

G|S|SCORE

An Institute for Civil Services

IAS TOPPER'S

TEST COPY

VIKRAM GREWAL

Rank-51

Essay Marks - 161



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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.

(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).

Remarks

Name VIKRAM GREWAL

Mobile No. _____

Date _____

Signature Vikram

1. 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.

P. T. O

SECTION - A

Q2:

NOT ALL THOSE WHO WANDER ARE LOST.

'The Road Not Taken' is the most famous poem by American poet Robert Frost. It is a composition that derives its theme from the poet's personal life in which he encounters a dilemma regarding his aspirations as a writer or opting for a settled and secure life in future - living the 'American Dream'. Frost chose to embark on the road less travelled - thus deciding to wander for years until finally getting his writings published. He knew that his path would be unpredictable, however, he realized that if he kept his conscience he wouldn't be lost.

Remarks

Frost's life is a reflection of the fact that a well-informed decision to 'go with the flow' doesn't necessarily lead to losing back of one's path. 'For it is the path that will guide you through the woods' - Lao Tze's philosophy of Taoism corroborates this observation. Ancient Civilization of China followed the Taoist principle of 'Wu Wei' - moving forward considering the path to be your master.

'Wandering' is an act of pursuit. It is a deed that requires the minimum required apparatus. A 'traveller's soul' is at the core of the philosophy of life. Once you step out of shelter you are bound to encounter boundless possibilities. These possibilities are tests of character, avenues for learning, opportunities for gaining experience and moments of course correction.

Once we perceive the act of wandering in such a way, we come to realize that our preconceived notions about the idea of wandering and that of 'getting lost' are open to scrutiny. Socrates in his 'Dialogues' with Plato remarks that the 'cosmic order' follows natural law and no living being is beyond this law. Therefore, no particle of matter is ever 'lost' when it wanders within this realm.

Our understanding of wandering as a deliberate and conviction-based process of surrendering oneself to the ways of life must be analyzed. The basis of all religions - the Apostles in Christianity, the Prophets in Islam and the rishis-munis of Hinduism - have been the concept of wandering in order to lose their materialistic being but find their spiritual selves.

'The nature of truth-seeking has always been ingrained in wanderlust'. Humanity's greatest explorers were driven by the courage to face calamities and the ambition to find the truth. For example, Ferdinand Magellan set out to circumnavigate the earth to discover whether it was flat or round. It took him years to return to his homeland. But at the end - though most of his sailor crew had died or quit - he accomplished the aim of his 'wandering'. Thus, all his men were lost but he knew he wouldn't be.

The examples of early man's discovery of fire and wheel, his trysts with food gathering, animal domestication and eventually food production are also epitomes of man's inherent 'hunter-gatherer' instincts that make him wander without being lost - since time immemorial.

'Who is lost then?' one might ask. Upanishads provide insights in that case. "One who is lost is the one either forgot to find himself or the one who never wanted to," points out Yajnavalkya to Gargi in Chandogya Upanishad. Rudyard Kipling in his verse 'If' says "if you can keep your head when all others around you are losing theirs... yours is the Earth and everything that is inside it."

Therefore, there are pointers and guiding principles of virtue that instill self composure, confidence, sure-footedness and foresight in a wanderer in order to keep him/her on track. Today's generation faces such issues in cases of drug abuse, peer pressure, social media and even career opportunities. They fail to keep cognizance of the guiding principles and as a result are lost - even without wandering.

The Ajivika sect's doctrine of 'Niyativada' says that destiny is pre-ordained and one must leave everything on to fate. Jaina doctrine of 'Anekantavada' - truth is always relative and may manifest in several forms and Buddhist doctrine of 'Ashtanga marga' attempt to reform the pervasiveness of fate. Buddha even says that it is possible to get lost even on a straight path, thus it is wise to be at the middle - the balance point. Balance is key to achieving maximum output from wandering without going astray.

In today's capitalist and consumerist society we sometimes lose our basic instincts of virtue, empathy, compassion and prudence. We get lost in urban jungles and yet consider ourselves to be leading settled, comfortable lives in metropolises. This ultimately leads to stagnation and degeneration.

You only grow if you can see an endless curving path. A ship in deep waters looks forward to witness what is beyond the horizon. Thus, wandering is the process of synthesizing optimism with realism. The invasion of Alexander and Yu Chei Tribe of Central Asia which later came to be called Kushans or Kushanas in India were a result of clear ambitions of political conquest along with yearn to wonder and face all difficulties in the way.

Harry Potter and Frodo the Hobbit are inspirations for young children: not because they were brave young heroes but because they were gritty enough to successively lose themselves and find their objectives in life along the way. And on the path they met friends and foes alike which faced ups and downs through all this wandering. They had pure intentions and hearts of gold that never led them away.

Wandering is also a period of experimentation. Great inventors, innovators and now entrepreneurs have been wanderers before helming most profitable businesses. Steve Jobs travelled to India in early 1970s just to roam around and observe the country's spirituality - he ended up learning life-long lessons and establishing Apple Inc. that became the first trillion dollar company. Sunder Pichai and Satya Nadella - both from small towns in India - were inclined to do civil engineering and civil services respectively. But life had something else in store for them making them CEOs of Google and Microsoft respectively. 'If Plan A fails - remember that there are 25 other letters in the alphabet? Wandering can make us lose several action plans but it gives us the flexibility to try out other initiatives and optimally allocate resources to get back on track.

The nation of Cuba is another example of wandering but not getting lost. Being only 70 miles away from the Capitalist Haven of United States, Cuba could benefit immensely by joining hands with it. But it decided to pursue socialism and developed the most cost-effective health and education system of the world after exploring several models under Fidel Castro - that too in the middle of the Cold War.

Fields of music, art and literature are primarily based on attempting to wander by rejecting the primary, secondary and tertiary sector jobs. Shankar Mahadevan was a computer engineer before quitting his job to pursue singing and went on to become one of the foremost composers of India.

Our struggle for independence is a definitive case study in wandering for a century but not getting lost. After the Revolt of 1857 the Colonial power was consolidated under British who now believed that by giving piecemeal reforms and 'carrots' of self-gout to Indian population would repress anti-imperial attitudes and make them lose the path to freedom.

However, the 'wanderers of destiny' and the 'lovers of liberty' that our leaders were - they kept the movement alive through Swadeshi, Non-cooperation, Civil Disobedience and spontaneous 'do or die' endeavours. This ultimately proved that in 1947 the wanderers had come home victorious and had not lost the core objectives of their journey.

The essence of education is enlightening of the senses and development of character.

Those who wander - know that what they expect from life cannot be gained through conventional means or following the 'herd mentality'. They want to learn what the road of life has to teach them. They

aren't afraid of losing the way but are proactive in bouncing back on the journey that leads them to 'themselves'. 'It is a quest of self-discovery' says Bhagat Singh in 'Why I am an Atheist' and so does Sahir Ludhianvi's lyrics 'Main Zindagi ka Saath nibhata chala gaya'.

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SECTION-BQ.3:

MORE LAW, LESS JUSTICE.

The great Enlightenment Philosopher Montesquieu argued in his 'The Spirit of the Laws' that 'Law should not only prevail in terms of its acceptability among those who determine it but also its acceptability in time.' He says that there are two aspects regarding effectiveness of law in securing 'justice': one, "useless laws weaken useful laws" and two, "weak laws obscure strong laws".

The purpose of law is a highly debated one throughout history. In 'The Republic', Plato says that law is a guiding code of natural order applied in care of humanity. Niccolo Machiavelli states the purpose of law as a means of maintaining political stability. The Vedas regard the aim of law as the maintaining of the social order i.e. 'Varnashrama dharma'.

It was only in the 16th century that 'justice' was seen as the main objective of Law. Francis Bacon and René Descartes opined that laws are codified in order to provide each individual his due in civil society. This idea was further propagated by John Locke and Bauch Spinoza.

After acceptance of 'justice' as the primary motive of law - the question was regarding what was meant by justice and how could more justice be guaranteed by more laws? Karl Marx posited that 'from each according to his effort, to each according to his need' was justice. John Rawls in his 'Theory of Justice' remarked that rationality was the basis of law and justice.

In today's world, rationality is what has plagued the legal setup in modern economies. The crisis of surplus propounded by Engels and theory of accumulation by Rosa Luxemburg can not only be seen in our capitalist societies but also in our judicial systems. More Law is turning out to produce less justice.

The concept of constitutionalism has boomed in 20th- 21st century post-war polities, courtesy proliferation of democracy and republicanism. The larger power in the hands of the people has rendered larger discussions and debate in yet bigger platforms. We have delved deep into jurisprudence through researchers, scholars, political commentators and legislators.

As a result we now have a complex web of legal realms. For example, in traditional Islamic legal system of 'adl' under 'ulema' had only 4 schools of jurisprudence and later the colonial law was divided into civil law and criminal law. But now, we have corporate, international, maritime, conventional, cyber, defence, space law and more. This increasing complexity has led to problems in security, justice.

The overlapping jurisdiction in the aforementioned laws many a times renders conflict and contradiction between themselves.

A recent example is the Data Protection Law which witnesses a confrontation between privacy and public interest. Another example is Right to Information⁽²⁰⁰⁵⁾ which upholds transparency and Official Secrets Act⁽¹⁹²³⁾ which upholds secrecy.

Another facet of failure of laws to secure justice is that due to increase in the number of laws - a lot more tedious trial procedure and additional investigation is required. This leads to delayed justice - an allegory of 'denied justice'. The example of Akbar Siddiqui who was let off 21 years after being accused in a bomb blast case.

There have been several other instances like Siddiqui's where a whole phase of youths' life have been destroyed due to merely 'more laws'. The inefficiency of the criminal system is exacerbated by bad policing, lax judiciary and complicated laws.

The false notion of 'written word' is another cause of more laws catering to less justice. The idea that legislature must make laws on every single offence is unscrupulous and self-defeating. A survey by Vidhi Legal Research pointed out that rather than reforming Indian Penal Code (1860) and Civil Procedure Code (1908) that are highly colonial in nature, the Parliament is burdening new legislation on pre-existing laws. These new provisions are causing great pain to the judicial interpretations.

For example, Section 498-A regarding harassment by family members and dowry is overpowered by Dowry Prohibition Act (1961) and Domestic Violence Act (2005) in several respects regarding nature of the crime, victim and penal provisions.

The colonial character of Indian law is further unjustified by several laws that are obsolete and have been revoked by Britain itself. These laws are not in line with UN conventions, international norms or even humanitarian principles. For example, Section 377, Indian Evidence Act (1872) etc.

While there are more laws on some subjects, there are none on others. This impedes justice more than anything else. Anti-torture legislation and human-trafficking bills are examples of delayed legal provisions.

The fact that the Parliament is driven by populist tendencies sequesters it from rationality that Rawls focuses on. The Parliament pushes for laws on fugitive offences, mob violence and minor tax amendments that can be effectively dealt with through delegated legislation and executive orders or even a review of IPC.

Law has been an eternal entity if we consider history. The band society of early man, the tribal societies of India and religious denominations of the world have and continue to uphold their laws. Thus, the idea of 'written' legal mechanism is only sanctified if it provides for justice without fear or favour. Ashoka's Dharmma and Akbar's 'Sulh-i-kul' are examples of historical modes of acquiring justice through doctrines, codes and alternative mechanisms if the judicial system were ineffective.

Even today we have such alternative redressal mechanisms - but different from the monarchical doctrines mentioned above. The provisions for Lok Adalats, Gram Nyayalayas, Arbitration, Conciliation and mediation have provided hope for speedy and inexpensive justice without being caught in the formal web of inefficient laws.

But these mechanisms prove beneficial only in civil cases and are not enough to secure justice to the 3.3 crore cases that are pending in our courts today. PRS Legislative points out that reading down of obscure, obsolete and non-contemporaneous laws will lead to a good 43% resolution capacity growth. Moreover, the recent repeal of over 1800 laws shortlisted by the Ramniraj Committee is sure to expedite judicial and legislative procedures. 'Redundancy of laws is a sign of an ailing democracy'.

Beyond these measures, there is a need to move towards a balance between India's notion of 'procedure established by law' and the effective American constitution's 'due process of law'. A synthesis between these two concepts will bring in feasibility and reasonable nature of law which the Indian system lacks at this moment.

Good listing practices, sunset clauses for temporary laws, regular update of quantifiable provisions of laws and eliminating frivolous government litigation are other suggestive measures which impede justice in our country. Ultimately it is about a consensus between Legislature and Judiciary along with upholding the separation of powers. Fali S. Nariman once ruled that makers of law must also see through the eyes of upholders and protectors of law.

We must learn from the repository of our aspirations, inspirations and identities - the Indian Constitution. The law makers must adopt an analytical view of this holy document because it is so wide ranging and holistic that it provides solutions to justice across several domains. For example, Article 21 was initially only seen as 'right to life with dignity' but in subsequent events like Maneka Gandhi case, Olga Tellis case, Waman Rao case it was realized that this single provision was a law for over 25 provisions and recently it also included 'right to privacy' (Puttaswamy case) and 'right to die with dignity' (NGO Common Cause case).

Thus, we must not forget that laws don't need to be 'invented' - they need to be 'discovered' and implemented with the best of abilities. After all a law is as effective as its executor.

There is a fascinating quote in Scherazade's 'Arabian Nights' fables - 'Law is for fencing the pasture, not shearing the sheep'. Similarly, the ultimate utilitarian ethics behind laws, John Stuart Mill argues, is that the 'greatest good for the greatest number' which can only be secured through 'justice'- moral, social and distributive. "For," he says, "a nation is as good as its people."

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Remarks