

GSSCORE

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ANKUSH SINGH BHATI

RANK - 238

GS MAINS ESSAY



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ESSAY MOCK TEST

Time Allowed: 3 hrs.

Max. Marks: 250

Instructions to Candidate

- Both sections are compulsory.
- Attempt one essay from each section.
- Each essay carries 125 marks.
- Write each essay in about 1000-1200 words.
- After finishing the first essay, attempt the next on a fresh Page.
- Any page left blank in the answer-book must be crossed out clearly.

Remarks

(Examiner will pay special attention to the candidate's grasp of his/her material, its relevance to the subject chosen, and to his/her ability to think constructively and to present his/her ideas concisely, logically and effectively).

Name Ambush Singh Bhati

Mobile No. _____

Date _____

Signature Ambush Singh Bhati

1. Invigilator Signature _____

2. Invigilator Signature _____

SECTION - A

1. Prayer does not change God, but it changes him who prays.
2. Not all those who wander are lost.
3. [Our lives begin to end, the day we become silent about things, that matter.]
4. We don't see things as they are; we see them as we are.

SECTION - B

1. Bureaucracy is a giant mechanism operated by pygmies.
2. Protest beyond the law is not a departure from democracy; it is absolutely essential to it.
3. [More law, less justice.]
4. The increasingly rapid pace of life is creating more problems than it solves.

SECTION - B.3. More Law, Less Justice

In the month of February 2018, World Justice Project published 'Rule of Law Index'. Rule of law index assess 113 countries on 8 parameters, and produce a score accordingly. India, in the index fared somewhere in the middle at Number #62. Although this is a matter of concern, but what's more shocking and worrying is that 71 out of 113 countries have dropped in score in comparison with 2017. This

is happening when the world is celebrating the unquestionable faith in modern laws and judicial system. This index brings us to a question - Whether the labyrinth of laws that we have created is serving the purpose of Justice!?

FROM SHARIAT TO SUPREME COURT - A PARADIGM CHANGE?

Since men have started living in groups and

Remarks

society; ~~that~~ they are guided by laws, rules and regulations. Be it the Ancient Rome, or be it Harappans, the society is guided and controlled by law. But the source of this law has varied across time and space.

Ancient monarchies were guided by laws made by monarchs, feudal societies were controlled by feudal lords and ~~so on~~ the theocratic societies, which have unquestionable faith in religion, were ruled by their Gods - Be it Shariat of Islamic faith, or Shastras of Hindu faith. These laws were the sourced from the sayings and teachings of Gods and saints.

All these ancient societies and medieval States endorsed laws which were despotic, totalitarian, draconian and unbending. Vedas do not change with time, and so doesn't Quran or Bible. The laws proposed by such state & society were

enforced on the masses. The system didn't support equality and Justice; and hence it had declined with rising sense ~~of~~ of Justice among masses and revolutionary demands of equality.

To replace such despotic legal system, the modern law-based system was proposed. This new avatar of law, based on Constitution and other codified forms, was celebrated as egalitarian and judicious. This was called as "Rule of Law". This was based on the concept of "Lex-Reg" that is law is the King; and everybody is equal before law. ~~Since~~

Since this system promised equality before law and equal protection of law for everyone, it was expected to bolster justice in the World. But ~~since~~ as the latest Rule of law Index shows, we have failed to ensure this premise. So, this trend needs an introspection.

HOW LAWS ARE MADE? ARE THEY INCLUSIVE?

Most modern states are democratic republics. This means that people are ruled by their representatives directly or indirectly. This system claims to be most participative and most inclusive as the law makers are 'one' amongst us. ~~Let's not~~ They are not kings or dictators, but servants of public.

So, as per this definition, the laws made by such states should be inclusive and cater to the needs of all.

But experience and research proves otherwise. Not only laws remain archaic, they are ^{also} far from peoples need. The laws do not represent the people, and do not reflect their expectations. They cater to the segmental demands and protect the interests of a handful.

Let's take an example of Section 497 of IPC - Adultery. Adultery, in Indian legal system, is seen as a breach of marriage, and hence

Remarks

attracts criminal charges. This section is certainly outdated from the modern world, and the demands this modern population makes.

Another example could be Sec 124-A - Sedition. Sedition is a colonial concept. But this draconian section is often used to quell dissent in democratic India as well.

Examples of such laws which are out of sync from societies are many.

These anachronous laws do not serve any purpose of justice to people, but ~~keep on~~ kept adding alone by the state to serve their purpose.

Apart from laws inherited from colonial masters, the laws made by our own legislature do not find synchronisation with people. The law making process is such that it only takes a handful of people in confidence.

This happens when the Bills are not sufficiently debated in the House, passed by a majority Government, put in public domain to elicit

their comments and finally ratified by the President.

Example of such law is Land Acquisition Act 2015, or latest FRDI Bill.

Hence, more and more laws are coming and adding up to the ~~the~~ already thick pile, but the purpose of justice remains unsewed.

PROBLEMS WITH EXECUTION

So, after the first stage of law making is over, comes the stage of Execution. This is the duty of so called Steelframe of India - Bureaucracy.

The laws which are made on the floor of House are tested in the ground reality at this stage. But again, various data show that the laws fail in this test.

According to 6th Pay Commission report, the citizens perceive Bureaucracy as insensitive, wooden, inflexible, indifferent and ~~unempathetic~~ apathic.

Remarks

Any number of laws will only serve the purpose, only when their execution is fair.

Max Weber calls bureaucracy as ~~the framework of~~ ^{the framework of} ~~Bureaucracy~~ "Iron-cage of Rationality". He says that laws and formal hierarchy binds the Bureaucrat from being innovative and creative in his duty. This seems particularly true in India where Red-Tapism has become a chronic issue. In the labyrinth of laws, an officer is so stuck ~~and~~ that he fails to show his innovations. There is no space left for pro-activism in such scenarios. Even when he wants to help the citizens, his hands are bound by the laws.

Recently, a tribal girl in Jharkhand died of hunger as her claims on PDS ration were not realised. Reason being, ~~her~~ her ration card was not linked to AADHAR.

What is the use of AADHAR Act when it restricts a PDS officer from giving food to a poor girl!?

Remarks

And what does one do when ~~their~~ his/her rights are violated? They go to courts and judiciary."

JUDICIARY - "PROTECTOR" OF JUSTICE

People alienated from laws made by legislature, upset by working of executive - reach the third arm of government - Judiciary.

Access to justice is guaranteed Fundamental Right itself. It is even mentioned in the Preamble. But, the reality is far from these Constitutional promises.

Currently, there are about 3.5 crore cases pending in the Indian courts. Most of these are in lower courts and district courts - which are first point of access to most people. Resultantly, it takes years and decades to get justice. The overburdened courts drift justice away from masses.

Remarks

And when after years of waiting, any case is heard, the judge wouldn't give it as much time as it needs. A recent study in Bombay HC showed that average time a judge could give to a case is 2.5 minutes. This is not surprising with a ~~of~~ judge to citizen ratio of 1 : 20,000 (20 lakhs).

And when after years of waiting, these 2.5 minutes are allotted, the lawyer demands an exorbitant price. This "commercialisation of justice" is the last nail to the coffin.

The poor tribal or marginal farmer, who had travelled all the way from his village to the HC or SC goes back empty handed.

Laws are in thousands, judges are overburdened with backlog, result is that inmates in India are undentals.

67% of jail inmates in India are undentals. (CRRB Data). Compare this with 21% of UK and 11.5% of USA. So, laws without judges have

put people in jails and make them suffer with social stigma and psychological stress.

Laws AND ACCESSIBILITY.

~~laws~~ Judicial system, or let's say the whole democratic system is useful only when it's accessible to the last citizen of the country. But ~~that~~ there are major impediments to this accessibility.

Illiteracy is a big reason. Acc. to the Constitution of India, the judicial proceeding and orders in SC shall be in English. If HC can hear proceedings in other language only after Governor permits. ~~27% population~~ Let alone English, 27% population can't read & write their mother tongue.

Secondly, Poverty restricts access to justice. It takes money to file even a RTI, let alone other mechanisms of justice.

LAWS AND CORPORATES.

- Till now the fissure between law and justice for people have been discussed. But this gap is even wider for companies and corporates.

India ranked #100 in Ease of Doing Business report of World Bank. In the glare of this achievement, lies the hidden rank #172 in category - "Enforcing Contracts". This is a deplorable state of India's corporate legal system.

One of the reasons that FDI in India is falling is the "Unease" of doing business. It takes many years and truckload of paperwork in India to open a factory. There is a layer of law after law which stifle the industrial growth.

WAY FORWARD

So we have seen that the encroaching cobweb of laws in India has crippled the system

of justice and makes the citizens suffer. This happens at almost every stage and in every sphere. But ~~the~~, ironically, the solution lies with another law. Govt has passed TORA Act - ~~the~~ Transparency of Rules Act. It mandates all the departments of the country to get rid of archaic rules and codify all the rules in clear explicit manner. This ~~and~~ simple version is to be uploaded on website of department. Any other rules, not mentioned in website, do not apply.

Further India is working on SWIFT: Single Window Interface for facilitating trade. This is a positive step towards justice accessibility to corporates. It needs a citizen-centre version too.

All the laws, executive, judiciary should ensure that not another girl in Jharkhand or any

part of India, die~~s~~ due to hunger - Just because her AADHAR was not linked!

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Section - A

3. Our lives begin to end the day we become silent about things that matter.

Sometime around ~~the~~ mid of 12th century AD, a huge crowd was gathered in the Capital of England. Then, the ~~the~~ State in England was Monarchical and despotic to a large extent. In the midst of the crowd was lying a young man of around 25 years. His hands were tied to a pole, and head was under an axe. The king gave him a chance to speak and plead for mercy. He spoke with a great pain; his voice to cut through the ~~silence~~ chilling silence among the crowd. He raised his head and shouted with all his strength - "You can take my life; but you can't take my freedom". WILLIAM WALLACE of Scotland died on that day, but those words echoed in the farms and huts of Scotland till they attained independence.

from England. Till this day, the whole of Scotland was submissive and obedient State of England. Everyone was silent to the atrocities & crime of England Knights on the ~~farm~~ Scot farmers. But not William Wallace. He raised his voice, and raised it till he freed his land.

As it is rightly said - "The World never ends with the voice of ~~good~~^{BAD} people, it ends with the silence of Good people"

VOICELESSNESS AND SUFFERINGS

William Wallace is not a lone incident in history when the powerful has been challenged by ^a power less. This has happened for innumerable times, and at innumerable places. But sadly, not every Scotland had a Wallace. Not every oppressed raised his voice against tyranny. They have suffered perpetually. They have died in

sufferings.

Slavery is not unknown to anyone today. The blight and sufferings of the Slaves are also known. But what's bewildering to most is the survival of Slave system for such a long period. Slavery started way back in BeforeChrist era, when Romans used the Slaves in wars as soldiers. This took a new form after Colonialism made appearance. It came to an end in the 20th century. The answer to its survival lies in one word - Silence. Silence of the Slaves over their oppression.

Slavery is the extreme form of imperialism. And a lesser intense form is Colonialism, which our country has a first hand experience of. The Colonial expansion in India is totally based on the acceptance and endorsement to their Superiority. East India company captured

Remarks

Bengal, Awadh remained silent (1757). Then they moved on to capture Mysore (1805), Travancore and Carnatic remained silent~~too~~. Year after year, they went on capturing state and provinces, others remained silent. Result? - All of India, from NWFP to Myanmar borders fell under colonial rule. These are examples from history. Let's see what happens today!?

GENDER, PATRIARCHY AND SILENCE

Sex is a natural difference between people,
Gender is a societal construct, says Ann Oakley. Gender differences, as we see today are not nature supported. They are our own creation. But this gap so big is not a creation of one or two days. It took centuries and generations of socialisation. It took patriarchy from men, and

Remarks

silence from women to convert sex into gender.

When women were made sex slaves, they were silent:

When women were reduced to a subservient, obedient wife, they were silent. And when ^{these wives} were made an object of sexual gratification by their husbands, they remained silent.

Years and Centuries of this silence has brought us to a point where even birth of a girl is undesirable, where she is killed before birth.

Women have suffered various forms of violence in society due to their silence. This include domestic violence, clotry-burning, ~~grossed~~ rape, abduction, Sati's foeticide, murder and others. Violence to women is seen at every stage - Home, Society, Office. This takes many different forms and has so

ingrained to our minds that we sometimes even consider it as normal.

Wife beating is a normal phenomenon for many households. Because husbands know that wife won't raise her voice, let alone her hand.

Worst form of this violence is Rape. According to an official survey, a girl is raped in India in every 4 minutes.

Patriarchy is not confined to homes. They even extend its arm to offices, politics and public places. Women, till recently, were given "lesser" jobs. They were called as PINK COLOURED OCCUPATION.

All of this gets an endorsement and support from only one thing - Her Silence.

Because when this silence breaks, the whole system is shaken.

Example being MIRBHAYA RAPE CASE. We all were silent on rape before 16th Dec 2012.

Remarks

But this incident had ~~shattered~~^{shaped} the whole society and woke them from perpetual sleep. This is an evidence and testimony to the fact that breaking silence can bring changes. New laws, various committees followed this upheaval.

(CASTE DOMINATION AND SILENCE)

Big Veda ~~saga~~ (PURUSHASUKTAM) says that Brahmins are born from mouth of Brahma, and Shudras from feet of Brahma. Hence, Brahmins are superior to Shudras.

This theory became the cause of generations of sufferings for Shudras. They accepted the dominance of Brahmins as a word of God. No one dared to challenge this hierarchical system.

This caste system slowly and gradually took uglier forms. Mobility was restricted

No Shudra could become a Brahmin. Jobs were divided and allotted as per the caste. Menial work were "prerequisite" of Shudras.

This took an ugliest form during Gupta Ag. when untouchability made appearance.

Thus came the concept of Purity and impurity. Brahmins stopped taking water from the hands of Shudras.

Again, the reason for this silence oppression was Silence of Shudras.

The silence was broken by people like E.V Ramaswamy Naicker, Jyotiba Phule, B.R Ambedkar. As the silence was broken, society became more accommodative and started giving Shudras a space.

(ENVIRONMENT AND SILENCE)

Till 1980s, the development around the world was going on in unbridled and

unchallenged way. There was no concept of Sustainable ~~develo~~ development. Whosoever made certain noise in form of "Chipko movement" or "Narmada Bachao Andolan", they were quelled by the other people. Similar was conditions in other countries.

In the ~~silence~~ enjoyment and celebration of modernity and development, environmental concerns remained silent.

Result? Brundtland commission report came up in 1987. It revealed the havoc caused by development to the environment.

By the time any voice started from NGOs & civil society, the average temperature of Earth crossed 1°C change from pre-industrial era.

(MOB VIOLENCE AND LYNCHING.)

This adds latest to the list. Citizens have turned into Mob, and the democracy

has turned into mobocracy. This is not any particular phenomenon of any one country.

It cuts across national boundaries.

USA had suffered due to this, so had UK and France, and now India is suffering.

Lynching in name of religion, in name of cow vigilantism, in name of child abduction suspects etc have become a new normal in India. People don't wait for police to come. They get hold of victim, and give the decision then and there. No need of Courts & criminal justice system.

Though this is ^{not} new in India, but the silence on it is new. People have been seen to Spectate the whole incident as mute spectators. They do not raise their voice. Neither they call the police.

Remarks

Everybody thinks that this should not bother him, and he is safe..

NEED TO RAISE VOICE

In all the above mentioned cases, be it slavery, colonialism; gender gap, Casteism, environmental degradation or male-violence, the victims \$, a day before, must have thought that they are safe! That it won't happen to them. Everyone thinks that the incident doesn't bother us. But it should be known to all that every change is gradual. Democracy doesn't die in a day, it happens person by person, minute by minute. Taking leaf from people like William Wallace, Ambedkar, Nirkhaya uprising, we should realise the value of our voice and the force it carries!

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