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# CIVIL SERVICES ACHIEVERS' POINT

A ONE STOP SOLUTION FOR UPSC/APSC/SSC & BANKING

**THE ASSAM TRIBUNE ANALYSIS**

**DATE - 28<sup>th</sup> 2021**

**For Preliminary and Mains examination**

**As per new Pattern of APSC**

**(Also useful for UPSC and other State level government examinations)**

# CSAP

## CIVIL SERVICES ACHIEVER'S POINT

*Leadership through knowledge...*

**CENTRES: BELTOLA, SILCHAR, KOKRAJHAR, COTTON UNIVERSITY, SONAPUR COLLEGE, MARGHERITA**

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## EDITORIALS

1. Irresponsible institution (GS 2 – Polity and governance)
2. The Rot Must Be stopped (GS 2 – Polity and governance)

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## Irresponsible institution

- The first wave of Covid-19 which ravaged India last year began to abate from September 2020 to mid-February 2021.
- But medical scientists warned that the worst was not over and, pointing to the examples of recurrent waves in the US, UK and EU, predicted that a second wave would strike the nation in mid-April this year.
- Foolishly, the Indian political leadership ignored such warnings of a second wave, despite the fact that new variants were identified as far back as in January. Many of our national institutions too were blinded into apathy by the seeming improvement in the situation, not the least being the Election Commission of India (ECI).
- Had this august body sensibly heeded the warnings of scientists of the possibility of another deadly wave, it would have deferred all elections in the country.
- No doubt, the requirement for elections in a 'democracy' is a basic one, but this should not override the requirement of public health. Had all elections been deferred by some months due to the compulsions fostered by the pandemic, it would have hardly brought even the shadow of a stigma to India's democratic credentials.
- Yet a myopic ECI continued to decree that elections be held despite the inimical environment, first in Bihar last year, then in West Bengal, Assam, Tamil Nadu, Ket71a and Puducherry, starting on March 27 and ending on April 29 this year.
- The ECI compounded its irresponsibility by allowing the political parties to take out rallies and meetings and not intervening when in all election bound States, Covid- 19 protocol was blatantly breached.
- It is a measure of the hypocrisy of our political hierarchy that the entire gamut of politicians, from top to bottom, participated in the protocol-breaching, occasionally mammoth rallies, rendering them super-spreaders of the virus.

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- It must be noted that transport interconnectivity has been restored throughout India, which means that the spread was not confined only to the States in which elections were held, but all across the nation.
- Little wonder that the Madras High Court has slammed the ECI for its incompetence, calling it the "most irresponsible institution" for facilitating the spread of the second wave of Covid-19 in India by not stopping political parties from holding election rallies even after the second wave had commenced.
- Asking if the ECI was "on another planet when the election rallies were held", the Madras High Court went as far as to wonder whether the Election Commission officials should be booked under murder charges too!
- While reminding the ECI that it is only when a citizen survives that he will be able to enjoy the rights that a republic guarantees, the learned Justices have decreed that the ECI draft a Covid-19 protocol for the counting day, a course of action that should be of interest to a State like Assam t(K).

## The Rot Must Be stopped

- The recent events involving the Home Minister of Maharashtra, the Commissioner of Mumbai Police and a junior-ranked State police officer, have exposed the ugly underbelly of our governance system.
- That the system is completely rotten was known to all for quite some time. Only the facade was holding out so far, mainly due to the nexus between the political leadership on the one and the administrative machinery and the police hierarchy on the other.
- Once that facade collapses, like in this case, the rotten core is completely exposed to public view, filling the whole country with its unbearable stench. Over the last seven decades, platitudes were uttered by all on the urgent need to reform the administrative and the police system to weed out the rampant corruption, abuse of power, misuse of authority, favouritism, disregard of law by lawmakers and law enforcers, high-handed behaviour of public servants, and many such ills.

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- Commission after commission were constituted to go into the roots of these problems and suggest remedies. The highest court of the land too passed directions to the Government on what needs to be done.
- But the end result, as we all have seen, is even more corruption, more nepotism, more authoritarian and colonialist behaviour, more abuse of power, more misuse of authority, more bending and trampling of law by the high and mighty.
- The situation has deteriorated to such extent that people have found it difficult to place their trust on the political dispensation and also the administrative and the police machinery in their quest for justice. Even the superior judiciary and the constitutional authorities are also now being perceived as to have become the handmaiden of the rich and the powerful.
- Leaving aside other organs of governance, let us look at the administrative and the police systems as they are today. Once seen in high esteem as the steel frame of India, the top administrative machinery in the country lay is in a shambles.
- Insatiable greed for post and positions, pre- and post-retirement with all perks and privileges in a perennially poor and underdeveloped India and the opportunities they get to ensure continuous well-being of their progeny, turn the officials manning the system into unabashed upholders of the establishment rather than agents of change for betterment all.
- It has melted the steel frame of the administration to paper pulp. Once known for their straight backs and heads held high against abuse of power and corruption, the steel frame of yesterday has become today's pliable self-seekers who do not think twice before grovelling at the feet of their political masters when only asked to bend.
- Serving the interest of the country and the people and creation of an equitable and just society are given a go bye in the altar of personal ambitions for post and positions. The situation has compelled the aware of the citizens today to question if there is any justification in continuing with this expensive, inept and shamefully corrupt officialdom at the expense of the taxpaying public. It is up to the officers themselves to prove by their deeds that they indeed deserve a second chance. *Leadership through knowledge...*
- The same is true for the country's police system. In a people's democracy, police is to be the ordinary citizens' friend in deed and also friend in need. Instead, in many parts of the country today, the police is looked down upon as a bunch who behaves as if the common citizens are

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mere subjects to be ruled upon than being the real masters to be served with honesty and integrity.

- It now seems to be a grave mistake by the Constituent Assembly to allow continuation of the colonial system of administration and police in an independent and democratic republic, instead of dismantling and replacing it with a new administrative and police system.
- Every successive Government, whether in the Centre or in the States, want a totally pliable police system which they can bend at will to serve their questionable interests and unlawful demands as is seen in the Mumbai Police Commissioner's case, breaking in the process, all the laws of the land and the sanctity of the Constitution.
- It is common knowledge in the country that the political executives use police to intimidate and chastise their opponents and serve the interests of the party in power rather than to faithfully and diligently serve the people by upholding the laws of the land and the Constitution.
- The unfortunate part is that the bureaucracy as well as the police hierarchy remain, at best, a helpless witness to this abhorrent act and at worst, become active participants themselves.
- Hence are the cases of illegal detention, fake encounters, false allegations, forcible extortions, physical and mental abuse of the accused and the victim, custodial torture and murders.
- Examples are too many all across the country to cite any particular one. The unbelievable disdain for law and the Constitution by the law givers as well the law enforcers, has made the citizens despair so much that for the most vulnerable and the helpless multitudes, the 'rule of law' has lost all meaning. This loss of faith of the common citizens on the most important organs of governance has emerged as the biggest existential threat to the future of our democracy.
- The moot question then is, will we be able to survive this onslaught on our system of governance by the very organs entrusted with the responsibility to fight it. The answer, unfortunately, is a resounding 'no', unless the conscious and conscientious citizens in the country come together and take up the cudgels in spite of the threat of direct and indirect pressures that the regime will mount on them.
- Perhaps the first step in this direction would be a clarion call emphatically exposing any administrative and police aberration anywhere in the country irrespective of justifications put forward by the powers that be. Voices must be raised against impingement of the fundamental

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rights of the citizens including any Act that sanction detention without trial. Legal limit must be prescribed in all criminal investigation, including the special laws like UAPA and others.

- Opposition must also be voiced against laws that authorise any of the Government forces to shoot at sight and no question being asked afterwards.
- Simultaneously, voices must also be raised against enactments that directly or indirectly help illegal funds to be transferred to political parties as has been permitted in Electoral Bonds rules.
- To uphold the supremacy of the people over all other organs of governance, the police power of arrest without a warrant from the competent court must be done away with. Production of the arrested person before the competent magistrate forthwith must be mandated in the codes without exception and the present leeway of 24 hours given to police must be withdrawn in view of the recurring incidents of custodial torture in police lock-ups during this period.
- If required, a magistrate of competent jurisdiction could be made available for production of the arrested person by the police during the non-office hours. These are important steps that may ease the prevailing situation a bit in favour of the common citizen.
- However, to make all the organs of governance fully accountable and responsive to the citizens, it is imperative that a new civil society movement is started, demanding changes in the existing constitutional and legal framework to further the democratic aspirations of the citizens and to firmly establish the rule of law based on justice for and equality of all citizens without exception, independence of judiciary and constitutional bodies and subservience of the executive to the legislature.
- The sooner such a movement is started the better. Otherwise, dark days of autocracy or dictatorship are not far away.

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