressal.

3) Powers of civil court to conduct suo-moto inquiries and investigations to ensure safety of scheduled castes.

4) Provide policy inputs for betterment of socio-economic

condition of scheduled castes.

5) Tables annual reports to the President regarding status of scheduled castes.

Performance of NCST

Benefits / Achievements

1) Improvement in socio-economic development of SC.
Eg: As per TISS Report, access to housing by SC has increased by 30%.

2) Bridging the equality gap from mainstream society.
Eg: Female literacy among SC improved by 9%.

3) speedy grievance resolution.

4) special 'SC' officer in most central ministries and departments.

5) Increased representation of lower castes in higher level political offices.
Eg: Former president of India (Ramnath Kovind).

Lacunaes

1) Ineffective and slow disposal of complaints – 22,000+ complaints were pending.

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2) still 89% of atrocities are committed against SC & ST (NCRB Data)
3) Recommendations are not binding.
4) Lag in presentation of annual reports - 2 year delay in annual report.
5) No follow up for the 'Action Taken Report' by ministries.
6) Lack of adequate representation of lower castes in Parliamentary committees, central universities, judiciary etc.

Way Forward
1) Recommendations should be made binding.
2) Participation of civil society in discussion forums with NCSC ⇒ improve answerability.
3) Provision of powers to deal with complaints of criminal nature.

Therefore, to realise the vision of D.R. B.R Ambedkar for a society free of caste biases, NCSC plays a crucial role and it needs to be further strengthened to deliver the intended goals.

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9. Highlighting the concerns related to the Terms of Reference (TOR) of the Fifteenth Finance Commission discuss how the commission has balanced conflicting interests.

(Answer in 250 words) 15 Marks

The 15th Finance commission is a constitutional body, constituted after 5 years by the President (Article 280).
This present commission is headed by N.K. Singh.

It was presented 2 reports
- Intermediary report (2020-21)
- Final Report (2021-2026)

Concerns related to Terms of Reference

1) Criteria for devolution
Eg: Demographic change - refers to Total Fertility Ratio - divide between northern & southern states.

2) Decreased devolution of funds from centre to state to 41%. (due to addition of Jammu and Kashmir).

3) Changed the criteria from forest to forest and ecology. ⇒ Bias towards states with lesser population pressure and higher forest cover.

4) Devolution of grants to local bodies made conditional on performance review, audit mechanisms and

formation of state finance commissions.

5) Delays in formation of 16th finance commission.

Balancing conflicting interests

1) North-south Divide - The southern states feel discont due to non-appreciation & acknowledgment of decreasing TFR ⇒ Northern states get greater devolution due to 'higher population'. ⇒ FC has tried to resolve this.

2) Differences in North-east - Greater forest & ecology cover but income distance remains high ⇒ Finance commission has tried to ease the skewed performance.

3) Paucity of resources to local bodies - but review based devolution will enhance accountability and answerability.

4) End of 5 year compensation period for GST by centre ⇒ Responsibility of Finance commission along with GST council to come with new solutions.

5) conflict over categorication of "special status for certain states" – fixed criteria by FC to ensure fair and transparent functioning.

Thus, Finance commission plays an incredibly important role in ensuring equality and inter-states equity in development. However, in order for it to be truly effective, its recommendations should be made mandatory. a Permanent Finance Commission should be set up, to ensure continuity in policy.

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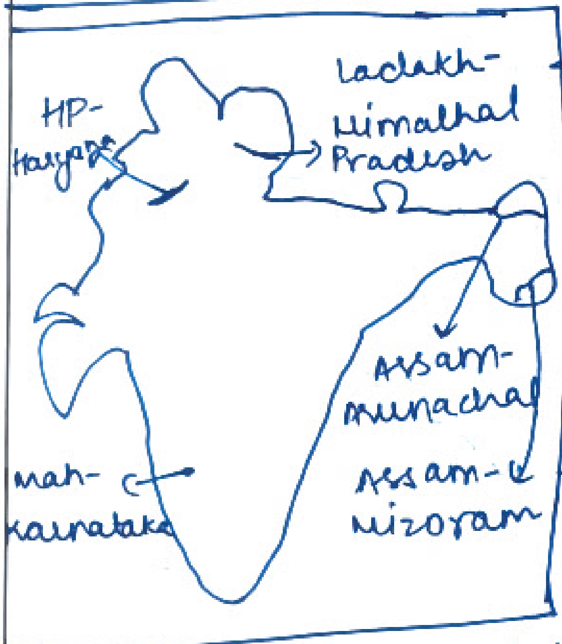
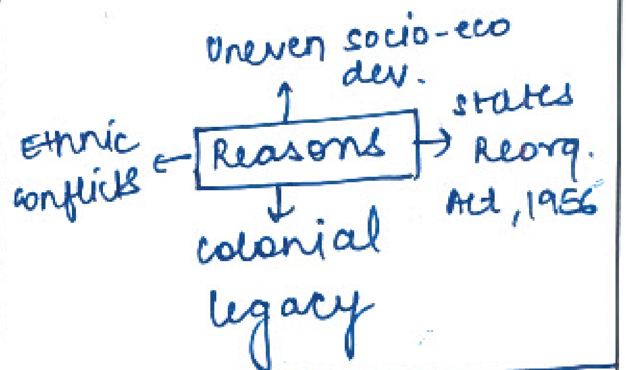
10. "Interstate border disputes, if not promptly and impartially settled, can transform into persistent issues that impede development and generate friction". Highlighting the constitutional and legal framework to resolve interstate disputes, explain why Independent India has failed to resolve inter-state border disputes. (Answer in 250 words) 15 Marks

Even after 75 years of independence, inter-states border disputes continue to cause persistent issues that impede development and generate friction. As per Home Ministry, there are 11 inter-states and 1 union-territory dispute.





Constitutional and legal safeguards

1) Article 131 - original jurisdiction of supreme court to resolve disputes between centre and states.

2) Article 263 - Inter-states council to resolve disputes through dialogue and consultation.

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3) Article 279 A - GST council to resolve fiscal disputes.

4) States Reorganisation Act, 1956 provided for zonal council - to resolve water and territorial disputes between neighbouring states.

5) Article 262 - River Boards Act, 1956 and Inter-states water Disputes Resolution Act, 1956

6) National Development council, NITI Aayog, Rajya Sabha can be other forums for inter-states dispute resolution.

Reasons for failure

1) Most of the councils like Inter-states council, GST council etc. provide advisory recommendations that are not implemented.

2) Multiplicity of tribunals ⇒ duplicity, bureaucratic delays and politicisation of the issue.

Eg: 11 inter-states water dispute tribunals ⇒ political delays in settling disputes.

3) Lack of a uniform, ~~cof~~ coherent approach to deal with disputes.

Eg: separate forums for water disputes, tax sharing etc.

4) Inability to accomodate cross-cutting priorities.
Eg: Manipur issue - conflict between ethnic communities as well as 'hill & valley' communities ⇒ cultural & economic differences.

5) Lack of will among centre and states.
Eg: Belgaum issue has been pending since Independence.

Way Forward

1) Creation of a single, coherent body for dispute resolution at the apex.
2) Recommendations of councils should be made mandatory.
3) Revival of Rajya Sabha to settle inter-states disputes.
4) Avoiding politicisation of issue and decisions should be delivered in a democratic, time-bound manner.

Therefore, these skirmishes and disputes between the states need to be urgently resolved to protect sovereignty of the country, unity among people and cooperative and competitive federalism.

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