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Q6

(a) Whistle blower, who reports corruption and illegal activities, wrongdoing and misconduct to the concerned authorities, runs the risk of being exposed to grave danger, physical harm and victimization by the vested interests, accused persons and his team. What policy measures would you suggest to strengthen protection mechanism to safeguard the whistle blower? (b) In contemporary world, corporate sector's contribution in generating wealth and employment is increasing. In doing so, they are bringing in unprecedented onslaught on the climate, environmental sustainability and living conditions of human beings. In this background, do you Responsibility (CSR) is efficient and sufficient enough to fulfil the social roles and responsibilities needed in the corporate work mandated? Critically examine.

UPSC Civil Services Mains 2022 · GS IV · 10 marks · Probity in Governance

Probity in Governance: Concept of public service; Philosophical basis of governance and probity; Information sharing and transparency in government, Right to Information, Codes of Ethics, Codes of Conduct, Citizen's Charters, Work culture, Quality of service delivery, Utilization of public funds, challenges of corruption.

Core demand of the question

- (a) Policy measures to strengthen protection of whistle-blowers who report corruption and misconduct
- (b) In a world of corporate wealth and environmental onslaught, is Corporate Social Responsibility (CSR) efficient and sufficient for the social and environmental duties of the corporate sector? Critically examine. (Official stem truncated as "do you Responsibility (CSR)".)

Revision summary

Whistle-blowers risk harm; policy must make the 2014 Act usable with secrecy, security, anti-retaliation and several reporting doors.

Lokpal, **CVC and the Prevention of Corruption Act, 1988** are companion channels.

CSR under **Companies Act, 2013, Section 135** is a mandated profit-share for listed social spend.

It can help locally and is often inefficient branding.

It is not sufficient for environmental and labour duties, which sit in the firm's core operations and in regulation.

Introduction

A whistle-blower is useful to the republic and dangerous to a nexus. Part (a) asks how to keep that person alive and employed. Part (b) asks whether **Section 135** spending can stand in for the full social and climate duty of a firm.

Body

(a) Policy measures to protect whistle-blowers

- A whistle-blower reports corruption, illegality or grave misconduct to a competent authority and is then at risk of transfer, dismissal, assault or a false case.
- The **Whistle Blowers Protection Act, 2014** is the Union's dedicated statute. It needs full, notified, usable machinery: a competent authority that is independent of the accused office, time-bound inquiry, and penalties for victimisation.
- Identity protection must be default, with disclosure only when the inquiry truly cannot proceed otherwise, and with criminal cost for leaking a name to the accused.
- **Physical security:** a graded protocol with the police when a threat is credible, including for family, because victimisation is often domestic.
- **Career protection:** a bar on punitive transfer, adverse ACR and suspension that is in substance retaliation; a fast external review of such orders.
- Reverse burden in departmental inquiry where the timing of punishment closely follows a protected disclosure, so that the organisation must justify the coincidence.
- **Multiple doors:** **Lokpal and Lokayuktas Act, 2013**; the **Central Vigilance Commission**; the **Prevention of Corruption Act, 1988** complaint route; and sector regulators (SEBI, RBI) with their own safe channels.
- Anonymous and digitally secure intake that still filters malice, so that a honest junior is not forced to sign a death warrant with a name-stamp.
- Compensation and interim relief if the person is suspended or attacked, funded so that silence is not the cheaper option.
- Witness-protection style measures for the few cases that go to criminal trial, aligned with the Supreme Court's witness-protection directions.
- **Culture:** training that treats a protected disclosure as duty, not as disloyalty, and punishment of the official who hunts the messenger.
- Media leak is not the first policy. It is a last resort when every competent door is captured. The policy aim is a safe official door that works.

(b) Is CSR efficient and sufficient?

- Corporate Social Responsibility in India is given statutory form by **Section 135** of the Companies Act, 2013, which requires specified companies to spend a prescribed share of profits on listed social activities, with board oversight.
- **Efficiency:** CSR can fund schools, health camps and a local pond with speed that a distant budget line may lack, and it can use a firm's logistics.
- **Inefficiency:** much spending is advertisement, a temple wall, or a safe urban project far from the factory's actual pollution. Impact measurement is still weak.
- **Capture:** a promoter's pet trust can recycle the mandate as branding. That is not a social duty discharged; it is a marketing line item.
- **Sufficiency:** CSR is not sufficient for corporate social and environmental roles. A firm that spends two per cent and poisons a river has not balanced the ledger.

- **The real duties are in the operating core:** tax honesty, lawful labour, occupational safety, product quality, and pollution control under the **Environment (Protection) Act, 1986** and related water and air laws.
- Climate duty needs science-based cuts, disclosure, and an end to greenwashing, not only a tree-plantation photograph booked as CSR.
- Employment and supply-chain dignity - no child labour, no unpaid contract workers - are not optional CSR; they are the social role of a firm that generates wealth.
- The "unprecedented onslaught" named in the stem is produced by production and extraction. CSR that does not change production is a bandage on a wound the firm is still cutting.
- **Critical conclusion:** keep **Section 135** as a floor of giving, tighten disclosure and independent audit of CSR, and never treat it as a substitute for regulation, carbon rules, labour inspection and director liability.
- **A sufficient corporate ethic is:** do not harm in the main business; then the CSR rupee can help. The reverse order is public-relations ethics.

Flow diagram

Whistle-blower -> Whistle Blowers Protection Act 2014
 Whistle Blowers Protection Act 2014 -> Identity and career shield
 Whistle Blowers Protection Act 2014 -> Lokpal CVC PCA
 Section 135 Section 135 CSR -> Useful giving
 Tax labour pollution climate -> Real corporate duty
 Greenwash Section 135 CSR -> Insufficient

Conclusion

Whistle-blowers need a working 2014 Act, identity and career shields, and several competent doors. CSR under **Section 135** can be a useful floor of spending. It is neither efficient when captured as branding, nor sufficient when the firm's main business still injures labour, climate and neighbours.

Facts & figures

Whistle Blowers Protection Act, 2014

The Union statute to receive public-interest disclosures on corruption and to protect the identity of the complainant against victimisation; implementation has been widely criticised as incomplete.

Lokpal and Lokayuktas Act, 2013

Creates a Lokpal at the Union and requires Lokayuktas in States; a parallel door for allegations against public functionaries.

Prevention of Corruption Act, 1988

The principal criminal law on bribery and related offences by public servants, including after the 2018 amendments on commercial organisations.

Companies Act, 2013, Section 135

The CSR clause: specified companies must constitute a CSR committee and spend a prescribed portion of average net profits on Schedule VII activities.

Environment (Protection) Act, 1986

The umbrella environmental statute; a factory's duty to comply is not discharged by a CSR plantation while the stack still violates consent.

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