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Test No. /Name	TEST T.C.305			Date	18/07/2023	

(For filling by Examiners only)

S.No.	Max. mark	Max. Obtained	S.No.	Max. mark	Max. Obtained
1.	10		11.	15	
2.	10		12.	15	
3.	10		13.	15	
4.	10		14.	15	
5.	10		15.	15	
6.	10		16.	15	
7.	10		17.	15	
8.	10		18.	15	
9.	10		19.	15	
10.	10		20.	15	

Total Marks Obtained:

Mentor's Comments:

- Note:
1. This booklet is to be used for attempting assessment tests and revision tests only.
 2. This page needs to be attached as first page of every uploaded test.

Q1. Discuss the safeguards available to civil servants against doctrine of pleasure u/Art. 310 [10M]

Civil servants under all India service are ^{recruited} appointed by the UPSC under Art 310. They hold position subject to the doctrine of pleasure of President.

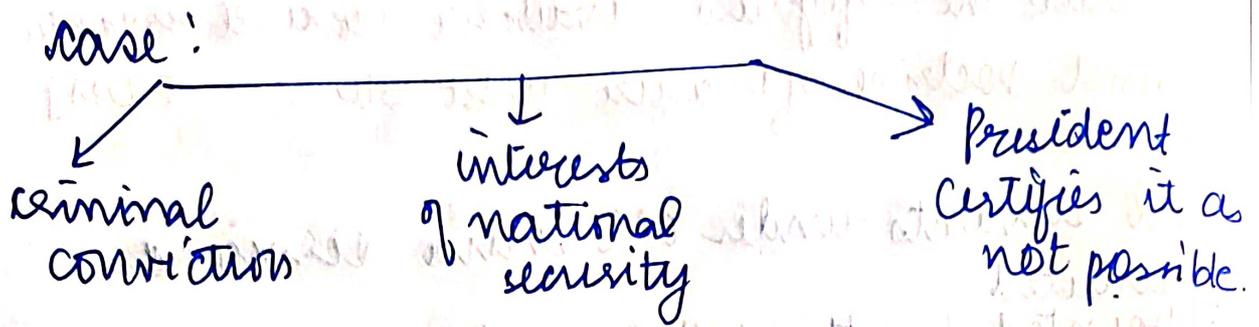
The doctrine of pleasure means that their position is not safeguarded and can be removed by the President as per his will.

However, some safeguards are present to avoid such a situation:-

① Art 311: provides measures :-

(i) 311(1) - no removal by a rank inferior to the appointing authority.

(ii) 311(2) - they shall not be removed without a fair chance of being heard
However 3 exceptions exist in this



② Appeal before CAT u/ 323A - They can appeal before the Central Administrative Tribunal against any arbitrary order, or one without a speaking order.

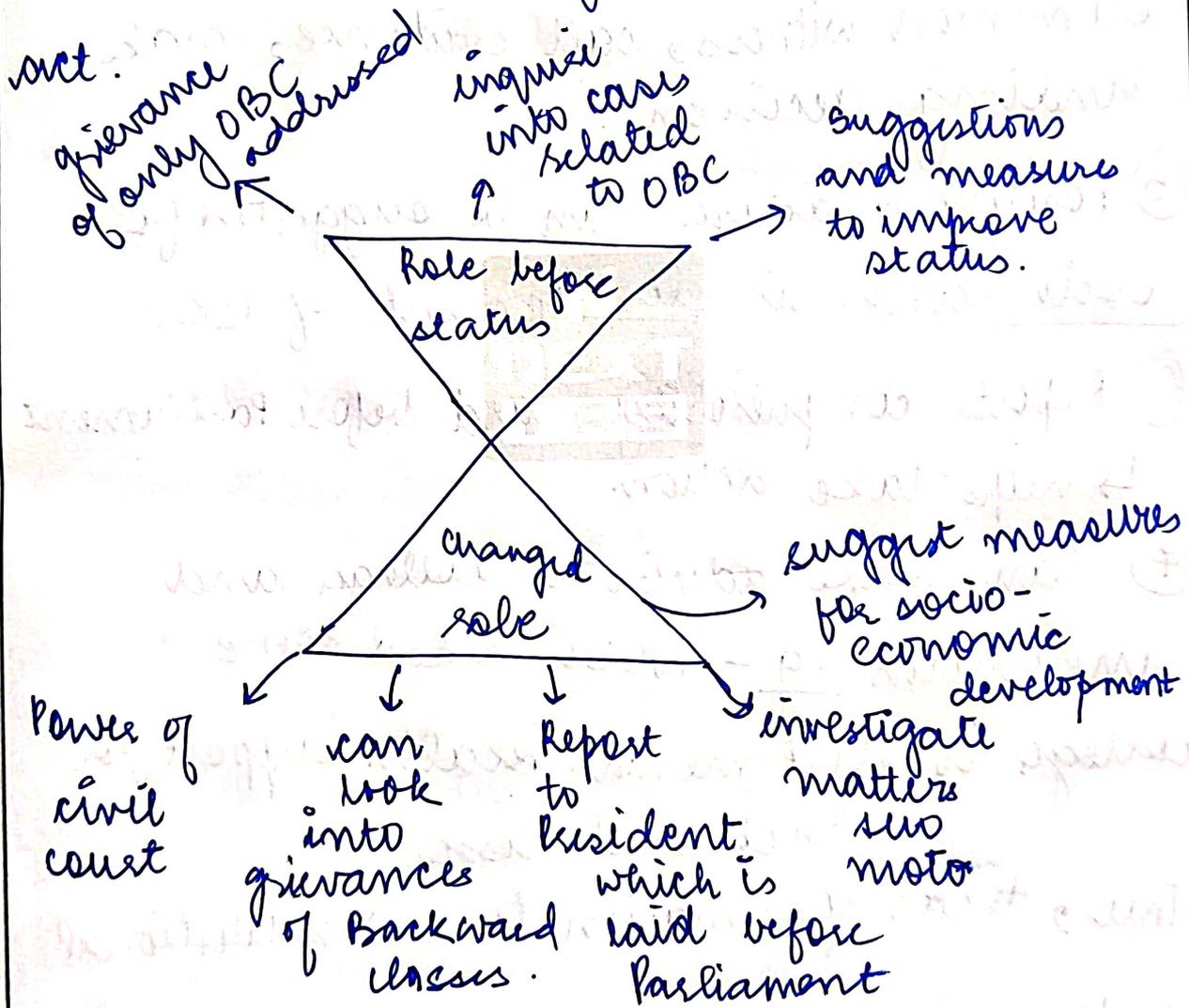
③ can also approach Supreme Court u/ Art 136 → if no other recourse left, can appeal before the Supreme Court.

Civil servants are crucial in the functioning of the country. Unreasonable orders of removal can jeopardise this machinery. Thus, need to balance interests of society and propriety of civil service.

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Q2. Discuss the role of NCBC in wake of its transformation from statutory to constitutional body.

National Commission of Backward Classes (Art 338B) was transformed from a statutory to constitutional body via 102nd Amendment



Effect of the role in wake of transformation

① more independence, autonomy and authority in functioning.

- ② Better financial resources to deal with issues of BC. - gives scholarship.
- ③ Grievance redressal scope enlarged to include Backward classes.
- ④ Power of civil court - to take real actions, summon witness, call evidence, make binding decisions.
- ⑤ Positive measures can be suggested for socio economic development of BC.
- ⑥ Reports compulsorily laid before Parliament
↳ helps take action.
- ⑦ Can make advise to colleges and institution eg - NCBC asked some colleges to start mental health support for Backward classes.

Thus, transformation to a constitutional status, helped involve the rights of the backward classes by giving more teeth to the NCBC.

Q3. CAG has a very vital role to play. Explain how this is reflected in methods & terms of his appointment as well range of powers he can exercise (10M)

CAG is appointed as the chief auditing officer under Article 148 by the President.

Dr. Ambedkar calls him the watchdog of public purse.

Method and Term of Appointment

- 1) Appointed by President w/ his warrant.
- 2) Can be removed only like a judge of Supreme Court (Art 151)
- 3) His duties and functions are fixed by the Parliament through a law (Art 149)
- 4) He has a term of 6 years or 65 years of age whichever is earlier.
- 5) He prescribes the form to the President under which the accounts of state & centre are to be maintained (Art 150)

Power and Functions :-

1) He audits accounts of

i) central and state govt.

ii) Public sector Undertaking

iii) any Body substantially financed by the govt.

2) He places his reports to President who has to mandatorily cause it to be laid before the Houses / Parliament.

3) He conducts legal, regulatory and proprietary audit (CAG Act, 1971)

4) He is a friend, philosopher and guide to Public accounts committee.

5) He has played a crucial role in unveiling scams of the executive.

2G scam

↓
common wealth scam
games

→ CRZ
irregularity
etc.

Thus, CAG has proved his time and worth to be an asset to the democracy. It is essential that his office be made more powerful and independent.

Q4. Recognizing the pivotal role of urbanization as a driver of economic growth, Fifteenth Finance Comm has suggested major reforms for ULBs. Evaluate recommendations of FFC in promoting & revitalizing ULBs in India. (10M)

Fifteenth Finance Commission (Act 280) has suggested a multitude of reforms for urban local bodies to improve their efficacy, efficiency and independence.

Recommendations

- (1) Increase in amount - ₹ 4,30,000 crore (approx) devolved for ULBs; their share in respect to rural areas has been increased from 33:67 to 35:65.
- (2) Performance based grants for cities - closed to 8000 crore earmarked.
- (3) Performance Based million challenge fund for Million Plus cities.
- (4) Health care - ₹ 10000 crore has been given for primary health care.
- (5) Municipal Service Board to be set up

to increase the efficiency, rule making
& control & training of functionaries.

(6) Other grants for underdeveloped areas
to achieve equality.

(7) Untied, tied & performance based grants to
motivate states

EVALUATION

1) Not done a specific study - Commission did
not individually ascertain level of development
in each state and provided a common
metric.

(2) Lack of any proper function division
which could lead to resources being
misused / misdirected.

(3) Yet, the commission's work is commendable
as it achieved parity of fiscal power for
local bodies like central & state govt.

Thus, recommendations of the Fifteen Finance
Commission provide much needed impetus
to local bodies to evolve as per need of the
time.

NEXT IAS

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Q5 Cooperative federalism finds its true expression in mandate & fn of GST council. Analyse.

Economic survey 2017-18 hailed GST Council

(Art 279A) as the tool of cooperative federalism.

By providing parity of powers between state and centre, it helps achieve goals of constitution.

Mandate and function of GST council to achieve Cooperative Federalism :-

- 1) Power to states - 2/3rd voting rights to states ensure that without their consent, no decision can be passed.
- 2) Determination of tax rates, cess, surcharge, exemption list, GST slabs - done after taking into account developmental needs of all states.
- 3) Allows state specific cess: eg: Kerala allowed to charge one% tax cess as disaster fund to achieve rehabilitation

of disaster prone area.

4) Uniformity of taxes - helps in achieving

One-nation one tax and removes disparity.

5) Allowed compensation of loss / tax revenue lost to states for 5 years.

6) Differential taxation devolution as per needs of backward states by Finance Commission
↳ Based on deliberations of GST Council.

Yet, there are some possible hurdles to

achieve this goal

virtual veto of Centre (1/3rd vote) as need 75% to pass.

reduces power of states to tax & loss of revenue to manufacturing states.

recommendatory nature make it less effective but binding nature deprives autonomy

In UOI vs. Mohil Minerals case, SC held that GST council will only be recommendatory in nature, thus preserve the autonomy of states to tax products.

Q6. Attorney General is the chief legal advisor & lawyer of GOI. Discuss. (15M)

Attorney General (Art 76) [CAG] is appointed as the first legal officer who represents the Union government in all matters at all courts. He has a duty to uphold the integrity of nation and be faithful to the government.

APPOINTMENT AS CHIEF LEGAL ADVISOR

- 1) Appointed by the President and can be removed by him as he works under his pleasure.
- 2) He represents all cases of Union govt. asked by President.
- 3) He appears before the Supreme Court in all cases of Presidential reference under Art 143.
- 4) Advices and ensures the interests of Union govt in all matters.

- 5) Contempt proceedings can only be initiated by a private individual after his approval.
- 6) Has the power and privilege to attend all the meetings of both houses of Parliament without any right to vote.
- 7) Must be Qualified to be a judge of supreme court to be appointed as AG.
- 8) He is not barred from doing private legal practice as he is not a servant under the govt.

LIMITATIONS PLACED ON HIM ON BEING LAWYER OF THE GOVERNMENT

- 1) Must respect the fiduciary relationship between govt and lawyer.
- 2) Cannot hold brief or advise in cases against govt.
- 3) Cannot hold brief / advise in case

where he represents the govt.

- 4) Must seek permission from govt in cases of criminal conviction
- 5) Cannot be appointed as a director of company without govt permission.
- 6) Cannot advise any govt department without permission of Ministry of Legal Affairs & Department

However suffers from shortcomings

contempt
power
misused
against
opposition

resigns
with
govt. ∴
allegiance
only to them.

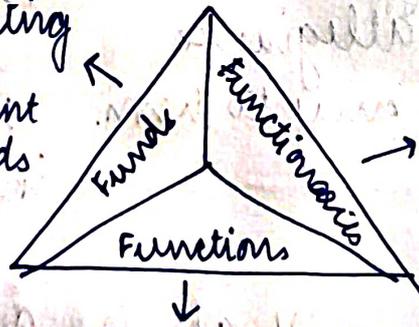
Will have
no say
even in
wrong affairs
of govt
∴ no
independence

Thus, Attorney General holds a high position of dignity and respect in the country. He should be provided with some degree of independence to be more efficient.

Q7. Key to effective decentralization is political decentralization should follow finance & functional decentralization. Discuss in context of impediments faced by local govt in India. (15M)

Local government is a set of institutions at the grassroots who work to achieve socio-economic progress in the country. It was created by the 73rd and 74th constitutional amendment Act and needs 3F i.e. Funds, functions and functionaries to operate and achieve functionality.

- need of enough resources
- self-generating economy
- less dependant on tied funds from state & Centre



- competent Panchayat members
- Better support staff - trained & available in time.

• Devolution of functions mentioned in 11th & 12th schedule

- Power to make rules for this areas
- Power of Gram Sabha in 5th & 6th schedule areas to perform function for tribal welfare

Impediments faced by local govt in India

(1) Funds :

(a) Tied nature of funds - most funds by state and central govt earmarked for particular policy, leaving no flexibility.

(b) Lack of own revenues :

(i) improper collection of property tax

(ii) utilized for revenue expenditure -

UP [70%] - used in revenue exp & only 30% left for capital expenditure.

(iii) no power to levy additional tax and fees.

(2) Functions

(a) Not Devolved : States like Kerala, Karnataka gave 26 functions while Bihar, UP not even 3 functions.

(b) Lack of functional autonomy & level

creation of parallel body eg Haryana Rural Development Board.

eg: need approval at district level

(c) state govt. have not passed laws of PESA, 1996 - eg: odisha, Chattisgarh - marking areas for governance in tribal areas.

(d) non constitution of SFC (State Finance Commission)

(3) Functionaries -

(i) Sarpanch Pati Syndrome - Husbands in place of wife who is sarpanch

(ii) Lack of -trained & motivated support staff.

WAY FORWARD

(Sarkaria Commission report & ARC II)

Remove tied nature of funds

increase revenues sources

timely constituting State Finance Commission

model law for devolution of functions.

adequate power to perform the functions

Therefore, to enhance political decentralization & allow functionaries to truly represent needs of people, power needs to be proportionately given to them.

Q8. What are the powers & fcn of NCSC? Discuss the performance of NCSC in protecting & promoting rights of SC. [15 M]

National Commission for Scheduled Tribes (NCST) was established by central govt. by Art 338 to preserve, promote and protect the rights of scheduled castes in the country. It has emerged as the pioneer of promoting Dalit Rights in India.

POWERS AND FUNCTIONS OF NCSC

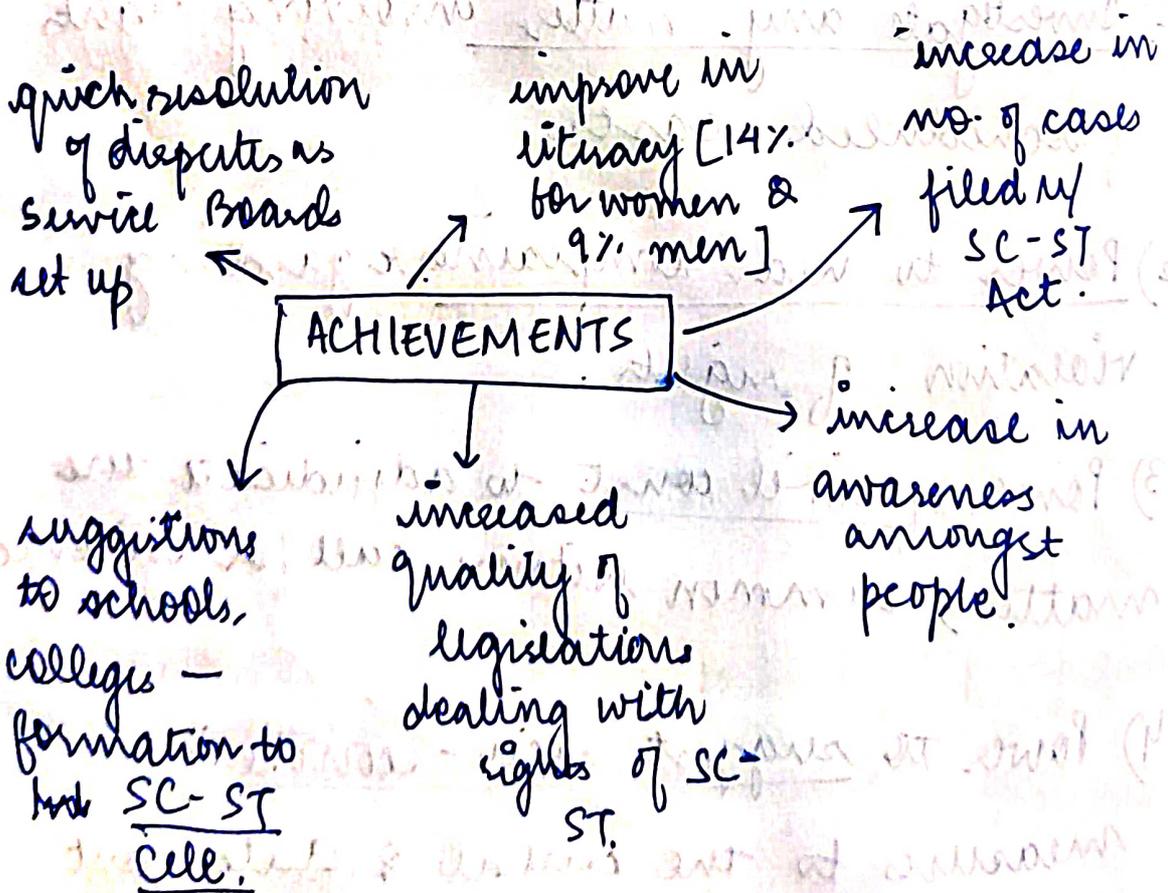
- 1) Investigate any matter involving rights of scheduled castes.
- 2) Power to hear complaints regarding violation of rights.
- 3) Power of civil court to adjudicate the matter, summon witness, call for evidence.
- 4) Power to suggest socio-economic measures to the central & state govt.

regarding rights of and development of the marginalized.

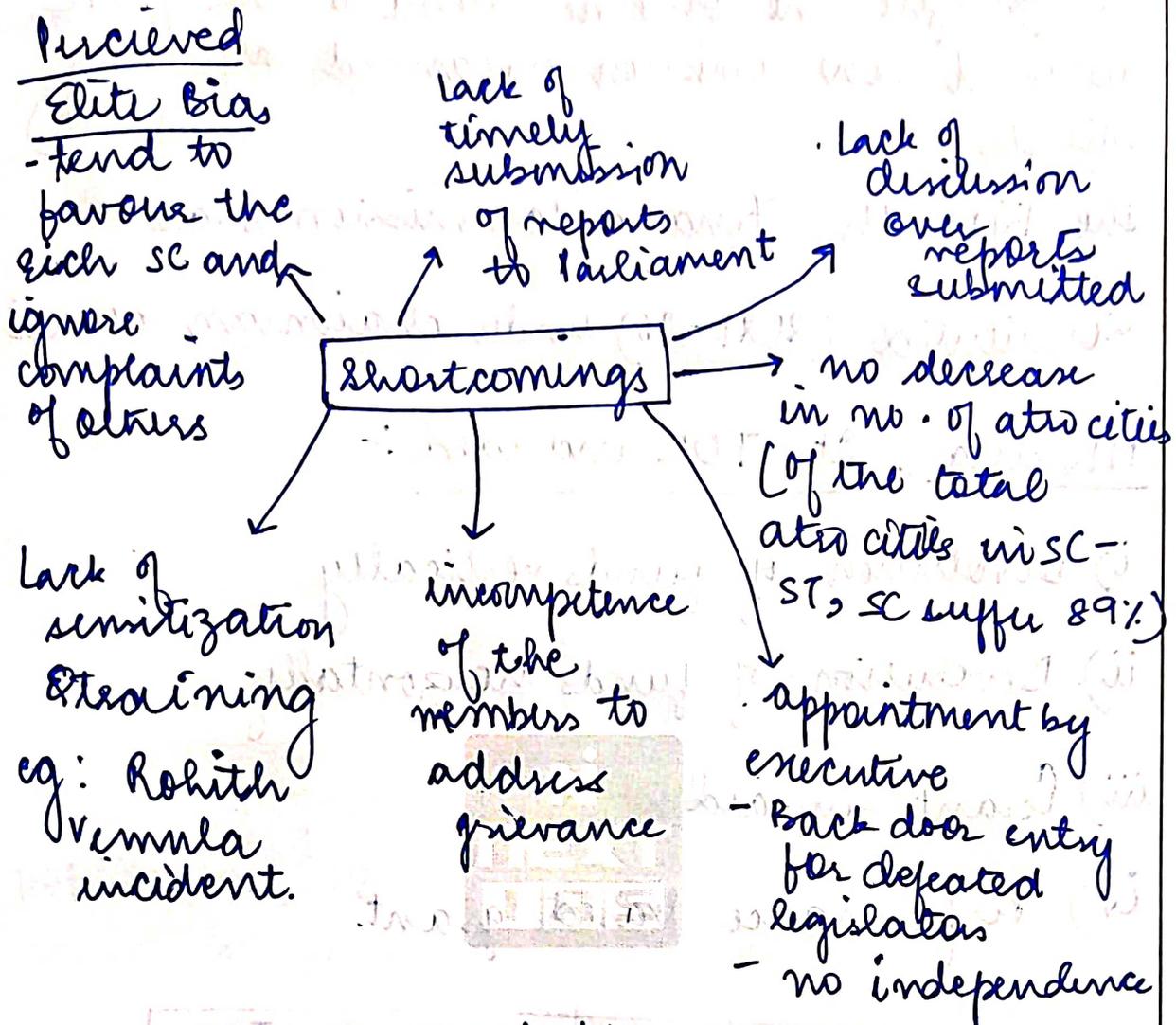
5) Prepare reports of the matters relating to SC (and also Anglo Indians) and Present it to President. He causes it to be laid before the parliament.

6) To perform any other function as the President may require.

EVALUATION OF PERFORMANCE



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WAY FORWARD

Being more inclusive for people at grassroots.

selection committee to select people of impeccable integrity

improvement in functioning by appointment and reports to be done timely.

NCSC is a harbinger of rights for the marginalized & oppressed. It bears an onus to work with honesty, integrity & efficiency to fulfill its constitutional mandate.

Q9. Highlight the concerns related to TOR of FFC
discussed how commission balanced conflicting
interests. (15M)

The Fifteenth Finance Commission was
constituted (2021-26) under chairman of Shri

NK Singh. Its TOR included :-

- i) Devolution of funds vertically
- ii) Devolution of funds horizontally
- iii) Grants-in-aid
- iv) Performance based grant.

CONCERNS RELATED TO TOR

① Use of census of 2011 → This would
increase imbalance of funds ~~vs~~ horizontally
as southern states controlled population while
northern states didn't.

② Performance Based grants - could create
a problem of devolution because of
inequity of resources. eg: Manipur

and Maharashtra could not be compared based on performance.

③ Grant-in-aid → to states who have been underperformers discourage states doing well as they aren't adequately rewarded.

④ Vertical distribution - Fears among the states that 42% recommendation of 14th FC would be reduced.

⑤ Parameters used for horizontal distribution → concerns regarding higher weightage to population, demographic performance & would affect smaller states.

BALANCING OF INTERESTS BY COMMISSION

① On Vertical devolution - 15th FC continued the same trend as its predecessor; 42% → 41% in 15th FC (as UTs of Ladakh & J&K created)

② Maintained fiscal propriety → used 5 factors for horizontal division → Tax reforms (2.5%), Demographic performance (12.5%), Forest & Ecology (10%), Area & population

(15% each), income (45%).

③ Performance based grants - to be a part of the devolution to encourage states; addⁿ given on power sector reforms

④ Promotes fiscal balance - despite this, allowed for regional disparities & weaker states - tribal, hill regions would be given a fair share in development.

⑤ Grant-in-aid to weaker states allowed as per needs and resource deficiency (however this will reduce from close to 20 to 6 by states 2025).

Thus, Fifteenth finance commission have improved fiscal equilibrium and initiated a step towards achieving fiscal harmony among states.

10. Interstate Border disputes, if not promptly & impartially settled can transform into persistent issues that impede development & generate friction. Highlighting the constitutional & legal framework to resolve interstate disputes, explain why independent India has failed to resolve inter-state border disputes.

Inter-state disputes between Indian states is a legacy of colonial rule where demarcation of boundaries were not properly done by the government.

Despite multiple attempts at resolution, it still poses problem to the national integrity.

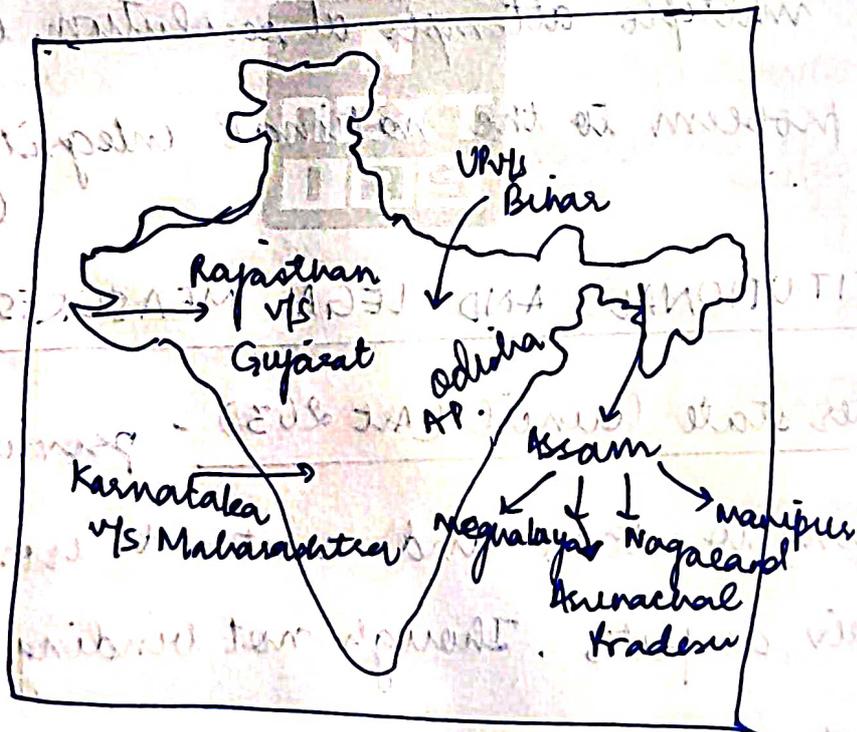
CONSTITUTIONAL AND LEGAL MEASURES :-

- 1) Inter state Council (Art 263) - provides a forum to states and centre to iron out their disputes. Though not binding in nature.
- 2) Inter-state water tribunal (Art 262) - specifically for water related disputes.
- 3) Agreements and treaties between states to peacefully resolve disputes.
- 4) Central govt brokered negotiations - in case

of UP and Bihar centre passed an act demarcating area on account of shift in river boundaries.

Approaching SC u/Art 131 - original jurisdiction of SC to attend various disputes between states

REASONS FOR FAILURE TO RESOLVE DISPUTES:



① Political

- a) Lack of political will eg: Assam and Arunachal Pradesh didn't implement award of Chandra Chud committee
- b) Lack of proper maps → conflicting interpretation

arise out of colonial maps - eg: Assam & Nagaland dispute.

c) Linguistic issue - Vote Bank politics also fuel rise of such issues. eg: Dispute between Karnataka & Maharashtra over Belgavi & non implementation of Mahajan committee report.

② SOCIO-ECONOMIC :-

a) Resources :- eg: Rajasthan & Gujarat have a dispute over Margash hill lock - precious resource

b) Rivers shifting course in UP & Bihar cause a ~~state~~ dispute.

c) N-E states, ^{& tribal states} are underdeveloped and need resources

③ INSTITUTIONAL → Delay in constitution of permanent tribunals

↓
 Inte state Council (ISC) has no power
 de funct

→ non-tribunal to resolve the issue.

Regularising and giving power to ISC.

WAY FORWARD

permanent tribunal to resolve disputes

Survey of all areas in dispute [eg- Assam & Arunachal resolution based on survey]

Thus, crucial to resolve these disputes for peace, harmony & development.