

ENGLISH

I. SI Sone, a female sub-inspector in charge of the Dera Sahib police chowki in Goindwal, in Punjab's Taran Taran district, was out distributing food to those in need in her area on 28 March, with a couple of other police personnel and some local Gurdwara volunteers. People largely appreciated the gesture, she said over the phone, but, in the village of Lohar, "some unscrupulous and notorious elements started pelting and chasing the police vehicle. They also attacked the Gurudwara volunteers." The senior superintendent of police for Taran Taran, Dhruv Dahia, confirmed the incident when contacted. Kulwant Singh, one of the volunteers, told me people were targeting the police to take out their frustration at the mess created by the coronavirus lockdown, which has exposed glaring failures of planning and implementation by the government. There were videos of similar assaults circulating on social media, he added, and these were emboldening the public.

Harjyot Singh, a sales manager at an automotive dealership in Chandigarh, learnt on 26 March that one of his closest friends had died that morning in a car accident. Since his friend's family was away, he got on a scooter and headed out to collect the body from the civil hospital in Mohali, adjoining Chandigarh. He was stopped by police on the way. "I tried my best to explain it to them, when a constable came and started caning me," he said. He remembered that the policeman assaulting him kept saying, "*Jad tak scooter ghuma ke race nahin dinda, dande vajde rehenge*"—The canes will keep coming until you the scooter around. Harjyot described the incident in a Facebook post and tagged media houses, the Mohali police, the local deputy commissioner's office and the Punjab chief minister, Amarinder Singh. When contacted, the SSP for Mohali, Kuldeep Singh Chahal, said he was not aware of any such incident. "I have given strict instructions to my personnel to refrain from high handedness," he said

- JATINDER KAUR TUR (Police reeling under administrative failures and rising public anger amid coronavirus lockdown in Punjab)
<https://caravanmagazine.in/health/police-reeling-under-administrative-failure-and-public-anger-in-punjab>

Q.1. What does the word unscrupulous mean?

- a) Unsympathetic
- b) Unethical
- c) Unlawful
- d) None of the above

Q.2. Detect the wrong spelling from the words given below

- a) Superintendant
- b) Commissioner
- c) Targeting
- d) Assault

Q.3. Why were the people attacking the police?

- a) Because the officials were unsympathetic towards their needs
- b) Because the police were responsible for the lockdown
- c) Because of the mismanagement displayed by the authorities at a time of crisis
- d) All of the above

Q.4. How did Kuldeep Singh Chahal respond to the incident reported on social media?

- a) He vehemently denied the allegations made on his subordinates
- b) He asserted that those who would be on the streets during the lockdown would be beaten up
- c) He apologised and took the incident into cognizance
- d) None of the above

Q.5. Why was Harjyot Singh caned on the streets?

- a) Because he left his house while the lockdown was on
- b) He had a dead body with him
- c) He was aggressive with the police while explaining his reason for being on the streets
- d) All of the above

II. Some years ago, I characterized our country as a ‘50-50 democracy’. India is largely democratic in some respects such as free and fair elections and the free movement of people, but only partly democratic in other respects such as the near-collapse of the criminal justice system and the inability to eliminate large-scale political corruption. One area in which the democratic deficit is substantial relates to freedom of expression. There are limits to what writers and artists and film-makers can and cannot do in this country. These limits to free speech have been analysed and deplored by scholars and activists, albeit mostly through a legal lens (as in Gautam Bhatia’s recent study, *Offend, Shock, or Disturb*). This essay, while beginning with the law, goes on to explore the wider sociological dimensions of the problem. It is not just imperfect laws, but the complex interplay of social forces, ideological biases and political choices that inhibits freedom of expression in India.

So far as I know, the first thinker to make a persuasive case for the moral and political importance of free speech was Baruch Spinoza in his *Theological-Political Treatise*, published in the year 1670. Here Spinoza said: ‘No one can transfer to another person his natural right, or ability, to think freely and make his own judgments about any matter whatsoever, and cannot be compelled to do so. That is why a government which seeks to control minds is considered oppressive.’ And he further observed: ‘A government which denies each person freedom to speak and to communicate what they think, will be a very violent government whereas a state where everyone is conceded this freedom will be moderate.’

This is persuasive, and still extremely relevant. But we must ask: Are there justifiable or reasonable limits to free speech? Or should people be allowed to say whatever they want? What about hate speech? What about admirers of Hitler in Germany? What about admirers of Nathuram Godse in India?

As it happens, Spinoza had considered these questions too. In his book of 1670 from which I have already quoted, he said that while a state must grant its citizens freedom of expression, 'it is very dangerous for a State to concede free speech without any restriction. For this reason we must now ask how far this freedom can and ought to be granted to each person so as to be consistent with the stability of the State.' Spinoza thus recognized limits to the free expression of one's views. For example, if a speech, book, painting or film might provoke or lead to large scale violence, bloodshed and anarchy, thereby threatening the survival or integrity of the state, perhaps it should not be allowed to circulate freely.

- *Ramachandra Guha in his essay 'Eight Threats to Freedom of Expression in India' (Democrats and Dissenters)*

Q.6. In which area is India deficient in its democracy?

- a) Mobility within the country
- b) Voting rights
- c) Awarding capital punishment to offenders
- d) None of the above

Q.7. What is Baruch Spinoza's argument?

- a) Natural rights should not be curtailed
- b) Any form of state control is oppressive
- c) The choice to escape State control is a natural right
- d) All of the above

Q.8. According to Spinoza where should Freedom of Expression have its limitations?

- a) Expression of a sentiment asking for the dissolution for the State
- b) A book that can trigger communal riots
- c) A statement that is anti government
- d) All of the above

Q.9. Identify the grammatically inaccurate sentence:

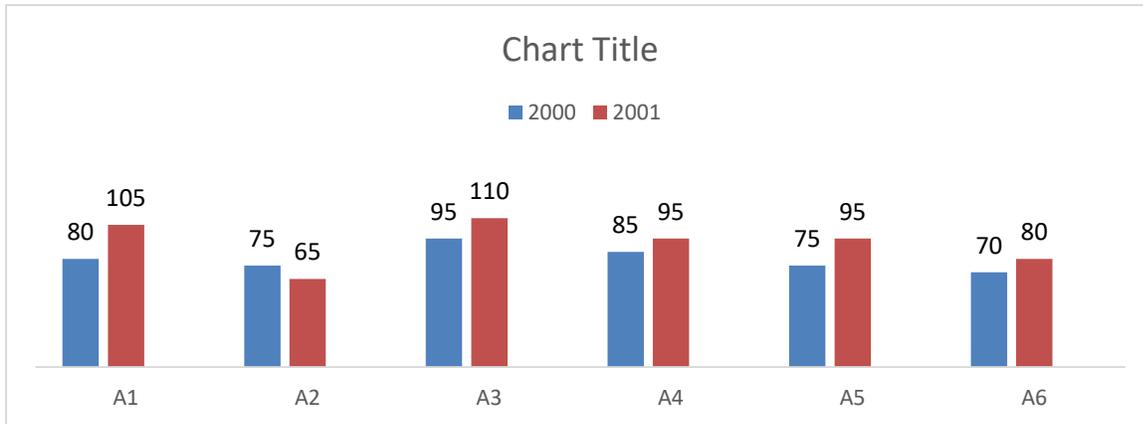
- i. These limits to free speech has been analysed and deplored by scholars and activists, albeit mostly through a legal lens (as in Gautam Bhatia's recent study, *Offend, Shock, or Disturb*).
- ii. This essay, while beginning with the law, go on to explore the wider sociological dimensions of the problem.

- a) Only i.
- b) Only ii.
- c) Both i. and ii.
- d) None

Q.10. What does 'deplored' mean in the context of the passage?

- a) Scrutinised
- b) Read
- c) Approved
- d) condemned

QUANTITATIVE TECHNIQUES



Q.11. Total sales of branches A1, A3 and A5 together for both the years (in thousand numbers) is:

- a) 250
- b) 310
- c) 435
- d) 560

Q.12. Total sales of branches A6 for both the years is what percent of the total sales of branch A3 for both the years?

- a) 68.54%
- b) 71.11%
- c) 73.17%
- d) 75.55%

Q.13. What is the average sale of all the branches (in thousand numbers) for the year 2000?

- a) 73
- b) 80
- c) 83
- d) 88

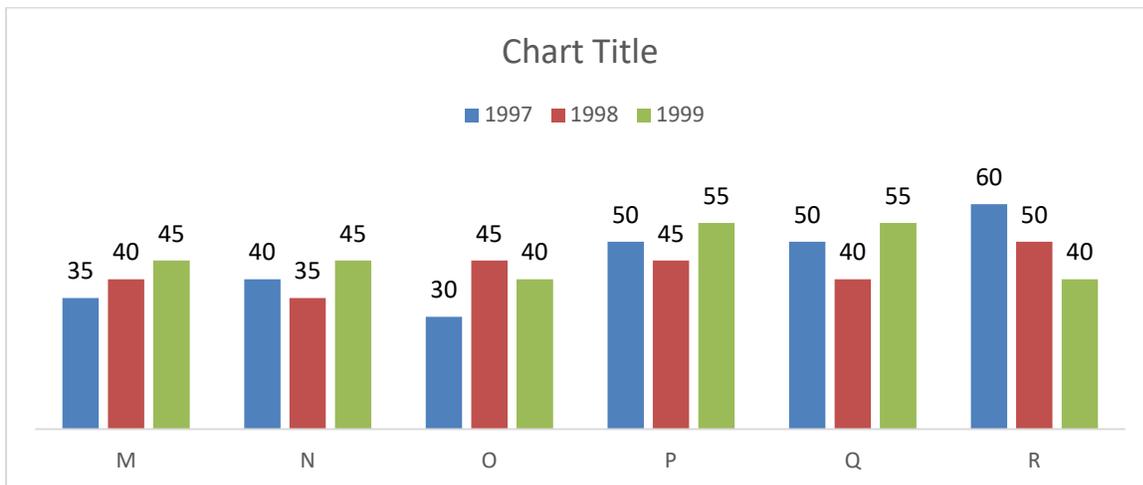
Q.14. What is the ratio of the total sales of branch A2 for both years to the total sales of branch A4 for both years?

- a) 2:3
- b) 7:9
- c) 4:5
- d) 5:7

Q.15. What percent of the average sales of branches A1, A2 and A3 in 2001 is the average sales of branches A1, A3 and A6 in 2000?

- a) 87.5%
- b) 77.5%
- c) 82.5%
- d) 85%

The graph shows the production of wheat in 6 states in 1997, 1998 and 1999. Study the graph and answer the below:



Q.16. What is the ratio of minimum production and maximum production in any of the given states in any of the given years?

- a) 1:2
- b) 2:3
- c) 1:3
- d) 3:4

Q.17. The total production in three years in state M is what percent of the total production in state R in three years?

- a) 120%
- b) 112%

- c) 80%
- d) 83.33%

Q.18. What is the average difference between the production for all states in 1998 and that in 1999?

- a) 2.17 lakh tonnes
- b) 6.14 lakh tonnes
- c) 4.17 lakh tonnes
- d) 7 lakh tonnes

Q.19. From 1998 to 1999 the percent increase is maximum for which state(s)?

- a) M
- b) O
- c) Q
- d) N

Q.20. The total production in all states in 1997 was approximately what percent of that in 1999?

- a) 90%
- b) 77%
- c) 85%
- d) 88%

LOGIC

A. It can be argued that much consumer dissatisfaction with marketing strategies arises from an inability to aim advertising at only the likely buyers of a given product. There are three groups of consumers who are affected by the marketing process. First, there is the market segment—people who need the commodity in question. Second, there is the program target—people in the market segment with the “best fit” characteristics for a specific product. Lots of people may need trousers, but only a few qualify as likely buyers of very expensive designer trousers. Finally, there is the program audience—all people who are actually exposed to the marketing program without regard to whether they need or want the product.

These three groups are rarely identical. An exception occurs occasionally in cases where customers for a particular industrial product may be few and easily identifiable. Such customers, all sharing a particular need, are likely to form a meaningful target, for example, all companies with a particular application of the product in question, such as high-speed fillers of bottles at breweries. In such circumstances, direct selling (marketing that reaches only the program target) is likely to be economically justified, and highly specialized trade media exist to expose members of the program target—and only members of the program target—to the marketing program.

Most consumer-goods markets are significantly different. Typically, there are many rather than few potential customers. Each represents a relatively small percentage of potential sales. Rarely do members of a particular market segment group themselves neatly into a meaningful program target. There are substantial differences among consumers with similar demographic characteristics. Even with all the past decade's advances in information technology, direct selling of consumer goods is rare, and mass marketing—a marketing approach that aims at a wide audience—remains the only economically feasible mode. Unfortunately, there are few media that allow the marketer to direct a marketing program exclusively to the program target. Inevitably, people get exposed to a great deal of marketing for products in which they have no interest and so they become annoyed.

Q.21. The passage suggests which of the following about highly specialized trade media?

- a) They should be used only when direct selling is not economically feasible.
- b) They can be used to exclude from the program audience people who are not part of the program target.
- c) They are used only for very expensive products.
- d) They are rarely used in the implementation of marketing programs for industrial products.

Q.22. The passage suggests which of the following about direct selling?

- a) It is used in the marketing of most industrial products.
- b) It is often used in cases where there is a large program target.
- c) It is not economically feasible for most marketing programs.
- d) It is used only for products for which there are many potential customers.

Q.23. Which of the following best exemplifies the situation described in the last two sentences of the passage?

- a) A product suitable for men age 60 and over is advertised in a magazine read by adults of all age customers.
- b) A company develops a new product and must develop an advertising campaign to create a market for it.

- c) An idea for a specialized product remains unexplored because media exposure of the product to its few potential customers would be too expensive.
- d) A new product is developed and marketers collect demographic data on potential consumers before developing a specific advertising campaign.

Q.24. The passage supports which of the following statements about demographic characteristics and marketing?

- a) Demographic research is of no use in determining how successful a product will be with a particular group of consumers.
- b) A program audience is usually composed of people with similar demographic characteristics
- c) Psychological factors are more important than demographic factors in defining a market segments.
- d) Consumers with similar demographic characteristics do not necessarily form a meaningful program target.

Q.25. It can be inferred from the passage that which of the following is true for most consumer-goods markets?

- a) The program audience is smaller than the market segment.
- b) The program target and the program audience are not usually identical.
- c) The market segment and the program target are usually identical.
- d) The program target is larger than the market segment.

B. Many readers assume that, as a neoclassical literary critic, Samuel Johnson would normally prefer the abstract, the formal, and the regulated to the concrete, the natural, and the spontaneous in a work of literature. Yet any close reading of Johnson's criticism shows that Johnson is not blind to the importance of the immediate, vivid, specific detail in literature; rather, he would underscore the need for the *telling* rather than the merely *accidental* detail.

In other ways, too, Johnson's critical method had much in common with that of the Romantics, with whom Johnson and, indeed, the entire neoclassical tradition are generally supposed to be in conflict. Johnson was well aware, for example, of the sterility of literary criticism that is legalistic or pedantic, as was the case with the worst products of the neoclassical school. His famous argument against the slavish following of the "three unities" of classical drama is a good example, as is his defense of the supposedly illegitimate "tragicomic" mode of Shakespeare's latest plays. Note, in particular, the basis of that defense: "That this is a practice contrary to the rules of criticism," Johnson wrote, "will be readily allowed; but there is always an appeal from criticism to nature."

The sentiment thus expressed could easily be endorsed by any of the Romantics; the empiricism it exemplifies is vital quality of Johnson's criticism, as is the willingness to jettison "laws" of

criticism when to do so makes possible a more direct appeal to the emotions of the reader. Addison's *Cato*, highly praised in Johnson's day for its "correctness," is damned with faint praise by Johnson: "*Cato* affords a splendid exhibition of artificial and fictitious manners, and delivers just and noble sentiments, in diction easy, elevated, and harmonious, but its hopes and fears communicate no vibration to the heart." Wordsworth could hardly demur.

Even on the question of poetic diction, which, according to the usual interpretation of Wordsworth's 1800 preface to the *Lyrical Ballads*, was the central area of conflict between Romantic and Augustan, Johnson's views are surprisingly "modern." In his *Life of Dryden*, he defends the use of a special diction in poetry, it is true; but his reasons are all-important. For Johnson, poetic diction should serve the ends of direct emotional impact and ease of comprehension, not those of false profundity or grandiosity. "Words too familiar," he wrote, "or too remote, defeat the purpose of a poet. From those sounds which we hear on small or on coarse occasions, we do not easily receive strong impressions, or delightful images; and words to which we are nearly strangers, whenever they occur, draw that attention on themselves which they should transmit to things." If the poetic diction of the neoclassical poets, at its worst, erects needless barriers between reader and meaning, that envisioned by Johnson would do just the opposite: it would put the reader in closer contact with the "things" that are the poem's subject.

Q.26. The author of the passage develops her points about Johnson primarily by

- a) contrasting Johnson's critical methods with those of his contemporaries
- b) citing specific illustrations drawn from Johnson's work
- c) alluding to contemporary comments about Johnson's theories
- d) quoting Johnson's remarks about the critical approaches prevalent in his own day

Q.27. The passage implies that the judging of literary works according to preconceived rules

- a) tends to lessen the effectiveness of much modern literary criticism
- b) is the primary distinguishing mark of the neoclassical critic
- c) characterizes examples of the worst neoclassical criticism
- d) is the underlying basis of much of Johnson's critical work

Q.28. According to the author, Johnson's defense of Shakespeare's latest plays illustrates Johnson's reliance on which of the following in his criticism?

- a) The sentiments endorsed by the Romantics
- b) The criteria set forth by Wordsworth in his 1800 preface to the *Lyrical Ballads*
- c) His own experience and judgment
- d) The principles followed by the neoclassical school of criticism

Q.29. According to the passage, Johnson’s views on the use of a special diction in the writing of poetry were

- a) “modern” in their rejection of a clear-cut division between the diction of poetry and that of prose
- b) “neoclassical” in their emphasis on the use of language that appeals directly to the emotions of the reader
- c) “Romantic” in their defense of the idea that a special diction for poetry could be stylistically effective
- d) “modern” in their underlying concern for the impact of the literary work on the sensibility of the reader

Q.30. Which one of the following statements best summarizes the main point of the passage?

- a) Although many of Johnson’s critical opinions resemble those of the neoclassical critics, his basic concerns are closer to those of the Romantics.
- b) The usual classification of Johnson as a member of the neoclassical school of criticism is based on an inaccurate evaluation of his critical theories and ideals.
- c) The Romantic critics were mistaken in their belief that the critical ideas they formulated represented a departure from those propounded by Johnson.
- d) Although many of Johnson’s critical opinions resemble those of the Romantic critics, his basic concerns are closer to those of the neoclassical critics.

CURRENT AFFAIRS

I. India’s Prime Minister, Shri Narendra Modi, had claimed a landslide victory in national elections that cements the Hindu nationalist leader as the country’s most formidable politician in decade in the month of May 2019. Modi’s ruling Bharatiya Janata party (BJP) had been expected to easily form a governing coalition with smaller allies, but official results showed the party ahead in at least 300 seats, comfortably beyond the 272 seats required for a majority in the lower house of parliament. Its main national opponent, Congress, was leading in just 50 constituencies and its party president, Rahul Gandhi, was turfed out of his family’s bastion seat of Amethi in Uttar Pradesh state. Later, fifty-seven ministers from various constituencies had taken oath with the Prime Minister. [A] was chosen as the pro-tem Speaker of the Lok Sabha. [B] from Odisha became the youngest Member of Parliament. The Modi cabinet also saw the inculcation of a new unified ministry [C] aimed at providing clean water as well as fighting water crisis and related problems in India.

[Source: Extracted with edits from The Guardian]

<https://www.theguardian.com/world/2019/may/23/india-election-results-narendra-modi-bjp-victory>

Q.31. Identify the person whose name has been redacted with [A] in the aforementioned in the aforementioned passage?

- a) Birla Om
- b) Lal Krishna Advani
- c) Virendra Kumar
- d) Sumitra Mahajan

Q.32. Identify the person whose name has been redacted with [B] in the aforementioned in the aforementioned passage? Furthermore, what is the minimum age to be eligible as a member of Rajya Sabha?

- a) T. Surya; 30
- b) Anurag Thakur; 25
- c) Nusrat Jahan; 25
- d) None of the above

Q.33. Identify the name of the ministry whose name has been redacted with [C] in the aforementioned in the aforementioned passage?

- a) Swachh Jal Ministry
- b) Ministry of Drinking Water and Sanitation
- c) Ministry of Water Resources
- d) Jal Shakti Ministry

Q.34. Which of the following is factually incorrect about the 2019 General Elections?

I. The 2019 General Elections were the 17th Lok Sabha Elections in India.

II. The Lok Sabha Elections were conducted in 7 phases through-out India.

III. The Bhartiya Janta Party [BJP] was the single largest party with 303 seats.

IV. Leaders of South Asian Association for Regional Cooperation were invited to the oath-taking ceremony.

- a) Only II
- b) Only IV
- c) II and IV
- d) II, III and IV

Q.35. Which article of the Indian Constitution states that the Election Commission of India shall be vested with the function of superintendence, direction and control of General Election in India?

- a) Article 321
- b) Article 324
- c) Article 221
- d) Article 311

II. The Member of Parliament of [A] have approved a motion to declare an environment and climate emergency. This proposal, which demonstrates the will of the MPs on the issue but does not legally compel the government to act, was approved without a vote. [B] who tabled the motion, said it was "a huge step forward". Environment Secretary acknowledged there was a climate "emergency" but did not back the ruling party' demands to declare one.

The declaration of an emergency was one of the key demands put to the government by environmental activist groups in a series of protests over recent weeks. "This can set off a wave of action from parliaments and governments around the globe. We pledge to work as closely as possible with countries that are serious about ending the climate catastrophe and make clear to US President Donald Trump that he cannot ignore international agreements and action on the climate crisis", said the Environment Secretary

[Source: Extracted with edits from The Guardian, <https://www.bbc.com/news/politics-48126677>]

Q.36. Identify the name of the country whose name has been replaced with [A] in the aforementioned passage?

- a) Norway
- b) France
- c) United Kingdom
- d) None of the above

Q.37. Identify the name of the Member of Parliament whose name has been replaced with [B] in the aforementioned passage, who had proposed the motion to declare an environment and climate emergency?

- a) Jeremy Corbyn
- b) Boris Johnson
- c) Henry Du Ford
- d) Sam Williamson

Q.38. What was India's rank in the Climate Change Performance Index 2020?

- a) 8th
- b) 9th
- c) 7th
- d) None of the above.

Q.39. Under the Indian Constitution, which of the following is/are not recognized form of emergencies?

I. State Emergency.

II. Financial Emergency

III. Health Emergency

IV. National Emergency

V. Armed Conflict Emergency

VI. Climate Emergency

VII. Disaster Emergency

- a) II, III, V and VI
- b) III, V, VI and VII
- c) II, V, VI and VII
- d) V, VI and VII

Q.40. Recently Financial Emergency was in news owing to Covid-19 outbreak and economic slowdown, when several petitions were filed in the March 2020 before the Supreme Court of India praying it to direct the government to declare the same.

In the light of the same, which of the following statement is factually incorrect about the Financial Emergency under Article 360 of the Indian Constitution?

I. The fundamental rights, except Article 14 and 21 remain suspended during Financial Emergency.

II. Financial Emergency has been imposed in India in the year 1991 once.

III. The Proclamation of Financial Emergency has to be laid only in the Lok Sabha.

IV. The Proclamation of Financial Emergency ceases to operate at the expiration of two months.

- a) I, II and IV
- b) II and III
- c) I and IV

d) I, II and III

DEDUCTIVE REASONING

Problem 1 (5 Questions)

The right to privacy in India has originated from two distinct sources: the law of torts and constitutional law. The tortious liability arising out of breach of the private space by unlawful means, which has been recognised by law courts across the world as a means of protecting privacy finds its place within the Indian framework, though in a limited manner. Invasion into the privacy of a person under tort law, especially relating to individual's family and matrimonial matters, procreation, education and the like, are actionable as such, except in situations where either the publication of such information falls within the public domain, or is done by a public servant in the course of his employment, for a lawful purpose - unless the publication of such information is proved to be false or malicious.

People's Union for Civil Liberties v. Union of India, 1995 was a challenge to section 5(2) of the Telegraph Act, 1885 which permits the interception of messages in cases of public emergency or in the interest of public safety. The Supreme Court held that the right to privacy included the right to hold a telephone conversation in the privacy of one's home or office and that telephone tapping, a form of technological eavesdropping' infringed the right to privacy. The court found that the government had failed to lay down a proper procedure under section 5 (2) (b) of the Act to ensure procedural safeguards against the misuse of the power under section 5(2).

In People's Union for Civil Liberties v. Union of India, 2004 the Supreme Court held that electoral candidates were under a duty to disclose information about their antecedents, including their assets and liabilities, and could not be protected by any right to privacy when it came to disclosing information which the public had a right to know. Where there are competing interests, the right to privacy of the individual and the right to information of the citizen, in the public interest, the former has to yield to the latter. In any event, the disclosures required to be made by an electoral candidate (pertaining to assets and liabilities as also the criminal records) are matters of public record and there was therefore no infringement of the right to privacy.

[Extracted, with edits and revisions, from Tarafder, Agnidipto. "SURVEILLANCE, PRIVACY AND TECHNOLOGY: A COMPARATIVE CRITIQUE OF THE LAWS OF USA AND INDIA." Journal of the Indian Law Institute, vol. 57, no. 4, 2015, pp. 550–578. JSTOR, www.jstor.org/stable/44782800.]

Q.41. Mr. Saloman Khan had posted an ad for his marriage in a local newspaper. He was a rich businessman but had hidden his education so far due to shyness of not attending the high school. Some of his friends came across this ad in which he had mentioned his educational background as up to primary school. They started mocking this everywhere publicly. They also told this to

one of the families who had visited his house for marriage proposal and were unaware about the ad. Decide in light of law of torts.

- a) The friends invaded into Mr. Saloman's privacy when they mocked him publicly because of his education
- b) The friends invaded into Mr. Saloman's privacy when they told about his education to the family who visited for marriage proposal
- c) Both a and b
- d) There is no invasion in Mr. Saloman's privacy

Q.42. Red Tomatoes is a private company. They wanted to extract some information about Saloman Khan's annual income. The engaged Fox Investigations another private organisation to find this out. They approached a retired income tax officer to help them extract this information which was not otherwise available. Decide in light of law of torts.

- a) There is no invasion in Saloman Khan's privacy because income tax officer is a public servant
- b) There is no invasion in Saloman Khan's privacy because income tax officer is retired and he did not do anything in his course of employment
- c) Saloman Khan's privacy has been invaded because it is his personal information not available in public domain
- d) None of the above

Q.43. Which of the following could be an infringement of privacy in light of People's Union for Civil Liberties v. Union of India, 1995

- a) Government bringing a law to scrutinise WhatsApp messages before forwarding them
- b) Telephone operators recording calls made to customer care for technical purpose
- c) Both a and b
- d) Neither a nor b

Q.44. The Right to Information (RTI) Act allows the citizen to request for certain information from the government which is not otherwise available but is important for the public to know. Messi Mehta, a political activist has filed an RTI Application, requesting medical information of the Member of Parliaments. He has argued that it is important to ensure good health of the representatives for the proper discharge of their duties.

- a) The requested information can be protected under privacy of the candidates
- b) The requested information must be provided because MPs are working in public domain
- c) The requested information must be provided because it is required for a lawful purpose
- d) Both b and c

Q.45. Anil Verma, an upcoming politician nominated himself to contest the Bihar Assembly Elections. He was asked to submit the details of his income and its source. He challenged it as being infringement in his right to privacy, **decide.**

- a) He can be asked to disclose his income but not the source
- b) He should disclose both because the right to information should yield to the right to right to privacy of the individual and
- c) He cannot be compelled to disclose any information because it is not in public domain
- d) None of the above

Problem 2 (5 Questions)

The President of India has promulgated an ordinance on Prohibition of Electronic Cigarettes (production, manufacture, import, export, transport, sale, distribution, storage and advertisement) Ordinance, 2019 (“Ordinance”). The Ordinance bans and more importantly criminalises the production, manufacture, import, export, transport, sale, distribution, storage and advertisement of Electronic Nicotine Delivery Systems (“ENDS”, commonly referred to as e-cigarettes). It requires declaration and deposit of existing stocks with the nearest police station. While restriction under the Ordinance appears to be on stocking for the purposes of sale, distribution or advertising only, it is unclear whether authorities would take action in cases of personal possession and consumption as well. The government has resorted to its ordinance making powers, citing extreme urgency. The issue in respect of regulation of ENDS, however, has been in the news for over a year now since the release of the Advisory by the Ministry of Health and Family Welfare.

The Delhi High Court had taken a preliminary view that ENDS do not fall under the scope of Section 3 (b) of the Drugs and Cosmetics Act, 1940 (“D&C Act”), which provides the definition of what constitutes a ‘drug’ for the purposes of the D&C Act. Regulating ENDS as medication or drugs would imply that entire supply chain, from manufacture to sale, would constitute a licensed activity, and hence only those players who have been able to obtain a license from the drug regulator after submitting the relevant supporting documentation (safety and efficacy data in the case of manufacture) would be able to deal in ENDS. Unless a specific exemption is provided, regulated ENDS would only be able to be sold through a pharmacy, possibly on the basis of a prescription only (depending on the category that ENDS are classified under). UK and France are countries which initially tried regulating e-cigarettes as medication, but eventually turned to regulating them as tobacco products.

The Ordinance imposes blanket prohibition without analysing any substantive evidence in respect of the harmful effects of ENDS. An outright ban on ENDS could therefore be arbitrary and violative of fundamental rights of consumers. Further, there seems to be no intelligible

differentia in only banning ENDS and allowing the manufacture and sale of cigarettes, which are also proven to be harmful and are yet widely consumed across the country.

[Extracted, with edits and revisions, from

http://www.nishithdesai.com/fileadmin/user_upload/Html/Hotline/190920_Annexure_Prohibition_of_E_Cigarettes.html]

Q.46. Mukesh had a cigarette company called Puff Puff Pass (“P3”). He had decided to stop selling cigarettes, when his last stock gets over and invest in e-cigarettes. The first shipping of e-cigarettes was to be delivered in a month when the aforementioned ordinance came into effect. He had some of the cigarettes still stocked.

- a) He need to obtain a license for possessing the same under new ordinance before selling
- b) He is required to declare and deposit the stocks with the nearest police station
- c) He should destroy the stocks on his own
- d) None of the above

Q.47. After forty days of the promulgation of the ordinance, the new shipment is delivered to Mukesh in New Delhi. He cited his inability to accept the shipment and returned the same. The manufacturers agreed to return his money once the shipment reaches back to them. However, he kept some of the e-cigarettes for his personal use.

- a) He need to register the same under new ordinance before keeping them
- b) He is required to declare and deposit the e-cigarettes with the nearest police station
- c) He should destroy them on his own without consuming
- d) None of the above

Q.48. Mukesh made arrangements for the return of the shipment from the ports of Mumbai. While the shipment was in transmission to be returned, the truck going from New Delhi to Mumbai was held.

- a) The shipment has been held rightly because transport is banned
- b) Mukesh could be punished for the transportation
- c) There has been no offence committed
- d) Both a and b

Q.49. Mukesh’s brother Harane has a pharmacy of his own with all due compliances. He asked Mukesh to give him some of the e-cigarettes promising him that he will only sell them on prescription. Mukesh agreed.

- a) Harane’s pharmacy can sell them after checking the prescription
- b) The pharmacy can sell them even without a prescription
- c) It cannot be sold

- d) He will have to obtain a license from the drug regulator after submitting the relevant supporting documentation for the sale

Q.50. Which of the following, if happens, would be supported by the authors point of view

- a) Removal of ban from e-cigarettes
 b) Complete ban on cigarettes
 c) Both a and b
 d) Neither a nor b

ANSWER KEY

1.	B	
2.	A	Explanation- The correct spelling is Superintendent
3.	C	Explanation- 'people were targeting the police to take out their frustration at the mess created by the coronavirus lockdown, which has exposed glaring failures of planning and implementation by the government.'
4.	D	Explanation- 'Kuldeep Singh Chahal, said he was not aware of any such incident. "I have given strict instructions to my personnel to refrain from high handedness," he said'
5.	A	Explanation- Harjyot was on his way to collect the body therefore not b. He was beaten up before he could explain himself, therefore not c.
6.	C	Explanation- 'partly democratic in other respects such as the near-collapse of the criminal justice system'
7.	A	Explanation- 'No one can transfer to another person his natural right, or ability, to think freely and make his own judgments about any matter whatsoever, and cannot be compelled to do so. That is why a government which seeks to control minds is considered oppressive'
8.	B	Explanation- 'For example, if a speech, book, painting or film might provoke or lead to large scale violence, bloodshed and anarchy, thereby threatening the survival or integrity of the state, perhaps it should not be allowed to circulate freely.'
9.	C	Explanation- Subject verb agreement dictates that 'limits', in the plural, must be followed by 'have' and 'essay', in the singular, must be followed by 'goes'
10.	D	
11.	D	Explanation: Total sales of branches A1, A3 and A5 for both the years(in thousand numbers) $= (80 + 105) + (95 + 110) + (75 + 95) = 560.$
12.	C	Explanation: Required Percentage = $[(70 + 80)/(95 + 110) * 100]\% = (150/205 * 100)\% = 73.17\%$
13.	B	Explanation: Average sales of all the six branches (in thousand numbers) for the year 2006 = $1/6 * [80 + 75 + 95 + 85 + 75 + 70] = 80$

14.	B	Explanation: Required Ratio = $(75 + 65)/(85 + 95) = 140/180 = 7/9$
15.	A	Explanation: Average sales of branches A1, A3 and A6 in 2000 = $1/3 \times (80 + 95 + 70) = 245/3$ Average sales of branches A1, A2 and A3 in 2001 = $1/3 \times (105 + 65 + 110) = 280/3 = [(245/3)/(280/3) \times 100]\% = (245/280 \times 100)\% = 87.5\%$
16.	A	Explanation: Minimum production = 30 lakh tones (O in 1997) Maximum production = 60 lakh tones (R in 1997) Required ratio = 30:60 = 1:2.
17.	C	Explanation: Required percentage = $120/150 \times 100 = 80\%$
18.	C	Explanation: Required average = $(280 - 255)/6 = 4.17$ lakh tonnes
19.	D	Explanation: For state M = increase % = $5/40 \times 100 = 12.5\%$ For state N = increase % = $10/35 \times 100 = 28.57\%$ For state O = decrease % = $5/45 \times 100 = 11.11\%$ For state P = increase % = $10/45 \times 100 = 22.22\%$ For state Q = increase % = $10/40 \times 100 = 25\%$ For state R = decrease % = $10/50 \times 100 = 20\%$ Maximum increase % is for state N
20.	B	Explanation: Required percentage = $215/280 \times 100 = 76.79\% = 77\%$ (Approximately)
21.	B	
22.	C	
23.	A	
24.	D	
25.	B	
26.	B	
27.	C	
28.	C	
29.	D	
30.	A	
31.	C	
32.	D	
33.	D	
34.	C	

35.	B	
36.	C	
37.	A	
38.	B	
39.	B	
40.	D	
41.	D	Since the information was already in the newspapers, it is in the public domain.
42.	C	There has been an invasion in his privacy. As referred in first para, the information did not fall in public domain, nor was it extracted for a lawful purpose
43.	A	The 1995 judgement talks about eavesdropping. While scrutinising messages will be an eavesdropping in one's personal space, telephone operators recording calls made to customer care for technical purpose will be not because they inform that beforehand and there is nothing secretly done but is a part of your problem redressal.
44.	A	Medical details are not necessary for disclosure. The disclosure is also limited. Although the MPs are working in public domain, all of their information is available for public. The purpose can also not said to be lawful
45.	D	Refer to 2004 SC case. "Where there are competing interests, the right to privacy of the individual and the right to information of the citizen, in the public interest, the former has to yield to the latter"
46.	D	The stock is not of e-cigarettes, which are not regulated by the ordinance
47.	D	Refer to "While restriction under the Ordinance appears to be on stocking for the purposes of sale, distribution or advertising only, it is unclear whether authorities would take action in cases of personal possession and consumption as well
48.	D	The Ordinance bans and more importantly criminalises the production, manufacture, import, export, transport, sale, distribution, storage and advertisement of Electronic Nicotine Delivery Systems ("ENDS", commonly referred to as e-cigarettes). This includes transport of the e-cigarettes too
49.	C	The pharmacy can only sell them if they are classified as drugs. But Delhi High court has already rejected the plea, and hence it is not the case here. It still cannot be sold.

50.	D	The author neither supports a complete ban on cigarettes, he only points out the lack of intelligible differentia. Similarly, he does not favour removal of the ban from e-cigarettes but only points out that the ordinance has been brought with proper evidentiary support
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