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PAPER IV: ETHICS, INTEGRITY & APTITUDE

125 CASE STUDIES: APPROACH & SOLUTION

DEFINITIVE GUIDE TO MASTERING UPSC ETHICS



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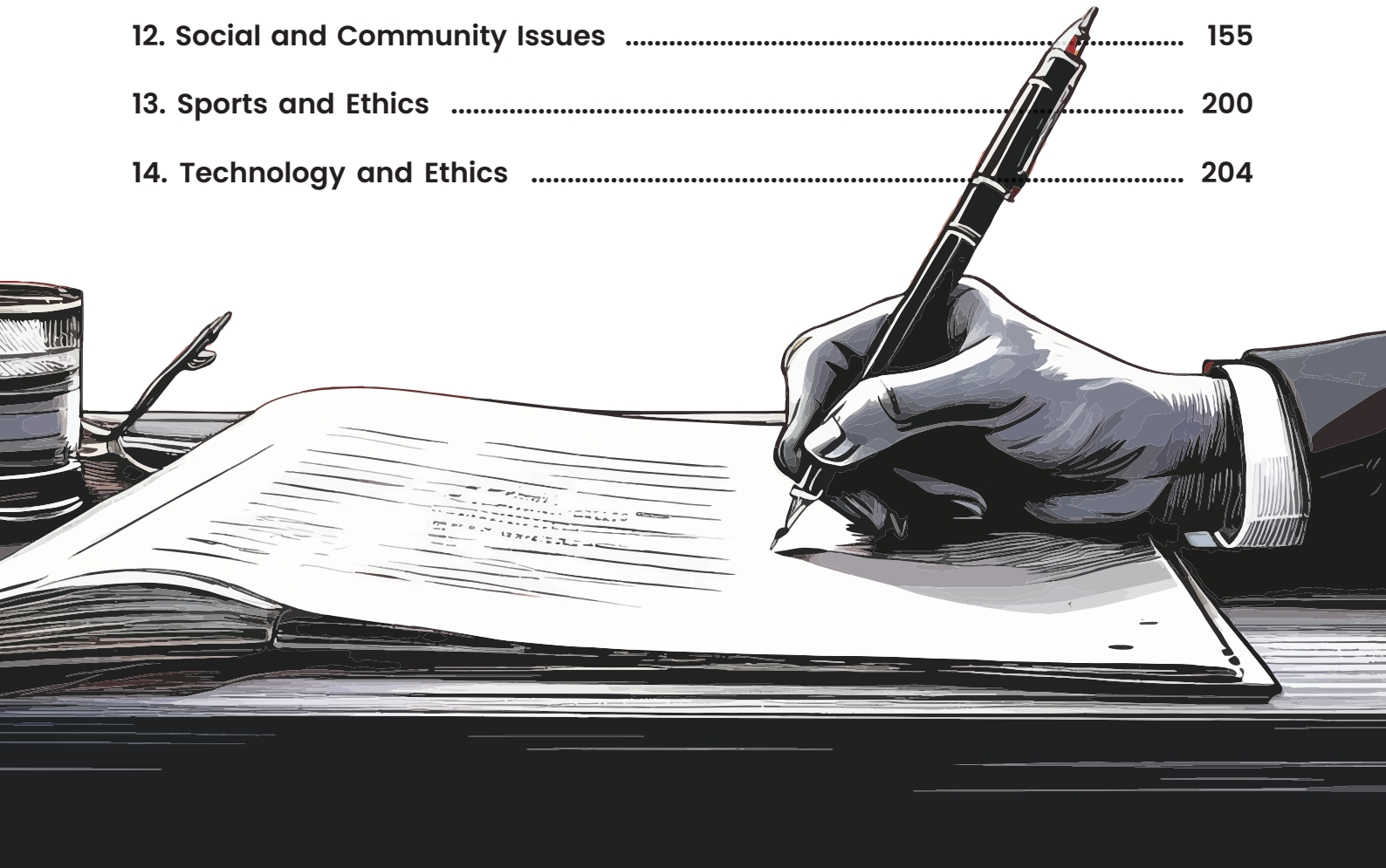
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HOW TO APPROACH THE COMPILATION OF 125 CASE STUDIES

Introduction

The Ethics, Integrity and Aptitude paper in the UPSC Civil Services (Mains) Exam is a crucial component that tests a candidate's ability to apply ethical principles to real-world scenarios. With a compilation of 125 case studies at your disposal, you have a valuable resource for your preparation. Here's a comprehensive guide on how to approach this compilation effectively:

Understanding the Importance of Case Studies

Case studies in the Ethics paper serve to evaluate:

- **Analytical Ability:** Your capability to dissect complex situations.
- **Ethical Competence:** Your understanding and application of ethical principles.
- **Decision-Making Skills:** How you make judicious choices in difficult situations.
- **Empathy and Integrity:** Your ability to empathize with different stakeholders and maintain integrity.

Steps to Approach the Compilation of 125 Case Studies

Familiarize Yourself with the Broad Areas

Each of the 14 areas represents a critical aspect of ethics in public service. Understanding these categories will help you tailor your responses to fit the context of each case study. Here's a brief overview:

Animal Rights and Ethics

- **Animal Welfare**: Ensuring ethical treatment of animals in various settings.
- **Conservation Ethics**: Balancing animal conservation efforts with human activities.
- **Animal Testing**: Addressing ethical issues related to the use of animals in research.
- **Wildlife Protection**: Promoting ethical practices in wildlife conservation and protection.

Corporate Governance and Ethics in Private Organisations

- **Ethical Business Practices**: Addressing unethical practices in corporate settings.
- **Stakeholder Management**: Ensuring fair treatment of all stakeholders, including employees, customers, and shareholders.
- **Whistleblowing**: Deciding whether to report unethical practices.
- **Nepotism and Favoritism**: Addressing bias and preferential treatment in the workplace.
- **Confidentiality**: Balancing transparency with the need to maintain confidentiality.
- **Personal vs. Professional Ethics**: Navigating conflicts between personal beliefs and professional responsibilities.
- **Corporate Social Responsibility (CSR)**: Balancing profit-making with social responsibilities.

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Crisis and Disaster Management

- **Emergency Response**: Ethical considerations in handling natural and man-made disasters.
- **Resource Management during Crises**: Allocating resources ethically during emergencies.
- **Rehabilitation and Relief**: Ensuring fair and just rehabilitation and relief measures.

Education and Ethics

- **Academic Integrity**: Addressing issues of plagiarism, cheating, and unethical behavior in academia.
- **Teacher-Student Relationships**: Maintaining ethical boundaries and fostering a positive educational environment.
- **Policy Implementation in Education**: Ethical considerations in executing educational policies and programs.
- **Educational Equity**: Ensuring fair access to quality education for all.

Environmental Ethics

- **Sustainable Development**: Balancing economic growth with environmental sustainability.
- **Environmental Conservation**: Addressing ethical issues related to conservation and resource use.
- **Climate Change**: Ethical considerations in policies and actions related to climate change mitigation and adaptation.
- **Issues related to Development and Displacement**

Ethical Dilemmas and Personal Integrity

- **Whistleblowing**: Deciding whether to report unethical practices.
- **Nepotism and Favoritism**: Addressing bias and preferential treatment in the workplace.
- **Confidentiality**: Balancing transparency with the need to maintain confidentiality.
- **Personal vs. Professional Ethics**: Navigating conflicts between personal beliefs and professional responsibilities.

Ethics in Administration and Governance

- **Conflict of Interest**: Situations where personal interests may conflict with public duties.
- **Corruption and Probity**: Issues involving bribery, misuse of authority, and ethical dilemmas.
- **Decision Making under Pressure**: Balancing competing interests and making tough decisions.
- **Transparency and Accountability**: Ensuring open governance and holding individuals accountable.
- **Whistleblowing**: Deciding whether to report unethical practices.
- **Nepotism and Favoritism**: Addressing bias and preferential treatment in the workplace.
- **Confidentiality**: Balancing transparency with the need to maintain confidentiality.
- **Personal vs. Professional Ethics**: Navigating conflicts between personal beliefs and professional responsibilities.
- **Foundational Values**

Health and Medical Ethics

- **Patient Rights and Confidentiality**: Balancing patient confidentiality with public health needs.
- **Resource Allocation in Healthcare**: Ethical distribution of medical resources, especially in crisis situations.
- **Medical Research and Ethics**: Ensuring ethical practices in medical research and trials.
- **Healthcare Access and Equity**: Addressing disparities in access to healthcare services.

International Relations and Ethics

- **Diplomacy and International Cooperation**: Ethical considerations in international diplomacy.
- **Humanitarian Interventions**: Balancing national interests with global ethical responsibilities.
- **Global Governance**: Addressing ethical issues in international organizations and agreements.

Media and Journalism Ethics

- **Freedom of Press vs. Responsible Journalism**: Balancing the right to free speech with ethical journalism.
- **Media Bias and Objectivity**: Ensuring unbiased and accurate reporting.

- **Privacy and Public Interest**: Navigating the tension between individual privacy and public interest in media coverage.
- **Ethical Advertising**: Ensuring honesty and integrity in advertising practices.

Public Service Delivery

- **Citizen Grievances**: Handling complaints and grievances from the public.
- **Service Quality and Efficiency**: Improving the effectiveness and quality of public services.
- **Resource Allocation**: Ethical distribution and management of limited resources.
- **Policy Implementation**: Challenges in executing policies effectively and ethically.
- **Bureaucratic Red Tape**: Navigating administrative hurdles and inefficiencies.

Social and Community Issues

- **Social Justice**: Addressing issues related to equity, justice, and fairness.
- **Community Engagement**: Involving communities in decision-making processes.
- **Conflict Resolution**: Mediating disputes within communities.
- **Public Welfare**: Prioritizing public interest and welfare in decision-making.
- **Inclusivity and Accessibility**: Ensuring services are accessible to all sections of society, including marginalized groups.
- **Sexual Harassment at Workplace**

Sports and Ethics

- **Doping and Fair Play**: Addressing issues of doping and maintaining fairness in sports.
- **Sportsmanship and Conduct**: Promoting ethical behavior and sportsmanship.
- **Management of Sports Organizations**: Ensuring ethical management and governance of sports bodies.
- **Equity in Sports**: Addressing disparities and promoting inclusivity in sports.

Technology and Ethics

- **Data Privacy and Security**: Managing ethical issues related to data protection.
- **Artificial Intelligence and Automation**: Addressing the ethical implications of AI and automation in society.
- **Digital Divide**: Ensuring equitable access to technology.

Active Reading and Note-Taking

Don't just read the model answers passively. Engage with the material:

- Before reading the model answer, write your own response to the case.
- Compare your answer with the model answer, noting areas of agreement and divergence.
- Reflect on why the model answer might differ from yours and what you can learn from it.

Read each case study actively, making detailed notes on the following:

- **Stakeholders Involved:** Identify all parties affected by the issue.
- **Ethical Issues and Dilemmas:** List the primary ethical concerns.
- **Exploring the Available Options:** Think of multiple ways to address the problem.
- **Choosing the Best Option/Course of Action:** Consider the implications of each solution on stakeholders.
- **Rationale behind the Choice/Course of Action:** Note your personal stance and rationale.

Connect with Current Affairs

As you study the cases, try to connect them with current events and real-world scenarios. This will help you:

- Understand the relevance of ethical issues in contemporary governance.
- Provide more up-to-date examples in your answers, if appropriate.
- Demonstrate a broader understanding of ethics in practice.

Developing a Systematic Approach

Based on your analysis, develop a strategy to tackle case studies in the exam:

- **Introduction:** Start with a brief overview of the scenario, identifying key stakeholders and ethical issues.
- **Stakeholder Analysis:** Identify and explain the interests of different stakeholders.
- **Ethical Dilemmas/Issues:** Analyse the situation from multiple perspectives and clearly outline the ethical dilemmas and/or issues.
- **Options and Evaluation:** Present multiple solutions, evaluating their pros and cons.
- **Decision and Justification:** Choose the most ethical solution and justify your decision using ethical principles and values.
- **Conclusion:** Summarize your solution and its positive impact.

Apply Ethical Reasoning; Don't Memorize

The exam tests your ability to apply ethical reasoning, not to recite memorized answers. Instead of trying to remember specific case details:

- Focus on understanding the underlying ethical principles.
- Practice applying these principles to various scenarios.
- Develop the skill of ethical analysis rather than rote learning.

Improve Your Answer Writing Skills

Use the model answers as guides to improve your own answer writing:

- Note the structure and flow of well-crafted responses.
- Pay attention to how ethical principles are explicitly referenced and applied.
- Observe how solutions are justified and potential objections addressed.

Practice rewriting some of the model answers in your own words to internalize effective answer strategies.

Practice and Feedback

Practice writing answers to the case studies and seek feedback from peers or mentors. Focus on:

- **Time Management:** Practice completing each case study within a stipulated time.
  - Aim to cover 3-4 case studies per day.
  - Allocate more time to areas you find challenging.
  - Reserve time for revision and mock exercises.
- **Language and Presentation:** Maintain clarity and coherence in your writing.
- **Application of Ethical Principles:** Consistently apply ethical theories and values in your responses.

Review and Revise Regularly

Don't just go through the compilation once. Plan regular revision sessions:

- Revisit cases you found challenging.
- Re-analyze cases from different ethical perspectives.

Update your summaries and mind maps as your understanding evolves.

Create Mind Maps or Summary Sheets

For each broad area, create a visual summary of key concepts, ethical principles, and notable case examples. This will help in quick revision and in making connections between different cases and themes.

Conclusion

Approaching this compilation of 125 Ethics Case Studies systematically will significantly enhance your preparation for the UPSC Mains Ethics paper. Remember, the goal is not just to study these specific cases, but to develop the skills of ethical analysis and decision-making that you can apply to any scenario you encounter in the exam and beyond.

By following these guidelines, you'll not only prepare effectively for the exam but also cultivate valuable skills for your future role as a civil servant. Good luck with your preparations!

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1. Animal Rights and Ethics

1. As the Head of the Municipal Corporation, you are faced with a challenging situation wherein two groups of concerned citizens have approached you. One, expressing their frustrations and concerns regarding the menace caused by street dogs in the city and other, taking steps towards encouraging compassion and humane treatment to these silent beings.

The first plea highlights the rising incidents of stray dogs' attacking or killing the vulnerable members of society especially children. They point to inadequate sterilisation and vaccination of dogs as exacerbating the situation. They demand the immediate removal of street dogs and their relocation elsewhere.

The second plea however points to ineffective animal healthcare and control, illegal breeding centres, pet owners abandoning their pets on the streets as root of the problem. They argue that the system or the people responsible for the situation should be punished, not the animals.

Furthermore, India has laws in place that make it illegal to remove a dog from the streets. This means that once a dog is on the streets, it has a "right" to stay there unless adopted. Balancing the animals' right to life with human safety concerns is proving to be a difficult task.

(a) What are the ethical dilemmas involved in the case?
(b) Evaluate the implications of favouring one plea over the other.
(c) What course of action would resolve the situation in the immediate as well as long term?

Approach:

- Give a brief introduction of the case study.
- Highlight the ethical dilemmas involved in the case.
- Evaluate the implications of favouring one plea over the other.
- Give a course of action that would resolve the situation in the immediate as well as long term.
- Give a brief conclusion.

Answer:

The ethical dilemma in this case revolves around balancing the safety and well-being of humans, particularly vulnerable members of society, with the rights and welfare of street dogs. The conflicting perspectives and demands of the two groups of citizens present a challenging ethical situation.

(a) Ethical dilemma involved in the case

- **Animal versus human rights:** Balancing the legal framework, which promotes animal rights, while ensuring public safety and addressing human concerns presents an ethical challenge.
- **Right to safety versus harmonious existence:** Protecting human life and well-being is an ethical imperative, however, respecting the inherent value and welfare of animals is an important ethical consideration.
- **Comparing different sufferings:** The present case puts human suffering against the welfare of animals who are also sentient beings capable of experiencing pain and suffering.
- **Responsibility as human beings**: While there may be an incentive to reflect on prioritizing the needs of human species vis-a-vis others but humans have an inherent duty to protect other living beings of the ecosystem.

(b) Implications of choosing one plea over the other

Favoring the first plea would have following implications:

- **It would ensure protection of human life** as its well-being is the responsibility of the administration and addressing their concerns is crucial.
- **Immediate removal of street dogs would ensure public safety** by creating a safe environment for people especially vulnerable members like children by rooting out the menace caused by street dogs, which is a valid issue.

- **It would ensure establishment of peaceful atmosphere** devoid of the frustrations and concerns regarding danger posed by the street dogs.

However, **on the other hand, the second plea also has merit, considering the following points:**

- **Animals also have a right to life** and compassionate and humane treatment of these silent beings need to be advocated.
- **It also seems valid legally** as India has laws in place that protect street dogs from removal or harm, emphasizing their right to live on the streets unless adopted.
- **It would hold the right people accountable** for their actions and help in rooting out the case for the menace such as illegal breeding, pet owners for abandonment etc.

(c) Course of action to resolve the situation

In the immediate term

- **Vaccination:** Stray dogs should also be vaccinated against rabies and other diseases to protect both humans and dogs from disease.
- **Create designated feeding areas:** This will help to keep stray dogs from looking for food in public places, which can lead to a conflict with people.
- **Establish animal helplines**: Set up helplines or dedicated channels for reporting animal-related issues, including incidents of aggression or injured street dogs.
- **Mass sterilization:** By sterilizing dogs, they can no longer reproduce, which will help to reduce the number of strays over time.

In the long-term

- **Creation of more animal shelters:** This would provide a safe place for stray dogs to live until they can be adopted.
- **Public education campaigns:** These campaigns could help to change people's attitudes towards stray dogs and encourage them to be more responsible pet owners.
- **Implementing laws**: The government needs to enhance funding in order to spay and neuter strays as well as enforce animal cruelty laws.
- **Promote community involvement:** Partnerships among local residents, NGOs, and animal welfare organizations need to be fostered to engage in activities like adoption drives, fostering programs, and community-led initiatives for the welfare of street dogs.

The ethical dilemma lies in finding a balanced approach that considers the safety and well-being of humans, respects the rights and welfare of animals, and addresses the underlying causes of the issue. It requires thoughtful consideration, collaboration with relevant stakeholders, and the formulation of comprehensive strategies that prioritize both human safety and animal welfare.

2. You are working as a Divisional Forest Officer in an area which is home to tigers. Recently, there have been reports of a tiger venturing into agricultural fields and also killing livestock of villagers. Unfortunately, 2-3 villagers have been killed by some wild animals in last few weeks. Villagers claim that the tiger has killed their fellow villagers and request you to protect their lives and property by either relocating or killing the man-eater tiger. They also obstructed investigation of forest officials to ascertain whether it was the work of tiger or some other animals. Your attempts to trap the tiger have not been successful. Concerned over the delay in killing or relocating the tiger, villagers hire a private hunter to kill the tiger on their own and argue that they have a right to defend themselves and their property. In this context, answer the following questions:

(a) Identify the issues involved in this scenario.

(b) What steps would you take as the Divisional Forest Officer to ensure villagers' safety along with protection of tigers?

Approach:

- Give a brief summary of the case at hand.
- Identify various stakeholders and issues in the case.
- List down the steps you would take to ensure villagers' safety along with protection of tigers.

Answer:

The case at hand is one related to human-animal conflict leading to loss of human lives and property as well as protection of wild life.

(a) Issues in this case are following:

- **Right to life, property and livelihood of villagers** which is at threat because of wild animals going astray.
- **Protection of Wildlife**, more specifically, protection of tigers which comes under Schedule I of the Wildlife Protection Act, 1972.
- **Obstruction of proper investigation** into the killing of villagers necessary to ascertain the identity of wild animals by the forest department.
- **Dissuading villagers from utilising the services of private hunters,** which goes against law of the land.

(b) As the Divisional Forest Officer (DFO), I will take following steps to protect rights of villagers together with protection of tiger:

A. Successful completion of the investigation by the forest department

- I will persuade villagers to let the forest department complete the official investigation. Identification of the animal is essential for taking appropriate steps. Some influential people like religious leaders or people of repute can also be roped in for their services in persuading villagers.
- If villagers continue to obstruct investigation, then I will take legal action against villagers for obstruction of work of government officers on official duty.
- I will establish the identity of the tiger by comparing camera trap photographs with a repository of photos available with the forest department.
- The tiger would be declared as 'man eater' only when there is corroborating evidence Wildlife Protection Act (WPA), 1972.

B. Protecting lives and livelihood of the villagers

- As the DFO, I will raise awareness about do's and don'ts in case of sighting of the tigers.
- I will try to ensure that villagers enter into the forest only in case of extreme necessity. For this, I will try to find alternative and safe sites for their livestock to minimize human-tiger interaction.
- I will also request villagers to move into forests in groups at pre-determined timings only and after informing the forest department so that forest guards can accompany them.
- I will also form a group of villagers to act as the eyes and ears of the department to inform us about any intelligence regarding sighting of the tiger.
- Lastly, I will ensure that adequate compensation is granted to all persons who lost their lives and property as per the law of the land.

C. Issue of hiring of private hunter

- I will clearly tell the villagers that, firstly, it is against the law. Secondly, the identity of the wild animal involved in killing is unknown. Thirdly, it is the duty of the Forest Department to check any illegal trespassing into forest areas and villagers cannot indulge directly/indirectly in such an illegal act.
- If the hunter does not leave after warning, I will initiate legal action under Schedule I of the WPA 1972 which prohibits hunting, trading, poaching etc. of tigers.

D. Protecting wildlife and environment

- I, along with a veterinarian, a representative of a local NGO and a representative of the local Panchayat, will start monitoring the progress on a day to day basis and deploy more resources setting traps to capture the tiger.

- If successive trapping efforts fail, I will arrange for the chemical immobilization of the tiger, as per the Standard Operating Procedure to deal with straying tigers.
    - If the investigation reveals that it was indeed a tiger which killed villagers, then I will take appropriate steps to relocate the tiger to a safe place or a zoo.
- If all my efforts fail to capture and relocate the tiger, then I will follow the protocol regarding declaring of a tiger as 'man eater' under WPA, 1972 which is as following-
    - Collect evidence that the tiger has indeed become habituated to killing and eating of men avoiding its natural prey and those killings were not just accidental killings.
    - Then, I will prepare a detailed report and send it to the competent authority which is the Chief Wildlife Warden of the State for necessary approvals for hunting of the tiger and act accordingly.
- If killings come out to be the work of some other animal, then appropriate steps for minimizing its conflict with humans will be taken including capture and relocation of the animal.

2. Corporate Governance and Ethics in Private Organisations

3. ***You are the managing director of a pharmaceutical company. Your company has won a tender for supply of generic affordable medicines to the state health department. In order to win the tender, you had kept the profit margins very low. However, after winning the tender, you got a call from the Officer on Special Duty (OSD) to the Health Minister for a 2% cut in the total purchase of goods. You tried to meet the Health Minister in this respect, but he also hinted at doing the job as per the instructions of the OSD. You cannot refuse to go ahead with the tender because of the risk of losing your 5% security deposit. Further, the firm can be blacklisted for not fulfilling the obligations of the approved tender.***

Some of the options to deal with the situation are given below. Evaluate the merits and demerits of each of these options.

(a) Follow the advice of the minister and comply with the demands of the OSD.

(b) File a police complaint against the OSD for corruption.

(c) Tip the media anonymously about the issue to build pressure on the concerned Minister.

(d) Leave the allotted tender.

Also, not limiting to the options given above, suggest the course of action you will take, giving appropriate reasons.

Approach:

- Give a brief introduction highlighting the issue of corruption in the case study.
- Evaluate the merits and demerits of each of the options.
- Give a course of action and state the reasons for the same.

Answer:

The case highlights the prevalence of corruption in the higher echelons of the government machinery. It shows the surcharge that a business person needs to pay to the government officials or Ministers in order to keep his/her business running and getting the tender of projects. The administration seems to have a tight hook on the private players engaged or interested to engage with the government projects.

The above case study also displays a similar situation for the managing director of the pharmaceutical company. The merits and demerits of the options are given below:

(a) Follow the advice of the Minister and comply with the demands of OSD.

Merits:

- The company will get the tender of the project and it may **get preference in the future projects** as well since corruption is already prevalent.
- **Future benefits** might cover the limited profits in this project.

- **Reputation of the firm** would be preserved since not complying might not only just lead to loss of tender but also blacklisting.

Demerits:

- **A 2% premium would be fixed** or even an increased cut for any other future tenders that the company might win.
- I will **become party to a crime** as per the Prevention of Corruption Act, 1988. Also, it will lead to financial irregularities in the account books of the company and go against **corporate governance norms.**

(b) File a police complaint against the OSD for corruption.

Merits:

- Action would be initiated **against corrupt officers,** which might be helpful in instilling fear in them against any such wrongdoing in the future**.**
- The corruption case would bring this matter to **public scrutiny**.
- It may result in some **stringent measures from the top leaders** of the state.
- This option presents an opportunity to usher in the **change towards a corruption free business environment**.

Demerits:

- Risk of police complicity with the Minister leading to **punitive actions** by the latter.
- Any further action might result in a **long-lasting court case.** This could **lead to a stay on the tender project** and attaching of the deposit for the time being.
- Involvement in a legal issue might also **affect other business avenues** coming in.

(c) Tip the media anonymously about the issue to build pressure on the concerned Minister.

Merits:

- Using one of the four pillars of the state to **transform the system**.
- **I will not be directly linked** with the complaint so the chances of any repercussion if the company goes ahead with the project are less.
- The pressure on the concerned Minister may lead to **rescinding the demand**.
- It might lead to a **reformation campaign from the top leader** of the state to ensure visibility of transparent governance under his rule.

Demerits:

- The media **might not take up the issue with such rigor** as required for the prompt action and wide coverage of the matter.
- This may become **just another corruption news** which loses steam in a few days.
- **The risk of linking me to the complaint** and blacklisting the firm still persists.

(d) Leave the allotted tender.

Merits:

- Leaving the allotted tender would **not make me complicit** in the matter.
- The company can pursue business elsewhere with a **clear conscience of the officials involved**.
- The company might lose the security deposit but it will **not gain animosity from a Minister.**

Demerits:

- **Risk of blacklisting the firm** and losing on all the future projects which might have come the company's way owing to lack of reputation, as the Minister might take it as a hostile action.
- **Demoralizing effect** on the persons working in the company, if the company does not go ahead with the tender.
- Not resolving the matter of corruption in this tendering process will **prevail the status quo** in future allotments as well.

In this situation, I would take the following course of action:

- **Meet the OSD and the Minister once again** to explain how much the business margins hamper with this cut and to make them understand the criminality of such a demand. This would give them a chance to make the process "corruption free and transparent".
- If it does not work, I would personally **write a letter or meet the CM of the state**. If he takes matters into his own hands and makes swift decisions, it would help in reforming and cleaning up the tender process. He, being responsible for the good governance of the state, and the power he holds vis-à-vis his Ministers might bring justice in the matter.
- **Opposition leaders or some social activists can be involved** in the issue and pressure can be created on the concerned Minister through protest.
- Apart from that, there are also **options of writing to the Ministry of Corporate Affairs and to the Prime Minister's Office**, informing about the issue and requesting them to take cognizance of the matter. If such high offices are involved in the issue, it would definitely bring in weightage in reforming the ongoing process.
- In the meanwhile, the above-mentioned steps like **tipping the media or filing a police complaint can be taken simultaneously** so that all round pressure can be applied.
- Also, the **management of the company should be taken into confidence**, so that even if the company loses the contract, there should be no impact on the future work of the company and the morale of the employees.

The government needs to take strict measures to not just establish transparent and corruption free processes on paper but also ensure that existing loopholes are not being abused by the people in power.

4. For some time now, business news across the world has been filled with reports of massive layoffs taking place, particularly in technology firms and new-age startups. This, when only till a while ago, limitless money and funding were flowing to startups from all over - Angel Investors, Venture Capital firms, Private Equity, and so on. The money tap seems to have been suddenly closed now. What has replaced the news of record valuations and remunerations, is that of massive firing of employees. The founders of startups and technology firms are justifying the exercise in wake of their responsibility to ensure profitability of their ventures and their accountability towards their investors and shareholders. The argument being advanced pertains to ensuring sustainable growth and profitability. However, it is well known that behind the present scenario lie a series of poor and irresponsible decision-making. But it is the entry and middle-level employees who are unfortunately being made to bear the brunt of it.

In this context, answer the following:

(a) Mention the stakeholders and ethical issues surrounding the recent mass layoffs in new age startups.
(b) Identify the reasons behind such irresponsible conduct by higher management, particularly in startups in India.
(c) Suggest some measures to tackle the aforementioned problems.

Approach:

- Giving a brief introduction of the case study, discuss various stakeholders and ethical issues surrounding the massive layoffs.
- Mention various reasons behind such irresponsible conduct.
- Suggest measures that can be taken to prevent recurrence of such instances.
- Conclude accordingly.

Answer:

The given case study pertains to the rising instances of hiring employees at very high remunerations followed by mass firing of employees due to unsustainable financial losses etc.

(a) Stakeholders involved and the associated ethical issues:

- **Investors (Venture Capitalist, Angel investors, Institutional investors, High Net worth Individuals):** They have invested their money and want the company to become/remain profitable.
- **Top management of start-ups**: They need to ensure that interests of the employees as well as investors are protected.
- **Employees:** They need to enquire about sound management practices in the company and its long term vision rather than getting blinded by high remunerations offered.
- **Regulatory architecture:** It means the development of optimum regulatory architecture, which neither stifles entrepreneurship nor lets them loose.
- **Common public at IPO stage**: Some early-stage investors (Venture Capitalists, Institutions etc.) get an exit through Initial Public Offering (IPO) at very high unjustified valuations in alleged connivance with investment banks. Paytm, Zomato are cases in point.

Ethical issues involved in this case are following:

- **Integrity of the management:** It is necessary that the management follows principles of fairness, transparency, prudence etc.
- **Corporate governance**: It is required that the startup is run keeping in mind principles of ethical corporate governance which is fair to the interest of investors, management as well as employees.
- **Investors greed:** Greed of investors for making more and more money pushes startups to follow **unscrupulous business practices** which are often at odds with the long term interests of the employees as well as the company.
- **Exploitation of employees:** These startups hire employees at higher salaries and also make them work for longer durations which is not sustainable in the long run.
- **Regulatory incompetency:** It poses an ethical dilemma to the government as these startups are provided some relaxations in order to lower their operational costs, however, this results in opaque business practices by the startups.
- **Cheating of individual investors at the time of IPO by phoney valuations:** Higher valuation causes individual/retail investors to lose their money while the promoters/angel investors recover their money at a profit.

(b) Reasons behind such irresponsible behaviour of management:

- **Self-interest/selfishness**: The management in the greed of better pay packages and better service conditions overlook sustainable and responsible practices creating an environment of opulence and pretense instead of focusing on the right direction and strategy for the start-up.
- **Urge for empire building**: Attracted by success and valuation of other entrepreneurs, managements often want to become huge in no time even even if it means irresponsible and short-sighted decision-making.
- **Attracting more investments**: The management in order to attract more investment at high valuations presents rosy pictures to investors, which are far from reality. This also diverts the focus from actualizing a profit-making sustainable business model and hurts the entity itself. They sometimes acquire assets by diversifying in unrelated areas.
- **Poor corporate governance**: Start-ups are subjected to minimum regulatory compliance for their own good but they **misuse that freedom** to neglect good corporate governance. This poor governance affects everything from morale of the employees to quality of product/ service of the company which minimizes the odds of it being a successful entity.
- **Apathy of shareholders/investors**: Since big investors are mostly not interested in everyday decision making or don't want to interfere in regular business operations of the entity, this may give the management free hand devoid of any accountability enabling them to act on their whims and greed.
- **Unnecessary expenditure**: The management indulges in different kinds of unnecessary expenditures such as overseas trips, partying regularly beyond the justified requirements.

- **High Merger and Acquisition Costs (M&A costs)**: Given the niche nature and typical ownership status of tech start-ups, their revamping through mergers etc. at the time of non-performance is a cost intensive task.

(c) Suggestions to tackle problems of new age start-ups

Measures to tackle financial mismanagement:

- Management needs to develop an appropriate **responsible financial management framework** which protects interests of both - investors as well as employees**.** This can involve regular auditing and third-party certification for responsible financial management.
- Securities and Exchange Board of India (SEBI) should frame **rules for correct valuation of startups** at the time of IPO.
- **Responsible leadership** which can inculcate the values of innovation, mindful expenditure and frugality rather than splurging of valuable resources.
- Developing and following a business model where incremental revenue will be profitable rather than burning of cash as happened in cases like Paytm Mall etc.

Measures that can be taken other than layoffs to control costs in a new-age start-ups:

- **Minimizing spending**: Through reducing undesirable expenditures like parties, curtailing non-essential expenditures, removal of service discounts to the customers etc.
- **Pay cuts**: Adjusting salaries may be difficult for employees but are better than layoffs. Management may compensate the employees when the business tide is in favour.
- **Transfers and job sharing**: These will lead to reduction in the scheduled hours of job and more manpower allocation in departments, which are in greater need.
- **Outsourcing**: Especially for the works that are not the core works of the organization.

While mass layoffs are done in the name of cost cutting and dealing with an adverse business environment, it is more desirable to explore alternative options for cost cutting by conducting cost analysis of the company and following ethical management practices, which values transparency and accurate reporting of financial health of the company.

5. You have recently joined as a Regional Sales Manager of a pharmaceutical company and have been given a sales target for the year, which is unusually high as per your assessment. On surveying the market, however, you have observed that the competitors are achieving such targets. On a deeper analysis, you come across unethical practices of giving gifts, payments and hospitality benefits to doctors by their medical representatives. This is prohibited by the Uniform Code of Pharmaceuticals Marketing Practices. You contacted the National Sales Manager in this regard but he hinted at achieving the released targets at whatever cost. You directed the Area Sales Managers to meet their respective targets while not engaging in the practice of unethical incentives to the doctors. They have communicated their concerns regarding their inability to meet the targets without provision of these perks and benefits.

(a) What are the ethical dilemmas being faced by you in this context?
(b) Discuss the merits and demerits of the options available to you? Which of these will you choose and why?
(c) What are the ethical alternatives available to the pharmaceutical sector to market their products?

Approach:

- Give a brief introduction to the case study and state the issues.
- Highlight the ethical dilemmas being faced by you.
- Delineate the options available to you under the given conditions.
- Critically evaluate each of the options listed by you and select the option that you would choose.
- Discuss the alternative marketing options available to pharmaceutical companies and conclude accordingly.

Answer:

The case involves the adoption of unethical practices by the pharmaceutical companies and their representatives to influence the sale of their medicines by providing gifts and other benefits to the doctors, who prescribe the medicines to their patients. In the absence of strict enforcement, such practices are rampant in India.

(a) Ethical dilemmas faced by me as the Regional Sales Manager of a pharmaceutical company include:

- **Clash between personal integrity and professional obligations:** I personally want to conduct business in an ethical manner. At the same time, being the Regional Sales Manager, it is my responsibility to ensure better sales and growth for my company. However, if I give primacy to my personal values, my professional obligations are compromised and vice-versa.
- **Short-term vs long-term interests:** I can focus on the short-term interests of my company by competing with other companies and keeping my sales up. However, there is a real possibility that the sustainability of the company, its values, and the work culture get threatened if I forgo the long-term interests.
- **People's health vs company's interests:** It is morally wrong to influence doctors to prescribe medicines of a particular brand and company, as it would affect their decision-making in choosing the right kind of medicine for individual patients. However, if I do not provide such incentives to the doctors, there is a high chance that some other company will. This would affect the sale of the company.

(b) As the Regional Sales Manager, three options are available to me. **The options and their respective merits and demerits include:**

- **Option 1: Instruct the Area Sales Managers to follow all means to meet their respective targets.**
  - **Merits:**
    - It would be financially beneficial for the company, the managers and employees at all levels.
    - The company's share in the market could increase, which would benefit the shareholders.
  - **Demerits:**
    - The end is achieved through wrongful means and by violating the current laws.
    - It will lead to degradation of moral values in the society at large and the unethical practice will continue unhindered.
    - It could lead to cognitive dissonance, as I am working against my conscience.
- **Option 2: Refuse to accept the new sales targets with unethical practices.**
  - **Merits:**
    - This will lead me to have a clear conscience.
    - It would be in accordance with the deontological principle that means in themselves are the end.
    - Values of self-regulation would be propagated in the industry.
  - **Demerits:**
    - This would most likely result in a loss for the company in comparison to its competitors.
    - Long-term profitability and sustainability of the company may be threatened.
    - It may lead to demotion or job loss for me.
- **Option 3: Report the industry-wide malpractices to the regulatory authorities while trying to meet the sales targets in an ethical manner.**
  - **Merits:**
    - This would ensure that unethical practices are brought on record and the complaints can be investigated by the authorities.
    - I would be doing my duty as a conscientious and responsible member of the industry by highlighting the wrongdoings and promoting ethical business practices. I would be contributing towards better corporate governance.
    - By exploring new avenues of growth in sales, I would be ensuring a better sales outcome for the company.

- **Demerits:**
  - In the absence of mandatory adherence to the Uniform Code of Pharmaceuticals Marketing Practices, other competitors might continue to indulge in unethical practices and move ahead in the competition.
  - My own company's sales targets might not be achieved and the company might go in distress, which could lead to layoffs.
  - The company may come to know about my role in approaching the regulatory authorities and may demote me or terminate my employment.

In the given situation, **I would choose Option 3 due to the following reasons:**

- **Personal gains:** I would have adhered to my conscience. Even if I get demoted or lose my job, my honesty and ethical work style would make me an attractive candidate for other companies who engage in ethical business practices.
- **Social gains:** The unethical practices by doctors would come to a halt and more choices would be available to the general public. Further, lower operating expenses could even reduce the prices of medicines.
- **Sectoral gains:** With improved regulations, companies would bring more sustainable and innovative ideas to increase their sales. Also, companies engaged in ethical business practices tend to succeed in the long-term.

(c) The following alternatives can be considered by the pharmaceutical companies to increase their sales and growth:

- **Exploring alternative markets:** Indian pharmaceutical companies are known for their cost-benefit and high quality of medicines. The companies should actively explore other markets such as East Asia, Latin America, Africa, etc. for potential business opportunities. The government can extend support through market information and by facilitating better trading relations with countries in the regions.
- **Associating themselves with certain causes:** For instance, shifting CSR towards women empowerment, rural development or towards people with disabilities, sourcing raw materials from nations which procure them ethically, etc.
- **Reducing the cost of medicines:** The companies can reduce the price of medicines by adopting better technology or by giving up a share of their profit margins. Lesser price would enhance the competitiveness of the companies.

Pharmaceutical companies are trusted partners in the healthcare system in the country and have played a tremendous role in ensuring access to affordable and quality medicines not only in India but across the world. Such unethical practices by the marketing branch of the companies should be dealt with a strict hand.

6. Raj comes from a very poor family and due to financial constraints, he had to compromise on his higher education. But, he was hard-working and started earning during his college days to support his family.

He made his career in the customer support department and due to his integrity and hard work, he was promoted. Recently, he got a job offer from a very prominent ed-tech company. He happily accepted the offer, as the company was offering a significant salary hike as well as promotion to a Team Lead position.

Raj was really happy with this new job and felt that his hard work of many years had finally paid off. The significant salary jump in his new job would also help him sponsor the education of his younger sister. But, within a few months of joining, Raj realized that something was wrong with the business practices of the company. His customer support team frequently received calls from parents of poor students who complained about the company misleading them on loans or financing options for the various expensive courses.

After going into some details, he realized that the sales team of his company was indulging in malpractices to lure poor parents to buy courses for their children. He informed this to the head of his department but the head did not seem concerned. Some of his colleagues informed him that this is a normal practice in the ed-

tech industry to achieve sales targets. Further, he was also informed that due to the recent funding crunch in start-ups, the company is under severe pressure to show profits, else there will be mass layoffs.

(a) Identify the ethical issues associated with the case above.
(b) Under the given conditions, what are the options available to Raj?
(c) Critically evaluate each of these options.
(d) What course of action should Raj adopt? Justify with valid reasons.

Approach:

- Briefly mention the facts of the case.
- Highlight the ethical issues associated with the case.
- Bring out the options available to Raj and evaluate each of them.
- Elaborate on the option that Raj should choose in this situation.

Answer:

The case study is related to the malpractices in the ed-tech industry, which affects students coming from poor socio-economic backgrounds and their family. Raj has found out about these malpractices, which have seriously impacted the financial security of multiple poor families. He is facing a moral dilemma, as he also needs to take care of the needs of his family and his sister's education, however, in doing so, he also has to comply with the unethical practices of the company.

(a) The ethical issues associated with the case are as follows:

- **Misleading and deceptive practices:** The ed-tech company is misleading parents about loans for expensive courses. This violates the ethical principles of **honesty, transparency, and fair treatment of customers**.
- **Exploitation of vulnerable individuals:** The company is taking advantage of poor parents' aspirations for their children's education by manipulating them into purchasing courses they may not afford or need. This leads to **exploitation of their vulnerability and economic constraints**.
- **Lack of empathy and honesty from the management:** The head of the customer support department is ignoring the complaints about the stated malpractices. This reflects a **lack of commitment to high ethical and business standards** and a disregard for the well-being of the customers.
- **Pressure to achieve sales targets and show profits:** The pressure to show profits has created a situation where unethical practices are tolerated to achieve financial goals. This **compromises the ethical integrity** of the organization.

(b) The various options available to Raj include:

- Staying silent and continuing with his job.
- Reporting the issue to the higher management.
- Quitting his job and finding employment elsewhere.
- Reporting the matter to the external authorities or regulatory bodies.

(c) Critical evaluation of the options available to Raj:

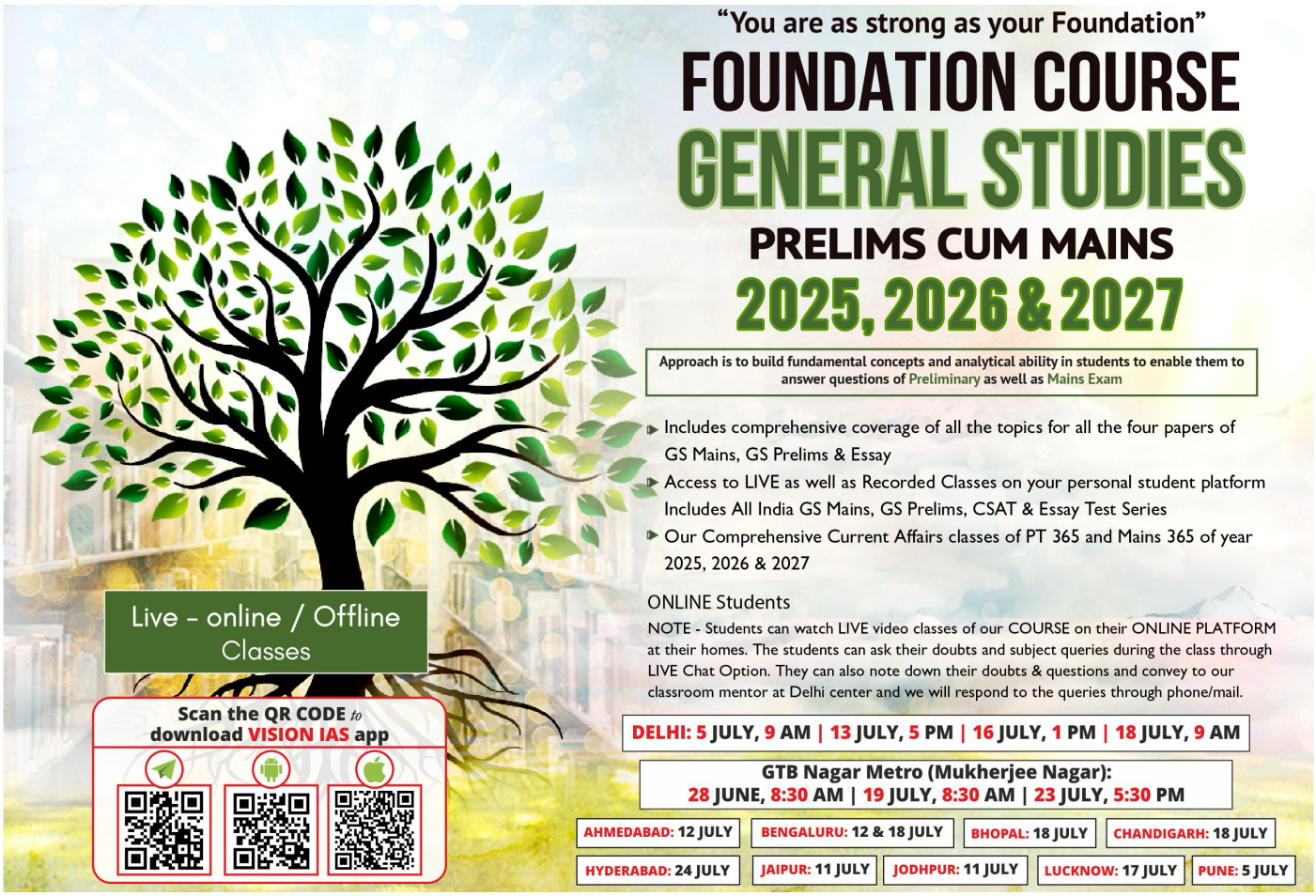
- **Staying silent and continuing with his job:** Raj can choose to ignore the unethical practices and continue working as a Team Lead. This option will allow him to maintain job security and financial stability.
    - But, it goes against his ethical principles and contributes to the harm caused to vulnerable customers. It may also negatively impact Raj's own moral well-being, which will ultimately affect his performance at the job.
- **Reporting the issue to the higher management:** Raj can escalate the matter to the higher management and report the malpractices. This option seeks to address the issue internally and give the company an opportunity to rectify the situation.
    - However, if the company does not take appropriate action, the unethical practices may continue, and Raj's position within the organization may become compromised.

- **Quitting his job and finding employment elsewhere:** If Raj is not satisfied with the company's response or feels uncomfortable working in such an unethical environment, he can choose to resign. In this way, Raj upholds his ethical values and avoids direct participation in the unethical practices.
    - However, it may have immediate financial consequences for Raj and his family, and finding a new job might not be easy.
- **Reporting the matter to the external authorities or regulatory bodies:** Raj can report the malpractices to the external authorities or regulatory bodies responsible for overseeing the ed-tech industry. It can bring attention to the unethical practices and potentially lead to industry-wide changes.
    - However, this option may come with risks and uncertainties, and Raj may face legal challenges from the company in the future. Further, it can also affect his employability in other organizations.

(d) Appropriate course of action for Raj:

- The most appropriate course of action for Raj is to **report the issue to the higher management.** By doing so, he fulfils his responsibility of addressing the unethical practices within the organization.
- Reporting the issue to the higher management is justified as resigning immediately will not resolve the larger ethical issue and it may also impact Raj's financial stability, whereas staying silent would compromise his integrity. He may continue with his job without following unethical practices that others follow.
- If the company fails to take appropriate action or if the practices persist, Raj should **consider seeking external support from relevant authorities or regulatory bodies** to protect the interests of vulnerable customers.
- After exploring the above options, if such practices continue, Raj can **consider quitting and finding employment elsewhere**, thereby ensuring that he does not contribute to or enable such practices.

By pursuing internal and, if needed, external avenues, Raj will be able to demonstrate his **commitment to ethical values.**



7. You are the head of the Human Resources (HR) department of a reputed tech company in India that has several high profile national and international clients. It has recently come to your notice that a few employees of the Software Development Team have become irregular and insincere towards their work in the past few months.

In the past, this team has been instrumental in timely executing projects, resulting in massive revenue and profits for the company. When you enquire about the issue in detail, you find that many employees including the senior leaders of the concerned team are juggling between multiple jobs. This phenomenon is popularly known as 'moonlighting'. When you ask the employees, most of whom have been high performers, their argument is that doing multiple jobs makes them more skillful and resourceful in their work.

Further, their justification is that they have been doing their gigs beyond the usual working hours of the company. Some of them communicate that they face financial constraints and this is a reason for them to pursue the second gig. Others are of the view that it provides them avenues to learn new things, which is of help in their current roles.

Thus, a whole network of freelancing has been flourishing secretly. You also get to know that employees in some other departments, like the Testing team, are envious of the Software Development team and secretly express their wish to pursue a similar path.

Owing to no specific guidelines, these employees have got a free hand. It has led to multiple issues of productivity and the work culture of the organization and could set a wrong precedent for the other employees, if allowed to continue. On the other hand, firing such a huge number of high performing employees at once is going to add to the attrition rate of the company and loss of talent. The views amongst your colleagues in the HR department is also divided on the issue. You have been entrusted by the senior management to evaluate the situation and take appropriate steps.

In this context:

(a) Highlight the ethical issues associated with moonlighting.
(b) As the HR head of the company, what are the options available to you?
(c) Evaluate each of these options and choose the option, which you would adopt, giving reasons.

Approach:

- Give a brief introduction of the case study.
- Discuss the various ethical issues associated with moonlighting.
- Highlight the various options available to you as the HR head of the company.
- Evaluate each of the options.
- Giving reasons, explain the option you would choose to deal with the case.

Answer:

The given case study presents the dilemmas and issues arising out of moonlighting. Despite the employees taking up work in their free hours, it presents several work culture and performance-related issues for the company.

(a) The various ethical issues associated with moonlighting are discussed as under:

- **Security breach:** Data and confidentiality breaches are possible security threats to the company, especially if an employee is moonlighting for a rival organisation.
- **Conflict of Interest:** It results in divided loyalties and hampers the ability to give full commitment to the organisation.
- **Compromised performance:** Increased number of deadlines results in fatigue, lower productivity, higher stress levels and poor time management, leading to inferior quality of work.
- **Reputational risk:** With senior leaders also engaging in moonlighting, the reputation of the company in terms of work culture and trustworthiness is on the line.
- **Hampers work culture:** The financial advantage gained by some employees involved in moonlighting leads to resentment among other employees.

(b) As the HR head of the company, the options available to me are:

- **Option 1:** Mass termination of the employees of the Software Development team involved in moonlighting and hiring new replacements.
- **Option 2:** Counsel and adopt persuasive techniques to prevent the employees from moonlighting and rope in more employees to fill the gaps in productivity.
- **Option 3:** Maintain status quo by allowing moonlighting temporarily until codification of clear guidelines on the same.
- **Option 4:** Disengage and demote senior leaders who practice moonlighting from key projects, codify clear guidelines for moonlighting in employment contracts and create an in-house work portal.

(c) Evaluation of the above options:

- **Option 1: Mass termination of the employees of the Software Development team involved in moonlighting and hiring new replacements.**
  - **Merits:**
    - ✓ It would send a **strong message about the company's stance on moonlighting** and deter the Testing team from following suit.
    - ✓ It will allow the company to start afresh with a new team that is fully committed to its role.
  - **Demerits:**
    - ✓ The company is likely to lose some high-performing, resourceful and competent employees thereby increasing attrition rate and hampering productivity.
    - ✓ Hiring new replacements would result in time and cost overruns, wastage of invested resources in training and delay the delivery of projects.
- **Option 2: Counsel and adopt persuasive techniques to prevent the employees from moonlighting and rope in more employees to fill the gaps in productivity.**
  - **Merits:**
    - ✓ The company has a chance to retain experienced employees resulting in timely delivery of projects. Further, the projects completed by the Software Development team have resulted in massive revenue and profits for the company.
    - ✓ Hiring new employees in the team will also keep the current employees on toes.
  - **Demerits:**
    - ✓ It may establish the image of the administration as being soft towards moonlighting.
    - ✓ Extra workforce is a burden on the resources of the company.
- **Option 3: Maintain status quo by allowing moonlighting temporarily until codification of clear guidelines on the same.**
  - **Merits:**
    - ✓ It would provide time to carefully develop comprehensive and well thought-out moonlighting policies.
    - ✓ It would help retain talent in the short-term and prevent immediate attrition.
    - ✓ It shows flexibility and understanding of employees' financial constraints and career aspirations.
  - **Demerits:**
    - ✓ It may lead to further drop in productivity levels, insincerity and delays in the current work.
    - ✓ It could set a precedent and make it challenging to enforce guidelines once formulated.
    - ✓ It might encourage more employees to engage in moonlighting in the meantime.
- **Option 4: Disengage and demote senior leaders who practice moonlighting from key projects, codify clear guidelines for moonlighting in employment contracts and create an in-house work portal.**
  - **Merits:**
    - ✓ It would not only send a strong message to the other senior leaders but also deter other employees from moonlighting.
    - ✓ With the help of legal experts, codification of clear guidelines would ensure smoother legal action and compliance to the company's rules.

- ✓ Creation of an in-house work portal will open up avenues for employees to take up additional gigs within the organisation.

- **Demerits:**
  - ✓ Disengaging and demoting senior leaders may lead to demotivation and further attrition.
  - ✓ It may be a time-consuming process to codify and implement all the guidelines.

As the HR head of the company, I would choose a **combination of Option 2 and Option 4.**

- Firstly, it would be my prerogative to **persuade and counsel the employees** to mend ways and highlight their previous achievements for the company so as to **dissuade them from conflict-of-interest work assignments.**
- Secondly, mild action like **demotion of senior leaders who practice moonlighting**, holding up their promotion, pay cuts and disengaging them in future key projects will **send the right message** to the in-house employees and the corporate world, as firing employees is not a wise decision.
- Thirdly, with time, a **proper codification** of moonlighting policies, guidelines, etc. can be devised with legal consultation so that it is **fair and equitable**. Further, an in-house work portal would give additional work-related options to employees.

Finding a solution that addresses the ethical issues and strikes a balance between retaining talent and maintaining a positive work culture is the best way forward.

8. You are the CEO of a highly successful multinational clothing corporation based in a developed country. Your brand is a household name and your products are sold worldwide. In an attempt to manage production costs and maintain competitive pricing, your company outsources its manufacturing operations to a developing nation where labour is inexpensive.

However, a grave situation has recently unfolded. An investigative journalist, following up on an anonymous tip, has revealed that one of the companies to which you have outsourced an important part of your production is operating its facility under appalling conditions. The facility, which employs a large number of people, including minors, is nothing short of a "sweatshop," where employees work long hours for abysmally low wages in a hazardous environment. The report has led to widespread international condemnation, inciting potential consumer boycotts, and putting your company's hard-earned reputation in jeopardy.

If this was not alarming enough, another serious issue has surfaced. A thorough investigation by your compliance team has uncovered that one of the suppliers to the aforementioned outsourced facility has been engaging in illegal deforestation activities. The supplier has been ruthlessly exploiting the country's natural resources, causing significant harm to the local ecosystem and contributing to climate change. These findings have escalated the reputational crisis facing your company, further complicating the ethical landscape.

You find yourself in a challenging position, caught in a triad of ethical, financial, and environmental predicaments. If you decide to shut down the factory or enforce better labour standards, the ensuing rise in production costs could affect your market competitiveness and dent your profit. Conversely, if you choose to continue with the current setup, you risk contravening international labour laws, human rights norms, and environmental regulations, potentially inflicting irreversible damage to your company's reputation.

(a) What are the ethical dilemmas being faced by you in this context?
(b) Discuss the merits and demerits of the options available to you. Which of these will you choose and why?
(c) What are the ethical alternatives available to the multinational corporations to balance profitability and ethical labour practices?

Approach:

- Briefly introduce the case study.
- Elaborate the ethical dilemmas in this case.
- Discuss with reasoning the options available to you and highlight the preferred option.

- Elaborate on the ethical alternatives available for multinational corporations to balance profitability and ethical labour practices.
- Conclude accordingly.

Answer:

The case study presents a complex ethical scenario in which a **successful multinational clothing corporation faces severe public criticism and potential reputational damage** due to the exposure of exploitative labour practices in the outsourced company and destructive environmental practices by a major supplier to the outsourced facility.

(a) Ethical Dilemmas:

- **Profitability vs. Social Responsibility:** Outsourcing to regions with cheap labour allows for lower production costs and increased profitability, but these benefits are in conflict with the company's responsibility to ensure fair wages and decent working conditions for all its workers, regardless of their location.
- **Business Interests vs. Environmental Sustainability:** The supplier involved in deforestation provides materials for the outsourced facility, possibly at a beneficial cost. However, continuing this business relationship opposes the company's responsibility towards the environment and sustainable practices.
- **Stakeholder Interests vs. Regulatory Compliance:** There is a conflict between pleasing stakeholders, particularly shareholders who are focused on returns, and compliance with the international laws and regulations.
    - Ensuring regulatory compliance may increase costs, affecting the company's financial performance and shareholders' satisfaction.
- **Short-term Gains vs Long-term Sustainability:** The CEO is faced with the dilemma of pursuing short-term financial gains through the continuation of current practices, versus the long-term sustainability of the business, which would involve enforcing ethical labour and environmental practices, even at the cost of higher immediate expenditure.
- **Corporate Reputation vs. Market Competitiveness:** If the company chooses to improve the working conditions in the factory and enforce better environmental practices with its supplier, it would likely increase the production cost.
    - While this may preserve or even enhance the corporation's reputation, it also may decrease competitiveness in the market due to higher pricing.
- **Privacy vs. Transparency**: The CEO might also need to balance between protecting certain sensitive business information (privacy) and being transparent with the public about the steps being taken to resolve the current issues (transparency).

(b) Options available in this case

(i) Maintain the status quo.

- **Merits**
    - This option will keep production costs low, maintain competitive pricing, and ensure short-term profitability.
- **Demerits**
    - This option poses significant risks including potential boycotts, loss of consumer trust, damage to company's reputation, and potential legal consequences for violating the labour and environmental laws.

(ii) Shut down the factory and cut ties with the supplier.

- **Merits**
    - This decision will demonstrate a commitment to ethical labour practices and environmental responsibility, possibly improving the company's reputation and consumer trust in the long term.

- **Demerits**
  - This could lead to a significant increase in production costs and decrease in competitiveness and profitability. It also means loss of jobs for factory workers.

(iii) Improve factory conditions through discussions & other incentives and enforce ethical practices on the supplier.

- **Merits**
  - This approach upholds human rights, labour rights, and environmental responsibility, while potentially preserving jobs and production arrangements.
- **Demerits**
  - The implementation of these changes would increase production costs, affecting pricing and potentially profitability.

(iv) Shift the outsourcing company to some other country and simultaneously change the supplier.

- **Merit**
  - This option will ensure that labour standards and environmental commitment both are being followed.
- **Demerit**
  - There may be an increase in costs due to this shift and the company may take time to set up trust with the new outsourcing company and supplier.

Considering the broader ethical obligations and long-term sustainability of the business, I would choose Option 3. It demonstrates a **commitment to ethical practices and corporate social responsibility while preserving jobs and production arrangements**.

(c) Ethical Alternatives available to the Multinational Corporations:

- **Fair Trade Practices:** Multinational corporations can engage in fair trade practices that ensure a fair wage and decent working conditions for labourers.
- **Corporate Social Responsibility (CSR):** Companies can take on CSR initiatives, which balance profit-making with actions that benefit society, including supporting local communities and investing in sustainable practices.
- **Supply Chain Transparency:** Corporations can ensure transparency in their supply chains to guarantee that suppliers adhere to ethical labour and environmental standards.
- **Investment in Technology and Skill Development:** Corporations can invest in technology and skill development in their overseas factories to improve productivity and working conditions.
- **Certification and Compliance:** Corporations can seek certifications from international bodies that verify adherence to labour rights, human rights, and environmental standards.
- **Engagements and Partnerships:** Engaging in partnerships with governments or NGOs to improve labour conditions and environmental practices can be a beneficial approach.

By implementing these alternatives, multinational corporations can strike a balance between maintaining profitability and ensuring ethical labour practices, all while contributing positively to society and the environment.

9. An Indian company is active in the telecom sector and is the majority owner of a telecom company based in other geographies across the world. At one of its European headquarters, there emerged whistleblowing allegations that a local executive was bribing local government officials in order to obtain telecom cabling and construction contracts from the local government. The kickbacks were allegedly paid through a third-party consultant. More specifically, there were allegations that the executive, the third party, and a government official had some sort of business interest in common, possibly shareholdings in a limited company or the joint ownership of an undisclosed asset. The company is thought to be particularly close to the ruling dispensation in India and the news has now raised pressure to put its business operations in India under scanner as well. In this context, answer the following questions:

(a) What are the ethical challenges in the given case?

(b) Identify the different stakeholders and their interests.

(c) As the CEO of the firm, how would you respond to the given situation?

Approach:

- Start with a very brief summary of the case.
- Mention the stakeholders and list the ethical challenges involved.
- Evaluate your options and bring out the most appropriate response that you will opt for.
- Conclude accordingly.

Answer:

The aforementioned case highlights ways in which a firm's business practices are inextricably linked to both tangible and intangible aspects. In the given case, a telecom major finds itself grappling with allegations of questionable business practices, thereby threatening its reputation amongst both local and global markets.

(a) The **challenges** presented by the given situation are **multi-fold** ranging across both **ethical** and purely **commercial aspects**, including:

- **Ethical business culture:** An organization must rely upon strong commitment to ethical values and practices to further its objectives. Its pursuit of profit cannot enable it to compromise on ethical norms, as are prescribed both by convention as well as statutes of the land.
- **Principle of fairness:** Fair competition i.e. one based on quality, price, and service rather than unfair practices, is an essential condition for market economies to prosper. Use of unfair means is not just unethical but also illegal across geographies since it thwarts several benefits, especially redistribution of wealth and stifles innovation.
- **Public trust:** Because of the very nature of the company's business, it has to contract with governments and with the public sector, including publicly owned entities. Therefore, the need to uphold ethics in business practices increases manifold, owing to public trust and money being involved.
- **Shareholder value:** Not only do unscrupulous activities erode public trust, they may also lead to a significant erosion of shareholder value. The company must be accountable to its shareholders for all its actions.
- **Tarnishing India's image:** Such allegations not only affect the reputation of the concerned organization but also tarnish the image of the parent nation. It may also lead to flight of capital and colour investor perception about India as a business destination.

(b) The **stakeholders** in the given case include the following:

- **Company's European arm:** Since the allegations emerge from a distant geography where the company conducts its operations and the local management and staff of the firm are primarily responsible for the same.
- **Senior management of the parent firm:** As key decision-makers, the company's senior management and Board of Directors are directly responsible for any act of the firm.
- **Local government and people:** The government of the nation wherein the incident is alleged to have occurred must take necessary steps to ensure a fair and impartial destination to conduct business and punish the culprits if charges are proved.
- **Company's Indian shareholders:** The people who are directly invested in the firm have to be informed of any such malpractices or lack thereof, since their private wealth is involved.
- **National media:** Since the company is an Indian major, any such act(s) that may bring disrepute to the parent nation automatically becomes a topic of interest to the Indian citizens. The national media must keep the citizens abreast of all the developments which may take place.

(c) As the Chief Executive Officer (CEO), my **course of action** must be informed by a keen understanding of the challenges involved and choosing the most appropriate alternative that addresses them. **It will include the following**:

- I shall undertake a stocktaking of the situation, beginning with a **detailed analysis of the business culture** in the jurisdiction where this subsidiary operates.
- I would set in place a mechanism to ascertain, beyond reasonable doubt, the **veracity of the allegations** and to understand whether there appear to be any violation of the laws of the land.
- I would direct the company executives to **proceed quickly yet carefully** and avoid alerting any potential wrongdoers who are under investigation. The necessary information is to be collected through interviews and investigative evaluation of company documents and other sources, while **protecting legal privilege** at all times.
- When conducting this type of internal investigation, the concerns of the shareholders and the need to avoid lengthy, expensive, and possibly disruptive internal investigations has to be balanced. Therefore, I will rope in a **third party investigative consultancy** to ensure that the investigation remains fair and far from any doubt.
- The investigative firm would be entrusted with the following tasks:
    - to secure the company's servers,
    - interview relevant employees,
    - conduct a forensic IT investigation for collection and preservation of all electronic evidence; and,
    - conduct background investigations and asset tracing of target subjects.
- If, at the conclusion of the internal investigation, there is evidence that links the executive and the third party, I would ask the General Counsel of the company to ascertain if the case pertains to commercial bribery or any such illegal act, as per the law of the land.
- If the act has been conducted against the law of the land, I would ensure that the firm **self-reports the case** to the local government. I will also hand over the detailed findings of the internal investigation alongside the requisite evidence.
- If the act is found to be in accordance with the local laws or a generally accepted business practice, I would ensure that the **public relations and communications team conducts a global reach out campaign** to present the findings of the report in a palatable format. The objective of this exercise would be to reverse any damage to the company's reputation across all regions, especially where it operates.

10. You are a CEO-founder of an edTech company. You are under tremendous pressure from the investors in your company to increase the profitability of the company and undertake downsizing. After making a few bad acquisitions, the company's finances have taken a huge hit in the last couple of years. The downsizing is suggested with the hope that the company's profitability would rise, as it often does when mass layoff or downsizing decisions are carried out. Moreover, the investors have hinted that such measures would attract further investment from them, which has come as a ray of hope considering the ongoing volatile market conditions and slowdown in big-ticket fundings. Given the situation, rumors of unscrupulous firing have started doing the rounds among employees. It has increased apprehensiveness and reduced cohesiveness among them. You have informed the investors that the cost cutting exercise can affect the output as well as reputation of the company in the long-run. However, they are adamant to pursue the same.

(a) Identify the stakeholders and ethical issues involved in the case.

(b) You and the HR team have identified some options and are deliberating to put them across to the investors for consideration. Discuss the merits and demerits of each of these:

(i) Identifying key high performers and offering them suitable positions before implementing the layoff decision.

(ii) Putting the terminated employees on retainer to work part-time.

(iii) Executing the lay off order in the same spirit as it was asked by the investors and letting them deal with the long-term consequences.

(iv) Improving the perception of fairness among the existing and terminated employees and moving ahead with the layoffs.

(c) Without restricting yourself to the above options, discuss the course of action you will take, and provide adequate reasons for the same.

Approach:

- Give a brief introduction of the case study.
- Identify the stakeholders and ethical issues involved in the case.
- Evaluate each of the options.
- Give a course of action and conclude accordingly.

Answer:

The given case study represents the issue of lay off in startups, which is often done eyeing just profits and not the human factors associated with such actions. Such decisions should be taken with some underlying ethics into consideration.

(a) **Various stakeholders** involved in this case are

- **Investors:** They want good returns for their investment.
- **Company management:** They have to balance the interests of both - investors as well as the company and its employees.
- **Company employees and their family:** Their well-being rests upon security of their livelihood.

Ethical issues involved are as follows:

- Employees are being penalized for the management's past decisions related to bad acquisitions.
- While lower profits (maybe short-term losses) will hurt shareholders, the cost of job-loss will be suffered by employees and their families.
- Current workers and laid off employees may risk suffering from occupational, psychological and other health issues.
- Humans are seen as a mere means rather than an end, thus **violating Deontological ethics**.
- The profit-oriented share holding in the present world reflects upon the **increased consumerism** in the society.
- Increased competition for survival reduces the cohesiveness among fellow beings and brings out the worst character of a person. Thus, it **alienates an individual** not only from his peers but also from himself, as stated by Marx.
- The situation also highlights how ultimate power is being wielded by the wealthy entrepreneurs, while employees who enslave all their lives for the betterment of the company, are left at the mercy of the powerful.

(b) The evaluation of each of the available option is:

(i) Identifying key high performers and offering them other positions before implementing a blanket cut based on salaries drawn.

Merits

- The talent will be retained in the company.
- It will increase loyalty of high performers.

Demerits

- More employees may need to be fired in order to cut the same expenditure.
- Demoralizing effect on high performers on changing the role and position.
- Feeling of anger, vulnerability and rejection among average performers.

(ii) Putting the terminated employees on retainer to work part-time.

Merits

- Balance between organizational needs and individual needs.
- Breathing space to employees while he/she searches for a new job.

Demerits

- Lack of pay, health benefits, and meaningful work has negative implications for financial, physical, and even psychological aspects of employees.
- Wastage of talent sitting idle for most part of the working day.
- It is difficult enough to get a job even without the stigma of being laid off.

(iii) Executing the lay off order in the same spirit as it was asked by the management and letting the management deal with the long-term consequences.

Merits

- Following the hierarchical order in letter and spirit, hence **respecting procedural protocols.**
- Even if it will attract negative repercussions for the company, the management will have a **learning experience for the future.**

Demerits

- Existing employees might be in a bind when knowledgeable and skilled workers are laid off. Consequently, customer service may suffer.
- Laying off skilled workers may slow down work and damage the quality of output within the company.
- Deteriorate work-culture in the company as employees perceive themselves as commodity that can be easily replaced and just being a number to the company.

iv) Increasing the perception of fairness among the existing and terminated employees and moving ahead with the layoffs.

Merits

- This would ensure the reputation of the company in terms of its personnel policy.
- This follows the order and at the same time makes employees understand the necessity of such a step.

Demerits

- Even if perception is improved, no employee totally relaxes; they are waiting for the next round of downsizing or cost-cutting layoffs, which may include them.
- It still involves high human suffering among a significant percentage of company's employees.
- The workers that are not let go may suffer from "survivor's remorse" which can severely damage their work ethic and overall company commitment.

(c) To improve the position of company, following course of action would be taken:

- Find alternatives to improve finances of the company following the steps below in the same order:
  - **Getting rid of disengaged workers** that cannot "pull their own weight" ("dead wood") and simply increase workload for other employees.
  - Cutting costs by **reducing employee benefits and liability** for some time.
  - **Across the board cuts of the same percentage** barring people with very high salaries who can afford more cuts as well as very low salaries who should be exempted.
- If these steps help improve to significant extent, then firing would not be undertaken else:
  - **High performers will be retained** in different positions before firing order is executed based on numbers.
  - **Firing will be done at higher positions first,** as this would cut more costs and a lesser number of employees.
  - A certain number of workers will be given **an option to either opt for a part-time or leave completely.**
  - Then **terminated and existing employees will be given psychological counseling** and discussion sessions to make sure the perception about such an order remains positive.
  - Further, **supplemental unemployment benefits** from the company would be provided to terminated employees for a limited period.

These steps ensure that the company has taken an ethical approach to layoffs but at the same time can pursue hard decisions if needed. It would not also send a negative message to the new talent looking to enter the company in future.

11. ***Mr. X is a billionaire businessman who heads a conglomerate engaged in insurance, energy generation and distribution, and manufacturing. Despite being globally known as a great philanthropist, he turned down a shareholder request seeking the disclosure of the conglomerate's actions on issues related to climate change as well as diversity and inclusion.***

Because of increased attention to climate and diversity issues, many leading firms have committed themselves to incorporate relevant considerations in their business strategies. Therefore, some industry-observors wonder if Mr. X is out of touch with the industry at large and have warned him that failing to address climate change issues puts his businesses under systemic risk. But, Mr. X maintained his vote against the disclosure proposal, while at the same time acknowledged the importance of both climate change and a diverse and inclusive work force. However, Mr. X believes that such ethical issues take secondary importance to maximising shareholder profit.

(a) Discuss the importance of including climate change strategies and diversity and inclusion in a business organisation?
(b) In your opinion, what matters more for a business organisation - socio-environmental concerns or shareholder profit?
(c) How can the two above-mentioned issues be reconciled?

Approach:

- Provide a brief introduction to the case-study and discuss the importance of including climate change strategies, diversity and inclusion in the firm.
- Provide a balanced discussion of the relevance of share-holder wealth maximisation for firm and socio-environmental concerns.
- Mention some key measures through which both the issues can be reconciled.
- Conclude accordingly.

Answer:

The case-study refers to the differences in **personal values and professional values** of a person who, despite being a philanthropist and acknowledging the issues of climate change and exclusion, is not opting for openness and transparency in his own firm, citing shareholder interests.

(a) Importance of including climate change strategies and diversity and inclusion in a firm:

- At present, climate change is the **most pressing crisis looming over planet earth**. The future of earth is at risk of being non-conducive for survival unless humanity takes prompt action.
- As more people become aware of the situation, the **demand for climate-friendly products has risen**. ESG funds (which incorporate Environmental, Social and Governance strategies) **deliver higher returns than equivalent conventional funds** in recent years.
- Incorporation of climate change strategies by a business organisation or conglomerate would further **promote such companies,** which would be environmentally conscious in the longer run.
- Climate change has a direct **impact on the escalation of natural disasters**, which adversely **affects insurance claims**. Since, the conglomerate of Mr. X is itself involved in the insurance sector, he must open up regarding his strategies for the same.

Hence, from both ends of profit maximisation and loss aversion it is essential to not brush off the importance of climate change factors in the business organisation.

Importance of including diversity and inclusion:

- It is ethical to **provide fair hiring and promotion opportunities** for people of different races, genders, and backgrounds.

- Having a team that comprises very similar people tends to give rise to the **groupthink problem**, whereas diverse individuals can merge different perspectives, improving creativity.
- Practicing inclusion helps management **overcome cognitive biases**, including the familiarity bias and confirmation bias.
- Companies with equal gender proportions in its workforce and diversity in management, produce **higher revenue and profits**.

(b) Importance of shareholders wealth maximisation in a business:

- Shareholders are owners of the firm and **deserve any surplus the firm creates**. Shareholder value maximization plays a key role in creating profit for a company.
- Shareholders **spend money to employ the executives with the desire that they will bring much higher profits in the long run**, in line with the interest of shareholders to maximize their wealth. **Any actions besides shareholder's benefit are violations of this duty.**
- Some economists believe that there is one and **only one social responsibility of a business**- to use its resources and engage in activities designed to increase its profits so long as it stays within the ambit of the law, and engages in open and free competition.
- It leads to **the best allocation of investment capital for society** because the scarce resource is utilized best for producing the optimum mix of goods and services.

Role of socio-environmental concerns in a business:

- Social responsibility empowers employees to **leverage the corporate resources at their disposal to do social good.**
- It can **boost employees' morale** in the workplace and lead to greater productivity.
- Businesses that implement social responsibility initiatives can **increase customer retention and loyalty.**
- Socially responsible companies have the opportunity **to stand out from the competition** because they cultivate superior and **positive brand recognition**.

Though profit maximisation for shareholders and socio-environmental concerns look like competing priorities, in reality they are complementary goals. Both are important for a business to survive in this age of awareness and influence.

(c) To reconcile profit-maximisation and socio-environmental concerns:

- **The firm should ensure that the company's core values align with its CSR strategy**. For example, if a company believes in sustainable practices, it should ensure that its products and services reflect those values.
- **Integrate the socio-environmental concerns into the business model**. It means that the firm can opt for a social/environmental mission as one of the company's core values and set goals to donate a certain percentage of profits to it.

It is important for companies to remember that socio-environmental concerns are not only good for society, but it can also be good for businesses. By implementing responsible practices, companies can improve their reputation, attract new customers, and reduce costs.

12. You are working as the Head of Ethics and Compliance in a big mobile manufacturing company that is known for its innovation and quality products. Both the customers and the shareholders are pleased with the performance of the company as they get value for their money and high returns on their investments respectively.

Tin is a major component in the products manufactured by your company. It was recently brought to your attention that workers - many of them children - are working in unsafe conditions, digging tin out by hand in mines prone to landslides that could bury them alive. About 70% of the tin used in smartphones manufactured by the company comes from these more dangerous, small-scale mines. The company defends its practices by saying it only has so much control over monitoring and regulating its component sources.

The justification advanced of its sourcing practices is that it is a complex process, with tens of thousands of miners selling tin, many of them through middle-men or third-party contractors.

Based on the above case, answer the following questions:

(a) What are the ethical issues in the above case?

(b) Can customers of the company be expected to take into account such practices before buying any product of the company?

(c) If the management were to seek your opinion on the matter, what course of action will you suggest?

Approach:

- Present an introduction by encapsulating the broad theme of the case study.
- Highlight the ethical issues that are involved in the case.
- Explore the options available to you as the Head of Ethics and Compliance of the company.
- With your reasoning, present the course of action that you would choose.
- Conclude appropriately.

Answer:

The given case study highlights one of the notorious aspect of mining industry i.e. using child labour. As per the ILO, nearly 1 million children aged 5 to 17 are employed in small-scale mines and quarrying activities globally. However, the big industries which source their raw materials from these mines, deny their awareness about it. For instance, a legal case was launched against Apple, Google, Dell, Microsoft and Tesla in 2018 for manufacturing products derived from child labour in mines in Congo.

(a) Following are the ethical issues involved in the given case:

- **Rights of the workers being violated:** In the above case, workers including children are forced to work under poor and hazardous working conditions. Thus, multiple rights such as human rights and labour rights are being violated.
- **Emphasis on ends over means:** Overlooking the fact that most of the tin is being sourced from dangerous mines, the company is choosing to focus on ends over means.
- **Access to equal opportunities:** Children who are forced to work in dire conditions due to poverty, lack of access to education, etc. are being denied access to equal opportunities.
- **Risk to human life:** Owing to dangerous working conditions, the lives of miners are being risked to source an essential raw material.

(b) In an era of **increasing consumerism,** which has far-reaching effects, it is the responsibility of the customers to be aware of the hiring practices of the company, the environmental impacts of the production process, the components used to manufacture the product etc. In a highly interconnected world, customers should be responsible global citizens.

- In this context, it is being observed world over that customers nowadays are looking for ethical, eco-friendly brands that put people and planet ahead of profits. And technology is a major contributing factor to this shift in purchasing. With endless information about a company's practices, mission and values at their fingertips, customers are attuned to what is happening in the world around them and want to help address the pressing issues they are facing while not contributing further to the problems they inherited.
    - For e.g.it has been observed that millennials increasingly want companies to make public commitments to charitable causes; also customers spend more on companies that align with their social values and refuse to support ones, which are not socially responsible.
- Along with business sustainability, environmental sustainability is playing an equally important role in spending decisions. A recent survey in the US found that consumers want to know what businesses are doing to limit their carbon footprint, emissions, water usage and damage to earth.

Such awareness of customers helps in the following ways:

- It **acts as a deterrent for the companies** with lax labour practices and environmental regulations if customers refuse to buy their products. In a market determined by the demand-supply equilibrium, lack of demand will hamper the supply of the company and ultimately its profits.
- It would **encourage ethically run businesses** and incentivise fair practices by corporations.
- In the given case, if the customers continue buying products of the mobile manufacturing company, the latter will not be obliged to change its labour practices in offshore units, in instances where the work is outsourced to other company/companies etc. Moreover, it will **evade any kind of responsibility or accountability** if it does not affect its profits or market share.

(c) Options available to me as the Ethics and Compliance Officer in the above case are:

- **Completely stop sourcing tin from mines not following ethical practices:** As the Ethics and Compliance officer, I could pursue the management of the company to stop sourcing tin from the suppliers who are engaging in unethical practices.
- **Try to bring about a holistic change in the supply chain:** I would try to convince the management to map the supply chain for the identification of key issues especially with regard to their hiring practices and take comprehensive remedial measures. This would ensure that meaningful changes are brought about in the lives of the workers working in these mines.

I would choose the second option and will also purse the management to follow the given **three-pillar strategy:**

- **Mapping and identification of the issues at the workplace:** Undertaking a comprehensive mapping of the supply chain for identification of the issues will help in the enforcement of safe and humane standards to help establish best practices in workplace environments.
- **Steps for community empowerment:** Technology could be leveraged to create awareness among workers and monitor outcomes. Various stakeholders such as NGOs, other companies, and government agencies could be engaged to ensure compliance with laws. Further, Corporate Social Responsibility (CSR) funds could be deployed for this purpose.
- **Ensuring transparency:** Transparency about the issue and the steps taken by publishing them in the annual report of the company would strengthen the brand image of the company. It could also encourage other corporations to do the same.

There is a need to bring about a holistic change in the supply chain in the given case because for the workers, extracting tin could be the only source of livelihood. The company also has a responsibility towards the workers to invest in their future, correct and prevent the negative impacts of working in mines, and to improve their living conditions. Moreover, if this issue is brought to light, it could be detrimental to the image of the company and could drive away its customers.

Thus, I would ensure that the company works in collaboration with the workers, NGOs, governments, etc. to ensure that the standard working conditions are improved and the regulation of the entire sector is enhanced.

13. You are the CEO of a pharmaceutical company that has monopolized the manufacture of an anti-allergen device, which is used by millions who suffer from different kinds of allergic reactions: life threatening as well as non-threatening. Your company that was initially facing significant losses has increased the price of the device and since then has been witnessing huge profit margins. While the stakeholders of the company are pleased with your decision, there is a public backlash against the price rise. Politicians too have begun criticizing the policies of the company.

(a) What are the ethical issues involved?
(b) Enumerate the values that are under question in the mentioned scenario?
(c) As the CEO of the company, would you retrospectively change your decision in light of the public backlash?

Approach:

- Mention the ethical issues that arise in the mentioned scenario and the effects of the issues on the stakeholders involved.
- Briefly list the values that are under question.
- Giving reasons, state what will you do as a CEO if you had to take the decision retrospectively.
- View the issues from an ethical lens as well as from the expected duty of a CEO of a company, who is responsible to its stakeholders.

Answer:

(a) Ethical issues involved

- Some of the ethical issues involved in the above scenario are:
  - Corporate greed versus general good: While the aim of the company is profit maximization, it is clashing with the needs of the society. The situation is more acute for people with severe allergies for whom the device is indispensable.
  - Monopoly v/s Competitive Pricing: Due to monopoly, the company increased the price of the device and reversed the trend of losses faced by it initially. However, a single firm acted as a price maker.
  - Ineffective regulatory mechanism: The situation reflects ineffectiveness of regulatory mechanisms, as there is lack of competition in a business and an instance of surge pricing by a single company against the interests of millions of citizens.
  - It is an example of an act which is legally right but not ethically right.

(b) Values in question under the mentioned scenario are corporate greed, conflict of interest, ineffective monitoring, lack of empathy and lack of public accountability, among others.

(c) As the CEO of the company, I am answerable to the stakeholders and my primary duty is to carry out their interests and increase profits of the company.

- However, I also have a role in the society, wherein I am expected to evaluate the effects of my decisions on the public as a whole.
- A monopoly on a product and several advantages attached with it should not lead me to ignore the needs of the majority of the population.
- The situation tests my moral and humanitarian responsibilities as the device is a life-saver for people with severe allergies and my decisions will have direct, life altering consequences for them.
- Assessing all the aspects and witnessing the public backlash against my decision, if I had to take the decision retrospectively, I would discuss the matter with the stakeholders of the company and would ensure that the price rise is only minimal to maintain minimum profit.
- Additionally, with the board's permission, I would negotiate a deal with the government, wherein it could procure the device at our set price and then provide it at a subsidized rate to patients.

3. Crisis and Disaster Management

14. Sunil has been posted as a DM in a hilly district which is vulnerable to several natural disasters. The district is known for a pilgrimage site and is frequently visited by tourists from all over India. The major occupation of locals therefore lies in the hospitality business. Unfortunately, after a few days of his joining, the district faced a major earthquake. It has led to high casualties and damages to the essential infrastructure such as roads and bridges. Both locals and tourists are trapped at different routes and locations. An international convoy of dignitaries from a neighboring country which has come to pay their obeisance at the pilgrimage site, is also trapped due to the disaster. Because of this, Sunil has to divert most of the available resources in the rescue operation of the foreign dignitaries. People are emotionally distressed due to the disaster, and delayed response from authorities to their needs has led to a law-and-order situation in the district. People from other states whose families are trapped and need immediate assistance are also getting restless and flooding the emergency helplines with complaints and requests.

(a) Discuss the issues being faced by Sunil in the given scenario.

(b) Mention a course of action that Sunil must take to maintain law-and-order as well as to expediate rescue operations of all concerned.

Approach:

- Briefly state the facts of the case study and the key stakeholders involved.
- Discuss the issues being faced by Sunil as a District Magistrate.
- Mention his priorities in such a case and accordingly provide a course of action.
- Conclude by highlighting the ethical aspects of handling the case.

Answer:

The given case study highlights a situation where a civil servant has to prioritise in a rescue operation during a natural disaster, utilise limited resources at his disposal accordingly and simultaneously maintain law and order. The key stakeholders involve the locals, tourists, international convoy, and government of both the states and the Centre.

(a) Issues faced by Sunil in the given scenario include:

- **Inexperience:** Sunil has recently been posted as a District Magistrate (DM) in the hilly district. Therefore, the foremost issue he faces is not being fully aware of the topography, available infrastructure, potential weak areas as per occurrence of natural hazards, areas vulnerable to violence etc.
- **Saving the pilgrimage site:** The district has a famous pilgrimage site. Since people's faith is associated with such sites, one major issue is to get information regarding its damage and protect it from any further damage due to spill over effects of the disaster.
- **Rescuing the international convoy:** An international convoy is also trapped in the disaster. Therefore, it has become a matter of international concern. An appropriate and quick search and rescue operation needs to be conducted.
- **Distribution of resources:** Available resources are to be distributed efficiently so that locals and stranded tourists from other states can be saved.
- **Infrastructure constraints:** As roads and bridges are damaged, Sunil would face issues in conducting/coordinating rescue operations efficiently.
- **Basic necessities:** Sunil would face issues regarding arrangement of adequate food, water, medicine and shelter facilities for those rescued, as well as those who are trapped.
- **Safety of women:** There would be an issue of safety of both local women and female tourists.
- **Retrieval and identification of dead bodies:** There has been a high casualty. If immediate steps are not taken to retrieve the bodies, a law-and-order problem can escalate. Also, there can be a health hazard in the district.
- **Resolution of complaints:** The complaints and requests flooding from different corners of the country need to be addressed.

In this situation, Sunil has to take on a leadership role, work in collaboration with experienced employees who might be his subordinates, efficiently distribute the available resources and manpower and display emotional intelligence and ethical decision-making in assigning priority to rescue operations for different groups of people trapped.

(b) Course of action for Sunil to ensure law and order as well as to expedite rescue operations of all concerned:

- Sunil, being a District Magistrate, and head of the District Disaster Management Authority, needs to call an **emergency meeting** of the concerned officials, including senior local officers who are well aware of the topography.
- He should assess the **available resources** at hand, infrastructure in the affected areas that can be used in the operation and areas which are vulnerable e.g., a dam or similar structure that needs to be protected from damage.

- He should **create several teams and assign specific roles** to the National and State Disaster Response Force for search, rescue, and rehabilitation missions.
- He should deploy **emergency response teams and portal/helplines** separately for the victims who are trapped and their families. Sunil can also make use of GPS/GIS technology to map the exact points where victims are trapped or a greater number of people need rescuing.
- Sunil needs to **inform the Central Government** of the steps being planned for saving the international convoy and immediately ask for assistance/resources if needed.
- He can **request for the assistance of the army** to construct temporary roads or bridges in critical areas to fasten the rescue operations.
- Sunil should **dispatch a special team to assess the damage of the pilgrim site** and take immediate action for its protection.
- The **state government needs to be informed** about the extent of the disaster and the food, water, and medicine requirements for the people trapped in the district.
- Sunil should **identify the areas (school building, hospitals, premises of temples, etc.)** where rescued victims will be brought for further assistance. Conveyance facilities need to be arranged for pilgrims to be transferred to a safe location from where they can proceed to their homes. He should also ensure that the district and rescue centres remain safe for women and children.
- He should also make use of technology to **broadcast messages for the trapped victims** about how to identify their positions, where to head for rescuing, which areas to avoid, etc.
- He should devise a **platform available to all** where the victims can identify themselves as safe, as trapped in a particular location, as being rescued and kept at a particular location. Further, names of those who are found dead should be updated.
- Sunil should ensure that the local shopkeepers are not **creating monopoly or hoarding essential goods**.
- Sunil should also assign roles related to **lost and found articles** so that people are able to find their documents or other belongings which they might have lost because of the disaster.

Earthquakes are unforeseen and uncertain situations. For a developing and populous country like India, resources often fall short while dealing with such disasters. In such a situation, Sunil has to be prudent and emotionally intelligent. Further, to avoid panic and a law-and-order situation, periodic dissemination of information should be prioritised.

15. You are the District Magistrate of a hilly district, which has recently been struck by flash floods and landslides causing supply routes to be cut off. It is brought to your notice that shopkeepers in the area are taking advantage of the situation by exorbitantly increasing the prices of various goods. One example is the case of a dhaba charging Rs. 250 for a paratha citing supply constraints. Others have also been reported to be charging exorbitant prices for transportation and other services. Given the difficult situation, there have also been issues of law and order where people have resorted to picketing of shops in retaliation to the increased prices. On enquiring, representatives of shopkeepers argue that since supply is constrained, prices are bound to increase. They further argue that higher prices are, in fact, helpful in ensuring judicious use of goods and services that are most urgently needed during emergencies.

(a) Identify the various issues from the perspective of different stakeholders involved.

(b) What will be the course of action you will undertake? Justify your stand with relevant arguments.

Approach:

- Give a brief introduction about the case.
- Highlight various stakeholders and issues involved in the case.
- Then discuss the course that can be taken as District magistrate in the case.

Answer:

The case at hand is a possible case of price gouging amidst a natural disaster creating challenges and hardships for the public and administration. Also, the situation is tense enough to create a law and order situation in the region.

(**a) Various stakeholders and issues involved in this case are as following:**

- **Local public**: They require supply of essential food items at reasonable prices and protection of their lives and properties in the face of natural disaster.
- **Local shopkeepers/Market**: As supply lines have been disrupted, they need to get fair prices for their goods and services in the light of increased cost of procurement of those goods and services. Also, the extent of disruption in the supply chain needs to be ascertained.
- **Local administration**: It is the duty of local administration to protect the rights of public as well as ensure that shopkeepers carry out their business in a fair manner and maintain law and order situation. It also has to ensure possible instances of black marketing and hoarding.
- **Governments**: Governments at state and Union level have the duty of undertaking relief and rehabilitation measures and provide necessary help to local administration in times of crisis.

(b) As the District Magistrate, I will start with **taking stock of the situation and ascertaining the severity of supply constraints**. If necessary, I will use **disaster relief funds** of the district to provide immediate relief to the public.

As maintaining law and order is essential, I will **deploy an adequate number of police personnel and volunteers from civil society** to ward off any unpleasant incidents like picketing of shops or possible violent protests. **After these immediate steps, following actions can be taken** with respect to different stakeholders:

Action with regard to shopkeepers:

- I will deploy dedicated teams to check hoarding and black marketing of essential items and take suitable penal actions in case of malpractices on the part of shopkeepers.
- I will explain to the shopkeepers that their arguments about demand supply level finding correct prices in a market is not relevant here, because that principle is applicable in a free market, which is not the case here, as the district is struck by a natural disaster.
- Further, the shopkeepers' argument of higher prices leading to judicious use of essential items is misplaced. Rather, increased prices are signalling a scarcity of items leading to panic buying among the public.
- I will pass appropriate orders under various acts like Essential Commodities Act to legally force the shopkeepers to desist from the act of price gouging.

Action at local level:

- To ensure equitable access to essential items, I will pass appropriate orders to fix the maximum amount of goods that can be sold to an individual.
- To stop panic buying, I will engage in talks with the public and instil confidence in them about the efforts of the government regarding continued supply of essential items.
- To get the cooperation of the public and serve them better, I will create a portal for the public to register their grievances and share information regarding price gouging.
- To maintain law and order and safeguard rights of shopkeepers to their profession, I will pass strict orders to take penal action in cases of extra-legal activities such as picketing.

Actions with regard to the Government:

- As it is a constitutional duty of the government to protect the right to life of individuals, I will send a report to the government at higher levels detailing about the situation in the district and about the necessary help that may be required in due course.
- I will also request the government that in the event of longer disruption of supply routes, various alternatives such as using helicopters for maintaining adequate essential supplies should be explored.

In this way, I will ensure that responsibility put upon the government under the Constitution of India vis-à-vis various stakeholders are taken care of in this time of crisis.

16. In the face of acute famine in the district, you, as an area officer, have instructed your subordinates to procure food grains from the FCI godowns located in the adjoining districts. This would make the food grains available to the public through PDS shops. Considering the gravity of the situation, this task has to be done immediately, because majority of the people in the district are poor, and therefore can't buy the food at the market prices. However, you were told that all the truck operators have formed a cartel and are asking for three times the usual transportation rate, in order to exploit the situation. This would nullify your effort, as the prices of the food grains would increase due to high transportation charges.

(a) Following are some suggested options. Please evaluate the merits and demerits of each of the options:

1) Threaten the truck owners of severe consequences if they do not fall in line and cancel their transportation permits.

2) Transport the food grains by Railways, though it may take a week.

3) Agree to pay the truck owners the transportation charges they are demanding, so as to ensure the availability of food grains, but searching for alternative and affordable transportation. However, take legal actions against the truck owners at a later time.

4) Asking the state government for sending some help.

(b) Also indicate (without necessarily restricting to the above options) the course of action you would like to follow, giving proper reasons for the same.

Approach:

The answer should begin with the context and the gravity of the situation. In this context, one should evaluate all the given options with possible merits and demerits. In the conclusion, one should choose any of the given options or any other option of his/her choice with adequate reasons.

Answer:

The situation is characterized as acute famine and general shortage of food. Considering that the majority of the people are poor, they can't buy food at the market prices. Being the area officer, it is my responsibility to make the food grains available at affordable prices, so that all individuals in the district have access to food. In this context:-:

1) This option would ensure that the truck owners are punished for their undue exploitation of the situation. As an area officer, it is my duty to ensure that the prices of essential commodities, including the transportation charges, are not artificially and unfairly inflated through some mischievous means. From that end it could be successful in performing my duty. However, this would not necessarily ensure the availability of food grains in the district, which is more important in the given situation. Therefore, this option is not advisable, as the main objective would not be served.
2) If I were to transport the food grains by railways then I may be able to reduce the transportation charges to a very great extent. However, it could take a longer time to transport the food grains and in the mean-time the situation could become worse, as there is already an acute famine. Therefore, I need to ensure the delivery of food grains in the shortest time possible, which would be difficult with this option.
3) Going by the third option, I can ensure the availability of the food grains in the immediate time, which is imperative in the given situation. At the same time I may search for some other means of transport, like arranging for public transport etc. It would be more desirable to take action against the erring truck owners at some later time, because it would serve the dual purpose of making available food grains in the immediate situation, and punishing the erring truck owners.
4) Asking the state government for help may ensure the availability of food grains at cheaper rates. However, it may not be advisable, in the first instance, because it may take some time for the state government to provide help and in the mean-time there may by deaths due to starvation. Therefore, the whole purpose of the help would be defeated.

So, the best option for me to go by is third. It is because it would ensure the availability of food grains in the immediate time and would ensure action against the erring truck owners. It is necessary to take action against them so that in future they do not unduly exploit the situation. Meanwhile, I would also ask the state government for help, so that any unforeseen situation in the future could be pro-actively addressed.

17. You are a young IAS officer posted as SDM of a flood prone sub-division. There is an old dam in your area which protects about 2 dozen villages from floods. Though the dam is weak, it is expected to hold up as repair works are being carried upon by the villagers. One day you receive a call that the villagers in the area had abandoned repairs and were running away from the work site because the dam was about to collapse as the force of water was building up. You quickly reach the site and see the fear and panic induced villagers. Systematised evacuation will take 2 days and if the dam collapses now, there will be great loss of life and property. You noticed several geo-bags (synthetic bags which are used to protect hydraulic structures and river banks from severe erosion) lying at a construction site near the dam which could hold the dam for some time. You realized that all you needed now was manpower to place these bags on the dam in such a way as to prevent water from entering the village. But the people are fear stricken and are preparing to flee.

Based on above information, answer the following questions:

(a) Elaborate on the qualities of a civil servant that are essential in such circumstances.

(b) What options do you have to handle this situation? Evaluate each of them with their merits and demerits.

Approach:

- Discuss various qualities of a good civil servant that comes into play in such situations.
- Evaluate the various options that are available to the SDM.
- Conclude by suggesting the course of action that the SDM should take.

Answer:

The situation is a tough test for the SDM. The dam must hold up for some time so that systematized evacuations can be done. For this, geo-bags can help. But the villagers are so panicked that they are unwilling to take up the repair works.

Essential Qualities

- **Emotional Intelligence** – high degree of emotional intelligence is very necessary to successfully handle such situation. The SDM must empathize will the villagers and correctly gauge the depth of their fear and panic. This will help them to motivate them.
- **Courage and commitment** – there is a real danger to one's life in the situation but the dam must hold up so that precious lives and property is saved. This requires an exemplary display of both courage and commitment to the cause.
- **Ability to motivate others under tough conditions** – the SDM must be able to motivate people under difficult conditions so that geo-bags can be quickly placed.
- **Objectivity and Quick decision making ability** – the SDM must be able to take rational decisions quickly in a situation where one can be overwhelmed by fear and panic.
- Above all, the situation is a test to **leadership qualities** of the SDM.

Options available

- Try to motivate villagers to place the geo-bags on the dam.
- Take help of contractors enlisted with the Government.
- Calling his senior (DM) for help.

Evaluation

1) Calling the DM

Merits – as the SDM is a young officer, he might be inexperienced to handle such situation. Therefore, calling the DM might help.

Demerit – but this will consume some very precious time which could cause widespread destruction.

2) Taking help of the contractors

Merits – this may solve the problem of manpower as the contractors may provide sufficient labourers to place the geo-bags.

Demerits – this option is also time consuming and the contractors might be unable to provide sufficient labourers at such a short notice. Also, the labourers too might get scared and refuse to work.

3) Motivating the villagers

Merits – this will provide sufficient manpower to place the geo-bags. As the villagers are present on the site, precious time will be saved.

Demerits – the SDM might be unable to motivate the villagers.

The villagers are the largest stakeholders in the situation and they can provide sufficient manpower quickly to place the geo-bags. Therefore, the SDM should motivate the villagers and place the geo-bags on the dam with their help. He can appeal to their sense of sacrifice and responsibility towards their families and community. He can also lead by example and start to place the geo-bags himself. His courage will have a tremendous effect on the villagers and motivate them to take up the work. In the meantime, he should also arrange for evacuation.

4. Education and Ethics

18. You are the District Magistrate of a district, which is the hub of coaching centres for engineering as well as medical entrance exams. Recently, around 5 students have committed suicide owing to academic and social pressure. Students in the age group 15-18 years from across the country come to the district with the dream of getting admission into prestigious institutions like the IITs and AIIMS. However, the coaching institutes are business-minded and want to have toppers from their institute so that they can attract more students. They create a lot of pressure on students to perform, with differential treatment like forming different category of batches depending on students' performance. These students live as Paying Guests and in hostels away from their families and many cannot tackle the huge burden of competition and the associated mental stress.

The recent spate of suicide by 5 students has been highlighted by the national media and you have been asked by the Chief Minister to present a report of the situation and take steps on the matter. The Chief Minister has also asked you to keep the matter away from limelight so that the coaching centres continue with their business and generate revenue for themselves as well as the state. Upon investigation, you find out that 2-3 of the most famous coaching institutions are run by political leaders of the ruling party. They are involved in false advertisements in order to lure students. They also create undue pressure on the students to perform. Also, there is an emerging black market for performance enhancing drugs, which have become common among the students.

Given the situation:

(a) Highlight the stakeholders involved and discuss the associated ethical issues in the given case.
(b) Given the situation, what will be your course of action?
(c) Discussing the various reasons for increased cases of suicides among students, suggest measures to address the issue in the long-run.

Approach:

- State the facts of the case in the introduction.
- Bring out various stakeholders and ethical issues involved.
- Discuss the course of action that can be taken in this case.
- Highlight the reasons for increased cases of suicides among students.
- Suggest measures to address the issue in the long run and conclude accordingly.

Answer:

The given case represents a situation where teenage students are put under immense social and family pressure to perform academically well. The coaching institutes are showing apathy and are motivated only by commercial gains. It also highlights the lacklustre approach on part of government and district administration to regulate the industry.

(a) Stakeholders involved in the case and the ethical issues involved:

- **Students:** They face undue pressure to perform irrespective of their **interests or aptitude** for the exam.
- **Parents/ family**: They are more concerned about **the marks than the well being** and holistic education of their wards.
- **Society:** Upon failing, these students will be **tagged as failure** for lifetime. They do not care for the mental health of children.
- **Coaching institutes:** They indulge in **undue competition** of luring students and making false claims of successful candidates. They also create unnecessary pressure and categorize the students based on their performance, thus, further stigmatizing them.
- **District administration**: They could not curb the **unethical practices** of coaching institutes and the usage of performance enhancing drugs.
- **Government**: Political leaders from the ruling party are running those coaching institutes while the leadership is focused on revenue generation.

(b) Given the situation, I as the DM can undertake following course of action:

- **An enquiry committee** can be set up to look into the functioning of coaching institutes and their unethical practices and can be reprimanded for the same.
- **Police enquiry** needs to be initiated instantly for curbing the market of performance enhancing drugs.
- A **hotline** can be started with immediate effect for counselling of students who feel depressed or are under undue pressure.
- A **meeting can be conducted with all coaching institutes** and they can be sensitized of the seriousness of the matter and instructions can be given to take psychological care of students. Also, it can be made mandatory for each coaching institute to set up a counselling centre and hire a psychologist so that students can be counselled if required.
- **Local workshops/meetings with students** can be organized with the help of officers of district administrations or local NGOs and they can be assured of all the help and support in the future.
- The **locals providing Paying Guest facilities or rental accomodation** to students can also be sensitized in the matter and given instructions on how not to let students be in isolation or report any unusual activity.

(c) Reasons for increased suicides among students:

- **Family as well as peer pressure** to perform is one of the prime reasons. Students usually find it hard to cope up with such pressure at such a tender age and get the feeling that failure in such exams is the end of life for them.
- **Isolation** is also one of reasons, as students generally stays away from parents and their families and they can not find solace in isolation, which further aggravates their feeling of failure and depression.
- **Lack of sensitization among students** regarding various career opportunities that exist. Also, the exam oriented education system can also be a factor driving students towards suicide in case of failure in a particular exam.

Steps that can be taken in the long term to prevent suicides:

- **Change in the education system** as presently it is based on **rote learning**. An analytical thinking and mindset through change in the education system will help students in realizing their potential and will reduce such burden on their mind. Integration of **co-curricular in academia** and establishment of a proper vocational education system will also help in the longer run.
- Another step could be to change the model of the competitive exam based entrance system in such universities and institutions, as one exam is not enough to judge the calibre of a student. It should be more inclusive and should take other parameters like **several years of assessment of students** in multidisciplinary learning.
- Students should be made more aware of different career opportunities in the long run in their school and colleges and encouraged to participate in community works, which will help them realize that life is much bigger than an exam.

The Indian education system needs an overhaul where the shift from rote learning to comprehensive learning through development of critical and analytical thinking should be made.

19. You have recently been posted as a Nodal Education Officer in one of the districts, where mass cheating in examinations is a regular phenomenon. Media reports have shown parents and relatives scaling school walls and buildings to pass answer chits to students taking secondary school examinations in the district. Moreover, with the advent of new technological devices, cheating in examinations has become more sophisticated and exam rules are flouted openly. On investigation, it has come to your notice that these rackets are run by many school authorities, including exam invigilators who are mostly teachers, and they are hand in glove for profits. With a shortage of staff, invigilators threaten go on mass strikes if any action is taken. Conducting the exams, cancelling them on account of cheating and having re-exams are a loss of time and money for the government and this vicious cycle goes on.

As the Nodal Education Officer of the district, address the following questions:

(a) What are the ethical issues involved in the above case?
(b) How will you resolve the issues in the given case?
(c) What long-term strategy needs to be adopted to deal with the menace of cheating in various examinations?

Approach:

- Give a brief overview of the case.
- Discuss the various ethical issues involved in the case.
- State the measures that you would adopt to deal with the situation.
- Delineate a long-term strategy to be adopted to deal with the menace of cheating.

Answer:

The given case study raises pertinent ethical questions on unfair or unethical means adopted to get desired results in examinations. More alarming is the breeding of corruption in the education system with total lack of conscience on the part of officials involved in mass cheating. Issues like mass cheating, exam cycles being disrupted, schools being used to run rackets and profiteering scams depict the sorry state of affairs of the education system.

(a) The various ethical issues pertaining to the case include:

- **Lack of conscience:** There seems to be a lack of conscience on the part of parents/ relatives and teachers who are supporting and colluding in unfair means.
- **Promote unethical practices:** Such practices affect the moral compass of the future generations and promote unethical means to attain desired results.
- **Injustice:** Cancellation of exams and re-examination result in injustice towards those students who prepare hard and take exams fairly. Their time, effort and cost are disvalued in the process.
- **Distrust in the education system:** Such incidents in the education sector, which is supposed to build the foundation of a nation, result in the erosion of faith and trust in the system.
- **Affects the social fabric:** The role models (teachers and parents) themselves are promoting profit over values, shortcuts over hard work and corruption over ethics, thereby leading to degradation of moral values.
- **Breeding incompetence:** With parents and invigilators emphasizing on results rather than learning, incompetent candidates are passing exams, which will result in an incompetent workforce that is going to be detrimental for the nation in the longer run.

(b) As a Nodal Education Officer, I would take the following steps to resolve the issues:

- **Initiate a preliminary enquiry:** A high-level committee involving legal and police personnel can be set up to look into the ongoing cheating racket in schools and initiate enquiry to verify the media reports and ascertain the gravity of the issue.

- **Take strict action against the guilty:** The police can fast-track the interrogation of parents, invigilators and school authorities to register cases against those found guilty.
- **Re-conduct the exam on a short notice:** To restore faith in the education system, mass exams must be re-conducted in 15 days with full security measures, sending strong signals against cheating.
- **Surprise supervision:** Senior members of the department can be requested to oversee and supervise randomly in the examination centres during the examination.
- **Punitive measures:** Existing staff could be given a second chance, but if they refuse, then termination of corrupt staff and invigilators must be initiated.
- **Recruitment:** Temporary staff from other colleges, nearby districts, etc. should be hired to deal with mass strikes.
- **Issue warning:** The parents must be warned of their wards being rusticated and a non-admissible certificate in any other school if they do not heed to the warnings.

(c) A long-term strategy that could be adopted to deal with the menace of cheating is as follows:

- **Strengthening the examination system:** Continuously improving the examination system to make cheating more difficult, such as randomizing question papers, installing CCTV cameras in schools, using technology jammers, etc. would be a step towards deterrence.
- **Create a pool of teachers and staff:** A backup pool of well-trained teachers must be created for emergency and adverse situations like shortage of staff and strikes. An inter-school teacher-exchange programme for invigilation can be started where the invigilation duties are randomly allocated, preventing any network to flourish in the long-run.
- **Honour the honest:** Rewarding the staff members who are honest in their jobs with incentives and students with recognition during parent-teacher meetings will go a long way in instilling positive behaviour and attitude among parents and teachers.
- **Subject of ethics in the curriculum:** Ethical principles and their practice could be included as a subject in the curriculum for students to help them develop moral thinking and instill values of honesty and integrity in them.
- **Training of parents and teachers:** Ethics as a study can be imparted to teachers in their training as well as parents during parent-teacher meetings to discourage them from indulging in unethical acts.

One of the worst forms of corruption is corruption in the education system, which should be addressed on a priority basis. An ethical code of conduct from the teachers and parents is fundamental to the ethical conditioning of children and society at large.

20. You are the Chairperson of Staff Selection Commission of a state. Recently, an exam for recruitment to the position of sub-inspectors was conducted by the Commission. But a video of some students using hi-tech devices like spy-mics, and placing "solvers" to cheat in the exam by hiding bluetooth devices in wig, has been surfacing on the internet. Also, this is not an isolated incident; many instances of organized cheating scandals have shocked the state in recent years. Students are agitated and demanding cancellation of the exam and there is pressure on you to resign. However, your daughter had also appeared in this exam and is confident of clearing it. There are many other students who had waited for this exam for a long time and are hopeful of clearing it with honest efforts. Whatever decision the Commission takes is bound to affect the career of a large number of candidates who appeared in the exam, including your own daughter.

(a) Highlight the ethical issues concerned in the case.
(b) Why is cheating in examinations prevalent in many states across India?
(c) What measures would you take to make sure that a similar situation does not arise in future?

Approach:

- Introduce the answer by briefly highlighting the facts of the case.
- Mention various ethical issues concerned in the above case.
- Discuss various reasons, which spurs/perpetuates cheating in the examination across states in India.
- Suggest measures to ensure that such instances do not arise in future.

Answer:

The above case study represents adoption of unethical means by students to pass the examination. For the chairperson, it demands ethical conduct in professional duty and personal life, salvaging the image of the SSC and restoring the faith of students.

(a) Ethical issues involved in the case are:

- **Impacts credibility and integrity of the commission**: This is due to repetitive instances of cheating and failure of the commission to act on it. This has also widened the trust deficit.
- **Violates the principle of equality of opportunity and breeds social injustice:** Cheating gives some people an unfair advantage over the others.
- **Academic dishonesty**: Lack of honesty among the students is a growing concern as it perpetuates moral corruption and inefficiency in the society.
- **Ethical conduct in professional duty and personal life:** For the chairperson, it is important to uphold the ethical conduct in professional duty by ensuring fairness in the examination. At the same time, it is important to ensure that the future of the serious candidates is not jeopardised irrespective of the fact that his own daughter is taking part in the examination.
- **Violates deontological ethics:** Students have adopted unfair means (cheating) for favourable ends (results) vis-à-vis fair means for desirable ends.
- **Burden on public exchequer:** Scams and postponement of examination adds to the additional costs.
- **Non-recognition of sincere efforts**: Cheating reduces the enjoyment of accomplishments earned through genuine-effort.

(b) Reasons for growing instances of cheating in examinations:

- **Performance pressure**: Performing well in board examinations or having a good government job has become increasingly critical to the future lives in the competitive system.
- **Deeper issue of societal values**: In many schools, cheating in small and big ways begins in the primary classes and is condoned by parents, teachers, etc. This later on perpetuates in public service examinations.
- **Positive attitude toward cheating:** Attitudes such as 'everybody around me is doing it' allow students to relieve themselves of responsibility for their actions.
- **Immunity and patronage from those in power**: Nexus between corrupt government officials, politicians and organized syndicates provides immunity to miscreants.
- **Delayed justice:** There is a general perception of the judicial system being slow and ineffective. This motivates people to recourse to illicit and illegal means like cheating.
- **Unmonitored environments:** Failure of the administration to ensure adequate mechanism for conduct of a fair examination.
- **High-end technology**: The easy availability of relatively cheap and small-electronic-devices like spy mics, bluetooth devices, etc., has increased the capacity of cheaters.
- **Other factors**: Peer pressure, cut-throat competition, fear of failure, etc. spur the instances of cheating in India.

(c) It is important to bring in transparency, remove apprehensions of favouritism and curb malpractices in the recruitment process of the Staff Selection Commission. To achieve the same, **following measures can be taken**:

- **Strict punitive action**: All the candidates who have indulged in malpractices should be given adequate punishment as per the established law along with cancellation of their candidature. Also, strict punishments should be given to organized syndicates.
- **Vigilance committees**: Setting up vigilance committees in various districts with district collector as its head to inquire upon instances of cheating and formulating a roadmap for "zero tolerance to cheating".
- **Transparency and accountability**: Timely sharing of exam scores through digital medium with candidates, asking for feedback on question papers, etc.
- **Biometric authentication**: Aadhaar linked biometric details of the candidates can be verified at the time of examination to avoid impersonation.

- **Data analytics**: Effective utilization of advanced data analytics to detect cases/centres with high probability of recourse to unfair means during examinations.
- **Use of technology**: Scanners at the entrance and CCTVs should be installed at exam centres. Also, network jammers should be installed at the venue of examination.
- **Flying squads**: Flying squads comprising independent members such as academicians and commission members should conduct surprise checks at various centres.
- **Social stigma towards cheating**: Through promoting value-based education and making use of role models to build negative attitudes towards cheating and other unfair practices in the society.

The above-mentioned steps will help in tackling the menace of cheating which has been found to be a regular event in many states across India.

21. You are a single mother and work as a school counsellor for the psychological well-being of primary and secondary school children at a reputed school. Recently, you have found through your interactions that several students have been facing emotional trauma and mental health issues. Realising the gravity of the situation you want to discuss this with the school authorities and the board of trustees and come up with an advanced plan that can help parents get better involved. However, during the meeting, concerns are raised regarding your findings and the lack of supporting evidence is also cited by some. Moreover, senior members who are present express a sense of displeasure at what this might mean for the reputation of the school.

You are thoroughly appalled with this approach of the school authorities, yet you are mired down in your own financial circumstances.

On the basis of the above situation, answer the following:

(a) Identify the most relevant stakeholders in the case.

(b) What are the dilemmas in the case?

(c) Discuss how stigmatisation of mental health issues can be addressed in schools.

Approach:

- Briefly explain the case study.
- Mention the most relevant stakeholders in the case study.
- Explain the ethical dilemmas involved in the case.
- Explain how mental health issues can be de-stigmatised in schools.
- Conclude briefly.

Answer:

The given case study deals with the issue of mental health in children, its low awareness among people and stigma surrounding mental health and reputation.

(a) The **most relevant stakeholders** in this case are:
- **School students**, who have been facing emotional trauma and mental health issues.
- **Parents of children**, who have put the trust in the school to take care of their children and ensure their overall wellbeing.
- **Teachers** at the school, who have the responsibility to oversee the growth and development of the children.
- **School authorities** who don't trust the data presented by the school counsellor and are concerned about school's reputation.
- **School counsellor**, who is at the center of the given case study and faces ethical challenges and dilemmas as explained below.

(b) The WHO defines Child and Adolescent Mental Health as the "capacity to achieve and maintain optimal psychological functioning and wellbeing. It directly relates to their level and competence in psychological and social functioning**".** Various surveys and reports have pointed out that 10% to 20% of children and

adolescents worldwide are affected by mental health problems. The given case pertains to the children psychological problems and presents following **ethical dilemmas**:

- The counsellor faces a battle between her **personal and professional ethics.** Being a single-mother, she is also worried about her economic circumstances as the board of the school is apparently not happy with such findings.
    - However, the counsellor also understands child psychology and the disservice she may do to the school, the children, and the country if she makes a decision to not present the findings as they are.
- The doubts and concerns raised by the school authorities may present the counsellor with a **dilemma about her own research findings**.
- The **school authorities are bothered with the reputation of the school** owing to the research findings as presented. Mental health is stigmatised widely. However, as educationists, they must think whether to consider the school purely from the perspective of business and reputation – or to actually get to the root of the problem and address it – as to an educationist, a child's welfare is of utmost importance.

(c) Stigmatisation of mental health issues in schools can be addressed through the following initiatives:

- **Comprehensive school mental health programmes**: The children and adolescents are at great risk of adopting many risk-taking behaviours and thus well-designed school mental health programmes promoting positive mental health must be designed.
- **Sessions with child psychologists and experts for parents** on the importance of mental health. Awareness programmes include talking about what mental health is and why it is important to take care of our mental health, signs and symptoms of mental illnesses, and the importance of early intervention.
- **Meditation, story-telling sessions and spending time with nature**: Several schools have meditation and life skills programmes, including Mid-Day Meal kitchen garden programmes that focus on close association with environment and nature. These are effective ways to help students calm themselves and reflect.
- **Awareness on cultivating a good parent-child relationship via PTMs**: Parents play an important role in the mental health of children. Regular PTMs must be undertaken especially for poor parents – who sometimes don't have the time for children owing to livelihoods chores.
- **Encourage children to open up through creative counselling sessions**: Deployment of Audio-Visual tools, toys that help children express and communicate, so that their concerns can come out if the children are not vocal enough.
- **Other measures** include addressing bullying amongst school children, avoiding academic overburdening, especially on young children, creating a culture of peer-to-peer discussions and deliberations amongst the school children, introduction of **Happiness curriculum** in schools as done in Delhi etc.

It must be noted that while private schools and schools in urban areas may have been undertaking these initiatives, schools in rural areas need more attention owing to lack of infrastructure and awareness, and therefore, state policies must focus on them specifically.

22. You, the chairperson of a State Public Service Commission (SPSC), come to know that there were instances of rampant cheating in a competitive exam conducted recently by the SPSC. Your daughter, who also appeared in this exam and is confident of clearing it corroborates the same. However, she denies engaging in any such activity herself. Whatever decision the Commission takes is bound to affect the career of a large number of candidates who appeared in the exam, including your own daughter.

(a) Identify the different stakeholders and their interests in the case above.

(b) Enumerate the options you have to handle the current situation. What will be your choice and why?

(c) Suggest measures that you would take to make sure that a similar situation does not arise in future.

Approach:

- Identify the different stakeholders and their interests.
- Discuss the options available and give reasons for the most suitable option.
- Enumerate measures that can make sure that similar situation can be avoided in future.

Answer:

(a) This given situation is of an administrative crisis for the State Public Service Commission, while for the Chairperson, it demands ethical conduct in professional duty and personal life. Tackling corrupt practices, salvaging the image of the SPSC and restoring faith of students in the Commission should be the highest priority for him. Making the examination process corruption free augurs well for the future prospects of all the students including his daughter. The different stakeholders and their interest include:

- The SPSC, represented through its Chairperson- To ensure that any unfair practice brought to public notice is duly enquired upon and action taken quickly to restore faith of students and people in fairness of the process.
- Student community who are directly affected due to corrupt practices.
- Administrative machinery of the State, responsible to oversee examination and conduct it in correct manner. Their credibility is under question because of their failure to act earlier.
- General Public and their trust deficit in a Constitutional body that selects officers to govern the State.
- Student community who are directly affected due to corrupt practices. This includes the daughter of the Chairman as well.

(b) Options available are as follows:

Option 1: Ignore the complains of cheating

Merits

- Cheating is an unavoidable but minimizable aspect of any exam. Since strict vigil at all places cannot be maintained even during re-exam, there is no point cancelling the current one.
- It will maintain status-quo within the organisation.
- It may be expected that only a few of those of cheat will get through, largely the lot will be hardworking and honest.

Demerits

- Cheating makes a mockery of the competition which is being used to assess the capabilities of future leaders and decision makers.
- It will rob the opportunity from hundreds of deserving candidates.
- Non- deserving and morally corrupt candidates will become officers, who in return will rot the administrative system.

Option 2: Set an internal enquiry, but let recent exam process to get over

Merits

- Internal enquiry will help authenticate the news of cheating in the exam.
- It will help curb such practices in the future.
- Relief for students who have cleared this year.

Demerits

- Enquiry is time taking process. And if the the incidents of cheating were real, it means recruitment of non-meritorious candidates.
- Internal enquiry might be sabotaged since there are chances that someone from the Commission might be involved.

Option 3: Temporarily suspend the examination process and demand an external investigation.

Merits

- It will make sure that those who used unfair means are not selected.
- Will send the message to the public that the Chairperson is incorruptible and puts public interest ahead of his personal interest.
- Will restore the faith of general public and candidates in the Commission.
- Will prevent any internal interference in investigation process.

Demerits

- The ability to conduct fair exam and to investigate cases of irregularities by the State Commission will be questioned by certain sections.
- Stalling will keep the deserving candidates in uncertainity.
- Before cancelling the examination process, it is important to ascertain the veracity of cheating allegations.
- It may also hamper the selection of Chairperson's daughter.

Preferred course of action

The issue is the institutional integrity of the SPSC and the preferred course should be 'no compromise' as the public trust, transparency and integrity of the process of recruitment of civil service is a major plank of a democratic modern state.

- First step should be reasonably ascertain whether rampant cheating has taken place or not. This can be done even without an enquiry so that quick corrective actions be taken.
- If the cheating was confined to a few centres then re-conducting exams at these centres may be considered.
- If it was widespread throughout the state then cancellation of exam is the preferred option.
- Besides setting up internal enquiry within the commission, the Chairperson should request the State government for an external investigation preferably from CBI. Those involved in these irregularities and their accomplices should be strictly dealt with. This will send a strong message about the seriousness of the issue and will deter incidences of similar nature in future.

(c) It is important to bring in transparency, remove apprehensions of favoritism and curb malpractice in recruitment process of Public Service Commission. To achieve the same, following measures can be taken:

- **Transparency and proactiveness:** Timely sharing of exam scores with candidates, asking for feedback on question paper etc.
- **One-time Registration (OTR):** OTR to be linked to Government ID's like Aadhar. Aadhar linked Biometric details of the candidates can be verified at the time of examination to avoid impersonation. It can also tackle any future controversies that might arise after the recruitment is done. This could be a costly and cumbersome affair but will bring transparency in the process.
- **Use of CCTVs**: Cameras should be installed at exam centers and video footage can be collected for evidence in case of any incident of malpractice coming to light.
- **Security Arrangements:** Use of State Police as well as Central Forces to frisk the candidates for electronic gadgets. Use of Central Forces is important as local police can be influenced.
- **Squads:** Squads comprising of security forces and members of SPSC should conduct surprise checks at the centers.
- **Strict Punitive Action:** All the erring candidates should be banned for life. Also, strict punishments should be handed to all those involved in the cheating scam, including those in the Commission.
- **Proper scrutiny:** Antecedents of private players engaged at any stage of the examination should be properly verified and adequate safeguards must be taken.
- Sensitisation of invigilators towards the gravity of the task.

5. Environmental Ethics

23. ***You are appointed as the Project Director in a large infrastructure company of the country. The company has won the rights to develop a port and its hinterland in a state. The project has economic and strategic significance for the country as it would develop a leading transshipment hub in the region and would lead to higher exports and earnings through its operation, flourishing of new businesses and also create employment opportunities.***

Also, the successful completion and operationalization of the project is important for the company as some of its previous projects were halted due to protests by the local communities and not only the reputation of the company but also significant investments are at stake.

The land acquisition for the project has been completed as per the laid down rules and regulations. The Environmental Impact Assessment has been carried out and the project has received the go ahead from the concerned authorities. Also, rehabilitation and alternative livelihood opportunities are made available to the affected people as per the laid-down norms.

However, once the construction started, some farmer groups started agitating on the grounds that they have not been adequately compensated and that the project will negatively impact their livelihoods. They are demanding that either the project be halted or the compensation provided to them be increased substantially by way of money and assured jobs.

In this context, answer the following:

(a) Identify the relevant stakeholders in this case and the issues affecting them.
(b) Evaluate the merits and demerits of ceding to the demands of the protesting groups, in the given context.
(c) What course of action will you follow?

Approach:

- Give a brief crux of the case study.
- List the stakeholders and their issues.
- Evaluate the merits and demerits of ceding to the demands of the protesting groups.
- Provide the course of action, which you would follow in the given case.
- Suggest a way forward to prevent such instances from recurring and conclude appropriately.

Answer:

The present case relates to the grievances of the local communities against a developmental project leading to protests, which has the potential of disrupting the economic growth of the country.

(a) In this context, the relevant stakeholders and their issues are as follows:

- **The farmer groups and the local people:** Their protest is based on the premise that they are not adequately compensated and their livelihoods would be adversely affected due to the development of the project. Local communities are also concerned about the environmental, social, and livelihood impacts of the project in the long-term.
- **The company and its employees:** The risk of reputational damage and significant financial losses if the project is not completed are being faced by the company. Also, the employees would be concerned about their job security and potential lay-offs.
- **The national and state governments:** Their economic and strategic benefits lie in timely completion of the project as per the laid down rules and regulations. Its failure would lead to reduced investments and loss of employment and opportunities for a better quality of life of the people in general.
- **The Project Director:** Being the Project Director of the company, it is my responsibility to oversee the successful completion of the project in a fair, transparent, timely and ethical manner. The immediate issue for me is to get the protests resolved as soon as possible.

(b) The merits and demerits of ceding to the demands of the protestors to halt the construction and provide better compensation including assured jobs are as follows:

Merits:

- Ceding to the demands of the protesting groups would **address their grievances and concerns,** potentially resolve the situation and build trust while reducing the likelihood of future conflicts and violence. It would also mean **timely completion of the project, saving the company from financial losses** and livelihood of its employees.
- **Providing additional compensation and alternative livelihoods** would help **alleviate the perceived sense of injustice/inequality** and enhance the company's reputation in the eyes of the public.
- **Engaging in dialogue and negotiation** with protesting groups would increase the company's credibility as a responsible and conscientious corporate entity.

Demerits:

- **Negative impact on other stakeholders:** Local people, employees, and governments would be affected if the project fails to complete on time in terms of forgone revenue, employment, and strategic benefits**.**
- **Setting a precedent:** It would set a precedent for further protests about projects, potentially leading to increased costs and delays. It may also affect the financial viability of the project.
- **Creates a moral hazard:** Ceding to demands would benefit a few people in the short-term but in the long term, it might **create a moral hazard** and encourage more groups across the country to indulge in such protests to receive pecuniary gains.
- **Impact the investment climate**: It would **discourage domestic and overseas investors** from investing in the state fearing a hostile business climate, which would be detrimental for the economic growth in the long-term.

(c) To address the concerns of the protesting farmer groups in an ethical manner, I would consider the following course of action:

- **Ensuring compliance with regulations:** I would ensure that the work of the company is in compliance with all relevant regulations and demonstrate its commitment to ethical development practices and help build trust with the local community.
- **Seeking support from the state and national governments**: Support of the state and national governments would be sought for ensuring the security of the men and materials and finding solutions which are broad-based, consultative, cooperative and inclusive and acceptable to all the stakeholders.
- **Negotiating with the farmer groups:** I would engage with the farmer groups in a respectful and transparent manner and negotiate a settlement that addresses their concerns while balancing the interests of the company as well.
- **Alleviate the concerns of the protestors**: I would assure further studies and measures to alleviate the concerns of protesting groups and local communities and provide all possible support in the future.

Preparing a people-centric **Detailed Project Report (DPR)**, effective communication, public awareness and outreach, access to information in a transparent manner, cooperation with the Central and state security agencies, taking civil society organisations on board, and an effective grievance redressal mechanism can lead to equitable benefit sharing and help achieve the goal of national development in an inclusive manner.

24. The Indian Railways (IR) has approximately 43,000 hectares of vacant land, which is not required for operational purposes in the foreseeable future. Such plots of land are entrusted to the Rail Land Development Authority (RLDA) by the Railway Board for commercial development. As the Vice-Chairman of the RLDA, you are responsible for identifying the potential of these vacant lands and work out the best mode of commercial development.

Meanwhile, the Union government is planning to build India's first intermodal stations. Intermodal Stations (IMS) are terminal infrastructure, which integrate various transportation modes such as rail, road, mass

rapid transit system, bus rapid transit, inland waterways, auto-rickshaws, taxis and private vehicles so that people can move from one mode to another seamlessly.

The Union Ministry has shortlisted two cities to build IMS. The land identified in one city, which also happens to be the home town of a Union Minister, belongs to the RLDA. You are supposed to clear a final report on this land based on which it will be cleared for building IMS.

After going through the land details, you discover that the land contains natural urban forest with more than 40,000 trees that provide diverse ecosystem services to the residents of the cities. Clearing this land for the project will lead to cutting of these trees. Also, the news of this land being under consideration is already out and the environmental civil society groups in the city are protesting against it. They are threatening to go to the court if the trees are cut to proceed with the project. Further, an alternative site has been proposed by an environmental think tank, which could be suitable in terms of sustainable development of the project.

On the other hand, there is pressure from the Union Minister to clear the land for the project. A senior member from the Railway Board has also approached you to look into the issue favourably else it might upset the political executive.

(a) What are the ethical dilemmas faced by you in the given situation?
(b) Under the given conditions, what are the options available to you?
(c) Critically evaluate each of the options listed by you.
(d) What option would you adopt and why?

Approach:

- Briefly mention the facts of the case.
- Highlight the ethical dilemmas faced by you.
- Bring out the options available to you and critically evaluate them.
- Discuss the option that you will choose in this situation.

Answer:

The given case study deals with the issue of development versus environment faced by the Vice Chairman (VC) of the Rail Land Development Authority (RLDA), who is entrusted with the responsibility of ensuring commercial development of the railway land and at the same time, is facing opposition from the environmental civil society groups. Further, there is political pressure to clear the land. There is also a threat of legal action and damage to the reputation of the RLDA.

(a) Ethical dilemmas faced by me as the Vice-Chairman include:

- **Environmental conservation vs. economic development:** I face the dilemma pertaining to balancing the need for environmental conservation and the development of infrastructure. While these two objectives can be adverse to each other at times, it is important to find a balance that allows both.
- **Political interest vs. public interest:** I have to determine the public interest in this scenario and it should encompass the interests of the wider public, including the residents who benefit from the natural urban forest and the potential users of the intermodal station. However, political interest dictates that I clear the land for the project.
- **Political interference vs. impartial decision-making:** Pressure from the political executive can compromise impartial decision-making. Resisting undue political influence and making decisions based on merit and objective criteria are crucial for upholding ethical standards.
- **Accountability to the Minister vs. public accountability**: The decision to clear the land for the project might be perceived as favoring the Union Minister's hometown and could raise questions about transparency and accountability in the decision-making process.

(b) Under the given conditions, the options available to me as the Vice-Chairman of the RLDA are as follows:

- Clear the land for building the intermodal station and ignore the concerns raised by the environmental civil society groups.
- Reject the proposal for an intermodal station in the RLDA land.
- Prepare a report and suggest an alternative land for the project.

- Delay the decision and gather more information and opinions from the stakeholders.

(c) Critical evaluation of each option:

- **Clear the land for building the intermodal station and ignore the concerns raised by the environmental civil society groups**: This option prioritizes the immediate construction of the intermodal station, which is an important infrastructure project for the development of the country. But, it disregards the environmental impact of cutting down a significant number of trees. It may also lead to backlash from the environmental groups, giving rise to legal challenges, and damaging the reputation of the RLDA.
- **Reject the proposal for an intermodal station in the RLDA land:** It will help satisfy the concerns raised by the environmental groups and also avert the legal challenges, if any. Further, it will help in preservation of the environment. However, this option goes against the mandate of the RLDA i.e. commercial development of vacant railway land.
- **Prepare a report and suggest an alternative land for the project:** This option acknowledges the concerns raised by the environmental groups and considers their proposed alternative site. It also demonstrates a willingness to find a more sustainable solution. However, it may require additional time and resources of the government to assess the feasibility of the alternative site.
- **Delay the decision and gather more information and opinions from the stakeholders**: This option allows for a more thorough evaluation of the situation by gathering additional information and consulting the various stakeholders. However, this option may also lead to delays in the project and could increase pressure from the Union Minister.

(d) The most suitable option would be to **prepare a report and suggest an alternative land for the project**. Along with this, I will consult with my senior and explain to him the details of the report. This option demonstrates a commitment to sustainability and environmental conservation, taking into account the concerns of the civil society groups and promoting a more sustainable approach to development. Further, by engaging with my senior, I will have additional scope for explaining the concerns that have been mentioned in my report.



25. In a metropolitan city a new metro rail project has been sanctioned. The project is expected to reduce traffic congestion, lower pollution levels in the city and save a significant amount of fossil fuel. However, the project requires construction of a car shed for the metro terminus station.

The city is already very congested and not much land is available except a patch of green belt within the municipal area. Consequently, the municipal corporation's Tree Authority approved a proposal to cut down about 2700 trees to make way for the metro car shed.

The approval enraged environment action and citizens' groups who have organized protest rallies demanding withdrawal of this order and conservation of the green belt. The print and electronic media also took up the cause.

Given the situation, answer the following:

(a) Identify the different stakeholders in the given case. Also, bring out the issues involved from the point of view of different stakeholders.

(b) If you are the Municipal Commissioner, what course of action will you adopt keeping in mind the interests of different stakeholders?

Approach:

- Introduce by writing a brief note on the facts of the case.
- Enumerate the different stakeholders involved.
- Briefly discuss the issues involved in the case study from the point of view of different stakeholders.
- Suggest the best course of action that should be taken in the given situation.

Answer:

The above case is an example of the need to strike a fine **balance between development and environment protection**, which is one of the burning issues in India. India being a developing country needs to implement development projects and also needs to protect the environment for sustainable development and wellbeing of future generations.

(a) The stakeholders and the issues involved from their point of view is as follows:

	STAKEHOLDERS	**ISSUES INVOLVED**
1)	Citizens and Civil Society	• Right to clean environment • Ease in commuting and protection against pollution and accidents • Consideration of their views on the project • Holding the government accountable for it actions regarding environment
2)	Metro/Rail Corporation	• Completion of the project on time and without attracting the wrath of the common public • Avoiding negative publicity for the implementation and survival of the project
3)	The Government	• Maintaining law and order • Ensuring no untoward incident takes place • Avoiding stalling of the project • Addressing the issue of redressal of grievances of all the stakeholders • Playing the role of coordinator for smooth implementation of the project
4)	Environment	• Survival of trees and biodiversity • Maintaining the ability to provide clean air and eco-services. • Issue of reduction in pollution and fossil fuels use

5)	Media	• Broadcasting the ongoing developments impartially • Creating awareness • Acting as a bridge between the government and the common public

There is need to ensure the survival and smooth implementation of the metro project and also ensure the protection of the environment by minimizing the negative effects arising out of falling off the trees. For this, a holistic approach is required.

(b) As the Municipal Commissioner, the following course of action can be adopted keeping in mind the interests of different stakeholders:

It is the responsibility of the Municipal Commissioner to ensure law and order, protect the environment and implement the project without any untoward incident.

- **General public:** The Municipal Commissioner should use persuasion tools like generating awareness among the public about the importance and benefits of the metro project by using print and electronic media. He/She should also personally meet citizen's groups and environmentalists who are protesting in order to calm them. Also, enough police presence in the city should be ensured as there are various protests being held.
- **Environmentalists:** The government is obliged to plant more trees than the number of fallen trees for any project. So as a Municipal Commissioner he/she should personally ensure more trees are planted than the number of trees cut down for this project. The help of environmentalist in the city can be taken in this endeavour.
- **Metro Rail Corporation:** He/She should ensure enough police protection to the project amid ongoing protests against this project. He/she should also ensure that no untoward incident takes place which can halt the progress of the ongoing work. The administration should do all things to support metro rail corporation in this regard.
- **Government:** The government should work for building trust, and subsequently building the consensus for this project by active coordination among various stakeholders.
- **Environment and trees:** The Municipal Commissioner can seek ideas regarding an alternative location for the car shed or eco-friendly technological tools to implement the project. He/she should keep an eye on the administrative work for minimizing the negative impacts arising out of cutting down of the trees. Tree plantation drives should also be undertaken in the city. Planting of more trees than the number of trees cut down for the project should be ensured. Holistic approach towards the conservation of environment and biodiversity in the city should be followed so that even the future needs of the city are met and sustainable development is achieved.
- **Media:** It should be ensured that media is informed adequately by holding a press briefing on a regular basis. The administration can also use social media for this purpose as nowadays such protests are mainly organized by using social media.

By following the above steps, it should be ensured that the metro project is smoothly implemented, without causing any breakdown of law and order in the city and also redressing the grievances of the stakeholders involved. The administration's approach should be of a development facilitator and a growth enabler without compromising the welfare of the current generation and future generations. For this, environmental protection and economic development must go together.

26. A manufacturing company is located in a small town where it is not easy for people to find jobs otherwise. The company has stayed in the town even though it could find cheaper workers elsewhere, because workers are loyal to the company due to the jobs it provides. Over the years, the company has developed a reputation in the town for taking care of its employees and being a responsible corporate citizen, owing to its CSR activities.

The manufacturing process used by the company produces a by-product that has been flowing into the town river for some time now. According to some media reports people living near the river have started reporting

illnesses off late and there is also damage to aquatic life. People, however, have refused to come forward as their livelihood depends on the company.

You being the Sustainability Officer of the company believe it to be your duty to report this to the higher management. You are of the opinion that this matter is associated with the prestige of the company and should be taken seriously. In the meanwhile the new CEO, who has just joined the company, has called you for briefing and understanding the local issues.

On the basis of the above case, answer the following:

(a) Identify the stakeholders in the case above.

(b) What arguments would you put forth to the CEO to convince him to act on this matter?

Approach:

- Introduce the answer.
- Identify the different stakeholders in the case above.
- Enlist the arguments you'd present to the CEO of the Company to take action in this matter.

Answer:

The present case highlights the trade-off between short term economic gains (both for company and the local population) and long term health and environmental losses. The manufacturing company, though, has maintained huge trust among the people but is also responsible for certain activities which may not be in good interest of the people and society at large.

(a) The stakeholders identified in the above case are:

- **Local population of the area and the people staying near the river**- the reported dumping of the harmful by-product in the river has direct health costs for the local population. This may lead to severe issues in the long run.
- **The employees of the manufacturing company-** the functions of the company may be altered by these reports thereby impacting directly the employees of the company.
- **Management of the company-** the management is under direct scrutiny for the actions it takes on this episode. It will also have implications for the company operations at different places as well as for the environment.
- **District and local administration**- they are directly involved as it is the district administration that needs to preserve the livelihood and wellbeing of the population. Also, it is responsible for implementation of rules and regulations that impact the functions of the company.
- **Environment including the river and its aquatic life**- the destruction caused to the river and the aquatic life may be irreversible and therefore, the ecology of the area becomes a legitimate stakeholder in the case.

(b) Since the CEO is new, I as the Sustainability Officer shall update and apprise him of the issues surrounding this matter based on the internal reports and then convince him to take actions giving the following arguments-

- Firstly, since the discharge from the factory seems to be related with the reported incidence of illness and disease, it is a matter of grave concern. The wellness of the employees is, therefore, one of the primary concerns for the company. A healthy workforce is necessary to maintain the productivity and efficiency of the operations of the company.
- Secondly, the brand value of the company is at stake. If the illness spreads due to the actions of the company, it will directly impact the revenues and credibility of the company. The company may lose a lot of its goodwill and thereby lose trust among the people.
- Also, since the case has been already highlighted by the media, it may lead to PILs and other forms of legal challenges for the company. This will be a drain on the resources of the company, alongside the loss of public faith.

- There is an urgency to tackle the matter as it has been reported by the media and there are chances that it gets blown out of proportion. Therefore, objectively dealing with the matter becomes a priority to escape the trial by media, which may also be motivated by self-interested parties.
- Also, there is a long term sustainability issue as degradation of the environment and disturbing the ecological balance of the region may lead to catastrophic damages in the future.

Considering that the company provides jobs to the locals and their overall well-being is essential not only for them, but even for an uninterrupted operation of the company– I shall propose to the CEO to constitute an enquiry to ascertain the details of the phenomenon, in the meanwhile weekly/bi-weekly health camps should be started by the company in the affected areas. A medical allowance should be considered for the employees and also for the affected people on a case by case basis. This could be undertaken via the CSR or Contingency Management funds. Also, I shall convince the CEO to undertake sensitisation drives personally, effective communication programmes on safe health, village to village town halls in the nearby areas so as to build trust among people, about the company's CSR medical drives and goodwill exercises. Further, I would urge transparency and full co-operation with the local administration.

27. You are the head of a PSU, which has recently been entrusted with construction of a new airport in a metropolitan city. However, the area in the immediate neighbourhood of the proposed airport runways have large tracts of land occupied by dense slum settlements. If the airport is to be constructed, approximately 75,000 slum families will have to be humanly rehabilitated. The sheer scale of this rehabilitation, almost similar to an urban renewal, has thrown up many challenges. Foremost among these is identifying an appropriate location for rehabilitation of slum dwellers. You are faced with the following options in this regard, each of which have their own merits and demerits:

(a) There is no reasonably priced land in close vicinity of the present slums. A vacant parcel of land that you have identified close-by will have to be developed afresh along with all civic amenities, and this will entail huge cost for the PSU.
(b) There is another location, which is very far-off where a factory once stood. All the required civic amenities are in place here and the factory can be converted into appropriate houses at little cost to the PSU. However, there will be loss of livelihood on relocation to this area because of its distance from the current slum location.
(c) There is yet another site, which can be used for rehabilitation at reasonable cost. Neither is it too far nor will it entail huge monetary cost, but exercising this option involves cutting a large number of trees, which may adversely affect the ecology of the area. This is likely to face resistance from environmental groups.

Given the above options and the associated challenges, which of these sites will you choose for rehabilitation of slum dwellers? Provide adequate justification for your choice.

Approach:

- Give a brief background of the case and mention its stakeholders.
- Discuss the merits and demerits of the given options.
- State the site you will choose and give reasons for the same.
- Conclude appropriately.

Answer:

From the facts presented in this case, the issues involve construction of a new airport in a metropolitan city, rehabilitation of thousands of slum dwellers and concerns that arise therefrom. The key stakeholders include slum dwellers, environmental groups, management at the PSU and the government.

Stakeholders	**Associated Interests**
Slum Dwellers	The need for resettlement and rehabilitation keeping their economic interests in mind.
Management at the PSU	Time bound construction of the airport alongside the responsibility to arrive at a fair decision regarding settlement of slum dwellers.

Environmental Groups	Ecological concerns associated with felling of trees to carve out land for resettlement.
Government	The prime agency to look after the concerns of each of the stakeholders and society at large.

The merits and demerits of the given options include:

a) Rehabilitation of slum dwellers in a vacant parcel of land nearby:

- **Merits:** Convincing the slum dwellers will be easier in this case since resettlement will be disruption free owing to families being familiar with the place. Further, their economic interests are also protected since the commute to their places of employment and schools for children will largely be unaffected. Thus, they might not feel the pain of being uprooted from their homes as acutely.
- **Demerits:** Although the land is reasonably priced, constructing civic facilities for the displaced families will be a massive expenditure for the PSU. This shall add to the total cost of the project, which will either be directly passed on to the final consumers or subsidised by the government. Further, it might end up being a time-consuming process.

b) Moving the families to a far-off location, where a factory was located earlier:

- **Merits:** The location is apt for large-scale rehabilitation. Further, there can be significant savings since factory units can be converted into houses and that all civic amenities are already in place. Thus, it will sort out the issue of alternate housing. Construction of the airport can be started as soon as the slum dwellers are re-located.
- **Demerits:** It will be an issue for the families to continue at their current places of employment, as they will have to travel long distances on a daily basis. Arranging for alternate employment for thousands of adults will be a tedious task and the issue of livelihood is a critical factor. Further, alternate provisions for schools will have to be arranged. It will also be difficult to persuade the slum dwellers to resettle in a place that is far away from their current place of residence.

c) Relocating the slum dwellers to a nearby site, which entails large-scale deforestation:

- **Merits:** Rehabilitation of the displaced families to this site could be carried out at a reasonable cost. Further, because of its proximity to the slum, livelihood of the slum dwellers will remain unaffected. Also, their children can continue with their education without facing upheaval.
- **Demerits:** This option entails large-scale deforestation and will adversely affect the ecology of the area. This may have far-reaching consequences. Further, environmental groups and other civil society organisations are likely to oppose the move. This will generate a controversy and might hamper the approval of clearances required for the project.

Development is essential in a developing country and construction of the airport will facilitate economic growth, generate employment, aid in tourism etc. However, efforts should be taken to prevent wide-scale development-induced displacement. After assessing the given options, I will select the third option as it sorts the issues of alternate accommodation and provision of civic facilities without adding excessively to the cost of the project. Further, there will be little or no disruption regarding the employment situation of adults and continuation of schools of their children.

However, before exercising this option, I would conduct a feasibility study that would involve experts sharing their opinion on the impact of the move on the local ecology. In addition, the study would also entail looking at compensatory afforestation as a substitute for the fallen trees. The findings of the study would be publicly shared so as to minimise resistance from environmental groups. It will also be ensured that payment to the Compensatory Afforestation Fund is duly made as per the provisions of the Compensatory Afforestation Fund Act, 2016.

28. You are an Indian Forest Service Officer posted in a division which falls in the coastal regulation zone and contains multiple wildlife sanctuaries. Recently, the State government has brought up a proposal of a new food processing park in your division. Under the proposal, around 175 square kilometers of forest land will be acquired as per the law. The developers of the project claim the various socio-economic benefits it can provide to the people in the area. Due to this a sizeable chunk of trees will be uprooted. There are studies which suggest that such initiatives have a long-term impact on wildlife and also leads to human-wildlife conflict. Some residents living in the periphery of the forest have supported this move in hope of employment opportunities. However, traditional dwellers of the forests have protested against this move. The government has constituted a committee to frame guidelines for sustainable operation of this project. The committee has asked for your suggestions in this regard.

(a) Identify the principles and values that would guide your suggestions in this regard.

(b) What course of action should be taken in order to balance the social and environmental needs in this case?

Approach:

- Briefly highlight the case and mention the key stakeholders involved.
- Enumerate the principles and values guiding the proposed suggestions.
- Suggest a detailed course of action based on the aforementioned principles and values.

Answer:

The aforementioned case relates to the ecological health of a region, wildlife protection and rights of traditional forest dwellers in comparison with developmental needs of an economy. The **stakeholders involved in the case** include the forest department, state government, residents of the peripheral region who wish to secure a source of income and livelihood and traditional forest dwellers who have economic and cultural affinity to forests.

a) As an Indian Forest Services officer involved in the process of consultation to frame guidelines for sustainable operation of the project, one has to be guided by civil services values and general principles that go behind sustainable forest and wildlife management in India. These shall guide me in the following way:

General principles guiding sustainable forest and wildlife management:

- **Adopting an integrated and multi-disciplinary approach:** Any recommendation in this regard must be informed by an integrated approach that takes into account sectoral concerns related to environment, protected areas, land, forests etc.
- **Guaranteeing public participation in decision making:** Due importance must be given to public participation across various levels of decision making since it directly impacts their interests and has the potential to garner a long-term solution acceptable to all.
- **Striking a balance between service provision and rights of people:** The decision-making powers should be exercised in a framework of fairness that transparently and fairly weighs benefits of proposed services against the rights of stakeholders and strikes a balance between the two.

Values:

- **Spirit of service:** As an IFS officer, it is my duty to implement the **National Forest Policy** that ensures the ecological stability of the country through protection of natural resources. Hence, my suggestions would be informed by the value of being committed to public service without any personal motives.
- **Objectivity:** To make any recommendation with the potential to impact stakeholders, choices must be made on merit.
- **Accountability:** Any proposed decision or action must be available for appropriate scrutiny across various levels.
- **Empathy:** Since the decision impacts the general population, many of whom are possibly vulnerable, it is important to understand their situation and address their concerns properly.

- **Courage of conviction:** It is likely that some suggestions made in this regard may not find takers across some sections of stakeholders involved. However, my suggestions would be guarded by my courage of conviction.

b) Following would be the proposed **plan of action** that would strike a balance between the social and environmental needs of the region:

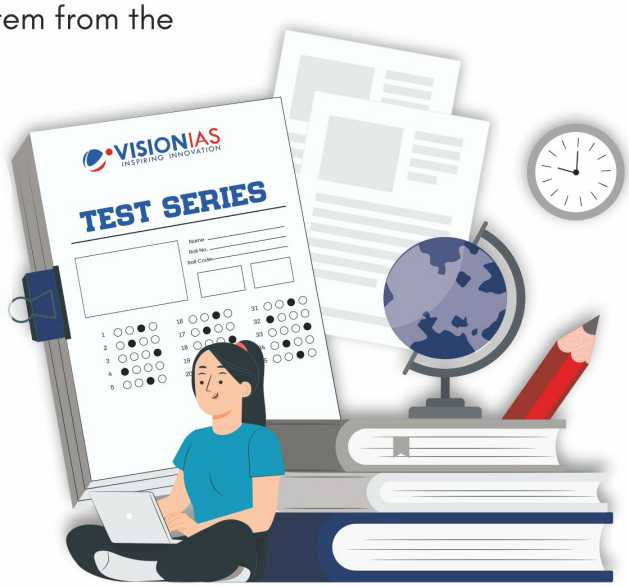
- A **detailed feasibility study** led by experts must be set up to ascertain the practical implications of setting up the food processing park, its social, economic and environmental costs, proposed benefits and alternatives, if any.
- The detailed findings of the study would then be divulged across various stakeholders and their **suggestions/objections would be invited**.
- A **forum for bringing all the stakeholders** together for deliberation on this issue would then be created, which offers everyone the right to voice their opinion.
- Special emphasis would be placed on the **objections raised by traditional forest dwellers** and the root cause of their concerns must be identified.
- **If the concerns raised hold merely economic value**, efforts must be made to ensure that part of the economic benefits of the project would be shared amongst them alongside addressing their resettlement and rehabilitation concerns.
- **If the concerns raised are related to their cultural roots**, efforts would then be made to rope in community elders to reach a consensus regarding the critical importance of the project and inform them of cost escalation due to avoidable delays in project implementation.
- The developers of the project must convince the traditional forest dwellers that due care would be taken to ensure that the project would come at the **least cost to their culture**.
- In case of no consensus, precautionary measures must be drafted that include additional personnel to **maintain law and order in case the situation worsens**.

The aforementioned plan of action balances the social and economic needs of the region with its ecological needs. This is necessary to protect the interests of both present and future generations.

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29. As the head of the Special Purpose Vehicle (SPV), you are tasked to complete the construction of a power plant. The project needs to be completed expeditiously to fulfil the promise made by the government to ensure access to power for all. The selected site is in a remote area and is ideal for plant construction. However, the project would require relocation of the people living in the vicinity. Initially, the local community objected to disruption in their lives but were convinced later about the economic benefits that would accrue to the region through this plant. The project had started gathering pace, but recently a local NGO working for environment protection got involved with the local community regarding the issue. And now the local community has started protesting against any developmental activity in the region.

As the officer-in-charge for the speedy execution of the project, answer the following:

(a) What are the issues involved in this case?

(b) What course of action will you take and why?

Approach:

- Highlight the stakeholders and the key issues involved in the case.
- Discuss the course of action that you will take.
- Mention the reasons for the same.
- Conclude with a way forward.

Answer:

As the head of the SPV, my duty is to ensure timely execution of the project with due regard to environmental sustainability and rights of the community in the process. The aim is to ensure inclusive development, which minimizes the damage to the environment.

The **stakeholders** involved in the case include the government; local community; local NGO; Special Purpose Vehicle (SPV) and the society at large.

(a) Various issues involved in the case are:

- **Developmental needs vs rights of the underprivileged**: There is a need to deliver on the government promise of access to electricity for all, but the manner should be such that it is fair and just to the local community.
- **Maintaining social harmony and law and order:** Relocation of the community could impact the lifestyle and social harmony of the community. Not all members of the community would come on-board with the idea of relocating to a new location. It is important to peacefully resolve their concerns.
- **Nature of the protest:** It is important to understand whether it was a protest manufactured with the intention to create a bottleneck in the execution of the project or organically evolved out of genuine concerns with the project.

(b) The **course of action** will aim at ensuring the sustainability of the project and balancing it with rights and needs of the community and environment. It would comprise of the following steps:

- Take the help of the local police so that the protests **do not turn violent** at any stage.
- Engage with peaceful protesters and ask them to file their objections. Hold a **meeting** with the representatives of the community and the local NGO, providing them the **platform** to voice their grievances. This is to ensure that there is a clear **channel of communication** between the various stakeholders involved.
- Set up an **independent committee** involving representatives from the community, local NGO, environmentalists, SPV to consider the issues raised and recommend possible changes in project design in a time-bound manner. The project can also set aside a fraction of revenues from the project to offset the environmental damage and fuel efforts for its restoration, if the concerns raised are genuine.
- Simultaneously, a **comprehensive plan for relocation and rehabilitation** of the community should be put into action in the meantime the committee re-considers the issues. The plan should address the following aspects like:

a) Livelihood concerns
b) Peaceful relocation while maintaining law and order and least inconvenience to the members of the community.
c) Adequate compensation.
d) Relocation at one place for all members, if possible, to ensure that lifestyle and social dynamics are restored at the earliest.

- Ensure **strict action against the members who create trouble** and try to impede the process of conflict resolution.

Reasons for this course of action

- It is a **consensus driven process,** which ensures that all the initiative is a win-win for all the stakeholders involved.
- It ensures the **greatest good to the greatest number** and the sacrifices of the community and environment are minimized. It attempts relocation to a single location and respects the social harmony, lifestyle and communal spirit of the group.
- It promotes the interests of all **stakeholders** and acts through **social capital**, without compromising the goodwill and acceptance of the community.
- Civil Society can demand realization of fundamental rights for the community from the government. It treats civil society organizations as part of the **collaborative** process of the developmental agenda.

In the long term, it is important to involve the civil society organizations in the **whole life-cycle** and not just at the stage of execution or commissioning of the project. **Institutionalizing participation** of various stakeholders from the initial stages of the project is key to ensure its sustainability. This is crucial for building trust between the government and civil society. While developmental needs and promises should to be delivered, the costs and sacrifices of the local community should be carefully considered and justly rewarded.

30. The International Money Bank has granted loan to the government to construct ten dams. The dams would provide water for irrigation of crops, control floods in some parts of your district, and supply drinking water to numerous towns and cities. Seven of these dams are to be constructed in areas of high ecological value occupied by native groups who are challenging the government. The native groups, who oppose the construction of the dams, represent a minority compared to the multiple towns and cities which would benefit from the dams.

Nevertheless, it should be taken under consideration that the natives consider the forests as their own. Also, their distinctive life style and culture is intimately related to the existence of these natural areas. It has been noted that the forests also have a very high ecological value. If this project is completed, their land would submerge and the natives would have to be relocated. The International Money Bank is aware of this yet it has granted the loan.

You are the District Magistrate of this district. Every day protests and demonstrations are happening in your office. The government has given you the responsibility to manage the situation.

What are the various options available to you? Evaluate all of them and suggest the best course of action, giving reasons for it.

Approach:

- Analyse the given situation by mentioning the stakeholders and the ethical issues involved.
- Based on this, delineate the options available to you. Discuss their pros and cons. You can take either stand, based on the strength of your arguments.

Answer:

Issues involved: construction of dams in ecologically sensitive areas, rights of the natives, benefits for the majority at the cost of a minority, handling the protests in a sensitive manner.

Stakeholders: the native groups, the residents of numerous towns and cities, government which has to fulfill its duties towards both the groups, and the district magistrate as the local representative of the government.

In the given situation, the government decided to relocate the natives in order to construct dams which will benefit a large number of people. However, the culture and livelihood of the natives will be irrevocably altered. The natives have a right and a legitimate concern to protest. As a representative of the government and the person responsible to manage the situation, I have the following options before me:

1. Suppressing protests by use of police force:

It might make it easy for the administration to carry out government orders, but it is certainly not the way to deal with protests in a democracy. It will create distrust between the native population and the State and will lead to their further alienation. Any future cooperation would also become difficult.

2. Recommend to the government to withdraw the project in light of genuine concerns of the people

Although there might be utilitarian benefit in the given project, for a marginalised group, this would mean end of their culture and loss of livelihood, apart from the ecological loss. As a civil servant, it is my duty to present facts to the government and give honest advice. However, this would amount to dereliction of duty. Once a decision has been taken, it must be implemented by offering amicable and acceptable solutions to all stakeholders. The natives must be explained the benefits of the project and the offer that the government is making to them.

3. Involve persons of trust, explain the benefits and assure them of proper relocation and rehabilitation

A large-scale relocation of a whole culture is bound to throw up protests. Whether the terms of the government are in their best interests need to be adequately discussed with the affected group. I would involve the people that the natives trust in order to explain the situation. I would assure them of proper resettlement allowances, etc. by obtaining guarantees from the government. I would also allocate resources for them to take a better and informed decision in their Gram-Sabha.

4. Request them for dispute resolution through legal means:

With the help of NGOs, their case can be pleaded in courts. It would provide help to the natives by making them aware of their legal and constitutional rights. However, the courts can decide any which way, balancing their sentiments and national interests, but making them submit to the judicial process which they probably do not consent to is a broader injustice. Moreover, as a civil servant vested with responsibility, I should first try quicker alternative dispute resolution and settle the matter through negotiations, rather than prolonging the agony of all stakeholders.

It is important to weigh the pros and cons of the construction of dams in such sensitive areas. When floods occur, it is not just the crops and property that is affected but also the lives of the people. So, construction of dams need to be undertaken but with the consent of most, if not all the people getting affected. They need to be convinced that the area where they will be relocated is better than the one they were residing in now. Further negotiations on compensation and benefits can also take place. Besides, massive afforestation programme can be initiated on a suitable piece of land.

31. Many Indian cities are facing a major problem of management of household waste. Huge volume of wastes have meant that landfill sites are facing the problem of overcapacity. On the other hand, the waste-to-energy plants constructed to solve the problem are also facing flak due to their inefficiency and release of poisonous pollutants. The manner of waste disposal by people is identified as one of the main reasons behind this problem. The government has notified rules regarding disposal, collection and treatment of waste and has initiated numerous awareness campaigns in the past. Still, the problem does not seem to be getting under control. Given such a situation, answer the following questions:

(a) What do you think is the reason behind the apathy of people towards issues like waste disposal that affect the larger interests of society in general?

(b) Identify the stakeholders and the significance of their involvement in addressing the issue.

Approach:

- Briefly introduce the case and discuss the issues raised in the case study.
- Mention the reasons behind the unwillingness of the citizens towards waste disposal.
- Identify the stakeholders in this issue and analyse the significance of their participation in this regard.
- Conclude on the basis of the above points on an optimistic note.

Answer:

The given case depicts the issue of waste disposal and management in urban India, thus putting both environment and the public health at risk.

Currently, the waste management strategies adopted by the government is marred with several challenges such as overcapacity in case of landfills, inefficiency and release of poisonous pollutants in case of waste to energy plants, etc. Even though the issue affects the whole society in general, still people are apathetic towards the notified rules regarding disposal, collection and treatment of the waste. This seems to be the major challenge among all the challenges faced in the current situation.

(a) Reasons behind apathy of people towards waste disposal are:

- **Sociological factors**: Traditionally, the waste disposal in India is done by persons belonging to the lower castes, thereby tabooing waste disposal as a dirty job.
- **Not in my backyard attitude**: Most people keep their own backyard clean while compromising sanitation of the public space. This is because they don't realize that this might also have certain direct or indirect effects on their lives.
- **Lack of awareness and political will**: General public is not sensitized about the health hazards and other ill effects of improper waste disposal. Waste management has also not received adequate political attention.
- **Lack of seriousness attached with the issue:** The fact that segregation mechanism has not been incorporated downstream in the collection and transportation systems of the value chain, leaves few incentives for the residents and collectors to follow procedures.
- **Situational factors**: Lack of convenience, information, availability of conditions for recycling and presence of alternatives, thought of saving money by not disposing the waste properly, etc.
- **Structural constraints**: Lack of resources and relatively poor access to drop off sites lead to improper waste disposal.

(b)

Various stakeholders involved	**Significance of involving them**
General Public	• Since they are the **waste generators**, the **principles of refuse, reduce, recycle and reuse** must be emphasized beginning from this level itself. • Their involvement level would **decide the effectiveness of further process.**
Rag pickers	• They form an important **link between the waste generators and waste managers** in India. • They are **ready-manpower to the tune of 6 million** engaged directly in waste management. • Involving them formally would help in further **institutionalising the collection process.**
Waste Treatment Plants	• Utilizing them will result in **scientific management** of waste and increase re-usage of various by-products while processing wastes. • Supporting them would ensure **adoption of better and advanced technologies.** • It can also supplement **job creation** in this sector.
Government	• It can help in **providing policy support and its implementation**. For eg: Solid Waste Management Rules, ensuring ban on plastic bags, integrating waste management in city plans etc.

	• It can also help in **providing infrastructural support**. For eg: providing enough waste baskets coloured differently for degradable and non-degradable waste.
Non-governmental Organisations	• They can **augment and supplement government efforts** as well as **create awareness** regarding the benefits of clean surroundings, discouraging consumerism and 'throw away culture'.
Health Professionals	• They can also lend hand in **increasing awareness regarding sanitation in general as well as proper management of waste in particular**.
Media	• It can encourage a sort of **mass movement and bring sanitation into vogue**. For eg: social media movement named 'plogging' i.e. picking up trash while jogging.
Role models like political leaders, famous actors, teachers/academia, etc.	• They can lead by an example, by starting campaigns and cleanliness drives, spreading awareness and bringing positive change in mind set of people, etc. regarding the waste management.

For proper waste management in India, the behavioral change is as important as other policy initiatives. In this regard, Social and Behavior Change Communication should form the core of whole strategy. Initiatives like Swachh Bharat Mission, which focuses on collective behavioural change for achieving cleanliness, is a positive step in this direction.

32. Jyoti Gupta is the environmental compliance manager for a small plastics manufacturing company. She is currently faced with a dilemma on whether or not to spend money on a new technology that will reduce the level of a particular toxin in the wastewater that flows out from the back of the factory into a lake.

The factory's emission levels are already within legal limits. However, Jyoti knows that environmental regulations for this particular toxin are lagging behind scientific evidence. In fact, a scientist from the university had been quoted in the newspaper recently, saying that if emission levels stayed at this level, the fish in the lake and rivers in the area might soon have to be declared unsafe for human consumption. Further, if companies in the region don't engage in some self-regulation on this issue, there is reason to fear that the government — backed by public opinion — may force companies to begin using the new technology, and may also begin requiring monthly emission level reports (which would be both expensive and time consuming).

But the company's environmental compliance budget is tight. Asking for this new technology to be installed would put Jyoti's department over-budget, and could jeopardize the company's ability to show a profit this year.

The following are some suggested options. Please evaluate the merits and demerits of each of the options:

1. ***Jyoti should focus on her company's financial performance and profits and forget the environmental issue as the compliance budget is already tight.***
2. ***As the emission levels of the company are within legal limits, Jyoti should wait for new governmental regulations first and only after that should think about taking any action.***
3. ***Jyoti should proactively report the matter to the higher management and ensure proper measures are taken but still profits of the company should receive the utmost priority.***

Also indicate (without necessarily restricting to the above options), what would you advise, giving proper reasons.

Answer:

1.

The only merit in this option is that company will be able to keep up its financial performance and retain its profits.

But this option will represent short sightedness on the part of the company. First of all, as is already mentioned above, the government may step in and make environmental regulations which may be much harder to comply with resulting in severe financial costs in terms of both men and material. Besides environmental issues are complex and if the problem is not tackled in its initial stages, it may reach the tipping point, assume gigantic proportions and may not be solvable later. So, the decision may back fire on the financial front itself negating the above merit.

Secondly, if the people get affected due to the rising levels of toxin then a lot of ill will would be generated about the company. There may be public protests which will further hamper the interests of the company both in financial terms and loss of good will of its customers.

Thirdly, this action by the company will represent abdication of its responsibilities towards the society. A company is not a closed system and it depends on its environment for certain inputs and also affects the environment through its outputs. So, it is necessary that it realizes its responsibilities towards the larger society as well.

So, w.r.t. this option, the demerits clearly outweigh the merits. Hence it is not a good decision.

2.

In this option, the decision may be right legally but not ethically. The purpose of laws is to regulate and guide people's behavior in a direction which is socially acceptable. But ultimately laws can never take care of all kind of possibilities and also need to be regularly updated. Hence being legally correct does not always means ethical conduct.

With the merits and demerits of this case being same as discussed above, the above decision may stand on the legal front. But on ethical front it does not take care of the larger society and hence it is not preferable.

3.

In this case, the concern showed by the company towards its externalities is appreciable. Reporting the matter to the higher management will bring the issue to the forefront and promote healthy discussions on the topic. The company can start by taking small steps which may not be much costlier and prepare the ground for combating the problem before it assumes gigantic proportions. The company can start consultations with the government or public which will highlight its concerns and generate a lot of good will for the company.

Besides it will be only practical for the company to give its finances higher priority as it affects the sustainability of the company. If finances get affected, it may shift the focus of higher management completely towards the finances with the environment issue getting completely sidelined during later stages when it will become more dangerous and wanting. Being able to manage the profits would also send a signal that prudent financial management and environmental concerns can coexist.

One way is that company can take certain steps under its Corporate Social Responsibility. It will on one hand help in creating goodwill for the company and on the other hand not adversely affect the company's finances.

Recommendation

The only other option left apart from the above mentioned ones is that company devotes its complete attention to the environmental issue without thinking about profits. But that decision may affect the sustainability of the company and may have repercussions as discussed in the second last paragraph of option three.

So, I will prefer option three as it takes care of both the issues at hand and presents a solution that is in line with both financial and ethical requirements of the company. It shows pragmatism and far sightedness on the part of the company.

6. Ethical Dilemmas and Personal Integrity

33. Rupa, a young civil servant, rejoined work soon after giving birth to her child and without availing her full maternity leave. However, she began to bring her child in the office and started attended meetings with her child in arms. Some of her photographs were also uploaded on social media. While some are hailing her as a young independent working mother, she is also being criticized by others on account of trivialising her official work and of trying to paint a heroic picture by fulfilling both her personal and professional duties.

In this context, answer the following the questions:

(a) Do you think the act of the officer was justified? Should there be an overlap between personal and professional duties of a civil servant?
(b) Does the work culture in India hinder working mothers from fulfilling their dual role?

Approach:

- Briefly state the facts of the case.
- Discuss whether the officer was justified in her actions.
- Comment on the issue of overlap between personal and professional duties of a civil servant.
- Discuss whether the work culture in India allows women employees to fulfill their dual duties.

Answer:

The given case is related to a young female civil servant who has recently giving birth to a child and has been bringing her child along to the office and meetings. While on the one hand, there are questions being raised about her behaviour and conduct as a young officer, on the other hand, there are concerns regarding the work culture that affects women's role as a mother.

(a) Despite some negative reactions, **the act of the civil servant is justified due to the following reasons:**

- **Role of working mothers:** Working mothers have multiple roles and they cannot shun any of them. Thus, they have to find a find work-life balance.
- **International examples:** There have been recent instances of the New Zealand Prime Minister bringing her infant to the UN General Assembly and an Australian Senator breastfeeding her baby in the Parliament. These actions were not criticized and led to a wider debate about the responsibilities of working mothers.
- **Raises awareness:** Actions such as the current one and the ones by the New Zealand and Australian public servants, can lead to a further debate about the problems of working women, especially from poorer section of the society such as daily-wage labourers and domestic helpers who are forced to take their children to work every day.
- **Positive impact on children:** Taking children to places where they do not normally go also helps broaden their horizon and enables them to grow up in a wholesome fashion. Further, they will develop a sense of understanding of the issues faced by working women.
- **Motivation for other aspiring women:** Public servants like Rupa can have a positive impact on other aspiring women. This is especially important in countries like India where the female labour force participation is low and one of the major reasons for this is the responsibility of childcare.

Overlap of personal and professional duties:

As per the Central Civil Services (Conduct) Rules, 1964, a civil servant is expected to perform and discharge her duties with the highest degree of professionalism and dedication to the best of her abilities. Hence, any personal duty that hinders the performance of her professional duties should be avoided. But, a strict separation between personal and professional duties is not possible at all times. Also, in the present case, Rupa is a young civil servant who has also become a mother recently. This should be taken into account while examining the overlap of personal and professional space and duties.

(b) Work culture in India hinders working mothers from fulfilling their dual role in the following ways:

- **Existence of bias right from the beginning:** Even today, in interviews, many private sector firms ask questions relating to women applicants' possible pregnancy. Such women are avoided as potential job holders.
- **Limited organizational support during the transition phases:** Most working mothers go through a phase of transition until their child starts formal education. One of the most important factors that can make a difference is "flexibility at the workplace". According to a recent survey by LinkedIn, 70% of working women in India considered quitting their jobs and around 88% took a pay cut due to lack of flexible company policies.
- **Lack of support to counter post-partum stress and depression:** The problem of post-partum stress and depression is very common after childbirth but very few companies in India provide formal support to help working mothers overcome this.
- **Glass ceiling:** Motherhood is one of the primary reasons women are held back from leadership roles. In India, according to Prime Database, the percentage of women CEOs in 2019 was less than 4 per cent, and as per a Deloitte report published in 2022, less than 4 percent of corporate board chairpersons in India are women.
- **Creche facility:** The Maternity Benefit Act was amended in 2017 mandating companies with more than 50 employees to offer a creche on the premises, but compliance with this clause is limited to larger, multinational companies.
- **Informal sector:** A large number of women in the informal sector in India remain without basic legal protection such as maternity leave and other support for working mothers.

Many corporate organizations are coming up with innovative policies to support working mothers but still a lot remains to be done by the medium and small formal organizations as well as those operating in the informal sector. Though favourable policy changes have been made in the Maternity Benefit Act in 2017, its enforcement needs to be strengthened by the state governments for better results at the ground level.

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34. ***You are young upright person who has been newly appointed in the Anti-Corruption Bureau of your district. After joining, your office receives a tip-off from an anonymous person that an engineer working with the Municipal Corporation of the city has amassed wealth much beyond his known sources of income and is hand in gloves in corrupt activities. Because the law is clear that anonymous complaints cannot be acted upon, you ignore the complaint. But in the next few weeks, you receive a few more anonymous complaints against the concerned engineer. You begin to make enquiries against the engineer and find that he is indeed a very corrupt officer. Some time later, you make up your mind to conduct raids on his office and house, even though you have not received any official complaint in the prescribed format against him till date.***

What you unearth during the raids is shocking for you and your staff. You find not only vast amounts of unaccounted currency, much beyond the means of the engineer, but also gold, travel tickets to visits made abroad, reservations in five-star hotels, and a whole bunch of clinching evidence against influential politicians and bureaucrats - appointed in the past as well as present ones - in the district.

However, soon after conducting the raid, you start receiving subtle messages from your superiors to drop the investigation in the interest of your own long-term career and the safety and security of your loved ones. They also point out that you had not followed the rules stipulated for conducting the raid, and if the matter were to reach the courts, it would be disposed off in no time due to procedural lapses on your part.

Since, you are an upright officer, you ignore these warnings and continue with your investigation. However, soon you are put on administrative leave on the ground of flouting the rules. You also come to know that a few of your juniors have filed a complaint against you for being involved in corruption. They have also complained that you instructed them to extort money from not only the concerned engineer but also the politicians and bureaucrats against whom you unearthed evidence, to put a halt to the investigation.

Based on the above scenario, answer the following:

(a) Identify the various stakeholders and the issues involved in the case.
(b) What options do you have in the given situation?
(c) Analyse the merits and demerits of each of these options.
(d) Discuss your course of action, with proper justification.

Approach:

- Provide a brief introduction about the case.
- Identify the various stakeholders of the case and state the issues involved.
- List the various options available to you and analyse their merits and demerits.
- Discuss the course of action that you will take and provide justification for it.
- Conclude appropriately.

Answer:

The present case highlights the extent of pervasive corruption in the administration, which is eating away at the roots of the society. There have been numerous instances in the past where serving administrative functionaries have been found to be involved in cases of corruption. Further, as per the Corruption Perception Index, 2021, India was ranked 86th out of 180 nations.

(a) The various stakeholders and issues involved in the case:

The **stakeholders** involved in the case are the engineer, the anonymous informant, my superiors and juniors in the Anti-Corruption Bureau (ACB), influential politicians and bureaucrats against whom there is evidence, the public, my family and I (as the newly appointed officer of the ACB).

The issues involved in the case are:

- **Corruption within the Municipal Corporation:** The extent of information involving the engineer indicates the scale of corruption in the Municipal Corporation.
- **Criminal nexus:** The collusion and alliance between individuals holding positions of power and those involved in corrupt practices undermine the rule of law and breed the culture of corruption.

- **Procedural violations in conducting the raid:** The raid was conducted without an official complaint challenging the legitimacy of the investigation and admissibility of the collected evidence.
- **Allegations of misconduct against me:** It has the potential to damage my reputation, credibility, and the integrity of the entire investigation.

(b) The options available to me in the given scenario include:

- Dropping the investigation.
- Challenging the administrative leave through legal means and addressing the allegations.
- Seeking external support from the higher authorities as well as the media and escalating the matter.

(c) Evaluation of their merits and demerits:

- **Dropping the investigation:**
  - **Merits:**
    - It may protect my long-term career interests and ensure the safety of my loved ones.
    - The procedural inconsistencies with the raid are also hushed under the carpet.
  - **Demerits:**
    - It perpetuates corruption, fails to hold the corrupt accountable, and undermines the integrity of the Anti-Corruption Bureau (ACB).
    - Moreover, since I have already undertaken the investigation, my superiors and subordinates might continue to harass me indirectly.
- **Challenging the administrative leave through legal means and addressing the allegations:**
  - **Merits:**
    - It allows me to defend my integrity and continue the investigation against the incriminated individuals.
    - It might garner support from the civil society if I am able to defend my position.
  - **Demerits:**
    - It may lead to a prolonged legal battle, potential damage to my reputation, and further obstruction from influential individuals.
    - The key pieces of evidence and witnesses may be tampered with or influenced to weaken the investigation against the culprits.
- **Seeking external support from the higher authorities as well as the media and escalating the matter**:
  - **Merits:**
    - It increases the chances of a fair investigation, provides protection from external pressure, and leads to exposure of corruption at the higher levels.
    - Such inconsistencies at the local level would gain traction at the national level thereby posing deterrence in other regions as well.
  - **Demerits**: This course of action may attract backlash, and threats, including to my loved ones, or attempts to discredit me.

(d) Course of action with justification:

It is crucial to balance the need for justice, uphold the rule of law and principles of integrity and fight corruption and allegations leveled against me. To meet these objectives, **I would seek external support from the higher authorities as well as the media and escalate the matter.**

Justification:

- **Upholding the rule of law:** By seeking external support, I would be ensuring that the investigation is conducted impartially and in accordance with the law. It prevents the potential cover-up of corruption and sends a message that no one is above the law.
- **Protection from external pressure:** It would help me fend off the subtle messages and threats from my superiors. This ensures the safety and security of my loved ones and prevents interference in the investigation.

- **Exposing corruption at the higher levels:** The evidence found during the raid implicates influential politicians and bureaucrats. By escalating the matter, I can bring to light their involvement in corruption, thereby promoting accountability and transparency.
- **Maintaining public trust:** Taking a stand against corruption and pursuing justice will help maintain public trust in the ACB and the overall law enforcement system.
- **Mitigating personal risks:** By involving external support and exposing the case, I would most likely reduce the reputational risk owing to false implications.

The anti-corruption legislations and institutions are only as effective as the people responsible for enforcing them. With an unwavering commitment to justice and resilience in the face of adversity, the ACB can set a powerful example against corruption.

35. You are the principal of a college which has a long history of student politics. However, due to your personal belief, you are not in favour of conducting student elections and thus have kept the process of yearly student elections pending without any official announcement. While you are mulling over the decision of not conducting elections, you get representation from some professors as well as students who criticize the activities of student unions as obstructive to the academic environment of the college. Some time later, student leaders also come to talk to you regarding conduct of elections, and you tell them about the representation received by you against allowing student elections. You further tell them that you are contemplating suspending all activities related to student politics in the campus. On hearing this, student leaders become aggressive and start sloganeering and destroying college property. In this context, answer the following questions:

(a) What are the issues involved in the case above?

(b) How can you separate your personal ethics from professional ethics?

(c) How would you deal with this situation?

Approach:

- Briefly write down the facts of the given case.
- Identify the issues involved in this case.
- Discuss ways to separate your personal ethics from professional ethics.
- Write down your course of action in this situation.

Answer:

This case pertains to the issue of whether student politics should be allowed in colleges. One view is that student politics is necessary for raising issues of students before the colleges and also making future citizens of the country aware and interested about the political system of the country. While a contrary view sees student politics as only a platform for politicization of educational institutes which interferes with the academic functions of colleges.

(a) Issues involved in this case are following:

- **Student participation**: Student politics facilitates participation of students in college administration and raises the issues and grievances of students and get their resolution in a democratic manner.
- **Political awareness**: It helps students understand the principles of democracy and political system of the country. Besides, many national leaders, both before and after independence, evolved from student politics.
- **Pending student elections**: Student elections in the college have not happened for the last two years.
- **Personal belief vs professional ethics**: Some professors including the principal and students believe that student politics hamper academic activities of the college and thus want a ban on student politics. However, the law in India allows student politics.
- **Destruction of public property**: Student leaders who came to meet the Principal indulged in destruction of college property which goes against principles of debate and peaceful protest.

(b) It is my personal belief that student politics is not good. This personal belief of mine is in contravention to my professional ethics which requires me to act as per the long tradition of college and conduct student elections provided they are indeed working for the benefit of students.

In this situation, I can take following measures to separate my personal belief from interfering in my official role:

- **Emotional intelligence:** The awareness about my personal belief against student politics will help me approach the issue from a more neutral perspective.
- **Objectivity and rationality:** I need to base my decision on sound logic and objectivity without any value judgement.
- **Wider consultation:** Consulting with other people including students will help me weed out any personal bias that may creep into the decision making process.
- **Appointing a committee:** I can appoint a committee to look into the whole issue and then take decisions based on the report of that committee.
- **Openness and getting feedback:** I can openly declare my personal views and the reasons behind those views.
- **Following rules of college**: Strictly following rules of college regarding conduct of student politics and penalizing those violating any provisions of the rules will help me avoid my personal belief clouding my judgement.

(c) As the Principal of the college, I have the responsibility of conducting the affairs of the college in a lawful and just manner and take effective steps to ensure that academic activities are not hampered by extraneous factors.

While student politics per se is not undesirable, politicization of student unions in India has resulted in many undesirable consequences. Therefore, I will take following steps in order to balance the need of student politics vis-à-vis maintaining an effective academic environment in campuses:

- Firstly, I will call **law enforcement agencies on** the campus and ensure that **no further damage** to college property is done. Further, I will take strict legal action against students involved in this incident.
- I will take steps as discussed above to **ensure that my personal belief does not interfere with my professional duties** as the Principal of the college.
- I will call for persons who had submitted representation against student politics to **substantiate their points through evidence and detailed instances** of banning student politics due to their harmful activities.
- I will call various students' unions in the college to **discuss the utility of student politics and assess their own activities** in this regard.
- Lastly, I will appoint a committee to study the matter in detail and also rules of the college in this regard. Further, if the committee after study is of the opinion that student politics should not be allowed, then I will suggest alternative mechanisms to ensure participation of students in the administration of college through various committees etc.

A vibrant and politically aware student community is crucial to the furtherance of parliamentary democracy. However, student politics should be practised in such a way that campuses do not become turf wars for political parties of the country.

36. You are an Airworthiness Officer posted with the Directorate General of Civil Aviation, tasked to conduct the safety audit of a major airline of the country. During the recent audit, you find that some of the airplanes belonging to the airline do not fully meet a few of the International Civil Aviation Organization (ICAO) safety standards. The issues are minor, mainly pertaining to some incomplete aircraft maintenance logs and safety rules related to training of the crew. The airline belongs to a very influential business conglomerate with close ties to all major national political parties and has a long history of ethical business practises. The point person appointed by the airline to communicate with you has assured that everything will be in order in a

couple of months. Your senior in the department has also indicated that it is best not to mention such minor issues in the report, particularly given the image of the business group involved and the trust it enjoys. He also reiterates the assurance given by the airline to address these issues at the earliest in a time-bound manner. However, you are aware that airline safety norms are paramount and every other consideration is secondary to the safety of the crew and passengers. As a public servant appointed to uphold public trust, answer the following:

(a) Bring out the dilemmas that you face, elaborating on the competing values in the given situation.

(b) What are the options available to you? Discuss the merits and demerits of each. Which of these will you choose and why?

Approach:

- Give a brief introduction about the case study.
- Bring out the dilemmas with competing values in the given situation.
- Enumerate the options available and evaluate each of them.
- Give a course of action with logical reasons.

Answer:

The given case-study highlights the lack of corporate ethics by a successful business conglomerate by not following the standard safety rules. **The air-worthiness officer needs to maintain the procedure established by law and fulfill his duty with determination, rather than succumbing to the promises of the company and oral orders of the seniors to take a lenient approach.**

(a) As an air-worthiness officer, I would be facing following **dilemmas:**

- **Maintaining trust of the people or the reputation of the company which is known for its ethical business:** Trust on government officials is an important criterion for the smooth functioning of any democracy. People surrender their lives to technological innovations considering the fact that the government would have ensured their safety. But, at the same time, the company has also been ethical. A small clerical mistake has made its reputation vulnerable. Here, the values of honesty and accountability are competing with empathy.
- **Follow the hierarchical orders or perform my assigned duty:** A junior officer should always consider the advice/order of his senior officers, but at the same, must be true to the duty assigned to him. Here, the competing values include procedural integrity and devotion towards duty.
- **Respect international aviation safety laws or the assurances given by the domestic conglomerate:** It is important for a country to be true to its international commitments, and at the same time, its domestic entrepreneurs need to flourish as they contribute to nationalistic goals. Here, values such as respect for international obligations and transparency and trust over an already established ethical entity are competing with each other.

(b) Some of the options available to me are as follows:

- **Option 1: Since the issues are minor, the company can be given a clean chit on an assurance that it adheres to the guidelines within a fixed stipulated time.**
  Merits:
  - I would not be gaining animosity of influential people.
  - This move may give a positive push in my career growth.
  - There will be no issues from within the department as well.

  Demerits:
  - The conglomerate may not live up to the assurances and lives may be at risk.
  - Once the safety image of the aviation sector is tarnished, it might be difficult to regain it.
  - It may come back to bite me in the future since as an audit officer, it was my responsibility to check and ensure the safety standards.

- **Option 2: Involving the senior in the department and following his instructions.**

  Merits:

  - This would ensure that I would not be solely responsible if the audit report does not include the short standards.
  - I would have guidance on how to navigate such matters.

  Demerits:

  - This entails passing the responsibility on to the senior for decisions taken by me.
  - The safety standards might remain as it is.
  - My image in the department would be that of an officer who is not able to take difficult decisions.
- **Option 3: Stating the negligence in the report even if minor since it is a matter of public safety and trust.**

  Merits:

  - Commitment to public service takes centre stage, which should be the case for a public officer.
  - Stern message to the other airlines to get their books and activities in order, as such a report could tarnish the reputation of an airlines company.
  - I would stand out as an objective, courageous and honest officer.

  Demerits:

  - I may face a certain level of harassment within and outside the department for such a report.
  - My avenues for promotion are at stake.

In this given situation, I would choose the third option. Money or a lost reputation can be earned again but once a life is lost, it can never come back. It would be personally and professionally wrong to compromise on the trust of the people. Further, I have to work diligently on the role assigned to me.

In this situation, I will take the following course of action:

- I would order an **immediate halt** of the operation of the airlines in the context of non-fulfilment of standards. Even a negligible chance of loss of human life cannot be justified in any situation whatsoever.
- I will provide a **time bracket to the airlines** to take immediate and concrete steps to fix the issues and get its air-worthiness checked again. Until then, the operations of the airlines will not be allowed.
- If my seniors put pressure on me to give a positive report, **a written order** would be taken from them. If I find that the seniors are planning to overcome my authority as an air-worthiness officer, I will report the issue to the higher authorities or to the media, as a last resort.

If the company fulfills the standards, a positive report will be given from my side and it will be allowed to operate as before. In case of non-fulfilment of standards and paperwork, I will not allow its operation under my watch, even if its reputation and business get impacted.

37. There was an incident at a company wherein a fire broke out and led to a number of casualties. During the preliminary inquiry, one of the employees and bystander witnesses, specified that the company had taken all the safety measures and the management was not at fault. During litigation, the same employee was identified as a witness and his deposition was to be taken.

The issue is now in the court. You are a Senior Manager of the company and accompanying the said employee to the court for the deposition. On the way the employee tells you that he had lied during the inquiry; and that the truth was worse for the company than he had stated previously.

(a) Identify the various ethical issues you would face in this situation.

(b) What would you suggest the employee to do? Give reasons for your suggestions.

Approach:

- Give a brief note on the present situation.
- Identify the dilemmas the case presents to you as a Senior Manager of the firm.
- Discuss your suggestion to the employee and the reasons to back your assertions.

Answer:

For any investigation, the details of events provided by witnesses are a critical element of the evidence gathered. The present case revolves around **changes to be recorded in the witness testimony** before a court of law. Since the offence to be adjudicated relates to a fire hazard that resulted in casualties, there are a multitude of both ethical and legal issues presenting, not just the witness but the management of the company involved.

(a) The enquiry in the given case can be broken down into two stages: **Preliminary** and **Standard Court Deposition**. In the preliminary enquiry, the witness' statement absolves the company of any charge related to negligence. However, the witness later concedes to have lied in the preliminary enquiry right before the court deposition.

This turn of events is likely to bring legal consequences for the firm and **involves the following ethical issues**:

- As a Senior Manager and a representative of the company involved in an untoward incident, I would be presented with a dilemma around whether my primary responsibility is to unearth the real causes and accept penalty for the same or put the interests of the company first. It might lead to **inner conflict between personal ethics and professional ethics.**
- Since I am not a prime witness to the accident, dilemmas would arise as the **credibility of the witness** is dubious now as he has changed his statement and doubt would arise whether to depend on him or not in the court.
- Owing to a significant departure in the witness' own account of the event, the most critical dilemma presented to me would be to **assess the harm to the cause of justice** in this case and that it must not lead to wrongful conviction or acquittal.
- Another ethical issue involved in the matter would be to ascertain the **degree of fairness in the compensation** provided to the affected families.

(b) Although eyewitness testimony is one of the most persuasive forms of evidence presented in court, in many cases its accuracy can be dubious. More commonly, it is because of witness' memory being susceptible to biases and errors amongst a variety of other reasons. **Hence, in the present case, I would suggest the following:**

- The first task would be to **familiarise the witness with the deposition process**. I would ascertain whether the witness is nervous or feels personally responsible for the litigation.
- This would be followed by **calming the witness down** by explicitly stating the correct roles and responsibilities to him and persuading him to **speak only the truth so that justice prevails**.
- I would ask him to clearly and correctly state the **reasons behind the change in his account** of the incident and assess whether he was under duress to speak in favour of the company. If yes, I would raise this issue with the senior management and the legal counsel regarding the correct course of action.
- If the reasons are unrelated to any pressure tactics, I would warn him against presenting misleading or unclear responses since they are likely to be misinterpreted and may interfere with justice. I would also suggest **he pull out of the process**, if he himself is unsure of the account.
- This would be followed by the most important part i.e. **witness credibility assessment process.** Herein, I, in collaboration with the legal counsel, would determine the credibility of the witness by analysing his profile, his motivation to lie, his involvement in the incident etc. so that it can be decided whether the witness can be used further in the case or not as his involvement should not deny truth and justice.
- If as per the witness record, the company is found liable for the incident, I would recommend **special compensation** for the affected parties, in addition to the penalty/punishment prescribed by the court.

It would be my duty to ensure that **my professional commitment/interests do not stand in the way of justice delivery**. The aforementioned steps would help me ensure that no transgression takes place around the same.

38. You have recently been posted as a District Development Officer in a traditionally rural area that has seen rapid economic development in the past few years. You notice that there is a huge disparity between the number of male and female children in the area. When you go to the hospital and check the birth registry, you realise that registered new-born babies are mostly males. On further investigation, you notice a similar pattern in the village primary school, which has more male students than females.

When you raise the issue with your colleagues, they ignore it and carry on with their work. You suspect that the practice of female foeticide may be entrenched in the area as you had read about the issue in the context of this state while studying for the Civil Services Examination. It seems to you that respected members of the community like doctors, politicians and government officials have chosen to ignore the issue, given the prevalence of patriarchy and mind-set of voters in the area. Thus, despite rapid economic development, preference for male child continues to persist.

Based on the information above, answer the following:

(a) Do you have any ethical duty in this scenario? Justify your views.
(b) What would be your next steps and why?

Approach:

- Provide a brief introduction of the case-study.
- Discuss whether you have any ethical duty in the scenario with justification.
- Mention the steps to be taken by you in the scenario, with reasons.
- Conclude appropriately.

Answer:

The given case study deals with the existing attitude of society as a whole including the educated and powerful people like doctors, politicians and officials towards female foeticide in India despite economic growth. Such a situation has been widely reported in India, especially in the states of Punjab and Haryana.

(a) Ethical duty as a District Development Officer:

- As a District Development Officer, I am responsible to **carry out the community development and welfare programs**. Since, the government programs usually include gender upliftment and schemes on the lines of saving and educating the daughters, it becomes my ethical duty to find out the causes of lower sex ratio at birth and enrolment rate in schools and to take every possible effort to address them.
- As a part of the administrative machinery, I am also responsible for **maintaining the law and order in the area**. If the practice of female foeticide is prevalent in the region, it becomes a criminal offence as it violates the PCPNDT Act. That is why, it is my professional as well as ethical responsibility to look into the matter more closely.

Ethical duty as a good citizen:

- Since the issue has been largely ignored by doctors, politicians and government officials, it reflects abdication of duty. It also shows how entrenched the issue is and if it is not addressed immediately, it will further widen the gender gap. Therefore, as a human being also it is my ethical and moral duty to understand the issue and work towards its resolution.

The cultural and economic factors that lead to female foeticide and selective abortion are part of the vicious cycle of discrimination against women and their consequent devaluation. Thus, as a public official and also as a responsible member of the society, I should take it upon myself to initiate remedial measures in this context.

(b) Short term measures:

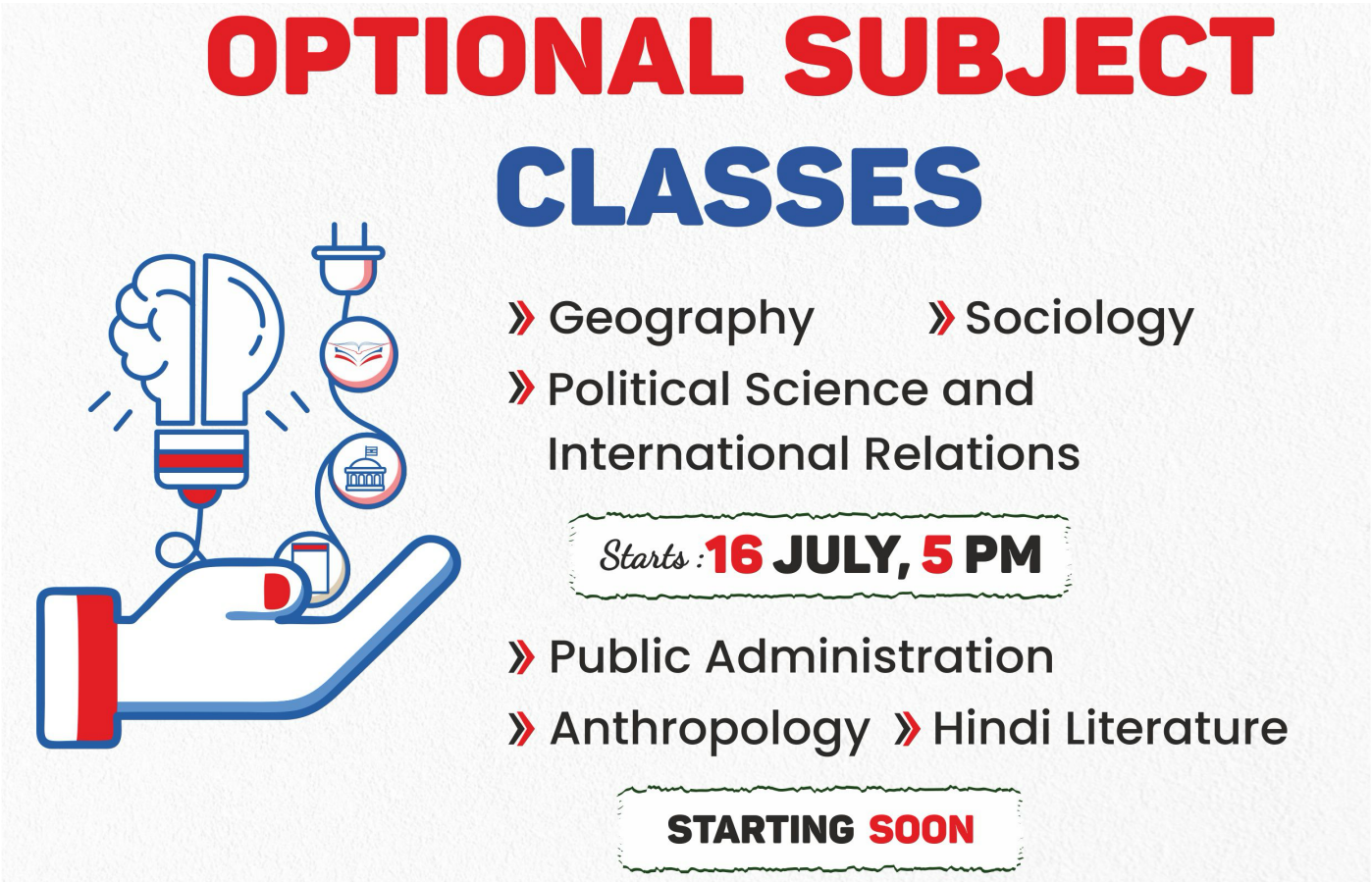
- Since one cannot act sustainably on a mere suspicion alone, to ascertain the facts, I will do the **groundwork research**. Data regarding the trend of infant births and deaths and male to female ratio in the district for the last 10 years may also be used for it.
- Further, I will talk to ASHA workers who have access to information about birth and deaths of infants in the locality. They can help me **establish the facts** in case there are instances of practice of female foeticide.

- I will request the police authorities for further investigation into the possible female foeticide in the region. If the ignorance of the doctors, hospital staff and parents is proved, then it would mean violation of the **Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994.**
- I would also ensure that the birth registry is being **updated regularly** and the hospital staff are taking the issue seriously, so that any instance of female foeticide under their watch gets prevented.
- I would then follow up (on ground **physical verification**) and check the well-being of female children especially those under the age of 12 months with the help of ASHA workers and NGOs.

Long-term measures:

- There should be efficient and target-based utilisation of resources available for women and girl children welfare in the area to remove the social constraints in their education in an effort to **bridge the gender gap**.
- The **local NGOs, media and civil society** can be utilised to create awareness about the issue of female foeticide and its consequences.
- Mere legislation is not enough for a **behavioural change**. When the public takes the matter seriously, politicians and officials too will act on it. To bring this change,
    - Local television programmes, plays and advertisements could be used to effectively communicate with the public about the importance of gender equality and measures needed to attain it at home.
    - Local male and female role models could also be approached to further the cause of gender equality.

A concerted effort involving all sections of the society is necessary to change the prevalent social thinking and remove gender-based discrimination in order to achieve a balanced sex ratio. Campaigns like '**Beti Bachao Beti Padhao'**, wherein the objectives are to prevent gender biased selective elimination, ensure education and participation of the girl child etc. is a step in the right direction.



39. Being the senior-most IAS officer, you are in line to be promoted as Chief Secretary after the incumbent retires in the next two months. Currently, you are heading the Public Works Department (PWD) and a road construction project worth crores has been opened for tender. A company X belonging to the son-in-law of the incumbent Chief Minister has also applied for the same. The director in charge of the screening process, a young IAS officer, has reported that company Y and the state PSU have submitted the best bids. Both you and the director are facing political pressure to favour the company X. The young IAS officer may be demoralised if you give in to the pressure. But if you don't give in then he may be transferred and your chances of promotion may also suffer. In light of the situation, answer the following:

(a) Discuss the ethical issues faced by you in the given case.

(b) What are the options available to you? Which of these options will you choose? Justify your stand with logical arguments.

Approach:

- Briefly introduce the intricacies of awarding tenders and contracts.
- Present the ethical issues faced by you in the given case.
- Examine the options available to you.
- Discuss your choice and arguments for choosing it.

Answer:

In India, a civil servant is bestowed upon the responsibility of awarding contracts or tender for public works by choosing the best bidder amongst many. Although, it may seem like a process involving discretion on the part of the civil servant but in reality, there are rules and guidelines to determine the best bidder, for example, the public procurement rules of the state, preferential rules for public sector undertakings etc. The given case highlights the intricacies and the resultant ethical issues involved in this process.

The **various stakeholders** involved in the given case study are senior IAS Officer himself, his staff in PWD department who are influenced by his actions, Company X, Company Y, state PSU, Political leadership of the state, public in the state who will be given services through these projects etc.

(a) The given case present following ethical issues:

- **Misuse of political authority** by the politicians to build pressure on the administration to give a favourable decision.
- **Corruption and nepotism** are involved as the party in power is trying to get a tender awarded to a relative of the incumbent Chief Minister.
- **Leadership values and organisational work culture** will be determined by the action taken by me, as it would be my responsibility to instill the correct civil service values in the young IAS officer. My failure to do so would present a very wrong and unethical example and would not build the right leaders for the future.
- **Self-interest vs public interest/Duty**: An ethical dilemma in the given case is that by not caving into the political pressure, I risk my deserved and due promotion. Also, the young officer most definitely will be transferred.

(b) There are following options in the given scenario:

1. Debar the company X from the tender process due to their approach.

Doing this would certainly present the fair and transparent stand of the administration. This would also deter other companies from indulging in such unethical activities. However, before taking such an action, it would be required on the state administration to present a proof of wrongdoing. This would be difficult given the discreet manner in which political pressure is built upon the civil servants. This could also be detrimental to both our careers.

2. Communicate to the Chief Minister about the pressure being made in his name.

Being the senior most civil servant in the state, I may have an open communication channel with the senior ministers, including the Chief Minister. Apprising him of the pressure being built on the state administration in

his name before taking any step could be a sensible decision in hindsight. However, as the company X belongs to his son-in-law, it would not be a wise decision, as the chances of him not being aware of the political pressures are practically low. Also, if the CM requests for the favour as well, then I could be in a tough spot.

3. Ignore the political pressures and award the contract to the best bidder.

By following this, there is a high chance that the young IAS officer and myself will be punished for not awarding the tender to company X. But my commitment to the public service will be upheld. Also, such transfers and postings are part and parcel of a civil servant's work profile. My work ethics and decision making should not be guided by my self interest. Also, if a biased decision is taken now, it may invite future scrutiny from vigilance department on my actions. Thus, apart from public interest, this decision will help me uphold my accountability.

I would choose the **third option** amongst others as it would mean doing my duty by upholding the spirit of civil services values such as honesty, integrity, leadership, objectivity and probity in governance. I would ensure that all the reasons and principles behind the selection are put transparently in the public domain. In the future course also, this institutionalized practice would ensure that all decisions are taken based on objective criteria. Further in a civil servant job, such political pressures are a routine. So, I would tell the young IAS officer to be prepared to cope with such pressures throughout his career and focus on the job at hand by ignoring such distractions.

40. You are an officer in the Labour department. You went to your brother's wedding and saw that minors were employed by the wedding band company to carry their electric instruments. You know that it is an unlawful activity and it is your responsibility to take action against it. However, since it is a family wedding so they have asked you to look the other way. Some of the options available to you to handle this situation are as follows: 1. You will not take any action as this could be seen by the others as a deliberate action to spoil the wedding. 2. You will act strictly and remove them from the wedding and file a case against the band company. 3. You will talk to the band personal and give a notice to them that they should not employ any minor children after this marriage. Suggest any other possible option. Evaluate all of them and suggest the best course of action, giving your reason for it.

Approach:

The answer should bring out ethical dilemma involved in this situation and you should weigh the given options based on various ethical approaches.

- Bring out the key facts of the case and identify the key dilemma involved.
- Evaluate the merits and demerits of the given options.
- Suggest the best possible solution without compromising the ethical values.

Answer:

This situation can be described as an ethical dilemma in which personal vs professional ethics are at conflict. The interest of the minor children, who are being forced one way or the other to work instead of attending school, is also in question.

In this context, here is the evaluation of given options:

- By not taking any action I will not be following rule of law as an officer of Government. My family will be happy as I have looked the other way and wedding happened without any disturbance. Though by not taking any action I will be evading my duty that is bestowed upon me by Government and it will become a crises of Conscience for me.
- As per the second option, law will prevail and Band Company using minor will be held accountable. This action will contribute to the work culture by setting an example for others to follow. This option serve as an example of Deontological Ethics as I will be following Ethical means . One of the undesirable consequences of My action will be that it will lead to a disturbance in the wedding programme and may

become a personal crises. By following this ethical path will also generate an inner conflict as it will not serve as a holistic solution for the problem.

- This option is an example of following Teleological or Utilitarian ethics as unethical means are used to lead to a desired end. By following this option, I will not be disrupting the wedding by taking action straight away. In a way I will not be fulfilling my duty and compromising with my integrity. As a government official, I should fulfil my duty impartially and objectively. I should not give minor lapses while doing my official duty as it is a first step towards moral corruption.

Now if we look closely to all the options, only option 2 is in the right direction. I will suggest some changes to make it a holistic solution. Before taking strict action against the Band Company I should take my family in confidence about my decision. I will ensure that an alternate Band Company is called which doesn't employ minors so that marriage function is not disturbed. By doing this I will be serving my official duty and also ensuring that it doesn't lead to any problem in wedding function.

At the same time, I will enquire about the children's families and ensure that they are referred to the relevant department of social welfare, which can take care of their education. Also, it will be pertinent to counsel their parents that education as well as meals are free in the government school, and that their children have the potential to be so much more than just day-labourers, with the right education.

41. You have been studying for the past two weeks for your final exam in the college. Your grade in the class is much lower than it should be, and your father has warned you to improve it or there will be consequences. So declining invitations for parties, restricting you time with friends, and spending hours in the library, you have done a lot to prepare for this exam.

On the exam day you sit next to a mutual friend of yours that lives on the same floor in the hostel. Talking with him before the test begins, you notice that this friend has hidden a cheat sheet at the top of his backpack.

Ordinarily, you wouldn't be concerned about it; however, the professor has already announced that only limited students would pass the exam. Even if everyone does really well, the professor will divide up the grades to make sure there's a limited amount of A's and B's.

1. What are the options available to you?

2. Evaluate each of these options and choose the option you would adopt, giving reasons.

Answer:

One faces a tough situation of personal morals and values which go against cheating and the other of losing a friend and being branded a complaint monger. Students carefully need to take all the options into account giving due weightage to the fact that inaction on one's part to report the cheating may not only jeopardize one's own chances but also the chances of many other deserving candidates in the class.

Some of the options available are (list is not exhaustive):

a) Ignore the incidence and treat it as a one off, as my friendship is at stake
b) Approach my friend after the class and warn him/her about the action
c) Report the incidence to the teacher and not keep it to myself

The first option is invalidated as ignoring the incident will not only be against the greatest good for the greatest number of people , as opined by utilitarian approach but would also depict characters of cheating, and deceit which would not be in consonance with either your own characters or the character of your friend in the long run.

Further, ignoring the incident on your part, and not confronting your friend may lead to a slippery slope, where it might only act as an invitation for further and heightened crimes.

The second option might seem to be a viable approach, confronting your friend for his act, but it goes against the principles of Right/duties, fairness and common good. Being a member of the class, I have a responsibility

to protect the integrity of the grading system. By letting my friend cheat, I am allowing the greatest good to diminish because the class average will be distorted as a result, affecting a lot of students. Though it might hurt my friendship, I should at the very least, anonymously report my friend in order to preserve and promote the greatest good.

The third option is the most viable. I would report it to the teacher and not keep it to myself. This will not only help in exemplifying the virtuous characters of integrity and honor but will also help in correcting the characters traits of my friend which might help him in the long run.

I must ask myself what is the highest state of character I can aspire to? I obviously recognize the virtue of discipline and handwork, as evidenced by my preparation leading up to this test. Likewise, I should push myself to think about the values I should live up to, those being integrity and honor in this particular case.

Further, Just because it is my friend who is cheating, doesn't mean that her friend is exempt from immoral behaviour. If I knew a girl that I disliked was cheating, would I be more motivated to report her? Since all people are seen as equal, I should not hold my friend to a different standard.

I could either confront her friend directly, or warn her that I will be reporting her to the professor. I can respect my friend's dignity by providing her with transparent options. Either way, I cannot allow the disparity in grades be perpetuated if I can help it because the issue of passing the test is important to everyone and not just my friend. They are all trying to obtain a passing grade, not just my friend. It is unfair and hence unethical, for me to tip the balance in her favor.

42. ***You are a Head of Department in a premier University. Recently a clerical staff in your department was terminated from the job as he was found under the influence of alcohol during office hours. In the previous month there were a lot of complaints regarding his poor quality of work, tardiness and some incoherent behavior. Later you came to know that this change in behavior was concurrent with the death of his wife after a prolonged illness. It has also made him debt ridden. This may be further compounded by the fact that he has a daughter to marry off soon and a differently abled son to take care of.***

He desperately needs a job. He has applied for a position at a private University and has already given your name as a reference. He pleads you to give him a good recommendation and not mention his drinking, which he assures you is now under control. He also asks you to mention that he voluntarily left the University to address a family medical crisis and that the University was pleased with his work. You like this person and believe that he is a good worker when he is not drinking. But you doubt whether he has really overcome his drinking problem.

Valid arguments can be advanced, both, for rejecting his plea with the consequence that his condition may become even worse and for accepting his plea with a noble intention, but keeping the third party in dark. What could those arguments be? Could there be any better way to get out of this dilemma? If so, outline the main elements of this third way, pointing out its merits.

Approach:

The answer must show an ethical conflict between the need to abide by the rules of recruitment (i.e. Rule of Law) versus showing empathy and compassion for someone who due to taxing circumstances may have astray the right path. Arguments both for and against the decision must be shown. Finally, devise a mechanism wherein without compromising with the Rules and without keeping the other institutions in dark, a compassionate solution may be created for the strayed man.

Answer:

Arguments for Rejecting the Plea of the ex-Clerical Staff:

The merit of this option is that it is strictly as per the Rules of the Recruitment. An alcoholic or even a reasonable suspect should not be appointed. Thus Rule of Law is followed.

By rejecting the plea the HoD will be merely telling the Statement of Fact. It cannot be said that he is rejecting the case of the ex-Clerk. The private University may very well see the unfortunate episode as a gone by event. Thus after proper due diligence it may appoint the ex-Clerk, provided he has given up the drinking habit and making nuisance at work place, as claimed by him.

Since the HoD himself is not sure and he doubts whether the ex-Clerk has overcome his drinking problem, so by not rejecting his plea, he himself will remain in the crisis of conscience.

At a later stage the HoD will not be held responsible in any way if the performance of the clerk is found substandard at the workplace.

Arguments for Accepting the Plea of the ex-Clerical Staff:

The merit in accepting his plea is that it shows compassion and empathy on part of the HoD.

Mechanically telling some Statement of Fact (i.e. the past facts) without suggesting the context and some recent developments would actually undermine the spirit of the Rules and Regulations.

Even in our constitution there is no provision for "Double Jeopardy". He has already been punished for his misconduct. It is possible that after knowing the superficial facts of the case the prospective employers may simply turn down his candidature thus punishing him again.

The HoD must first ensure that the clerk has really overcome his problem. Ask him to produce a medical certificate of rehabilitation. Alternately help him out in getting admitted to a rehabilitation centre. Since he is not a habitual alcoholic and this problem has surfaced only very recently so it can be rectified soon, if he is psychologically 'restored'. For this he needs support of office colleagues.

At the same time, an alcoholic cannot be appointed if his behavior at office place is influenced by his drinking habits.

So after ensuring that his rehabilitation doctor has given him a certificate, you recommend favorably for him. The principle of "Double Jeopardy" requires that he cannot be punished twice. Also it is presumed that after the 'sentence' period a criminal or offender is as good as a normal law abiding citizen. If the clerk is rehabilitated clinically for his alcohol habit then there is no point in subjecting him to the same punishment or even symbolic dogma.

This all may be politely but firmly explained to the prospective new employer. Explain the overall context of his family circumstances when he took a wrong path. Otherwise he is a good worker. You may suggest them to take an 'Undertaking' from him regarding his rehabilitation and that any wrongdoing at workplace under influence of alcohol will invite summary termination.)

The above mentioned way might help the Head of the Department in getting out of the dilemma which not only ensures that the ex-clerk might be able to get the job but also justifies his integrity and his actions being consonant with his conscience.

43. ***You, an anthropologist, have developed cordial relations with a tribal community which was hitherto isolated from rest of the humanity. Notwithstanding increased interest of researchers and media for the newly discovered tribe, you are the only person from outside whom they trust. They are ardent believers in their goddess and, trusting you, take you to her abode on a holy mountain. To your surprise, you find that the mountain is a reservoir of Uranium that can be used in your power-starved country's nuclear power plants. Besides, you are aware that Uranium being radioactive, it is highly risky to go near the mountain. You try to convince the people about harmful effects it can have and the utilitarian value that it possess for the country. However, they are in no mood to argue and politely ask you to leave. You fear that very soon the outside world will find about this and the vulnerable tribe would be displaced from their land.***

(a) Evaluate the following courses of action which you can take for their ethical merits and demerits:

i. You would continue to convince the people yourself about the possible consequences and urge them to relocate.

ii. You would call in local and national NGOs for protecting the rights of the people against the State and file a PIL in Supreme Court if the State proceeds with dispossession.

iii. You would yourself tell the government and the scientific community about the reserves and let them proceed in their own way.

(b) Without restricting yourself to the above options, state the course of action that you would take and why?

Approach:

- Give brief introduction – mention the facts of the case and ethical dilemma which the anthropologist faces.
- Evaluate the options – give merits and demerits in terms of ethical issues listed above.
- State the course of action with proper reasoning and how will it address or adjust the demerits which you have listed.

Answer:

Tribal communities, due to their abode in mineral rich areas have been exploited for resources in past. As an anthropologist interested in securing rights of the tribal people, it's my duty to make them aware of those rights. As a citizen, I should evaluate the potential costs and benefits which my actions would have for the nation as well as for the well-being of vulnerable community.

The facts of the case are:

- A vulnerable, newly discovered community which has confided its trust in me, values a place that has great utilitarian value.
- The Uranium Mountain poses a health risk to the people.
- Media and outside researchers have interest in the place, meaning that the sacred abode would be discovered soon.

Ethical dilemma which I face therefore boils down to maintaining the trust of the community versus explaining the potential of the resource (along with its harmful effects) and facilitating state agencies to exploit it.

(a) Evaluation of given options

i. Convincing people myself and urging them to relocate

Merits-

- I would uphold their right to decide themselves about their choice of settlement. It is only human and dignified that the community is not patronised and its rights not appropriated.
- The dangers posed to their health are real and severe, though they may not have realised it hitherto. It's my duty to care for their safeguard.
- Not involving outsiders would limit the risk of intervention and building unnecessary pressure through media, etc.

Demerits-

- This option has very little chance to succeed. Since the community has been living here since ages, it is not possible to convince them without demonstration of the harmful effects that may arise.
- Even if it succeeds, there is no clarity whether the Uranium can be utilised or not.
- It will take time and therefore, the whole purpose will be defeated if mining companies come to know of it.

ii. Calling in local NGOs, filing a PIL in SC on state action

Merits-

- It would provide help to the vulnerable section of the society by making them aware of their legal and constitutional rights.

- The court and NGOs have functioned as effective guarantors against arbitrary state action, which is looming very close in this case. Involving them would give a broader shield against vested interests.

Demerits-

- Since the tribal people trust no one outside and are little aware of existence of these mechanisms, a decision can be taken in which they themselves are not a party. The courts can decide any which way, balancing their sentiments and national interests, but making them submit to the judicial process which they did not consent to is a broader injustice.
- It will also raise questions about the trust they pose in outsiders. Even if my intentions were empathetic, it is difficult to convince them of the motives.
- Potentially delays or even rejects the prospect of utilising a natural resource, as well as does nothing to address the health hazard.

iii. Telling the Government and scientific community myself about the resources

Merits-

- The precious resource can be utilised for the betterment of lives of general population.
- The responsibility to address the concerns of the community now lies squarely with the government

Demerits-

- This is a complete breach of trust which the community has posed in me.
- This is also against the ethics of my profession, through which I'm obliged to preserve and protect the vulnerable communities against external threats, including that of state action.

(b) Course of action

Community interest and national interest should be balanced, but the human right to dignity cannot be compromised.

My priority in this case would be relocating the tribal people because of the dangerous effects that living in proximity to a Uranium mountain can have. To demonstrate, I will take the help of medical experts. I would also involve civil society to undertake trust building measures with the community. More specifically, I will focus on changing the attitude of their leaders, who can then explain the situation to other members.

Regarding mining of Uranium, certainly it is beneficial but it cannot be undertaken without the consent of the community. There is sacred attachment of the community to the site, which has probably continued since long time. Utilitarian concerns cannot override aesthetic and intimate concerns of the community.

Certainly, efforts should be made in the long run to gain their approval, but as long as they continue to hold the sacred bond, the mountain should not be touched.

44. You are posted as the Sub-Divisional Magistrate (SDM) in a district. As the SDM it is your responsibility to conduct interviews and select a candidate for the post of an ASHA worker in the district. On the day you are conducting the interviews, you are approached by the MLA of the local constituency who asks you to choose a particular lady for this position by overlooking the other candidates. On checking her documents you find that she is eligible in all respects. The MLA implores that she should be given the post on compassionate grounds as her husband was a soldier who was martyred in a war. Some of the options to handle the situation could be as follows:

(a) Ignore the MLA and proceed with the process of selection.

(b) Speak to your superior and seek his guidance on the matter.

(c) Appoint the lady to the post as it is a compassionate appointment.

Also suggest other possible options.

Evaluate each of these options and suggest the best course of action, giving reasons for it.

Approach:

- Evaluate the options suggested in the case study and also suggest other possible options.
- Suggest the best course of action that portrays 'compassion' as well as awareness of rules and respect for laws as well as procedures.

Answer:

This is a delicate situation where two important values – **compassion** and **objectivity** – required in civil services are coming in conflict with each other. While one would be tempted to help the family of a martyr, an officer cannot be unfair to other candidates in such a situation. The evaluation of the given options is as follows:

a) **Ignore the MLA and proceed with the process of selection.**

In India, MPs and MLAs act as crucial media for unempowered citizenry to participate in local administration, address their grievances and receive genuine benefits from government. So, I will not completely ignore the MLA as it will be **against the ethos of democracy**. I will try to take him on board while taking decision. I will listen to what he has to say and will make him understand that the selection cannot be made without due process. I will explore if this post is reserved for appointment on compassionate grounds and proceed accordingly. If that is not the case I will make the MLA and the lady aware about other posts which are reserved for such an appointment.

b) **Speak to your superior and seek his guidance on the matter.**

Seeking the advice of senior officers is a good step as they have greater experience and clarity. However, in this case the advice rendered will have limited application. This will not be required as the right thing to do here would be to follow the due process and rules in carrying out the procedure for selection of the post. The senior officer would advise one to do the same. Though, I would seek information from my superiors if any other posts reserved for compassionate appointment exist.

c) **Appoint the lady to the post as it is a compassionate appointment.**

To straightaway appoint the lady without following the due process of selection for the post will be a violation of the rules, despite the fact that she needs compassionate appointment. Appointing her would also be unfair to other candidates. Further, there might be other candidates with a similar situation who are trying to make it on the basis of their own abilities. So, this should not be done in any case. One should appoint the lady only if she is the most suitable candidate according to the criteria and after following the prescribed process of short-listing candidates.

Best course of action would be as follows:

Whether the position in question is reserved for compassionate appointment or not I would advise the MLA to make the lady apply as a candidate for the post. I would carry out the prescribed procedure to select the ideal candidate. In case she is unable to qualify as the most suitable candidate in the process, I would try and find out other vacancies for her in the government (especially positions reserved for compassionate appointment of spouses of martyrs). I would extend all my support to the lady to ensure that she gets a job at the earliest, by following the rules. It is to be noted that creating an exception in appointments will pave the way for future distortions in selection procedure of ASHA appointments.

I would also like to enquire if the lady has any special needs (sickness of any family member, marriage of children etc.) In such a case I would help her out with appropriate provisions under the existing government schemes.

45. You are waiting in your car for your turn at a toll tax booth. You suddenly witness some men heckling and manhandling the toll booth operator and vandalising the property at the toll booth. They are accompanying a local politician who was passing through. Disgruntled with the fact that they were asked to pay the toll, they began to argue that the toll is too high and the public is being exploited by charging an unreasonable toll fee. At the same time they are also warning others against paying the toll fee. However, the other people around you are keeping with themselves, without anyone coming forward to intervene. While you also felt

that the toll was quite high, you believe that this is not the right thing to do.

(a) Bring out the ethical issues in the case above.
(b) What accounts for such an overt display of hooliganism in our country.
(c) What is the course of action that you would take? Justify with appropriate reasons.

Approach:

- Bring out the ethical issues.
- Discuss the reasons for display of violence and power in the country.
- Discuss the course of action you will take with appropriate reasons.

Answer:

The given case demonstrates the impunity with which the powerful break the law in our country. They not only take law into their own hands, but also dissuade others to follow lawful action. With the implicit guarantee that local administrative machinery is either with them, or will not be able to take any action, such people demonstrate that rule of law is more of a theoretical construct rather than a practical guarantee for citizen's rights and state's actions.

(a) In the given case, the ethical issues can thus be identified as:

- Attitude towards the authority of state
- Exercise of power on the weak
- Demonstration of inequality in the society that manifests in various forms
- Passive approval to hooliganism for personal benefit
- A slippery slope for the society to anarchy if it fails to check violation of rule of law. No person has the right to take upon the law in his hands and be judge for what is good or bad for the rest of population.

There is also a question of Personal benefit vs Social benefit**.** While not intervening will save the toll as I also feel that the toll is high, but keeping silent will amount to approving of violence. It will encourage hooligans and they will repeat this behaviour disturbing peace in the society.

Non-violence: If those men had problem with toll, they should use non-violent means. Using violence is inherently bad and cannot be approved even if for the purpose of larger public good.

Loss of public property: Loss of public property can never be justified on the annals of public morality.

Injustice: Not paying the toll by few will be unjust to those who have paid the toll.

(b) Such incidents are common in our country as we often hear news about miscreants vandalising public and private property and beating or killing people at will. Following factors can account for such behaviour in our country:

- Powerful people like politicians, rich businessmen or criminals have scant respect for law. They feel that they have resource to escape the clutches of law.
- Public believes that people indulging in such behaviour are serving their cause. While at other times it is ready to take narrow benefits accruing out for them. Thus such hooligans get public support.
- Public has developed an apathy towards such violence and hooliganism and does not risks its well-being by intervention. This encourages violence and disdain for law.
- Decline in ethical values among people where short term personal benefits supersede long term societal and national interests has boosted such behaviour.
- Lack of education and quality employment opportunities ensures supply of people to the powerful individuals who can employ and exploit them for their personal interests.

(c) The issue here is obstructing the functioning of the Toll Booth established under a state order and therefore acting as an " agent of the state which is a penal offence. Such action causes " affray" - an offence under the IPC and therefore the police should be informed by phone to take immediate action as there might be a breach of peace.

Since the hooligans are indulging in violence, I cannot remain a mute spectator. But direct intervention may lead to them turning their ire at me. Further people may not come out to support me so it would not be a wise choice. First, I would immediately call the police. I can be a witness against the goons. But involvement of local politician may possibly impact the investigation by the police. I can make a video clip of the whole incident and use it to prove the involvement of miscreants. Today social media has become a powerful tool for mobilising public sentiment which often moves the government machinery into action. I can post the clip on social media to bring to the public and print and news media, the illegal action of miscreants.

In such situations, emotional intelligence can be a potent tool in the armour. I will have to demonstrate exceptional leadership capability through EI in order to minimise the damage that the goons are doing. Also, the person who is being beaten is merely a staff at the booth and was only doing his duty. I must take all measures to protect him.. Talking to hooligans in a friendly manner will help me gain their ear. I can try to cool their tempers down and talk them out of the situation.

At the same time, I will write to the competent authority about the high toll rates. I would bring to their notice that general public is not happy with the toll and this may lead to recurrence of such incidents again. I would request them to reduce the toll rates in their own as well as public interest.

Through, such course of action, I will aid the delivery of justice. It would also give me satisfaction in doing morally upright thing. I would also be able to do something about the high toll while probably preventing violence against public personnel and property in the future and serving the larger public interest.



46. Mr. X worked in the human resources department that was interviewing applicants for a top job in a widget company. After reading many applications, one stood out way ahead of the others. Then he realized that he knew the applicant, Mr. Y. They had hung out together when they were teenagers. Mr. Y had been a wild kid and once was arrested for shoplifting and the possession of drugs. Mr. Y had completed mandatory counseling and, as far as Mr. X knew, Mr. Y had straightened out his life and had done well during the last twenty years. Mr. Y hadn't indicated in his application that he had once been arrested and Mr. X feared that the company would never hire someone with a police record, no matter how minor or how long ago the offence was. Do you favor Mr. X revealing the information?

Answer:

1st Approach

In this case, principle of integrity applies. In line with the global professional and ethical standards you should always act with integrity. This means being open and transparent in the way you work. It also means being honest with others and never trying to hide the facts or purposely deceive those to whom you have a professional responsibility. So Mr. X need to tell the company and let them decide what is the best for company's interest. Moreover in above case Mr. Y has already committed a crime by not disclosing all the information to company regarding his arrest or conviction so this also need to be taken into account where it is reflected that above person in future could distort the facts for his benefit.

2nd Approach

Yes, because of the following reasons.

- If he does not reveal the information it is against the policy of the organization.
- In future, if this information is revealed than action can be taken against both the gentlemen.
- Mr Y today might be a reformed person but he is being unethical by not disclosing the facts about himself. Thus, he is reformed person, may be merely an opinion of Mr X.
- The company must have taken up such policy because of high ethical standard. If Mr. X is hired and later this information is revealed than company shall loose credibility and thereby several clients. Thus, Mr. X should not take such a huge risk.

47. You are a government official supervising the maintenance and upkeep of juvenile rehabilitation centres all over country. You are a strong advocate for preventive services such as counselling and parenting skill education as an alternative to the placement of neglected children in rehabilitation homes. You have convinced your minister about the stand and he has taken a public position on the same and declared that he will scrap the scheme of rehabilitation homes alltogether. Believing that a reputable study of the cost-effectiveness of preventive services would bolster your position, your department enters into a contract with a top university to conduct a series of evaluation studies. The first study involves a controlled experimental evaluation of government sponsored preventive services. To your dismay, the findings show no evidence that preventive service is a cost effective alternative to placing children in rehabilitation homes. You are worried that the results, if published, would not only compromise the position of the minister but also yours. What will you do in such a situation? Some of the options are given below. Evaluate the merits and demerits of each of these options and suggest what course of action you would like to take, giving reasons.

(a) Keep silent on the report and continue advocating your stand with the minister.
(b) Cancel the contract with the university and conduct a fresh study with a new agency.
(c) Report the results to the minister and follow his orders.
(d) Conduct further research and be prepared to accept the results and declare them publicly.

Approach:

- Mention the facts of the case, stakeholders, values at stake and ethical issues involved.
- Evaluate each option based on its capacity to resolve ethical issue and serve the interest of various stakeholders.
- Based on above analysis suggest best course of action.

Answer:

Facts of the case:

- Minister has publicly declared to scrap rehabilitation homes.
- Study points to contrary what I have advocated to the minister.
- Dilemma about the future course

Stake holders:

- Myself
- Minister
- Children
- Parents/Public

Values involved:

- Truthfulness
- Honesty
- Transparency
- Objectivity
- Anonymity
- Commitment to public welfare

Ethical dilemmas:

- Political embarrassment vs truth
- Personal reputation vs welfare of children
- Other ethical issues: Cost to government if scheme is closed, loss to public, trust of people in government, trust of minister in civil servant

Evaluation of options:

A) Keep silent on the report and continue advocating your stand with minister.

Merits:

Will preserve his trust in me and save him form embarrassment as he has taken public position,

Demerits:

- I will compromise with honesty, truthfulness and transparency,
- Objectivity calls for decisions based on rational facts which will be sacrificed,
- Misuse of anonymity as I may get off but minister may lose reputation,
- If policy is accepted then it will lead to loss of public money and affect well-being of many children

B) Cancel the contract with the university and conduct a fresh study with a new agency.

Merits:

- A single study is not sufficient to take policy decisions, there may be errors which can come to light in new study,

Demerits:

- It is possible that new study may also point to same fact which means that the cost incurred was a waste,
- If the results point that my stand is clear then it will create further dilemma in me as to which report to follow

C) Report the results to minister and follow his orders.

Merits:

- In line with principle of anonymity, responsibility doesn't lie with me anymore,

- There is a possibility that minister declare the result and backs off from his stand

Demerits:

- If minister decides to implement the policy then it will compromise of transparency and objectivity and I will be complicit in wrong action,
- If minister decides to back off, I may have to face his wrath for public embarrassment.

D) Conduct further research and be prepared to accept the results and declare them publicly.

Merits:

- Uphold transparency and truthfulness while giving minister a reason for policy selection,
- It will prevent wrong policy and save children from negative impact,
- Objectivity will be ensured, public participation is also possible

Demerits:

- May cost me my reputation and trust of minister if further studies also point to effectiveness of juvenile homes,
- It may incur increased cost and embarrassment to minister

Option D would be the best option to follow. In the short run it may have cost for minister and myself but ultimately beneficial for public. Further studies will provide facts for objective decision making. By declaring results even if they are contrary to my position, I will be displaying my courage and commitment to public welfare. Hence, it is possible that I earn respect and admiration from minster and colleagues. At the same time ensuring public well-being in the long run.

48. You are a doctoral student at a large university in the final months of your research on a potentially revolutionary technology. Meanwhile, you have also applied for post-doctoral research cum teaching positions at various universities. To your pleasant surprise, you get an interview call from your undergraduate alma mater, a prestigious research institution in a city where you would love to live.

In the interview, the department chair asks for detailed information about your research.

Your group is working on a patent application and its members have agreed not to provide details until a paper currently being prepared is submitted for publication. You explain the situation and tell them that you would be glad to send them an early preprint when it is available.

But the Chair pushes harder for this information, remarking that the Department seeks team players, willing to share information with department colleagues. She also appeals to your undergraduate connection with the institution.

(a) Enumerate the ethical issues involved in the case in light of your current responsibilities vis-a-vis future expectations.

(b) Discuss the possible motivations of the department chair in pressing you for detailed information.

(c) What stand will you take in such a situation? Give reasonable justification for your arguments.

Approach:

- Introduce the case briefly by describing the ethical dillema on the part of the doctoral student.
- Highlight the ethical issues involved from the perspective of the doctoral student.
- Then discuss the possible motives of the Chair. These should cover both positive and negative sides.
- Conclude by taking a firm stand on the side of integrity while avoiding rudeness at the same time.

Answer:

In the research environment, one is often faced with situations in which one could stand to benefit personally. These situations constitute conflict of interest.

Ethical Issues

- Conflict Of Interest- The doctoral student is conflicted because keeping his word in the short term preclude his being hired at this institution.
- Potential Breach Of Trust- The doctoral student is bound by fiduciary obligation to maintain confidentiality about the research. If he divulges detailed information about it, then this will compromise his integrity and betray the trust reposed in him by the research team.

Possible Motives of The Chair

- There could be many motives of the department Chair for pressing for detailed information. These could range from simple curiosity to intentional violation of intellectual property rights.
- As the department Chair is herself a researcher, she might be curious to know more about the potentially revolutionary technology. It is quite natural but in doing so research ethics should not be violated.
- Another motivation of the Chair could be to test the integirtyof the doctoral student. As he is expected to take up work in that institution, the Chair might test him by pressing him for detailed information about the research.
- Research environment is a highly competitive world. The Chair might try to extract information from the doctoral student to gain an unfair advantage over her competitors. She might use this information to get undeserved academic reputation or financial gain or both

The Way Out

- The student should talk the Chair out of her urgency in a tactful yet convincing manner by reminding her of his prior agreement to maintain confidentiality.
- Although this may be difficult but it would demonstrate that the doctoral student is a person of his word.
- It would show his integrity and professionalism. He would come across as a person who could be trusted.
- Though his future organization could be his alma matter, his loyalty presently lies with his present organization.
- Not divulging any information will show his commitment to his present team which is one of the essential qualities of a good team player.
- Hence, by dealing with the situation in a calm and composed manner, the doctoral student could avoid conflict of interest and potential breach of trust. At the same time, he would come across as a person of integrity.

49. Mr. X is the head of an NGO working in the field of environment conservation and protection. He is in dire need of funds for the NGO's operations and payments to his staff. He is approached by an official of a large infrastructure company, who is ready to provide the required funding for the NGO. But, in a quid pro quo, he asks Mr. X to raise objections over the bypassing of Environmental Impact Assessment (EIA) norms in an ongoing PPP project through his NGO. This project is being implemented by a rival infrastructure company. Mr. X knows that there have been instances of high level corruption in the process of granting EIA to mega projects and the information provided by the official seems to be authentic. Hence, he accepts the money and agrees to raise the objection.

(a) Considering the circumstances of the case, is Mr. X correct in accepting the money? Give appropriate reasons for your answer.
(b) If you were in place of Mr. X, what would have been your course of action? Give reasons for it.

Approach:

- Briefly mention the case summary and ethical issues involved.
- Examine whether Mr. X is correct in his action.
- Mention what you would have done, giving appropriate reasons for the same.

Answer:

Case Summary: Mr. X running an NGO is asked by a corporate to raise objections about laxity in granting EIA approval to a project of a rival corporate in exchange of funding to the NGO. Convinced that these objections are true, he agrees.

(a) In this case several ethical issues arise before Mr. X which cloud his apparently good action:

- **Means v/s End:** Though the end result of his action will be highlighting the corruption, but his motive is questionable. Highlighting corruption to get funding conflates arguable means to achieve desired ends.
- **Environmental ethics v/s personal ethics:** His action is eventually going to benefit the environment conservation and protection but this occurs at the cost of his integrity.
- **Organisational benefit v/s organizational ethics:** Again the organisation is benefitting by receiving the funds it direly needed but at the cost of compromise of organizational ethics of transparency in funding and objective decision making without quid pro quo.
- **Truthfulness of charges:** It is only mentioned that charges seem authentic. Before agreeing to raise them, it is expected that he verifies them on his own.

Thus, it may appear that his action was pragmatic and necessary for survival of NGO and eventually beneficial on counts of tackling corruption and protecting environment. Yet, this action can't be justified on account of personal and organizational values. Benefits notwithstanding, it will set a wrong precedent and he is letting his NGO being used as a tool in corporate rivalry. It will affect the objective and impartial conduct of the NGO, which is of utmost importance for NGOs working in critical fields with so much public interest at stake. Dearth of money is a problem which many social organizations face. Accepting money in circumstances such as the one seems an easy way out but not the right way.

(b) If I would have been in the place of Mr. X, I would have taken the following course:

- Independently inquire about the charges that have been presented before me so that truth is not compromised.
- I would refuse to take money in exchange for raising the objections as it would be in line with my commitment to organizational values and personal integrity.
- I would discuss the situation with my employees and ask them to accept cuts in pay for a brief period. I would make them understand the importance of serving public interest, which is the motto of any NGO against being an instrument to beat competition.
- If the charges are found to be true it would have to be raised anyway with authorities.
- If they are found to be false I would report the matter to appropriate agencies like Competition Commission etc. mentioning how campaign to malign the image of competitors is being undertaken.
- Meanwhile, I will raise funding requests with other potential donors or ask past donors for urgent funding making them aware of the crisis that the NGO is undergoing.
- If we keep our ethical and moral standards high it will continuously reflect in our work. This will encourage honest and public oriented donors to help us and show belief in us. This will be a morale booster for the organisation in the long run and it would further reinforce our commitment in honestly serving the public interest.

Thus, without compromising with my values and organizational ethics, I can expect to overcome the crisis while doing the needful for the cause of environment. Though difficulties will arise, they can be overcome eventually without ceding ethical ground.

50. You head the public relations department of the state's largest bank. The department is responsible for putting together a quality service recognition program. Your bank's public relations agency is designing the advertising specialty components for the program targeting the bank's 10,000 employees. Your spouse owns X Promotions, the largest advertising specialty firm in the state. The company offers the best prices for large orders. X Promotions has supplied products for a number of other accounts of the public relations firm. This is the first time, however, that the public relations firm has used X Promotions for a bank project. The public

relations firm does not know that your spouse owns X Promotions. You have not suggested the use of X Promotions. The public relations firm has made its recommendations to you, including using X Promotions as the vendor for the quality service recognition program. What should be your next course of action - with the public relations agency, your management team and your spouse? Also, answer the following:

1. ***The ethical issue and/or conflict involved.***
2. ***Internal/external factors that may influence the decision.***
3. ***Identify key values.***
4. ***Identify the parties who will be affected and define the public relations professional's obligation to each.***
5. ***Select ethical principles to help the decision making process***
6. ***Make a decision and justify.***

Answer:

1. The ethical issue and/or conflict.

Following questions need to be asked:

- Do I inform my bank's management about the potential conflict of interest?
- Should I ask the public relations firm to select another vendor?
- Should I let the public relations firm pick the vendor? After all, I didn't force them to pick my spouse's company. X Promotions did have the best price.

2. Internal/external factors that may influence the decision.

- Conflict of interest policy at bank
- Conflict of interest policy of public relations firm
- Responsibility to employees

3. Identify key values.

Honesty — We adhere to the highest standards of accuracy and truth in advancing the interests of those we represent and in communicating with the public.

Expertise — We build mutual understanding, credibility, and relationships among a wide array of institutions and audiences.

Independence — We are accountable for our actions.

Loyalty — We are faithful to those we represent, while honoring our obligation to serve the public interest.

Fairness — We deal fairly with clients, employers, competitors, peers, vendors, the media, and the general public

4. Identify the parties who will be affected and define the public relations professional's obligation to each.

- Bank management - Loyalty and Honesty.
- Bank employees-Fairness

5. Select ethical principles to help the decision making process

The core principle of the "Conflicts of Interest" - avoiding real, potential or perceived conflicts of interest builds the trust of clients, employers, and the public's." The intent of this provision is: "To earn trust and mutual respect with clients or employers," and "To build trust with the public by avoiding or ending situations that put one's personal or professional interests in conflict with society's interests."

6. Make a decision and justify.

Building trust with the employees is key in this case. Even though the use of your spouse's company would most likely result in a good and best price for the bank, letting the public relations agency use the company to supply the components for the quality service program would present a definite conflict of interest. You should immediately notify the public relations agency not to use your spouse's company as a vendor for this and all future bank programs. You should explain that employees might perceive a conflict of interest, and that the

perception would damage mutual understanding and credibility. The lack of trust by employees might be extended to the entire management of the bank. The loss to your spouse's company might be substantial, but you need to put the interests of your employer and its employees before your personal interests. Even if you revealed the conflict to your bank's management team, and they approved the supplier, employees might still perceive that you personally benefited from the bank using your spouse's company as a supplier. Avoiding the conflict would guarantee continued mutual respect between you and employees.

51. You retired as a finance manager from a Public Sector Undertaking (PSU). After retirement you are offered a job in a private company as its finance head and you have accepted it. The company has a procurement contract with the PSU which you worked for. Now that contract is up for renewal through competitive bidding. You have been asked to lead the team responsible for bidding of this contract.

While working in the PSU, you had an opportunity to work on areas relating to financial accounting, procurement, contracts and bids. You are concerned that you might breach the confidentiality if you accept the assignment in the present company. You also suspect that your knowledge and experience of working in the PSU were seen as good reasons for appointing you to the position in the present company.

The loss of such a major contract would have a significant effect on the financial performance of Company. Evaluate the merits and demerits of each of the options given below and finally suggest what course of action you would like to take, providing adequate reasons.

i. Do not accept the assignment as it will lead to breach of confidentiality.
ii. Do not lead the team but guide them from outside.
iii. Accept to lead the team and use your expertise in bidding for the contract.
iv. Resign from the job.

Suggest any other possible option(s). Evaluate all of them and suggest the best course of action, giving your reasons for it.

Approach:

- Bring out the key facts of the case and identify the ethical dilemma involved.
- Evaluate the merits and demerits of the given options.
- Suggest a best possible solution without compromising the ethical values.

Answer:

The facts of the case are:

- I worked in a PSU earlier, where I handled confidential work with information, which is usually not available to outsiders.
- Now I am working in a private company which has asked me to involve in the work where I may breach the confidentiality of my earlier work.
- I 'doubt' that I am hired by the present company based on my experience of working in confidential jobs of the PSU so that it will benefit the company.

The ethical dilemma in the present case is regarding maintaining the confidentiality of the previous job while working in the present company.

The merits and demerits of the given options are:

i. Do not accept the assignment, as it will lead to breach of confidentiality:
   a. The merit of this option is that I will not breach the confidentiality of my previous job. I am being completely safe in my professional behaviour so that nobody would question my integrity.
   b. I completely refuse to take part in the bidding process even if there are chances of company losing the bid. The demerit is that I am not fulfilling my responsibility towards the present company.

ii. Do not lead the team but guide them from outside:
    a. This option will ensure that I am not directly involved in the bidding process but my expertise and knowledge will be used. I will not be officially responsible for the bidding and the company will also have high chances of winning the bid.
    b. The company will benefit and I will be contributing towards the performance of company. But there are chances of breach of confidentiality even though I would not be directly responsible for it.
iii. Accept to lead the team and use your expertise in bidding for the contract:
    a. I will accept the assignment and use my expertise and knowledge in bidding for the contract. The company will benefit from my expertise and I will be contributing directly towards the performance of the company.
    b. I may breach the confidentiality of the previous job at the cost of success in the present company.
iv. Resign from the job
    a. I will resign from the job since I suspect that my knowledge and experience of working in PSU were seen as good reasons for hiring me to the position in the present company. This will lead to breach of confidentiality.
    b. Resigning from the job will ensure no such breach and my professional integrity is maintained. The present company might be at loss and it might not perform well considering the low chances of winning the bid.

The principle of confidentiality prohibits the use of confidential information acquired as a result of my previous employment for my advantage or that of my current employer. While I have a responsibility to advance the legitimate aims of my organisation, this should not extend to a breach of confidentiality.

In this case, the present company stands to benefit from the confidential information about how bids are assessed at the PSU. The principle would not be breached if I was in possession of information that was in the public domain, or if I was simply to use experience gained in my previous employment, so long as I do not use confidential knowledge that I acquired as a result of that employment.

So, I will discuss with the board of the company about my obligation towards maintaining confidentiality. I will ask for the involvement in the preparation of the contract bid to be limited. For example, I may be able to contribute to aspects of the bid that do not require me to refer to confidential knowledge about my previous employment.

I will also refer to the company's ethical code of ethics and the policy of the company in this matter and make sure there is no breach of confidentiality in my present work. I will also document, in detail, the steps taken in resolving the dilemma, in case my ethical judgment is challenged in the future.

If the necessary safeguards are not provided by the company during my involvement in the assignment, I refuse to take part in the bid. I will also discuss with the board about the intention behind my hiring. I will clarify that no confidential information can be shared with the company for its benefit since it is my obligation to maintain the confidentiality. If the company does not agree on the necessary safeguards and compels me on sharing the confidential information, resigning from the company is the only option.

52. You are the CEO of a social media company that has a wide user base. The social network offered by your company has emerged as a platform for people to interact with each other and share news, opinions etc. However, at the same time, women are being repeatedly harassed and cyber bullied through this network. Whenever any instance of harassment is brought to notice of the company, your staff members immediately deactivate the account of the culprit. However, since new accounts can be created easily, such incidents continue to happen. Also, the system to verify one's account details has been deemed lax by public authorities and human rights groups. But in order to increase the user base, you have to ensure that it is easy for a new user to sign up. Increase in the user base leads to more advertisements on your network, which is a source of huge annual turnover for the company. At the same time, in wake of increasing instances

of harassment, you also need to tighten the process of creating new accounts and deactivate or delete the ones being misused.

(a) Highlight the options available to you in this scenario and evaluate each of them. What course of action will you take and why?

(b) Is there a need for having reasonable restrictions on social media for it to remain a platform of healthy and fruitful engagement. Analyse from the viewpoint of different stakeholders.

Approach:

- Give a brief summary of the situation and mention the stakeholders involved.
- Evaluate some of the options available to you.
- State your course of action, giving reasons.
- Comment on whether there is a need for having reasonable restrictions on social media from the perspective of different stakeholders.

Answer:

Brief summary:

In this situation, the social media company is rapidly expanding but has simultaneously become a platform for harassment of women. This is increasingly becoming a problem for the company as it is easy for users to create a new profile. Lax security while creating a new profile has led to a wide user base, hence, more avenues for profit. However, it is also reinforcing instances of harassment.

Stakeholders

- I being the CEO, it is my responsibility to ensure that my company grows well and at the same time does not become a platform for harassment.
- Employees of the company who are continually working to check increasing instances of harassment.
- Victims of harassment as well as those who harass.
- Continuing and new users, as they too can face similar situations in the future.
- The society at large as societal values and norms are being violated.
- Government and the regulatory bodies who have an obligation to prevent women harassment.

Ethical issues

- Harassment of women, which can have an impact on their personal dignity, physical and mental health.
- Commercial profit vs moral responsibility of safeguarding societal values and interest.
- Providing voice and connectivity to people through social medium vs becoming a medium of social evil.

(a) Options available to me as a CEO in this scenario are:

- **Do a thorough background check of new and existing users**:

  Merits: This will ensure that the company monitors the accounts of past offenders. Similarly, potential harassers can also be identified and such incidents can be prevented in the future. Will fulfil company's obligation towards women and society as well as increase its popularity amongst women, thus benefitting business in the long run.

  Demerits: It can prove to be a cumbersome task as it is not feasible to evaluate large user base. Moreover, conducting a background check does not serve as a guarantee that incidents of harassment will not be repeated in future. Additionally, large customer base denotes more avenues for advertisement by companies leading to more revenue for my company. The company will have to forgo financial profit in this case.

- **Outsource the work to an external security agency in order to combat the existing problem:**

  Merits: This will ensure that one agency specifically deals with the problem and all resources are used to put an end to it.

Demerits: It can lead to unanticipated security issues as a third party will get access to confidential user information.

- **Deactivation of account on complaint and add the feature to contact the police of specified area which can take forward the investigation.**

  Merits: Will prevent harassment and ensure swift action against miscreants. It will discourage possible offenders and ensure protection of women.

  Demerits: Can be used to file frivolous complaints and many genuine accounts will be affected. Company will be greatly occupied with such cases while its popularity will decline.

- **Most suitable action:** In this situation, the most suitable action will be to **hire more personnel and delegate the responsibility of checking instances of harassment to them.** Company personnel can immediately deactivate the account of the harasser and inform the local police. Additionally, they can create a database of offenders for future reference. This will ensure that the same person will not repeat the incident in the future. Also, in this way the company will prioritize the safety of its users and will not compromise on it at any cost.

Additionally educate the users (especially the young) about the moral and legal aspects of online harassment will help.

(b) Along with many benefits social media platforms have become avenues for fake news, online harassment, fraud, etc. Thus, there is a need for reasonable restrictions on social media. This can be analysed from the perspective of different stakeholders:

CEO/Company: Reasonable restriction prevents the misuse of a noble medium for deviant purposes. It would be morally wrong for the company to allow itself to be used such for the sake of profit. Since company earns through public it is its responsibility to cater to its interest and fulfil its social responsibility.

Victims: Misuse can lead to mental anguish, depression and even suicide. Focus should be on safeguarding users, especially women and children, who have become more vulnerable in this respect.

Users: Users will be prevented from abuse as well as exposed to correct information and data. Users will not fall for malicious campaign or opinion thus safeguarding their interest.

Society: Anything that proliferates to extent of social media needs to be regulated whether internally or externally, otherwise, it can have dire and unprecedented consequences.

But it should be ensured that these reasonable restrictions should not become a tool for political and personal vendetta against opponents.

53. ***A state-of-the-art technology product is to be launched by a leading company on a widely advertised date, simultaneously at different locations in the country, for the first time. There is fantastic customer response and heavy bookings for the product.***

A big event is planned in Pune for the launch to which a large number of dignitaries, customers and media have been invited, thus ensuring extensive press coverage. The manager's career hinges on the success of the event and the launch.

Three days before the scheduled launch date, the manager's deputy tells him that the trucks transporting the product have been detained at the octroi post outside Pune, ostensibly for want of some documents, and the octroi inspector is demanding a bribe for clearance of the consignment.

"Should we pay the bribe?" the deputy manager asks the manager. What should the manager do? Discuss the course of action he can take. Keep in mind, that this is not an isolated incident. These kinds of things happen a lot in the country where a bribe is demanded for "quick solutions". Discuss an approach, which can be followed in such situations.

Answer:

We need to discuss the various ethical dimensions involved and the actors likely to be effected by the decision.

The deputy manager may face a number of ethical dilemmas that may complicate his decision.

- Should the deputy manager do anything, legal or illegal, in order to ensure a successful launch…? Or should he act within bounds of the law and ethical propriety…?
- Why has his deputy manager passed the ball in the manager's court…? Such situations must have arisen before. Is it a trap to test the manager's honesty…?

The manager has many ethical obligations towards several parties.

- He has an obligation to obey the laws of the land but as an employee he also owes a degree of obedience to his superiors and an obligation to ensure the company's success. This conflicting two-fold obligation comprises not only business and commercial success but also includes his duty to guard his company's reputation, protect its interests and see that it doesn't fall foul of the law.
- Finally, the manager has a duty towards himself not to compromise his own personal conscience.

Impact of giving bribe

- The actors include the various persons demanding the bribe and the company employees / agents involved in the payment / delivery process of the bribe. It could set a bad precedent as both the company and the manager could acquire a reputation that they are ethically vulnerable. Furthermore, paying the bribe could create an attitude amongst employees and junior staff that, in this company, bribery is simply a standard operating procedure.
- Is the argument "well, others are doing it, so why not us" valid? The prevailing ethical environment depends on the moral behaviour of the majority of citizens, or in this case the ethical environment is also determined by the moral values and code of conduct of the existing industry.
- But one thing is sure – in the long term, it is not beneficial to conduct business in an environment where lying, stealing, bribery, cheating and other immoral activities are permitted and practised by the majority. That is why bribery is illegal in virtually every country in the world.

SUGGESTED SOLUTION (to the Ethical Dilemma

A holistic view of the ethical perspectives of concerned stakeholders involved in the ethical dilemma will provide a solution. In the ethical situation analyzed here, in this case study, it clearly suggests that in the long-term interest of the stakeholders involved, the manager should:

1. Decline to pay the bribe.
2. Apprise the top management of his decision.
3. Use the three days time available and try to resolve the issue in a proper manner, with the help of the top management, intervention at higher levels and threat of counter-exposure if necessary.
4. Take customers into confidence to cater for the "worst case scenario".
5. Ask the top management to promulgate a code of ethics, which clearly prohibits all types of bribes and illegal payments.

Business is a cooperative activity whose very existence requires ethical behaviour, as any unethical behaviour on the part of any stakeholder is detrimental to business interests. Business cannot strive without ethics, so it is in the best interest of business to promote ethical behaviour among all its stakeholders as well as within its larger society. When employees believe an organization is ethical, they are more willing to contribute to the organization's interests, as they see managers' leadership as legitimate and readily follow what their managers and supervisors tell them to do. Thus, ethics is *sine qua non* for any business.

54. You are the chief executive of ABC Ltd., an automotive component manufacturing company. Until recently, all of your production plants were located in City X. However, the cost of production has risen, causing profits to decline. A number of factors have led to an increase in the production costs. First, the union representing the workers in your plant waged a successful strike resulting in increased salary and benefits. A second factor has been imposition of stringent environmental regulations. Shareholders are concerned about the declining fortunes of the company. Many of the competitors have moved their operations to less-developed cities, where the operating costs are less than in City X. ABC Ltd. is a major employer in the city where it is located, and you know that a plant closure will cause economic dislocation in the city.

Given the situation, answer the following questions:

(a) What are the ethical issues involved in this case?

(b) How can the interests of different stakeholders be reconciled in this case?

Approach:

- After giving a brief introduction of the facts of the case give the ethical issues involved in the case.
- Suggest a way by which the interest of all parties can be synthesised.

Answer:

An industry is not merely the factory and worker employed. Its working depends crucially on the social environment where it operates and kind of regulations it is subject to. The case given presents a situation where because of rising costs due to multiple factors, relocating the industry is being actively considered. This will lead to economic distress in the city.

(a) Ethical issues involved

- **Corporate Social Responsibility:** Company is economic driver of the region as it gives employment to large number of people. Therefore, relocating it must be weighed accordingly.
- **Profit v/s interest of employees:** Production cost may be reduced by relocation to less developed city, but it will lead to huge unemployment.
- **Transfer of burden:** Is it ethical to cause environmental damage at some other place merely to save production cost?
- **Public versus organizational interest:** Whether relocation is merely for increasing organizational profit or some public interests would also be served?

(b) Reconciling the interests

The various stakeholders and their interests are:

- The shareholders of the company have interests in higher profits, which the high costs in the current city are jeopardising.
- The employees are interested in securing better wages and working conditions, and above all, continuation of employment.
- The local people, as they are economically dependent on the company for their livelihood.
- The society as a whole, as the operations of the company must be environment friendly.

Thus, continuing the operation in City X will protect the economic interest of the people in the region but would be detrimental to the company's profits, while relocating to a less developed city would increase the profit margins, but may lead to a collapse of livelihoods and economy in city X. Also, environment regulations may not be as strict at the new location, thereby increasing pollution.

So, to reconcile these different interests, following steps may be taken:

i. Recognition of the social responsibility which the company has and putting across its interests to all the stakeholders in a transparent manner. The company must make all efforts to minimise costs without relocations and by taking into confidence employees, shareholders and local people.
ii. If not, then partial shifting of the company to less-developed cities: The Company may restructure its units and determine if shifting some of them to smaller cities may help it to lower the total operating cost. If

profitable, it may also consider outsourcing some of the work to other companies who are already operating in small cities.

iii. Giving different options to existing employees – such as continuing in marketing or servicing center as per qualification, shifting to the new location or lump sum salary for 2 or 3 months as termination amount.

iv. Adopting latest technology to reduce cost of production: This will increase productivity and reduce the environmental damage. Though initial cost of adopting may be high but it will be beneficial to the company as well as the society overall in the longer run.

7. Ethics in Administration and Governance

55. The Right to Information (RTI) Act is one of the most important reforms brought by the government. You have recently been transferred as the Public Information Officer (PIO) in the irrigation department of a district. While inspecting the RTI applications, you find that many of these applications relate to information on the recruitment of staff in your department. Your juniors point out that all of these have been filed by an aspiring local politician who may be trying to create an issue related to irregularities in recruitment in the department. The department fears that he is filing RTI applications for political gains in the upcoming state elections.

In this context, answer the following questions:

(a) Identify the stakeholders and the issues involved in the case.

(b) What measures will you take to handle the situation?

Approach:

- Give a brief overview of the case.
- Mention the stakeholders and issues involved in the case.
- State the measures that you will take to handle the situation.
- Conclude accordingly.

Answer:

The given case relates to the misuse of the Right to Information (RTI) Act, 2005. A local politician is filing multiple RTI applications to get information about the recruitment of staff by the irrigation department of the district. The department suspects that the politician may create an issue regarding irregularities, if any, in the recruitment process for political gains.

a) Stakeholders in the case:

- As the **Public Information Officer (PIO)** of the irrigation department of the district, I am responsible for replying to the RTI queries.
- The **local politician** who is filing the RTI applications as he is probing a probable matter of irregularity.
- The **officers and staff** involved in the recruitment process as they are legally responsible for conducting a fair and transparent recruitment process.
- The **candidates** who have applied for the vacant positions as any wrongdoing will not only deprive them of their rightful right of employment but also hamper their morale.
- The **general public**, as the recruitment process is related to a government department and public trust can be lost in the government machinery if irregularities are found.

Issues involved in the case:

- **Negative propaganda**: Considering the nature of applications filed by the same local politician, there may be chances that the information being asked will be misused for creating an issue regarding irregularities in the recruitment process.
- **Personal gain**: Through the negative propaganda, the politician may be trying to give a boost to his political ambitions.
- **Disturb the government**: Multiple RTIs of the same nature by a single person will divert time of the public servants and adversely affect their work. This further increases the trust deficit between the people and the government.

- **Malafide intention in the recruitment process**: There are chances that some irregularities (corruption, neglect of merit, favouritism, etc.) have been committed in the recruitment process in the irrigation department.

b) In order to tackle the issue, I would take the **following measures as the PIO of the irrigation department**:

- Whatever may be the intention of the local politician, there is a need to carry out a **detailed analysis of the recruitment process.** And if there is any irregularity, it must be noted and **reformative steps** need to be taken:
  - Any **recruitment made by compromising merit needs to be cancelled** and employment opportunity must be given to the deserving candidates.
  - The **government officials, staff and the middlemen, if any, involved in such irregularities must be penalised** as per the existing legal provisions. This will serve as a deterrent in the future.
  - The politician and the local media can be requested to **not create negative propaganda for personal gains**. However, they must be allowed to make the public aware about the systemic failures. This will help in ensuring transparency and accountability in the system.
- However, if the intention of the politician is solely to disturb the government and the RTI applications have been made solely with the motive of personal gains, then the **following long-term steps need to be taken**:
  - **Transparency**: The government must proactively disclose all the data related to recruitment on its websites. Thus, if any RTI application is there regarding the recruitment process, such application can be easily answered, directing the person to the link to that information.
    - ✓ This will not only deter the public officials from committing wrongdoings but will also restrict RTI applications filed for personal gains.
  - **Classification and segregation of the RTI application**: With the use of ICT and big data, the RTI applications of similar nature could be kept at the same location and disposed of in a similar way.
  - **Give an affidavit along with applications**: The persons who have been identified to file false/motivated applications in the past must be asked to give an affidavit along with the RTI applications. This will prevent the filing of ill-motivated RTI applications.
  - **Increase the fee of seeking information**: Currently, the fee charged for getting information under the RTI Act is very low (Rs. 10). In this context, a suggestion can be made to the government to consider increasing the fee in order to deter false and frivolous RTI applications, especially for those persons who file a large number of RTI applications within a short span of time.
  - **Check on the person involved in filing multiple RTIs on a regular basis**: The government must be vigilant when it comes to such persons, as based on the information they receive, they could blackmail other persons for monetary gains.

The RTI Act is one of the watershed reforms brought by the government to **empower the common masses and ensure transparency in the system**. However, this important legal tool must not be allowed to be misused. Thus, there is a need to ensure adequate checks and balances in this regard.

56. Civil servants are usually considered as the behind-the-scenes operators of plans and policies of the government. Being the permanent executive, they are expected to work without getting into the limelight while it is up to the politicians to hog the limelight for their political ends. But in recent times, a trend is developing where civil servants, especially younger ones, have taken to social media to post their day-to-day activities on a regular basis. Some studies suggest that some of the officers have attained a level of popularity that does not trail too far behind celebrities and influencers in India.

Most of these officers with social media presence argue that this helps them connect with the people and also inspire the younger generation. However, many senior civil servants strongly oppose such a trend. They believe that some of the content shared by such officers is excessively publicity-seeking, violates the 'principles' of the civil services, and may even be disadvantageous to their own career as well as the service as a whole. There have been calls from various quarters advising the young officers to desist from creating a filmstar like image of themselves.

In this context, answer the following questions.

(a) What are the ethical issues associated with the excessive use of social media by civil servants?
(b) How can social media be effectively utilized by public officials?(Answer in 250 words)

Approach:

- Briefly discuss the trend wherein civil servants are active on social media.
- Mention the ethical issues associated with the excessive use of social media by civil servants.
- Suggest ways and methods for public officials to best utilize social media.
- Conclude accordingly.

Answer:

There has been an ongoing debate over the impact of social media popularity on the civil servants amid the growing proliferation of social media platforms and the increasing number of civil servants attempting to raise their profile on social media to unprecedented levels. Recently, an IAS officer was removed by the Election Commission of India from the role of a General Observer of state assembly polls, allegedly for posting some images on social media.

(a) Following are the ethical issues related to excessive use of social media by civil servants:

- **Glorification:** The larger-than-life picture of a public servant is shown to people on social media, which glamorizes the field and creates false hopes among the youth of gaining the same popularity and fame by becoming a civil servant.
- **Threat to privacy:** Excessive posting of personal information can make the civil servants vulnerable to invasion of privacy and possible misuse of their social media accounts through cyber-hacking and fake profiles.
- **Creates public pressure**: Excessive exposure of a civil servant's work to the public creates a moral burden on the official to take into consideration the public's view in his decisions to maintain his popularity thereby adversely impacting his objectivity and integrity, which are the core values of public life.
- **Informal setup:** While bureaucracy is characterised by hierarchy, formal relationships and standard procedures, social media is identified by openness, transparency and flexibility.
- **Can lead to unintended consequences:** Civil servants are considered as representatives of the government and are supposed to uphold the principle of anonymity. Hence, their online presence, even in personal capacity, can lead to unwanted consequences thereby adversely affecting public order.

The use of social media cannot always be taken in a negative light. There are **positive roles that the use of social media by the civil servants** can play as well, which include:

- **Reduces elitism**: Social media reduces the elitist nature of the old Weberian bureaucracy suffering from ivory-tower syndrome, which makes the public servants distant from the public. It provides an opportunity to the bureaucrats to engage with the public while being politically neutral.
- **Reduces information asymmetry**: Social media has changed the paradigm from a top-down model where citizens act like passive beneficiaries to a bottom-up, right-based and demand-led model.
- **Builds public trust**: Social media has bridged the distance between the administrator and the general public. Hence, it is a great tool to build trust through regular interaction with the general masses. Social media has also created a positive outlook towards an institution long perceived as opaque and inaccessible.
- **Better governance**: Many civil servants have become accessible to the common people and public service delivery issues have been resolved through the use of social media.
- **Awareness generation**: Social media has increased awareness among people about government policies and programmes. For example, campaigns like "Do Gaj Doori, Mask hai Jaruri" and "Beti Bachao, Beti Padhao".

(b) Ways and methods for effectively utilizing social media by the public officials:

- **Update the Conduct Rules:** There is a need to revise/update the Central Civil Services (Conduct) Rules, 1964, which were framed when there was no social media. The revised rules **should lay down the permissible uses of social media** by a government servant and the limits which need to be adhered to by them.
- **Separation of official and personal accounts:** The distinction between official and personal accounts should be addressed, but the basic Conduct Rules should also be applicable to the latter. A bureaucrat does not cease to represent the government when he/she is using his/her personal account, and should therefore exercise restraint.
- **Uphold the Constitutional values**: The public conduct of any civil servant must uphold the values of the Indian Republic and promote the spirit and letter of the Constitution. The higher the civil servant's authority, the more stringent is the need to be consistent with Constitutional morality.
- **Use for public policy:** Bureaucrats should use social media to improve public policies. If they do not use social media appropriately, their role as independent advisers stands threatened.

In today's technological age, to build public trust and confidence, civil servants should effectively utilize social media platforms to enhance good governance and at the same time uphold civil services values and Conduct Rules.

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PRELIMS & MAINS INTEGRATED MENTORING PROGRAM 2025

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23rd JULY	15 Months	English & Hindi	Offline & Online

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57. Lloyd is an honest and upright officer working as the Superintendent of Police in a state, which is notorious for gang culture and criminal activities. Based on his impeccable track record, he was transferred to the state capital four months ago. His wife and daughter are also happy as the capital city is comparatively safer compared to all his previous postings.

Recently, a criminal who was under trial and facing charges in a number of serious cases, was killed by some people in the capital city while he was being taken to the court.

Due to the poor record of the state police in terms of death of criminals in police custody, various human rights organizations are demanding a fair enquiry in the case. They have approached the courts in this matter and subsequently a Special Investigation Team (SIT) has been formed by the state government to look into this issue.

Since the police officers escorting the criminal during this incident are from the police station that comes under Lloyd's jurisdiction, he will be required to depose before the SIT with all the details. While investigating, he came across details, which clearly establish a nexus between a prominent politician and the criminal. He prepared a report and was planning to share it with the SIT. On the basis of his findings, the nexus of the concerned criminal with the politician would be exposed and the politician may also face charges.

Lloyd's senior asks him about the findings of the report and advises him to drop the information implicating the politician from the report. He informs that the politician mentioned in the report is a very prominent figure in public life, and shares good relations with all the major political parties in the state. His senior further informs that this will bring him in the good books of those in positions of power. Further, this will also help him remain posted in the capital city, which ensures the safety of his wife and daughter.

(a) What are the options available with Lloyd to deal with the situation?
(b) Critically evaluate each of the options and identify the most appropriate one for Lloyd to adopt.
(c) What measures would you suggest to prevent deaths in police custody?

Approach:

- Briefly mention the facts of the case.
- Bring out the options available to Lloyd.
- Critically evaluate each option.
- Elaborate on the option that Lloyd should choose in this situation.
- Suggest measures to prevent deaths in police custody.

Answer:

This case pertains to a police officer, Lloyd, who is investigating the death of a criminal who was being escorted to the court by the police. During investigation, Lloyd came to know about the nexus between a prominent politician and the criminal, exposing which can help bring the culprits to justice. But, he was advised by a senior to exclude this information to prevent negative consequences.

(a) Lloyd has several options to deal with the situation, which are:

- Follow his senior's advice and drop the information about the nexus between the criminal and the politician from the report.
- Stick to facts of the investigation and present them as they are in the report to the Special Investigation Team (SIT).
- Report about the senior's advice to the higher authorities or external oversight agencies.

(b) Critical evaluation of each option and the most appropriate option for Lloyd include:

- **Following his senior's advice:** This option prioritizes personal safety and career stability. Further, Lloyd would maintain good relations with the influential politician.
    - However, it will compromise Lloyd's integrity and will perpetuate corruption. By concealing vital information, he would be contributing to a culture of impunity and hindering the fight against organized crime and corruption.

- **Presenting the facts to the SIT:** This option aligns with Lloyd's commitment to honesty and justice. By exposing the nexus between the criminal and the politician, Lloyd would bring out the truth and potentially bring the politician to justice thereby upholding the principles of honesty and integrity.
    - However, this option carries significant risks to his career, personal safety, and the well-being of his family, as he might face backlash from powerful individuals who are connected to the politician.
- **Reporting the situation to higher authorities or external oversight agencies:** This option emphasizes on accountability and transparency. If Lloyd believes that his senior's advice is unethical and compromises the integrity of the investigation, he could escalate the matter to the higher authorities or oversight agencies.
    - However, this option is not without risks, as it may trigger further backlash and retaliation from influential individuals involved in the nexus.

Lloyd should go with the second option. By revealing the truth and including the information in the report, Lloyd upholds his commitment to honesty, integrity and justice. This option ensures that the investigation remains unbiased and those involved in criminal activities, including the influential politician, are held accountable. It also sends a message that corruption and impunity will not be tolerated.

(c) The measures to prevent deaths in police custody are:

- The eleven guidelines laid down by the Supreme Court in the landmark case of **D.K. Basu v. State of West Bengal, 1997** should be properly implemented. These include measures like informing relatives or friends of the accused, medical examination of the arrestee, allowing the arrested individual to meet his/her lawyer, etc.
- **The NHRC guidelines regarding intimation of custodial death** need to be implemented in letter and spirit. They cover provisions of intimating the NHRC within 24 hours of the incident and sending the post-mortem report with videography and magisterial inquiry report within two months of the incident.
- Police officers must be **trained and educated on human rights principles**, emphasizing the importance of preserving the dignity and well-being of individuals in custody.
- Regular and comprehensive training should be provided to police officers on **proper arrest and custody procedures**, including the use of force and restraint techniques.
- There should be **maintenance of accurate records of individuals in custody**, including their physical and mental condition, which can help identify any issue or irregularity and facilitate early intervention.
- **Providing psychological support and adequate rest periods** for police officers can help reduce the likelihood of their abusive behaviour, which can positively impact their interactions with detainees.

Implementing a robust system of internal and external oversight can help prevent abuse and hold those responsible for deaths in police custody accountable. This can include independent investigations, disciplinary measures, and transparent reporting.

58. A bridge is being built by a powerful local contractor in a district. The Public Works Department (PWD) is responsible for issuing the tender, checking the quality of the bridge and giving approval to it. During the construction of the bridge, testing by the quality control lab in the PWD showed its strength to be slightly below the minimum value required for granting approval for its further construction and completion. The local contractor paid hefty bribes to some officials in the PWD to get the contract. These officials are pressurising the quality control lab in the PWD to sign the report and give the required approval to the bridge. The local MLA is also pressuring the concerned lab for the approval, as elections in the state are approaching and the bridge has to be inaugurated. However, the in-charge of the lab is aware that if he grants approval and any mishappening related to the bridge occurs in the future, he may come under scrutiny. In this context, answer the following questions:

(a) What are the issues involved in this scenario?

(b) Evaluate the options available to the in-charge of the quality control lab in the given situation.

(c) What course of action should the lab in-charge take? Justify with logical arguments.

Approach:

- Introduce by highlighting the various issues involved in the given case study.
- Mention the options available to the in-charge along with its merits and demerits.
- Explain which option you will choose along with its proper justification.
- Conclude accordingly.

Answer:

This case study presents the dilemma of **choosing between being corrupt or ensuring public safety.** On one hand, there are people whose lives can be saved by not approving the bridge and on the other side by being corrupt one can earn more money under the authoritative power.

(a) Issues involved in the case study are:

- **Transparency:** Whatever tenders are being issued, they are required to be in the public domain and the testing results should also be in the public domain. Hence, transparency is a major issue involved in this case study.
- **Public safety:** The bridge is of very poor quality and has inadequate strength which may result in some major accident in the future.
- **Undue politico-administrative pressure:** The local MLA, local powerful contractor and PWD officials are using their position to authoritatively control the lab in-charge to sign the testing report and compromise on safety.
- **Accountability**: In case of any accident, it is the lab in-charge whose job will come in question. Hence, the accountability of the PWD itself is an ethical issue in this case study.
- **Corruption and bribery**: The local contractor has been involved in bribing the PWD officials to get the tenders and approval reports signed. PWD officers and the local MLA themselves are involved in corruption.
- **Objectivity and integrity**: The lab in-charge needs to take the final decision in public interest based on the facts and evidence by keeping aside all favours and personal interests.

(b) The options available to the in-charge of the lab and their merits and demerits include:

- **He can sign and give the final approval to the bridge:** This will save the lab in-charge from getting in any trouble with the local MLA or his seniors. This can also provide him avenues of earning money. However, in case of any accident, the lab in-charge will be held accountable, hence, will risk losing his job. Further, it puts public lives at risk.
- **He does not approve the quality of the bridge and releases the real results of testing:** The lives of the people will be prioritised and the system will be accountable and transparent. It will also lead to prevention of misuse of funds engaged in the project. Further, the lab in-charge will perform his moral duty of public service. However, due to the authoritative powers involved, this may lead to his transfer or trouble being created by his seniors or MLA in his job. Also, other means of getting the approval signed may be initiated by bypassing the lab in-charge. Further, it may lead to cost overrun if the project gets stalled.
- **He can talk to his seniors in the department to convince them that approval may lead to a major accident and it will question the work of their whole department:** Engagement of more stakeholders and wider consultations will lead to better solutions and the overall system becomes more accountable and responsible. Also, public safety will remain the priority. However, there could be resistance from the local contractor as well as the MLA. Further, seniors in the department may not be receptive to the idea of stalling the inauguration in view of the forthcoming elections and political pressure.

(c) As the in-charge of the lab, **I will not approve the quality of the bridge and give the actual report of the testing.** It is **not only my professional duty** to look after public safety, prevent corruption and ensure strict

adherence to departmental procedures **but also my ethical and moral duty** to act in an honest and transparent manner. My fortitude towards adhering to ethical norms will help in improving the overall system and give a strong message that any attempt to siphon off money by unfair means will lead to penal actions. As a last resort measure, I can also act as a whistle-blower to ensure that trust of the public is upheld in the long run. This will also **lead to more people being accountable in the future.**

59. You have been newly appointed as the District Magistrate of a district, which is known for its rich mineral deposits. Following the news being circulated in the media about the illegal mining in your district, you have initiated an enquiry into it. When the State's Minister of Mines and Minerals gets to know of the enquiry initiated by you, he directs you to name some junior government employees as being involved in the wrongdoing and make them scapegoats. He also points out that elections to the State Assembly are around the corner and the present government wishes to stay clear of any political corruption. This Minister is a very influential figure in the present regime and there are high chances of the present ruling party being voted back to power. In due course of the enquiry, it has come to your notice that the said Minister has also been involved in illegal mining through his cronies.

The findings of the enquiry can affect the outcome of the elections as well as completely derail your career, if the incumbent party wins the elections, which looks very likely as per the polls.

Answer the following with reference to this case:

(a) Identify the stakeholders and the ethical issues in the given case.
(b) Critically evaluate the options in the given scenario and state your course of action, giving reasons.

Approach:

- Start with a brief summary of the case.
- Mention the stakeholders and list the ethical issues involved in the case.
- Evaluate the available options at your disposal and bring out the most appropriate response that you will opt for along with the reasons.
- Conclude accordingly.

Answer:

The above case-study reflects the situation often seen in mineral rich states, where political corruption has historically remained high and officers are threatened, and made scapegoats in order to save the culprits.

(A) Stakeholders involved in the given case:

- **News agency:** It highlighted the illegal activities in the district and did its duty as the fourth pillar of democracy by questioning wrongdoings in governance.
- **Minister:** He not only misused his power but is also trying to harm the career of an innocent employee.
- **District Magistrate:** Who is at the position of establishing facts and bringing culprit(s) to the book. He also has the responsibility to **uphold the spirit of the civil servic**e by being impartial in the probe. His job and promotional aspects are also at stake here.
- **Innocent government employee:** Having no knowledge of what is happening behind the curtains and chances of becoming scapegoats for someone else's wrongs.
- **Ruling political party:** Intention of projecting a corruption free image just before the elections is morally wrong and is against the spirit of democracy for not taking actions.
- **Voters of the Minister's constituency:** Since the Minister is confident of returning to power, it is the duty of voters now to vote for the same and uphold democratic values.

Ethical issues in the given case:

- **The reputation of an innocent employee is at stake:** With ministerial pressure on the District Magistrate to take action against an innocent junior officer, the fortitude of the DM is tested to protect his junior employees from powerful people.

- **Illegal exploitation of natural resources**: Natural resources, which belong to the public are being exploited by powerful people against public interest.
- **Government's image:** Because only one Minister is engaged in corrupt acts, exposing such wrongdoings so close to the elections may cast doubt on the efforts of the rest of the Cabinet and tarnish the government's image.
- **Upholding Objectivity:** It is the duty of the civil servant to uphold the fundamental values of public service (**7 principles as suggested by the Nolan Committee**). Establishing the facts of the case without tampering and presenting the real culprit ensures objectivity in the case.
- **Public trust needs to be upheld:** It is the duty of the DM to uphold the trust of citizens in the bureaucracy by protecting the natural resources and naming the actual culprits irrespective of whatever post, in this case a minister, he is holding.

(B) As District Magistrate, I have the following options:

- **Going ahead with the probe and naming the Minister in report:**
  - **Merits**
    - ✓ This will fulfil the welfare agenda and establish the rule of law, which abhors corruption.
    - ✓ Protects the innocent government employee.
    - ✓ Strong signal to the future Ministers as well, thus protecting the natural resources of the district.
  - **Demerits**
    - ✓ May tarnish the image of the ruling party and lead to a loss in upcoming elections.
    - ✓ It can lead to the DM's transfer or suspension on false charges.
- **Protecting the minister by naming a junior government employee:**
  - **Merits**
    - ✓ It will be a win-win situation for both the DM and the Minister as the Minister will help the DM in his career growth if the party comes into power.
  - **Demerits**
    - ✓ Punishing the innocent is a violation of justice.
    - ✓ It leads to an erosion of ethical standards in discharging public service for the personal gains of the DM.
    - ✓ It misguides the public trust, which is the core driving factor for the bureaucracy.
- **Taking issue to the Chief Minister of the State:**
  - **Merits**
    - ✓ This will ensure that the hierarchy is respected.
    - ✓ This may lead to at least political action against the concerned Minister.
  - **Demerits**
    - ✓ The CM may put pressure on the DM to follow the Minister's orders in order to protect the government's image, which may help the return the party to power.

(b) Considering the available options, an option which involves naming the Minister in the report, will be the best course of action. The reason being:

- **Objectivity cannot be compromised for personal gains:** The Minister being the real culprit in the given case, it is unethical to punish some other person. Threats to personal career are common in the service, and if a civil servant tries to compromise, then he will not do justice to his duty.
- **Courage of conviction:** By showcasing courage of conviction, the DM in this case can set an example for the fellow employees, which encourages them to take the right action irrespective of the culprit's position in the system.
- **Protecting public property:** Such actions against the concerned Minister will create fear in the minds of corrupt individuals and thus help in protecting natural resources, which are the property of the public.

Just as it generally happens in the case of exposing illegal mining in India, civil servants should uphold the ethical standards and should keep personal benefits at bay when it comes to discharging their duties.

60. You are the Superintendent of Police of a city where a large slum has developed in recent decades on the property of Indian Railways. The Indian Railways has prepared a plan for expansion of the city railway station for which they want to get the slums demolished. They have requested the assistance of local police for the same, however, the people residing in those slums have responded angrily to this step and have occupied the railway tracks, resisting any action by the officials. Slum dwellers are asking for a suitable rehabilitation, citing that the city is under the grip of a cold wave as the month of December is in progress. This has not only halted the railway traffic on the route causing immense hardships to railway passengers but also posing risk of violence between slum-dwellers and the police.

Given the situation

(a) Identify various issues involved in the case along with different stakeholders.

(b) What course of action would you follow to end this situation of confrontation and resume normal functioning of the Railways?

Approach:

- Briefly highlight the key facts of the case.
- Mention various stakeholders and issues associated with them.
- Highlight the course of action that you would follow along with reasoning for the same.
- Conclude on the basis of above points.

Answer:

The given case highlights the issue of an illegal slum on the property of Indian Railways and eviction of slum-dwellers in the winter season. Disruption of railway traffic and hardships to railway passengers are issues of immediate interests.

(a) Various stakeholders and issues associated with them are following:

- **Railways**
  - Property of railways has been illegally occupied causing problems for their developmental work.
  - Railway traffic has been halted disrupting the functioning of the railways.
- **Slum-dwellers**
  - They are being evicted in the winter season with no other place to go.
  - Slums have developed in recent decades and upon first sight, Railways did not take timely action to secure its properties from squatting.
- **Administration and police:** They have the responsibility to ensure law and order as well as look after the best interests of all parties involved viz.- Railways, railways' passengers and slum-dwellers within the confines of the law.
- **Stranded railway passengers:** They have a right to reach their destination on time. Also, there may be many patients among those travelling or persons having connecting trains/flights/buses from other stations.
- **City people**: Expansion of the city railway station will benefit the population of the city in general.

(b) As the Superintendent of Police, I will take following course of action to end the present confrontation

- I shall instruct the local police to **not take any coercive actions for the time being** as it would precipitate the situation further and at the same time shall march towards the protest site.
- En route to the site of confrontation, I shall **gather information about the number of persons protesting**, population of slum and their demography and complete details of legal actions taken by the railways to ensure eviction of slum-dwellers including whether any notice was given to the slum dwellers for eviction or not.
- After reaching the spot, I will **talk to slum-dwellers** to immediately move away from the railway lines and explain to them that occupying railway lines is not only a punishable offence but is also causing huge inconvenience to railway passengers some of whom might be suffering from serious health issues.

- I will also tell protestors that the issue of eviction of slums can be dealt with as per the law. I will offer them an **alternative site to protest** and also promise them that I shall inform the higher officials in the government about their fear of becoming homeless during the winter season.
- I will also tell the protestors that police on its own will not take any immediate coercive steps pending further **instructions from higher officials on humanitarian grounds only.** But I will also make it clear to them that their slum is totally illegal and will be demolished in due course of time.
- If the slum dwellers agree to move to an alternative protest site, then I will make arrangements accordingly and ensure resumption of railway traffic. And if protesters remain adamant to not move away from railway lines even after giving clear warning, I shall use adequate police force to clear the railway line and ensure resumption of railway traffic as soon as possible.
- In case of use of police force, I will ensure that all injured get immediate medical assistance.
- After resumption of railway traffic, I will submit a report to the district administration for further action along with demands of the slum dwellers. Based on further orders I will act accordingly.

Thus, I not only have to secure the property of Railways from illegal occupants but also have to ensure that minimum harm is caused to all parties involved. The above course of action is based on this principle. As far as eviction of slums is concerned, that will happen in due course of time and may be undertaken after providing a better solution, which safeguards the interests of all stakeholders.

61. In a recent survey around social and economic indicators, a certain state in the country was found grossly underperforming. The state is marred with the issues of poverty, hunger, social backwardness, lawlessness and underdevelopment. In about seven decades since gaining independence, this state has continued to perform poorly across various indices. In the past, the Chief Minister had set up a fact finding Committee to report on the chief causes of the backwardness of the State. After years of ground research and surveying, it was found that the one of the main causes of the state's backwardness was its huge population that amplified resource scarcity to unimaginable proportions. Taking a clue from the facts presented in the report, the State Cabinet constitutes a panel of policy makers to consider this question of growing population and suggest suitable revisions to the State's Population Policy. The Panel recommends legislating a Population Control Bill that has a contentious provision in the form of 'One Child' norm. You are the Chief of this Panel and the recommendations of the Panel require your approval to be tabled in the Chief Minister's Office.

In this context, answer the following questions:

(a) What are the ethical issues related to population control of a compulsory nature that you would consider before approving or rejecting the recommendation?

(b) What would be your course of action in the aforementioned case? Suggest reasons for the same.

Approach:

- Start with a brief introduction on the case.
- Highlight the key stakeholders involved.
- State the facts of the case briefly and proceed to highlight the ethical principles involved.
- Providing reasons, present your course of action in the case.
- Conclude shortly.

Answer:

Burgeoning population has historically remained a challenging factor hindering India's development and progress. As such, India has had a history with population control and policies around it. Maharashtra, became the first political entity in the world to legislate population control by compulsory sterilisation in 1976. Such population controls of compulsory sort present numerous ethical challenges.

The given case study deals with a problem of similar nature wherein the State is presented with a problem of checking rapidly growing population so as to maximise the distribution of resources and wealth and make meaningful impact in larger public good.

The key stakeholders involved in the aforementioned case include State Government, general population (especially women since it interferes with their reproductive rights), members of the panel involved in framing policies with respect to population control.

(a) The Chair of the Panel Chief is associated with numerous responsibilities. Since the recommendations of the Panel require my approval to be tabled in the Chief Minister's Office, I become duty bound to provide sound reasoning behind my acceptance or rejection of the proposals. As such, a range of ethical problems must be considered before making the final call. It may be thematically understood as:

- **Moderation of ecocentrism:** Population control can be justified on eco-centric basis, for instance, whether survival of the ecosystem necessitates such a policy. However, such ecocentrism in policymaking should not be allowed to take radical proportions.
- **Consequentialist Perspective:** This perspective evaluates consequences of such policy action to determine the morality behind it. Implementation of a population policy must lead to better consequences than the implementation of any alternative. If a coercive policy leads to more overall well-being in the world, then, on a welfarist approach, it is justified.
    - **Legitimation of Moral Ends:** The state may use moral ends like survival, wealth distribution and greater development for all to legitimise its actions. However, owing to the fact that a sizable section of the populace is uneducated, unaware, divided along caste/class lines; there remains great scope for manipulation and exploitation.
- **Libertarian Grounds:** The libertarian approach justifies an action on whether the act violates anyone's rights or not. It holds that individuals should be free to do what they want insofar as they do not impermissibly restrict the freedom of others. On the basis of this approach, coercive measures interfere in the understated way:
    - **Basic Deprivation:** Legislating birth control presents problems that deprive families and households, especially women, of what constitutes their procreative freedom.
- **Feminist Perspective:** The feminist approach argues that implementation of population policies tends to target specific groups of people, such as women or the poor. One possible explanation is that poor women have higher fertility rates than other women.

(b) On the basis of a detailed assessment of the facts and recommendations of the panel and after considering all the relevant ethical problems associated with the same, I would approve of the recommendations of the panel. The grounds justifying my choice of action are as under:

- In relation to the problem presented by the ecocentric viewpoint, one must understand that **human-centered values are supposed to count equally** if not more, in addition to the ecological values. However, if the policy norm is backed disproportionately by eco-centric reasons rather than human needs, then those would have to be moderated.
- If there are sound arguments regarding the probable benefits in the form of development and redistribution of wealth and resources, the policy may be approved of. However, the government must acknowledge that individuals' fertility decisions are at least in part shaped by socio-economic and cultural factors. Therefore, it must be ensured that the **means of implementation must be non-coercive and incentive based** to the extent possible.
- Global experience demonstrates that **reproductive freedom is compatible with policies limiting population size**. It has been observed that enhancing women's access to and control over critical resources not only meets welfare goals but also promotes a reduction in fertility. Therefore, the means adopted must focus on the inclusion of women in policymaking and efforts at women empowerment.

If the aforementioned conditions are satisfied, the policy norm appears to be lying in greater public interest and therefore must be validated.

62. You are a Superintendent of Police tasked with conducting an internal departmental inquiry into an alleged case of custodial torture and subsequent disappearance of three tribal persons. The case of the police force is that these persons were habitual offenders who had committed theft. The police had nabbed them for interrogation but they escaped from the police custody and are absconding. Family members of these persons, on the other hand, maintain that they were falsely framed in the case and were not in a condition to flee due to custodial torture. They are alleging foul play on the part of the police and suspect that the police is behind their disappearance. Prima facie, you find many lacunae in the police investigation. The policemen did not produce these persons before the Magistrate nor did they get them medically examined, as required by the law. One of your seniors, without referring to the case, informally talks to you about the adverse working conditions of the police force and insinuates that all police personnel should help each other. He also says that all serving officers need to be mindful of the fact that they are part of the police force and should not do anything which may tarnish the reputation of the police department.

(a) Identify the stakeholders and various issues involved in the case.
(b) How will you conduct a fair and impartial inquiry that ensures that public perception regarding cover-up in such cases does not gain ground?
(c) Highlight the reasons for the continuing impunity of custodial deaths in India, and recommend steps that authorities should take to resolve it.

Approach:

- Briefly mention facts of the case study.
- List various stakeholders and issues associated with the case.
- Mention steps that you would take to ensure a fair and impartial inquiry and also manage negative public perception about the inquiry.
- Write about reasons for continued instances of custodial deaths in India.
- Suggest measures to stop recurrence of such custodial tortures.
- Conclude accordingly.

Answer:

The case at hand belongs to alleged custodial torture and subsequent disappearance of three tribal persons whom police have accused of being habitual offenders. The family members of these accused, on the other hand, suspect that the police is behind their disappearance and claim that these persons were innocent.

(a) Stakeholders and issues involved in the case are following:
- **The accused tribal persons and their family members:** Right to Life and Liberty of accused persons under Article 21 of the Constitution of India and their human rights have been threatened in the case.
- **Local police personnel who nabbed those accused:** If allegations of custodial torture prove to be true, it will be a serious misconduct on their part. Custodial torture is illegal, inhumane and against human rights.
- **Police department as a whole:** Since the accused escaped from the police custody, it is the responsibility of the police to come clean on the allegations of custodial misconduct.
- **Superintendent of Police as the Investigating Officer**: As the SP, it is my responsibility to ensure that the police abide by legal procedures and erring personnel are brought to book so that the public image of police remains intact.
- **General public:** Such incidents have direct bearing upon the general public who are directly affected by the way of functioning of police forces. Such incidents breach the trust of the public in the police and widen the gap between public and police.

(b) I, as the SP, tasked with conducting the inquiry, will take **following measures to counter public perception of bias in the inquiry**:
- As I have **prima facie found police personnel failing in their duty** to conduct medical examination and producing the accused before a magistrate, I will transfer the police personnel entrusted with the case with immediate effect to reserve battalion.
- I will **release a press statement reiterating the facts regarding arrests and acknowledging the allegations** of family members of those accused.

- After due approval from the department, I will form **a team of officers of the police department having impeccable service records** to conduct the inquiry.

Further, for conducting fair and impartial inquiry I will take following measures:

- I will record statements of all persons related to the case and ensure that the whole proceeding of the investigation is **video recorded**.
- I will involve forensic teams to do a **forensic analysis** of the police station where those accused were kept.
- I will also closely **go through the case diary** maintained by the police and compare the case diary with statements of police personnel and other persons related to the case.
- I will **conduct searches** at all likely places where those accused may be kept like nearby jails, hospitals etc. I will also go through a list of all unclaimed dead bodies in the nearby areas and match their description with the accused persons.
- I will submit a **detailed report** listing the lacuna on the part of police personnel not following proper legal procedures and the manner of conduct of investigation of theft cases by the police.

(c) Reasons for continuing impunity for custodial deaths in India are following:

- **Colonial mindset and failure to modernize:** Indian police was organized under Indian Police Act, 1861 with the prime objective of perpetuating British rule and subjugating native persons. As a result, police are not citizen friendly in their constitution and even after seven decades of independence, police have failed to modernize itself and adopt scientific methods of investigation.
- **Law not being followed**: Despite CrPC mandatorily providing an inquiry by judicial/ metropolitan magistrate in matters of custodial death/disappearance/rape, NCRB data shows that between 2005-2017, judicial inquiries were ordered in only 20% of 827 cases of death or disappearance from police custody.
- **Asymmetric power structure and legal illiteracy**: Victims of such incidents generally belong to the vulnerable and marginalised class who lack resources to fight for their legal rights in courts, not capable of raising the issue to the higher officers and lack political voice.
- **Lack of political will:** The government generally overlooks complaints against security personnel on the ground that action taken in such cases would demoralise the police forces and would weaken their resolve to crush organised violence with a heavy hand.

Authorities should take following steps to resolve reoccurrence of such incidents:

- **Prevention of Torture Bill 2010** should be reintroduced in the Parliament after building consensus with states and the law should be implemented in letter and spirit.
- Establishing an **independent** mechanism for timely and effective **investigation** of cases of custodial torture as investigation by police itself would be biased.
- **National Human Rights Commission's guidelines** to prevent and respond to custodial deaths need to be implemented urgently by the state governments.
- Within 24 hours of their occurrence, NHRC should be given intimation about such incidents followed with Post-mortem Reports, Magisterial I Reports/Videography Reports of the post- mortem etc.

The way to resolve such incidents from occurring is to undertake comprehensive police reforms leading to modernization of police force where the mindset of police needs to be changed along with keeping vigil by civil society groups.

63. You come across a report in the newspaper wherein during the drive undertaken by a Municipality to demolish dilapidated buildings one of the government servants has been assaulted publicly by the local MLA. The MLA belongs to the ruling party in the state. The MLA has blamed the official for taking bribes to illegally demolish houses, which are in good condition in the pretext of the drive to demolish dilapidated buildings. The MLA has claimed that few families were living in the houses and that the demolition drive was at the behest of some vested interests to grab the land.

(a) What are the issues involved in the case in your opinion?

(b) What are the options available in your view with the relevant actors to redress their concerns?

Approach:

- Briefly write the facts of the case.
- Write about the issues involved in the case.
- Identify various actors in the case and write about the options available to them to redress their concerns.
- Conclude appropriately.

Answer:

The given case relates to assault on a government servant in the course of his/her duty by a representative of the people i.e. MLA. Further, the allegations of bribery have been levelled against the officer.

(a) The issues involved in this case are:

- **Assault on a government servant:** This will lead to obstruction of official work and will affect the morale, self respect and dignity of the officers as a whole. Further, it may set a wrong precedent of domination of government officers by elected representatives.
- **Allegation of bribery and corrupt practices against the government servant:** Corruption erodes the faith of the people in the public service. However, charges need to be proven in the court of law. In the given case, the MLA has acted on the charges of corruption without verifying the claim.
- **Resorting to violence:** Use of force by the local MLA on a public servant on duty is a violation of the law of the land.
- **Violation of right to adequate housing:** Demolition drive may violate the right to adequate housing of the families living in the houses, which were demolished if the houses are in good condition and if it was done out of vested interests of the officer.
- **Creating fear psychosis:** Lack of adequate security of the government officers discharging their official duties creates an atmosphere of fear.

(b) The relevant actors and the options available to redress their concerns are:

- **Government officer and his/her association:**
  - **File a police complaint against the local MLA:** It will ensure that the law takes its course and the MLA is punished for his/her unlawful behaviour by the court of law. It will also repose the faith of the public in the democratic institutions of the country.
  - **To go on a strike pending action against the MLA:** However, this will lead to disruption of government work and also sensationalize the issue. Thus, it hampers the greater good in the long run and should be avoided.
- **Municipal Commissioner/ District Administration:**
  - Immediately file a police complaint against the local MLA under relevant laws.
  - Enquire into allegations of houses being in good condition and land grabbing and take suitable action as per the findings of the enquiry.
- **Local MLA:**
  - Issue clarification regarding the use of force against a government official on duty.
  - File a formal complaint about the alleged wrongdoings by the government officer involved in the demolition drive.
- **Residents of houses which were to be demolished:**
  - File a complaint with relevant documents to support the claim that the houses where they are living are in a good condition.
  - Approach the appropriate authority seeking annulment of order of the demolition drive.
- **Political party of which the MLA is a member**:
  - Launch an internal investigation into the incident and if found guilty, punish the MLA as per the rules of the party.

Interference in the functioning of government servants and their ill-treatment by those who hold political office undermine the efficacy of the institution of public service and dilute the faith of the public in the administration. Thus, there should be adequate safeguards and institutional mechanisms to ensure that public servants function without interference and intimidation.

64. In recent times, the country witnessed protests based on opposition to some steps taken by the government. Whereas, mostly these were peaceful protests, at a few places these activities turned violent leading to destruction of public property. In some places government arrested few of the protesters and imposed heavy fines on them for the destruction of the property. In case they could not pay, their private property was confiscated by the government to pay for the damage done to the public property. In addition to this, some governments published the photographs, names and addresses of those accused of vandalism during protests at various locations.

(a) What are the issues of public importance at stake in this case?

(b) Are their any ethical or legal principles at play here which may be conflicting?

(c) What should be the principles guiding a democratic state in such circumstances?

Approach:

- Introduce by providing a brief background of the case.
- Mention the issues of public importance at stake.
- Highlight the ethical and legal issues at stake.
- Mention the guiding principles for administration.

Answer:

The case refers to the various protests organized across the country in the recent past. It establishes well that public property has been damaged. Even peaceful protests caused inconvenience to the general public. In some cases, the personal details of miscreants were publicly displayed at various locations.

Various reports have estimated the loss to public property during various protests across the country. Assocham estimated damage to public and private property worth Rs 2,000 crores during the Jat stir in Haryana in 2016. The Patidar agitation in Gujarat in 2015 took its toll as vandals torched 660 government vehicles and 1,822 public buildings.

a) The present case raises several issues of public importance. These include:
   - **Ascertaining responsibility for the public property losses**: This assumes importance as the property damage imposes a significant burden on the state finances. It also impedes the use of infrastructure by the general public. Further, a lot of private property is also damaged in violent protests thereby destroying livelihoods and imposing costs on various sections of the society.
   - **Balancing the right of peaceful protest with continuing normal life for other people**: Often there are sections of society which have to bear the cost imposed due to certain areas being blocked by peaceful protestors.
   - **Managing of protests by the police and administrator**: Controlling the violence and also effective crowd management techniques are significant issues of public importance. These measures are important considering the fine balance between curbing dissent and allowing peaceful protest.
   - **Following Due process of law:** The process for assessing claims and imposing fines for the damages done needs to be just and follow guidelines and cannot be imposed arbitrarily.
   - **Preventing disproportionate measures against citizens**: The public naming and shaming of alleged perpetrators is another important issue having impact not only on life of people involved but serves as an important message for the general public.

b) The various ethical/legal issues involved in the case are:
   - The imposition of fines and confiscation of property can only be done (normally after a criminal trial) after the individuals are proven guilty. The **presupposition of guilt** by the administration and acting as

tribunals is problematic as it provides no recourse to the accused and violates the principle of rule of law.

- Since the administration assumes the final decision-making authority it would lead to criminalizing the right to protest. It results in pre-judging people by the police themselves without even the benefit of a fair trial. This has a chilling **effect on the right to protest and free speech**.
- Since the **administration itself is the final judge** in the case, there is a high probability that it may absolve any of the police personnel involved in violence proceedings. The management of the protests by the Police would not be questioned.
- One of the most important legal issues is **ascertaining the identity** of the ones responsible for damage to the public property. The authenticity of the video footage needs to be ascertained to make sure it is not doctored or tampered with. Initiating punitive actions against the accused can lead to permanent **damages to reputation and financial losses**.
- The public naming and shaming of the accused perpetrators go directly against the **individual's right to privacy**. It not only puts their life, property and freedom in jeopardy but also permanent damage to their reputation.
- The display of personal information also raised an ethical question as the government agencies are supposed to **treat all members of the public with respect and courtesy** and at all times should behave in a manner that upholds constitutional and democratic values. This particular case reflects the colourable exercise of powers by the executive.

c) **The various principles guiding the state in such cases should be:**

- **Providing space for dissent**: Allowing the right to peaceful protest and at the same designating few places in the city/state as to not cause inconvenience due to the general public.
- **Following due process of the law**: The Supreme Court in various cases has highlighted the guidelines for ascertaining claims.
- **Objective procedure:** Rational procedures should be established and followed to eliminate any bias against any section of the society participating in protests.
- **Empathy and Compassion**: Sensitivity training of the police and administration to maintain trust with the people.

This also places an onus on the citizens to not cause violence and exercise their fundamental right to protest peacefully. Article 19 should be balanced with Article 51A that makes it a fundamental duty of every citizen "to safeguard public property and to abjure violence".

65. You are posted as Superintendent of Police in a district. A case has come up in which more than 30 girls were allegedly raped and sexually exploited at the city shelter home run by an NGO. The scandal came to light when media flagged complaints of sexual abuse of inmates of the city shelter home. A nexus of police, politicians, administration and criminals have been allegedly responsible for the racket going on for the last few years. In light of this, a lot of protests have erupted across the city.

While, on one hand, media glare has meant that people are demanding swift action, you have been asked to go slow in investigating the case by top officers in your department. Elections in the state are due in a few months, so it has become a politically sensitive issue. You are also under immense political pressure from the ruling party to not take strict action and make compromises to cover up the case.

Given the situation, answer the following:

(a) Identify the issues involved in the case.

(b) What are the options available to you? Which of these options will you choose? Justify your stand with logical arguments.

Approach:

- Bring out the ethical and legal-administrative issues involved in the case study from the stakeholder's perspective.
- Discuss the various options along with their merits and demerits.

- Suggest your courses of action to deal with the situation along with their justifications and conclude accordingly.

Answer:

The case given here presents an issue of a sex racket unearthed by the media where girls of shelter home were sexually exploited. The racket is allegedly run by police, politicians, administration and criminals. Media and public have been demanding swift action. However, since elections are due soon, the officer in charge has been facing undue influence from the ruling party.

(a) The major issues pertaining to the case includes:

- **Violation of law and order:** There has been blatant violation of different laws like POCSO Act, 2012 and sections 375-377 of IPC.
- **Exploitation of the vulnerable:** Vulnerability of these girls have been exploited by those in powerful positions in the administration.
- **Negligence on behalf of administration:** It is reported in the media that the local administration, especially police has not only shown negligence to such heinous crime, they might also be complicit in it. The Social Welfare Department of the state under which shelter homes work, has also escaped responsibility.
- **Unholy nexus of police, politicians, administrators and criminals:** Allegedly, all of them have been complicit in running the racket. Such a nexus also has a bearing on public morality.
- **Betrayal of trust:** The civil society is supposed to uphold the interests of the public, especially those in vulnerable situations. In this case, an NGO, which is the part of civil society, is the perpetrator of the crime.
- **Undue influence:** While the officer in charge is bound by the constitutional, legal and moral obligation to act and investigate the case, he/she is also facing pressure from the political masters to not act or delay the actions.

(b) Following are the available options:

Option 1: Conduct a swift and speedy investigation and also make some high-profile arrests

Merits

- It will assuage the media and public sentiments. This will also prevent any possible violence in the area.
- The trust of the public in the administration will be restored.

Demerits

- A speedy investigation has an inherent risk of omitting key facts/issues. Thus, it may lead to poor trial and those who are guilty may escape punishment.
- Justice might be compromised as all aspects of the case might not come to the forefront.
- Taking steps such as high profile arrests, speedy investigation might look good given the huge uproar but procedural sanctity should not be compromised.

Option 2: Investigate the matter thoroughly in a time-bound manner.

Merits:

- A public officer's action should be guided by moral and legal conscience. He/she should take decisions and actions on the merit of the case without fear and favor.
- It will ensure justice to the victims and boost the confidence of the people in the police and administration.
- It will send a positive message of safety to other girls as well as to the society. Others who may also have been harassed may also find confidence to come forward with their complaints.

Demerits:

- The officer may invite the ire of the political superiors and the government of the day, in the form of transfers or withholding of promotions etc. It may result in harassment of the officer by the culprits.
- Since, there is a nexus involved, investigating various aspects of the case might take time and people might get restless given the media attention on the case.

I would choose **Option 2** because as the Superintendent of Police in the district, I have legal, constitutional and moral obligations to uphold the law and carry out administration without any political bias and partiality. Along with this, I will

- **Provide protection to the girls and their parents** given this is a case involving influential people. They have already tried to interfere in the case as top officers have asked me to go slow.
- Since it might be a long-drawn case, to assuage the masses, I will try and **communicate the progress of the case** whenever possible without letting out critical information.

Here, the victims are the disadvantaged girls and perpetrators are influential and have political backing. Therefore, as an officer of law, I should bring all the culprits to the book through proper investigation and ensure justice to the victims. It will also send a message that crimes as heinous as this one will not go unpunished, regardless of the status of the accused. It will help prevail law and order in society. As far as the backlash from some superiors or government is concerned, it must be remembered that these problems are part and parcel of a civil servant's job and he/she must take it in his/her stride and keep working as per the Civil Services Values.

66. Arvind has recently started working as a cyber security analyst at a government intelligence organisation. During the course of his work, he stumbles upon documents, which reveal that the government is spying on leaders of opposition parties with alleged Maoist links. He discusses this matter with his superior officer who tells him that though the spying was illegal, it was essential for national security. He also tells Arvind that sanction for the spying came from the highest echelons of the government. He further warns Arvind not to divulge facts of the case to anyone else in the organisation and especially no one on the outside as it may lead to his dismissal from the organisation or even his arrest for treason.

However, Arvind being an honest person finds himself in a deep conflict. He feels that the spying, apart from being illegal, could also be misused by the government for settling political scores with its opponents.

The following are some options that Arvind has. Evaluate the merits and demerits of each of these:

1. ***Do nothing as he does not want to risk losing his job or end up in jail for treason.***
2. ***Talk to the head of the organisation to get his opinion on the matter and then do as he says.***
3. ***Send an anonymous letter to the press leaking the details of the case.***
4. ***Go to the press directly with the details of the case.***

Also indicate (without necessarily restricting to the above options) what you would like to advise, giving proper reasons.

Approach:

The answer should clearly bring out the ethical dilemma that Arvind could face in selecting each course of action. The student can use any of the utilitarian, rights and virtue approaches to examine the options from different viewpoints.

The suggested course of action should be provided with proper reasons and justification.

Answer:

Option 1: As a young professional, Arvind may have to think not only about his future but also the future of his family or dependents. Doing nothing would save him from facing any untoward consequences but at the same time, the inner conflict that he faces would continue to persist. Also, Arvind would be condoning the violation of privacy of the individuals who were being spied upon. He may feel that he has betrayed his nation by focusing only on his self-preservation rather than the greater good.

Option 2: Instead of just relying on his senior's opinions, Arvind could seek to confirm whether the espionage is really sanctioned by the upper echelons. Talking to the head of the organisation in this matter would help as he would be better aware of the facts of the case. Also, his viewpoint on the matter may help Arvind in framing a more balanced opinion on the matter. Arvind could do as the head says but that could also mean

doing nothing if the head asks him to do nothing, a course of action which would not help address Arvind's crisis of conscience.

Option 3: Sending an anonymous letter to the press would ensure that Arvind would not be targeted by any possible witch-hunt and an important issue of public interest would also be highlighted. However, it could also happen that the matter only helps to give fodder to the press and opposition parties to embarrass the government, rather than leading to any concrete discussion on systemic changes in intelligence procedures.

Option 4: Going to the press directly would be the most difficult thing to do for Arvind. He could land up in detention like many other whistleblowers with his career ruined and his image sullied by accusations of treason. It may also happen that the intelligence apparatus of the country is weakened due to such revelations. But at the same time, it may also happen that the citizens of the country realise the pitfalls of such spying. Arvind's bravery may also help to inspire other whistleblowers and conscious citizens to come forward and support his cause.

At the end of the day, Arvind should undertake the course of action which addresses both his inner conflict and serves the wider public interest. Hence, before taking any action he should investigate clandestinely to know more about the facts of the case. He should try to gauge the different viewpoints on this matter by getting inputs from his peers without revealing any details of the case. Finally, if he is convinced of the illegality of the spying, he should come out in the public with the details of the case and proof of the government's complicity in the illegal spying operations. Through his words and actions, Arvind should seek to stir a rational debate on the implications of such spying on individual's right to privacy, political freedom and national security. Such a debate should refrain from simply attacking the government on the issue and should instead lead to systemic/institutional changes to reform the country's intelligence apparatus.



67. You are a Secretary in a government department. Your Minister has proposed an unemployment grant, which is expected to cost the public exchequer heavily. Having already taken the decision, he asks you to come up with research to support the scheme. Despite your best efforts, you fail to find socio-economic benefit in it. You approach the Minister with relevant facts and studies and ask him to reconsider his decision. Instead, he asks you to suppress the negative impacts and actively promote the scheme through mass media as the perceived social impacts are more important than economic impacts.

Elections are due in a short time and the political party currently in power is expected to win. You are also due for promotion at the same time. You are expected to fully cooperate in the situation and make the scheme a success, however flawed its foundations may be.

(a) List the different stakeholders in the above situation and mention their prospective interests.

(b) Discuss the ethical dilemma which you face in this situation.

(c) Some of the alternatives for you to handle the situation could be:

- ***Do as asked by the Minister.***
- ***Insist on publication of results and let the public decide whether it wants the scheme.***
- ***Call a press conference and brief the media about the results and the callous attitude of the Minister.***

Suggest any other possible option(s). Evaluate all of them and suggest the best course of action, giving reasons for it.

Approach:

- List the facts of the case, mention various stakeholders. The prospective interest must be inferred from the facts. Avoid giving unverifiable opinions.
- Bring out the ethical dilemma faced.
- Evaluate all the available options – mention their merits and demerits.
- Give the course of action. Try to address the demerits mentioned and evolve a comprehensive solution.

Answer:

Facts of the case:

- The proposed unemployment grant will cost the exchequer heavily.
- Detailed study about the proposed scheme shows net negative socio-economic impact. The minister has refused to reconsider the decision.
- Elections are due in a short time. My promotion is also due at the same time.

From above facts, it can be argued that although the minister is himself not engaging in corruption, he is using the loopholes of the system to fulfill his electoral compulsions.

a) Different stakeholders and their prospective interests

- Secretary: As a civil servant, it is his duty to give honest opinion to the political executive. However, once a decision is taken, he should implement it whole heartedly. Not obeying legal and legitimate orders amounts to dereliction of duty. Also, it will portray him as non-flexible and show him in poor light. Defying orders may jeopardize his career prospects also.
- Minister: Successful implementation of scheme will probably bring electoral gains for his party.
- Beneficiaries of the grant (unemployed people): They may benefit in the short run, but as the scheme does not have a positive socio-economic impact, real benefits may be scarce.
- General public: Taxpayers money should be spent effectively and the executive should be held accountable for it. The public has an interest in knowing the efficacy of the expenditure.

b) Ethical dilemma faced

As a civil servant unsatisfied with the decision of the political executive, I face the dilemma of whether or not to honestly implement a scheme from which I am certain no positive will come out. As an implementing agency, I will be held accountable for the success/failure of the scheme. Since I am convinced

that this scheme will lead to waste of public money, I will have to choose between larger public interest and self-interest. Thus, the dilemma is choosing between something which is legally right v/s other which is morally right in the light of public interest.

c) Alternatives available to me

i. Do as asked by the Minister.

Merits: I will be abiding in letter to the duty to implement the will of the political executive. Steadfastly implementing the scheme will also reflect my commitment to duty and will further my career prospects.
Demerits: Will lead to the wastage of public money and breach of the trust of public in the government. Also, I will face cognitive dissonance and may not be able to keep myself motivated during the implementation.

ii. Insist on publication of results and let the public decide whether it wants the scheme.

Merits: Adherence to transparency is the cornerstone of good governance. It will help the public to choose what is best for them. It will encourage people's participation in decision making and may set a precedent for all schemes in the future.

Demerits: As soon as the issue comes in public domain, the narrative will be hijacked by political compulsions and any rollback would become exceedingly impossible. Changes which could have been made earlier would now become more difficult. Public discussion will also entail substantial expenditure and time.

iii. Call a press conference and brief the media about the results and the callous attitude of the Minister.

Merits: Will bring the matter into the public domain and expose the callous decision making process. It may force the minister to reconsider.
Demerits: Media briefing will be against the principle of anonymity and secrecy. Such steps should be taken when all other remedies have been exhausted and when the case is of personal or organizational corruption. Moreover, I may be seen as being excessively stubborn, if not in open defiance of authority.

Course of action :

Foremost, I will try to modify the scheme to make it more prudent and effective. I will put honest comments for consideration to make my views clear. Further, I will try to convince the minister of getting the public opinion before going ahead with the scheme. This will be achieved through publication of the broad outlines and engaging in public discussions. Rather than being hijacked politically, wise handling of the issue can in fact bring positive feedback for the government. In the process, I can also improve my understanding of the socio-economic needs of the people. Once the public opinion is incorporated, I will implement the scheme with dedication.

68. A state has been notorious for high rate of crimes and illicit activities. An understaffed police force along with sheer volume of criminal instances makes it difficult for police to duly investigate and pursue all cases till their logical end. The criminal justice system is also burdened and it takes years to deliver justice. Given the nexus between criminals and politicians, it is difficult to conduct investigation without external influences. A sense of lawlessness has prevailed in the society. In this backdrop, it has been observed that police has been resorting to increasing number of encounters of alleged criminals rather than catching them and follow due process. Popular public sentiment is also supportive of this method and the result has been a general declining trend in crime. Given this scenario, answer the following questions:

(a) Analyse the issue from different ethical perspectives.
(b) What could be the effects on the police administration and the society of such a strategy?
(c) As an advisor to the Chief Minister of the State, what advice would you give to improve the law and order situation?

***Approach**:*

- Briefly give the overview of the problem stated in the question and analyse the case study from different perspectives.
- Highlight the effects on the police administration and the society.
- Suggest some practical and relevant measures for improving the law and order situation of the concerned state.

Answer:

Governance demands results. It is often alleged that the complex set of rules and procedures compromise the ability of the executive to achieve them. Maintaining law and order is a crucial task of governance. The break down of law and order depresses the social sentiments and badly affects the economy of the country. In the quest to show results to the society, in this case, an improving law and order situation, the state and its agencies can switch to short-cuts. A misuse of law, such as firing in self-defence, can thus be exploited by the police to pursue lethal means against alleged criminals. However, restoring law and order through extra judicial means flags many ethical concerns.

(a) From the perspective of justice, a criminal has right to be heard and the punishment for the crime can not be more than what is codified in the law of the land. Extra-judicial killings abridge the constitutional rights of an individual.

- It does not increase the happiness in the society in a sustainable manner. In the long run, it results into lawlessness, illegal killing, many times of innocents, and breakdown of administrative machinery. Thus, it is unethical from utilitarian perspective.
- From deontological perspective, an ethical act is one which can become a universal law and can be applied in all the similar cases. Extra judicial killings cannot become universal because it violates the basic values of democracy.

(b) **Effects on police administration** – In the short run extra judicial killings may seem to have some positive effects on the police administration. It gives flexibility to the police administration, infuses fear among the criminals and dampens the crime rate. However, in the long run it has the following negative effects.

- Police becomes inhuman, brutal and insensitive to the people.
- It gradually erodes the faith of people in police system and makes them suspicious of police actions.
- It hampers the discipline in police administration.
- It provides slippery slope to officers and results in dereliction of duty.
- Due to this police officers imbibe vices.

Effects on the society – Prima facie it seems be a silver bullet against crime. It lowers the crime, give satisfaction to family of victims of crime, creates sense of safety and security in the society. But, it has the following negative effects on the society.

- More often than not, the victims of fake encounters belong to minority or social disadvantaged section of the society. Thus, such strategy destroys the social fabric of the society.
- It creates fear psychosis among people.
- It hampers the faith of people in the judicial system and ultimately in the democracy.
- It can create the culture of violence in the society.

(c) As the advisor to the Chief Minister I would suggest the following measures for improving the law and order situation of the state-

- Separation of investigative and law & order maintenance function of police.
- Measures to incorporate accountability at all levels, combined with a freedom to take desirable and just actions swiftly.
- Implementation of Supreme Court directions on police reforms as enunciated in the Prakash Singh case, especially which shield the police from unnecessary political intervention.
- More fund should be allocated for the police and judicial reforms.
- More people should be recruited in existing under staffed police administration.

- Equipment, service condition, training should be modernized so that criminal investigation can be done in a professional and timely manner.
- Transfer, posting and promotion should be done in a fair, transparent and non-partisan manner for insulating the police from political-criminal nexus.
- State should focus on economic development and employment generation so that prosperity can dampen the crime in long run.

69. Mr. Pradeep is a senior civil servant in the central government and is involved in the budgeting department. In the course of performing his duties, he comes to know about diversion of funds earmarked for SC/ST sub-plan for other purposes. While he is not directly responsible for this aspect of the budget, he raised his concerns to the department concerned. He also learns that the minister responsible as well as senior most civil servants are aware of the practice and have given tacit approval for it. Soon thereafter, Pradeep was summoned to talk on the issue and was told that since the matter is not within his jurisdiction, he should 'keep his nose out of it'. After much soul searching, Pradeep decided to obey his supervisors by leaving the matter alone. Based on the information given, answer the following questions:

(a) Elaborate on the internal dissonance that Pradeep faces in the given situation.

(b) On what basis can the decision of Pradeep be justified?

(c) Had you been in Pradeep's place, what would have been the course of action chosen by you? Recognise the merits and demerits, if any.

Approach:

- Briefly give the facts of the case.
- Highlight the problems faced by him in taking decisions.
- Discuss the ethical dilemma faced in taking decision.
- In the last part, give a step by step course of action, with arguments. Mention the ethical values addressed by undertaking the approach you suggest.

Answer:

The case involves a situation where an experienced civil servant finds about diversion in expenditure for purposes other than it was authorized for. Despite reporting this misuse, he has been asked to keep himself out of it. The dilemma he faced is that taking action against mismanagement or let it continue as it is.

(a) Since Pradeep is a senior civil servant in the central government and is involved in the budgeting department, so it is his duty to ensure effective functioning of budgeting process.

On the other hand, he is also beset with the following concerns:

- Matter not within his jurisdiction.
- Obeying the advice of seniors – they are more experienced. Also there might be a concern about progression of career in case of not obeying.
- He lacks courage and integrity to uphold what is right, though being honest.

So he faces an internal dissonance - is his inaction justified in the name of departmental duty or should he be stronger and report the wrongdoings?

(b) On what basis can the decision of Pradeep be justified?

Basis of his action:

- He gave more importance to his departmental duty and internal experience over fundamental values of civil services, such as integrity and objectivity.
- He might have reconciled with the proposition that funds are not being used for personal gains, but are only being diverted for other expenses. This is a common practice. For e.g. funds meant for SC/ST sub plan are many a times used in education, health and sanitation, which may not be specific to SC/ST welfare but have common impact on everyone.

- He might have evaluated the possible risks to his career and come to a conclusion that not following the instructions might have a negative consequence.

His action can't be justified because being a civil servant one is expected not only to be honest, but also must have integrity to uphold what is right. Therefore, tacit approval is akin to lack of integrity and probity in public life.

(c) Had I been in Pradeep's place, I would have tried to bring the diversion of funds to the notice of the government. I would have ensured that the fund is spent according to the budgetary allocation.

If there was any merit to my seniors or ministers' claims, it must have been given in writing rather than orally. Discretion is an important part of performing duty, but it cannot become a conduit for diversion of funds. I would also have involved the requisite ministries so that internal pressure is built up for proper utilization of funds.

Merits:

- I will perform my public duty by ensuring that fund is used only for the purpose for which it is allocated.
- It will ensure effective functioning of budgeting process and will uphold the financial integrity of the government.
- It will ensure full availability of funds required for the growth and development of weaker sections of the society.

Demerits:

- I will undermine the orders of my supervisor thus amounting to in-subordination of authority.
- An accepted and common but illegitimate practice of fund diversion might create an unnecessary political trouble.

Justification:

- I should uphold my public duty without fear or favour and ensure financial integrity of the budgeting process.
- The Fund should be utilized as per the allocation sanctioned by the Parliament. Any diversion of fund amounts to the breach of the Parliament.
- It will impact the growth and development of the weaker section of society. My action will help in achieving the larger objective of social justice.

So it becomes my responsibility to perform my constitutional, legal and moral duty.

70. You have been appointed by Election Commission as a booth level officer to oversee the conduct of elections in a remote and under-developed area. For the preparations of elections, you have been instructed to ensure maximum voter turnout. For this, you conduct a series of meetings with the people in villages encouraging them to vote in large numbers. However, they confront you with the fact that despite so many previous elections, the promises made by representatives remain unfulfilled and even the basic necessities of livelihood are not available. As such, they are ignorant of your appeals and are subsequently not forthcoming even to listen to you, let alone giving assurances to vote. Based on this information, answer the following questions:

(a) Identify the stakeholders in the situation along with their interests.

(b) What are the factors that you will take into account to convince the people and ensure maximum voter turnout?

Approach:

- Briefly outline voters' low turnout as one of the challenges for effective functioning of democracy
- Identify all the stakeholders, at micro and macro levels, along with their interests
- Highlight all the factors that you will consider to convince people to vote

Answer:

Democracy is essentially about the institutions that are directly or indirectly served for and by the people. In this, voting is the first step towards constitution of such institutions. Yet, due to inherently slow-progressing nature of democracy, at times, the public deems voting as an exercise in futility. The case study at hand depicts the same.

(a) The following stakeholders have been identified in this situation, along with their interests:

- **All registered voters of the village:** All registered voters must vote, as only when they choose their representatives, development indicators will improve. Special groups of voters include:
  - **Women and youth** – Since the Systematic Voters' Education and Electoral Participation (SVEEP) Plan of ECI focuses on women and youth to come out in large numbers to cast their political rights via voting, it is in their interest to participate in fair and free elections as they are critically affected by policies of elected heads.
  - **Elders:** They should encourage others to vote to ensure a healthy democracy and development.
- **First time voters:** First time voters should be encouraged to vote and spread awareness on importance of voting and developmental works. They are youth who are most affected by education, employment and health policies.**Local political parties/politicians:** They should adhere to the Model Code of Conduct, Representation of People's Act (1951) and practice free and fair ethical procedures. Mistrust of voters has put the electoral process in danger. This threatens the very existence of politico-democratic setup. Hence, their very interest is dependent on maximum participation of people.
- **District Collector:** He/She is a nodal officer at district level to ensure smooth elections. Low participation implies that they have failed in their duty to conduct free and fair elections.
- **Election Commission of India (ECI):** Maximum participation augurs well for the electoral process for which ECI is responsible. Mistrust of voters tantamount to limit on the capacity of ECI to ensure that honest and upright candidates are getting elected.
- **Nation:** It is in the interest of whole nation that every citizen belonging to remotest part of the country is a part of the democratic process, else it may lead to dissent, dissatisfaction and anarchy.
- **Local Self Governance bodies**: They have a critical role in educating masses about their duty as citizens to exercise their right to vote.
- **Myself:** Being assigned to ensure voter participation, a failure on my part would amount to failing in my professional duty.

(b) The factors that I shall take into account while convincing the people to vote are as follows:

- Despondency amongst voters because of which they think that no positive change is possible
- Lack of trust in elected representatives
- Rigidity in their attitude towards utility of elections
- Limited understanding of the significance of electoral process
- Unawareness about the accountability mechanisms available to them
- Remoteness and under-development of the area

Thus, if their attitude towards the election is changed and their cognitions are corrected, I can convince people and ensure maximum voter turnout. This can be done through the following:

- Listen patiently to all the concerns raised by the villagers
- Encourage elders to vote and educate the younger generations about how they are the key change agents
- Ask Anganwadi and ASHA workers to act as micro level / grassroots agents to enable people to come out and vote and leading by examples
- Encourage youth and women voters to participate and also convince them that they should vote for the right person who they think can bring change
- Educate people that till the time they don't participate in the electoral processes, they are also not taking charge of their responsibilities as voters seriously and therefore in order to bring about change it is THEM – the people of India who should participate
- Educate them about the use of NOTA, through which they can register their dissatisfaction

- Educate them on Constitutional provisions of elections as well as rights of citizens
- Highlight the problem of governance, communication and resources associated with remote areas and how bringing change will take time. I will bring to their notice examples of political leaders bringing positive change in remote areas through continuous efforts.
- Make them aware and learn about the use of tools like RTI, Social Audit, Grievance Redressal cells and websites etc. through which they can hold MPs/MLAs accountable even later. This will reduce their despondency
- Facilitate and implement SVEEP Plan objectives
- Apprise the SDM, District's Collector's Office of all the challenges and concerns raised by people during these meetings

These steps are expected to yield results and ensure greater participation of people in the election.

71. You are the leader of a 5 member team that has been assigned to carry out social impact assessment of a project proposed in a Naxal area. Members have been allotted a remote village each to conduct surveys and ascertain views of local people. You are under strict instructions not to disclose the identity of respondents outside the project. While compiling data, you are puzzled by the responses from one of the villages. You accompany the point-person for that village next day for verification. You randomly pick a person from the list of respondents and ask her for clarification of the response she had given earlier. She seems confused and denies any knowledge of the survey being conducted, let alone she being questioned. You try to verify this from other respondents and get similar replies. This raises serious doubts about the integrity and credibility of the survey process.

(a) What are the ethical issues involved in the situation?
(b) As a team leader accountable for credibility of the survey and working on a hard timeline, what are the possible options before you? List their merits and demerits.
(c) Giving reasons, state the course of action you would follow.

Approach:

- Apart from covering the integrity of the team member, ethical issues should also include giving him/her benefit of doubt as well as opportunity for explanation.
- Evaluate the merits and demerits based on ethical dimensions of public service such as honesty, commitment to work in adversity, etc.
- Clearly state your course of action with logical connections of merits and how it will address the demerits listed above.

Answer:

The ethical issues involved in the case are:

- Fabrication and falsification of data that can potentially impact lives of many poor and vulnerable.
- Honesty, integrity and commitment to work by the team member in a potentially hostile area where there is already lack of trust between people and government.
- Leadership capability – standing up to the errors of team members and handling them.
- Strict privacy concerns on how to verify their claims without disclosing their identity.
- Trust that can be reposed in villagers and verifiability that they are acting in independent capacity.

As a team leader, there following options before me:

- Suppress the issue then and there and admonish the team member.

Merits – Given the time constraint, pursuing this option will seem a practical way out. Moreover, data from a single village may not impact the overall findings radically and therefore core conclusions may not change.

Demerits – This not only encourages dereliction of duty but also eats into the overall value system. It abets the team to be dishonest and untruthful in performance of their task. It also reflects lack of empathy on part of researchers towards rights of vulnerable people.

- Inspect the claims of other team members; ask the erring ones to re-conduct the survey ASAP.

Merits – It will establish the truthfulness of the survey. As a leader of the team, it is my responsibility that not only the data and conclusions I present are correct, but also that integrity of my team members is maintained. Moreover, perseverance, i.e. performing duty in face of adversity is a desired and expected trait of a person involved in working with vulnerable groups.

Demerits – Given that there is dearth of time, this may not be feasible. This may also jeopardize the strict anonymity concern.

Finally, there are chances that the other team-members will also follow the suite if resurveying is done, defeating the purpose altogether.

- Hire new team member(s) and re-conduct the survey, explaining the situation and asking for extension. Expel the erring team member(s).

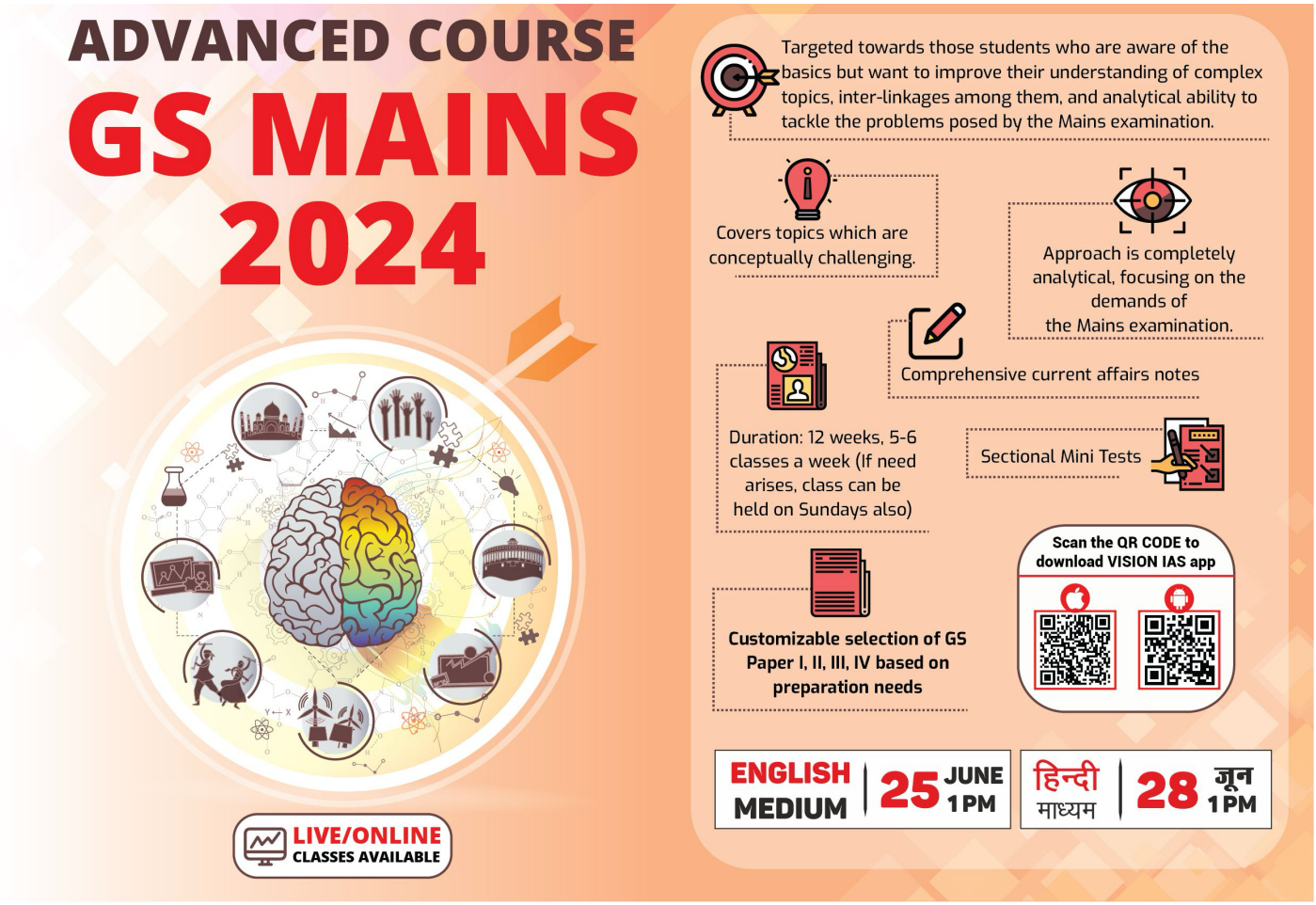
Merits – The dishonest will be punished and the truthfulness of the data will be established.

Demerits –There will be time and cost over-runs. It may also become a never ending cycle with claims and counter claims.

Course of action to be followed

It is important that this data be corrected before being presented. I can either order a new survey, with not necessarily the same respondents or can re-conduct the survey with same people. While the former will be fresh data and would not need comparison, the latter would establish whether the data was fabricated or not. While the first strategy would save time and not violate privacy, the second one would be necessary to determine guilt/innocence.

I would inform the authorities about possible delay and ask for new personnel. The verified data will establish the truthfulness. If the guilt is established, they will be reprimanded.



72. You have recently been posted as a probationary officer in the District Magistrate's office in a tribal district. During one of the fieldtrips, while interacting with the tribals, you come to know about a private company, established a few years back, which has transformed their lives. The company, using the traditional knowledge of tribals, had launched a series of products and provided numerous livelihood opportunities to the tribals.

Upon further enquiry, you come to know that while the lives of tribals had indeed improved, the distribution of profits however, has been quite disproportionate. The company has seen a huge growth in its operations and its owners have amassed huge wealth. It is also planning to file for IPR, which may further hinder the interests of the tribals.

You feel that tribals have been left short changed and there has not been an equitable sharing of benefits arising out of the use of their resources. When you tried to approach the Gram Sabha and voice your concerns, the tribals requested you not to intervene as they do not have any alternatives. They also argue that governments in the past have failed to protect their interests.

Given the situation, answer the following:

(a) Identify the different stakeholders and their interests involved in this case.

(b) Present a case to convince the District Magistrate for the need of government intervention in the situation.

Approach:

- Introduce by giving the gist of the case study.
- Enumerate the stakeholders involved in the case study and their interests.
- In brief present a case to convince the DM for the need of government intervention in the above situation.
- Conclude on the basis of the above points.

Answer:

The given case study portrays a typical picture of a tribal area where inadequate government efforts for upliftment of tribals have created a vacuum which is being utilized by private companies to earn huge profits. It also highlights the issue of misuse of IPR (Intellectual property rights) by private companies using traditional knowledge of tribals and denying them a fair share in profits, which is against the provisions of the Biological Diversity Act, 2002.

a) Stakeholders involved in the case study and their respective interests are as follows:

Stakeholder	Interests involved
Tribal people	Livelihood opportunities and welfare of tribals, their traditional knowledge.
Private Companies	Profit maximization, IPR on the tribal products and knowledge.
DM and state administration	Welfare of the people in the area, persuade tribals to trust administrative machinery, ensuring social justice to all in line with their duty obligations.
Probationary Officer	Uphold the rule of law, welfare of tribals, self-satisfaction
Gram Sabha	Welfare of tribal people, equitable sharing of benefits by companies
NGOs in tribal areas	Ensuring welfare of tribal people and development of the area.

b) Case to convince the DM for the need of government intervention in the above situation needs to highlight the following:

1. The present situation of the tribal area.
2. Discussing how the problems faced by tribals are result of lack of alternatives inadequate government efforts.
3. Suggesting remedies for these problems via. government intervention.

1. There is need to highlight all the possible dimensions and present them such as:
    - Highlighting the issue of **lack of livelihood opportunities for the tribals**, there is a need to present the data of the livelihood opportunities provided by the private company in that area and its impact on the life of the tribals with focus on the income generation and other benefits catered.
    - Case should also present the details of the **benefits sharing pact** between the private company and tribals and distribution percentage between them.
    - It should also present the details found in the **enquiry about the type of products manufactured**, their manufacturing cost, selling cost, and its corresponding share given to the tribals.
    - It should also highlight the possible **impact of IPR filing by the private company on tribals and their traditional knowledge**.
    - Understanding **tribal alienation** and their complaints against the administration and persuading them to put their faith in the government machinery. The civil society or the local leaders may be used for this persuasion.
2. The case should also bring to the notice of the DM that how the problems faced by tribals are the result of **inadequate government efforts**. The arguments should be supported by data and records highlighting the efforts taken by the government in past and the reasons for its failure. It should also be presented that the vacuum created due to inadequate efforts by the government has forced the tribals to sell their products to the private company who is utilizing this opportunity for maximizing its own gains. Due to the apathy from the government side, the Gram Sabha representing the tribal people doesn't want the government to intervene as it might affect their relations with private company, which is the only source of livelihood for them. So, **alternatives** can be provided to the tribals i.e. inviting other private companies or NGOs involved in the marketing of indigenous products.
3. The case should also present the need for government intervention and a way forward to deal with the above problems as follows:
    - Government with the help of the NGOs working in the tribal area should take immediate efforts to provide **alternate livelihood opportunities** for the tribal people.
    - **Guidelines** can be given to the private company to **increase the share of benefits of the tribal people in the profits earned by the company.**
    - Platforms like **Tribal Hut** can be used for marketing the tribal products at better price with the help of institutions like Tribal Cooperative Marketing Development Federation of India Limited (**TRIFED**), e-Commerce platform of Tribes India, etc.
    - Government should also ensure that the acts and laws with respect to IPR like Indian Patent Act, 2005, Biological Diversity act, 2002 etc. should be followed in letter and spirit.
    - **Strengthening of the grass-root level democratic set up** including bodies such as Gram Sabha in decision making for the welfare of tribal people.

    Such a situation requires a multidimensional approach keeping in mind the interests of different stakeholders. This will not only help in solving the problems faced by the tribals but will also ensure the holistic development of the tribal area.

73. In a district, in which you are posted as a District Magistrate, a teacher molests a child in a government run school. As the news of this crime spreads, the parents, relatives and locals gather at the school. The culprit teacher has meanwhile fled. The police arrests the Principal of the school and assure the crowd that the culprit would be arrested soon. The crowd, however, has gone berserk and begins to damage the school building. It wants immediate arrest of the culprit and is not ready to budge until he is arrested.

(a) Is it correct to take the Principal into custody when he has personally not committed the crime? Support your answer with appropriate reasons.

(b) What options do you have in dealing with the crowd? Enumerate the merits and demerits of each and also suggest the best possible option.

(c) In the capacity of District Magistrate what would be your long term plan to prevent molestations and rapes in the schools?

Approach:

- Analyze the case and ethical issues involved and then comment on the correctness of arresting the principal.
- Suggest and evaluate the options of dealing with the crowd.
- Give a plan of action to prevent sexual crimes in schools.

Answer:

(a) The Principal can be taken into custody for preliminary investigation. If it is established that principal had made required investigation about the teachers' credentials before appointing them and necessary arrangements to prevent such crime, then he is not liable for an act done by a member of his staff, since no one can take guarantee of the acts of another human being. Though, he can own a moral responsibility but is not liable to be arrested to sooth the collective conscience of the public. However, if his negligence or willful dereliction in appointment and security measures is evident, then he should be arrested for abetting the crime.

(b) The options available in dealing with the crowd are:

- **Use of force to disperse the crowd and arrest the arsonists**.

  Merits: Public is taking law into its own hands by passing judgment and deciding the punishment. This is against the rule of law. Hence, District Magistrate will be performing his constitutional duty by upholding the rule of law. Also, he will be saving the school building. Its damage will cost the public exchequer and jeopardize the education of children of the school.

  Demerits: This is an emotional issue for the people and using force on them will be insensitive. It may also result in counter attack from crowd in an emotionally charged atmosphere, putting both my men and crowd in grave danger.

- **Assuring the crowd of arresting the culprit and warning them of strict action in case of further violence.**

  Merits: It will help in becalming the crowd and save use of force and further escalation of violence**.** It will uphold the rule of law. The filing of FIRS against rioters would act as deterrent force against future violence.

  Demerits: This option does not have any apparent demerits.

  Thus the best course of action would be to send a strict warning to crowd that they should stop rioting. Send the search teams to arrest the culprit and inform the crowd about all possible efforts being taken including the interrogation of the principal and other staff.

  Administration should be in constant interaction with all the stakeholders and abreast them with all the developments. Meanwhile, the premises of the school should be guarded and anybody trying to harm it be arrested.

  Further, the crowd should be informed about the long terms plans that are going to be implemented very soon so that no such untoward incident occurs in future.

(c) Following long term action plan should be taken to prevent rapes and molestations in schools:

- Issue guidelines about compulsory checks to be made by school authorities in appointing the teaching and non-teaching staff of the schools. Failure to comply with them will be made liable to punishment/fine.
- Random surveys of school by the officials to see that they have necessary infrastructure like appropriate lightning, separate toilets for male and female children and the staff etc.
- Sensitivity training and training of ethics and morality for the staff. Making them aware of the penal provisions for sexual crimes.

- Parents and teachers to make children aware about the differences between affectionate touching/loving and sexual overtures.
- Asking parents to encourage their children of reporting any uncomfortable incident so that remedial action can be taken beforehand.
- Sensitizing the administration towards such cases and cultivating a pro-active and zero tolerance attitudes towards such acts.
- Creating a website or mobile app for parents and teachers to report any untoward incident so that spontaneous action is taken up.

74. You are the SP of a district where a large number of followers of a particular sect reside. The district also hosts a large Ashram where regular gathering of the followers take place. The leader of the sect has been under the scanner of the judiciary for his involvement in illegal activities. Now the court has ordered his immediate arrest and an order pronouncing the same has been sent to you. You have been asked to comply with the orders within two days. A large number of followers, which include women and children, have already thronged the Ashram in anticipation of arrest of the leader. Intelligence units have informed about the presence of not only large stock of food and water but also ammunition, inside the Ashram. Your request urging the followers to vacate the site has failed.

(a) What could be the reason for people's defiance?

(b) List the issues involved in the case.

(c) What will be your plan of action?

Approach:

- Explain the reasons for people's defiance.
- Discuss issues like absence of scientific temper in the society, ethical dilemma of following the court order, which may cause violence, or not following it.
- List your plan of action.

Answer:

a) Various factors may be attributed for the resistance put up by the people:

- Prevalence of superstition, blind faith and ignorance which leads to emotional outbursts and provocative behaviour. This type of behaviour is further aggravated due to peer pressure.
- Lack of understanding/seriousness of the issue and the consequences of preventing a law officer from executing his/her duty.
- Perceived sense of security in mob action which brings anonymity and diffusion of responsibility.
- Perception of soft state and its poor law enforcement.

b) The issues involved include:

- Lack of scientific temper and rationality in the society, which is a consequence of lacunae in our education system, which does not focus on moral education.
- Ethical dilemma for the executive**:** To promptly follow the court orders which in the current situation might lead to violence among people particularly women and children.

c) My plan of action:

- I will repeatedly request the people inside the Ashram to allow the arrest of the leader in a peaceful way for a fair trial. The message will invariably include a timeline for strict action by resorting to force. The message will be conveyed by various means of communication like dropping pamphlets from air, using broadcast media etc.
- Stern warning will be issued to the Ashram authorities and those involved in inciting the followers. Influential leaders will be roped in to convey this message. A time based action plan will be issued for non-compliance.

- Further logistics like water and electricity will be cut off to facilitate the operation.
- Disaster management teams and health services will be kept on alert for any adverse eventualities.
- After the deadline for evacuation gets over, force will be used to get entry into the ashram to execute the court orders. Anyone obstructing the operation will be dealt as per the law.
- However, the standoff may require more time if major violence is encountered as intelligence reports confirm the presence of ammunition inside the Ashram. A hostage situation is also possible wherein few people may be holding others as a human shield. A fair assessment of the emotions of the crowd is also critical as the crowd may also indulge in violence.
- If unintended violence is suspected, I will ask the court to grant me some more time for executing the court orders in view of unprecedented circumstances which may involve life and safety of innocent people.
- All efforts will be made to maintain peace and brotherhood in the city and avoid any inter-community conflicts by clearly projecting the incidence as a law and order problem. Those involved in politicizing the incidence will be booked under IPC and relevant sections.

75. You are posted as Superintendent of Police (SP) in a district, which has a bustling market in the district headquarters with a high footfall. The area has traditionally been occupied by street vendors and hawkers. They form an intrinsic part of the market system in the area and derive their livelihood from it. Recently, you got reports that the policemen posted in the area harass the hawkers and also extort 'hafta' – a weekly bribe - from them despite complying with the laws. It has been brought to your notice that while those who comply with this arrangement are allowed to carry on with their daily operations, those who do not are being evicted from the market area. In the process of eviction, they are even physically assaulted and their saleable items are often confiscated and destroyed. As a result, some street vendors have been staging protests against the local administration in the market and have blocked the normal market passage. They have also threatened to intensify their protest over a period of time. The local police, however, has been in denial of any such wrong doings and argue that they are merely removing illegal encroachments, which were causing traffic jam in the area. In this situation, answer the following:

(a) Mention the stakeholders and ethical issues involved in the case.

(b) As the Superintendent of Police, what course of action would you adopt for diffusing the tensions in the area? Also, suggest some policy recommendations, which will help resolve the issues in the long-term.

Approach:

- Briefly discuss the issues given in the case.
- Mention the stakeholders and ethical issues of the case.
- Highlight the course of action to be taken to diffuse the tension in the area.
- Suggest policy measures that can be taken to resolve the issues in the long term.

Answer:

The given case study aptly highlights the issues faced by the street vendors while performing their day-to-day trade operations. It deals with the problems of forceful eviction, assault by policemen, bribery (policemen collecting bribe from the hawkers), etc. which are generally carried out in the garb of removing encroachment.

Stakeholders involved in the case

- **Street vendors and Hawkers:** They are the prime stakeholders in the case. Due to forceful eviction of many, their livelihood is at stake. Also, many of them need to obtain legal permit for hawking, instead of bribing the policemen.
- **District administration including local police:** The local police is allegedly involved in the case of bribery and corruption. As eyes and ears of the administration, they need to comply with the laws and perform their duty with utmost integrity.
- **Superintendent of Police:** As the head of the police department, the SP must take actions to stop such practices and maintain law and order in the region.**Market Association:** The association of shopkeepers

and hawkers should ensure that all vendors have legal permit and report any wrongdoing on behalf of the policemen to the higher authorities.

- **Customers:** Forceful eviction of street vendors is likely to affect the availability of products for the customers.

Ethical issues in the case:

- **Right to livelihood**: The frequent evictions and destructing of saleable items threaten the livelihood opportunities of street vendors and can subsequently push them into the vicious circle of poverty and perpetual debt trap.
- **Misuse of powers**: Belonging to underprivileged and marginalized section of society, the street vendors and hawkers are harassed and even physically assaulted by the local administration quite frequently.
- **Rule of law**: Despite compliance with other laws, the street vendors are extorted upon refusal to pay hafta or weekly bribe to the 'needy' local policemen.
- **Individual and collective rights**: Street vending raises the tension between the individual right to work and the collective right to public space.

Course of action

- Firstly, the SP must set up an **enquiry to investigate** into the matters of corruption and bribery by the local police. If incriminating evidences are found, **punitive actions** should be taken against the erring officers.
- Secondly**, awareness drive** should be carried out in the market to make the street vendors and hawkers aware of the provisions of the **Street Vendors Act, 2014.**
- Thirdly, all the vendors and hawkers should be registered as per the provisions of the act and should be allowed to carry on their trade or business subject to regulation and reasonable restrictions.
- Arrangements should be made in a manner that roads are not encroached upon and the free movement of commuters is ensured.
- In association with the local market committee/forum, a mechanism should be established to receive complaints against the corrupt public officers on regular basis.

Long-term policy recommendations

- The local municipal authorities should set up **designated vending zones** for hawkers to enable them to practise their trade peacefully.
- A **Town Vending Committee** with representation from all stakeholders - street vendor organisations, civil society groups, traffic police and municipal authorities should be set up to address the concerns of street vendors.
- The committee should **register vendors**, providing them with identity cards to better regulate hawking activities in public areas.
- **Rights of the commuters** to move freely and use the roads without any impediment should be ensured by developing site specific arrangements.

Since the hawkers and vendors' right to carry on hawking has been recognised as a Fundamental Right under **Article 19 (1) (g)** of the Constitution by the Supreme Court, it is the responsibility of the local administration to ensure that the hawkers and vendors earn their livelihood with dignity and honour.

76. Tobacco is one of the major commercial crops cultivated in a district, where you have been posted as the District Magistrate. But being a signatory to the UN Framework Convention on Tobacco Control, it is obligatory upon India to phase out tobacco cultivation by 2020. The state government had constituted a committee, which has recently submitted a report to gradually phase out its cultivation and rehabilitate farmers who shift to alternative crops. However, fearing loss of livelihood, farmers have blocked the railway lines, causing disruption at various places. They are demanding written assurance from the state government that tobacco cultivation will be allowed to continue.

(a) What are the ethical and administrative issues involved in this matter?
(b) What are the options available to you as the District Magistrate?

(c) Evaluate each of these options and choose the option, which you would adopt, giving reasons.

Approach:

- Identify ethical issues and administrative issues involved in the case.
- Mention the options available to you.
- Discuss the advantages and disadvantages of each option and indicate which action would take providing justification for the same.

Answer:

(a) There are various ethical issues involved in the case. They are as follows:

- **Right to livelihood of farmers** vs. **Duty of State** to ban items injurious to health of a person**.**
- **Obligation** of state under UN convention to end tobacco cultivation.
- **Right to consume healthy products** vs. **right of choice** to consume tobacco products.
- **Rights of family members** of those who consume tobacco
- **Right to live in a safe environment** by society

The Administrative issues involved in the case are:

- To **immediately restore the services of railways** as disruption of railway service is not only affecting passengers but also blocking the transportation of goods which may put a huge economic cost on the country.
- **Ensuring adequate security to public and to the government property** in case the protests by farmers become violent.
- Providing **adequate medical facilities** in case the protests become violent and police force is needed to be used.

(b) Options available to me as District Magistrate are:

- Persuading farmers to end their protests
- In case the persuasion fails, using adequate police force to immediately restore railway services
- Informing senior officers and wait for their instructions

(c) Following are the advantages and disadvantages of each of actions given above:

Persuading farmers to end their protests

Farmers are protesting because of fear of loss of livelihood. As District Magistrate, I will try to explain the provisions of the government committee recommendation for alternate employment of farmers and compulsion of state government to ban the tobacco cultivation. I will also include influential people from locality in this effort of persuading farmers. I will further reassure them that their demands will be forwarded to government and that their rights will be protected under the legal framework of the state. Assurance would also be given regarding all the help possible for them in the process of transition to alternative crops/livelihoods.

Advantage- Talking to farmers will provide a sense of security in farmers that their grievances are being heard seriously and may ensure calming down of their fears. This action may lead to amicable dissolution of protests by farmers which will be long lasting. There may not be any need of police action or use of coercive forces. Also, a constructive process may come out of this action as farmers will be able to understand the rationality of ban and that their fears are misplaced and may come forward to better implement the policy.

Negative- However, this course of action may take considerable time during which railway services will be disrupted. Also, vested interests may join farmers to further aggravate the situation. Media will also sensationalize the protest which may also work as a fuel for further escalation of the situation.

Using adequate police force to immediately restore railway services

Advantage of this action includes immediate restoration of railway services. This will ensure that passengers reach their destinations at the earliest and transportation of goods to different parts and commerce are not hit badly and railway property is kept out of the possibilities of damage.

However, resorting to police action will cause further resentment and protestors may turn violent, which can cause loss of life and property. It can further aggravate the situation by sensationalizing the whole issue.

Informing senior officers and wait for their instructions

Advantage: I will get the benefits of experience of my senior officers and at the same time I will be assured that my actions have a nod from my seniors.

This course of action may lead to time delay due to which the state machinery may be seen as lax and irresponsible. This will not only reflect badly on the state machinery but also on my own decision-making abilities.

Option that I will adopt

I, as District Magistrate, will adopt the first option i.e. will try to persuade farmers to end their protests. In the meantime,

- I will instruct the Chief Medical Officer to prepare for any eventuality and ensure adequate medical facilities are given to needy passengers or farmers if the protest turns violent.
- I will ensure that passengers are provided with essential services like food items etc.
- I will also take precautionary measures by keeping the police force adequately ready to deal with any unpleasant situation, in any case.

If even after my attempts at persuasion, the farmers do not agree to end their protests, I will use adequate police force to deal with the situation., but only to ensure that protests are shifted away from railway tracks while ensuring that the masses are not injured or harmed.

Right to protest is a legitimate right in a democracy. However, the state has a responsibility to thrive towards intellectual, economic and socio-political progress of the society. Ensuring this may be riddled with challenges, but as an agent of state, it is my duty to convince the protesters about the benefits and the rationale for progressive decisions. Doing so, I will demonstrate emotional intelligence in handling the issue as well perseverance and fortitude in the face of adversity. Making provisions for adverse situations is also a reflection of having a comprehensive view of the situation, a necessary civil service value.

77. Imagine that you have been recently appointed as the head of the accounts department in a municipal corporation. Soon after you assumed your duties, you discovered that a clerk in your department was falsifying the payroll account by continuing to carry the names of some employees who have already been terminated. When the clerk picked up the payroll, he would pull out those cheques, endorse and cash them and keep the money. You have no difficulty in recognizing that this clerk is not only involved in unethical conduct but is also clearly violating the law. In this situation, the following two options are available to you. Which amongst these two would you choose as your response? Give logical arguments in the support of your answer.

• Your responsibility for the image of the corporation may suggest firing the clerk quietly, involving as few other people as possible.

• Your responsibility for maintaining the public trust may demand you to consider formal charges and prosecution.

Answer:

1st Approach

It is not difficult to recognize that this clerk is not only involved in unethical conduct but is also clearly violating the law. Both moral and legal sanctions against stealing are well established and generally accepted. You are immediately aware that his behaviour is unacceptable and must be stopped, although you would probably pause to think carefully about the best course of action. While your responsibility for the image of the organization may suggest firing the clerk quietly, involving as few other people as possible, but your responsibility for maintaining the public trust may lead you to consider formal charges and prosecution.

While the ethical situation, in this case, is quite clear, but the demands of administrative responsibility for resolving it are much less so. The ethical issue and its implications for administrative responsibility are complex and ambiguous.

While you are responsible towards ensuring the image of the organization, it needs to be remembered that your obligation to the public as a whole entails an additional and more rigorous set of standards and constraints associated with the concept of public trust. In this case, your precepts about loyalty to the organization do not help.

Here the best way is that you begin to reflect on the things that you value most. You will probably realize that if you are to remain true to your profession, you must maintain your obligation to a central principle – the public trust. You must have taken an oath to uphold the public trust when you accepted the position. All other commitments and values must be viewed in relation to that responsibility to a basic principle.

The right of the people to know the details of the issue must be upheld. Ultimately the principles of democracy and the integrity of democratic governance are also at stake. People need to know what is going on in public agencies and organizations if they are to truly participate in governing. Information about matters that concern the public in any way should not be withheld from reaching the people. The orderly conduct of public services requires that subordinates as well as their superiors exhibit accountability and efficiency. Loyalty to the organization is not an end in itself; it exists for the ultimate benefit of the citizenry, for the public interest.

2nd Approach

I will proceed with the formal charges and prosecution because of the following reasons.

- Any organization cannot sustain without public trust. There may be short term gain without it.
- The clerk should get fair and free chance to defend himself. He might get smaller punishment then loosing the job. Thus, organization will not loose an employee.
- My image in my subordinates will be strengthened that I believe in justice and fair play. Thus my authority and leadership will be enhanced.
- If I fire him quietly, he becomes a mean to achieve the others' goals.
- I cannot expect that any situation might arise where I do not get a fair chance to defend myself.

78. You are SP of a district where the use of drugs is prevalent, especially among the youth. The neighbouring districts are also suffering from the same problem. There is a huge hue and cry in the national media about the drug issue and the government and political parties are pressurising the police and district administration to act on the issue. A big deal of drugs is busted by the police in your area and all the culprits have been arrested. However, even before you reach your office, a minister from the ruling party of the state calls and asks you to release few of the culprits. You have long suspected the role of many senior leaders in this drug menace of the state. You have also been informed by your juniors that a few officers who dared to act against people involved in drug dealings were transferred or suspended on wrong charges earlier.

1. ***Identify the options available to you.***
2. ***Evaluate the pros and cons of each of your options.***

Approach:

- List the facts of the case along with stakeholders.
- Mention the ethical issues involved.
- Discuss the available options with their merits and demerits, based on ethical standards and practical considerations.
- Finally, write the best course of action available.

Answer:

Facts of the case

- Drug menace is a prevalent in the society and there is huge pressure on the administration to act.

- A deal of drugs was busted and criminals caught.
- There is an informal demand from the minister to release some of those caught.

The stakeholders of the case are SP himself, his department, the political dispensation (the minister) and the pressure groups – media and society at large.

The ethical issues involved in the case:

- Responsibility to act against a social menace.
- Public service values and maintaining integrity of the office prone to political influence.
- Consequences of actions and inactions which have the potential to change discourse
- Political corruption and nexus between leaders and criminals

Options available and their evaluation

1. Follow the minister's instructions:
    i. Merits:
        a) Potential personal gain for the SP by virtue of being a 'Yes Man' to the minister. By not following the order he can be transferred or even suspended on wrong charges.
        b) Only some culprits will be released – the media and society can be shown the 'successes' of administration in catching others.
    ii. Demerits:
        a) Shows lack of courage to act against the real culprits. Catching the 'small fish' is just a face-saving exercise.
        b) The real problem of drugs will still continue unabated, with lives of youth destroyed.
2. Ask the minister to send his order in writing:
    i. Merit: This will give the demand a formal character of request. It will carry more legitimacy and this could be held up against the minister if questions arise later. Moreover, there may be a possibility that the culprits in question were secret government moles, as is frequent in such cases, who helped bust the racket.
    ii. Demerit: Chance of a written order is less and the SP may face retribution for not 'falling in line'.

3. Go to the media with the bust and also reveal political pressure to release some:
    i. Merit: It may create a significant political pressure on the ruling party to take action on the minister. It may also lead to an enquiry committee regarding the nexus between politicians and criminal groups.
    ii. Demerit: It may remain limited to mere sensationalization and nothing concrete happens. As SP doesn't have enough proof to present his case, and he is not aware about the extent of the political involvement, instead of exposing the entire racket this option may invite the wrath of the state.
4. Go ahead with the arrest:
    i. Merit: It shows courage to do what is right and necessary to deal with situation. It also shows integrity of the officer and commitment to duty.
    ii. Demerit: Same as option 2.

The best course of action will be a combination of option 2 and 4, i.e. asking the minister to give request in writing, with reasons of the demand, and if that is not obliged, go ahead with the arrest. Meanwhile, I will continue my investigation and will gather evidences against all the stakeholders of the drug trade. Further, as a law enforcement officer, my duty lies in preventing all the illegal practices. My allegiance lies to the constitution and laws duly framed, not to the whims of any person, howsoever powerful he/she may be.

79. You are an IPS officer who has recently been posted in a town, which is troubled by high crime rates. In the first few days at office, you observe widespread indiscipline and corruption and non-adherence to rules.

One day you catch some people transporting a major illegal drug consignment into the town.

Mr. X, a local politician calls you up and tells you that the drug consignment was being transported with his consent. He also tells you that you should release all the suspected people and asks you to not file an FIR on this issue. He warns you of grave consequences if you don't adhere to his advice. Moreover, he cites his links with your senior and also many other people within your department. To make matters worse, your senior calls you up and asks you to entertain Mr. X's demands.

(a) The following are some suggested options. Please evaluate the merits and demerits of each of the options:

1. ***Give in to the demands of the politician and the senior and release the suspected people.***
2. ***Ask your senior for written orders.***
3. ***Talk to the senior's boss about the issue.***
4. ***Inform the media about the issue.***

(b) Also indicate (without necessarily restricting to the above options) what you would like to advise, giving proper reasons.

Approach:

It will be useful to consider: "fundamental principles or criteria that integrate and rearrange the process of dealing with ethical dilemmas in public administration are: (1) democratic accountability of administration, (2) the rule of law and the principle of legality, (3) professional integrity and (4) responsiveness to civil society" (Anthony Makrydemetres 2002).

This answer serves and explanatory purpose. It is by no means 'the' answer and the examinee has to decide and design her/his own course of action depending upon the constraints of time. The crux is to consider maximum possibilities and reason thoroughly.

Answer:

This case involves a dilemma between professional obligations of a public servant in-charge of law and order and his personal wellbeing. The case and its solution also involve the issues of due process, communication and chain of command.

From the facts of the case it is evident that law and order in the district is in bad shape and requires corrective measures. This can be brought about through adherence to rules and regulations in the first place. Secondly, specific case in instance involves the fact that drug consignment being transported in the town is **illegal/ in violation of law**- this pertains to concerns regarding your **jurisdiction and professional obligation/duty**. It involves a local politician and he threatens you with grave consequences- this involves concerns regarding your **personal well being**. That the politician knows your seniors and your senior calls you up to follow his dictate proves the linkage- this involves concerns regarding **chain of command**. However, it's not clear that the politician or the senior involved knew of the illegality of the drug consignment-here **communication** comes into picture. Nevertheless, there involvement amounts to interference in your jurisdiction and duty. The decision has to be based on your appraisal of the case and appropriate **due-process** in such a case.

Option 1:

Giving in the demands of the politician and the senior might let you out of a difficult situation conveniently. Nonetheless this is only a short term measure. It would set precedence that might have grave consequences in the future. Similarly such an action would not be a positive step in correcting the situation at hand i.e. the existing law and order situation as well as rampant violation of rules and regulation. You can inform your senior as well as the politician about the illegality of the drug consignment in case they were not aware of it. Even then if they insist on release of the suspects and non-filing of FIR, their involvement becomes clear.

Option 2:

Written order is a legal proof of involvement and clearly delineates the chain of command. Asking for a written order might act as a deterrent insomuch as the senior might refuse to do so. However, communicating clearly the illegality of the act is important. The senior might refrain from issuing such an order knowing the illegality of the act.

Even after knowing the illegality if the act if the senior issues a written orders the onus is on you. The written order would protect you in terms of culpability as far as your initiative is concerned. You can cite on being questioned that that you acted under orders. This might be technically correct however it is not ethically sound and amounts to abdication of responsibility. In effect following this option still makes the act illegal as well as unethical. It can be questioned in a court of law and the defence that you were acting under orders might not hold a ground there. Similarly, this option does not augur well for law and order in the district.

Option 3:

Talking to the senior's boss seems to be a logical corollary of duly considered action when communicating clearly to the senior fails. You must clearly and objectively explain the situation to him while seeking his counsel. This might result in the boss censoring the senior and supporting you in following the due process in consonance with the call of your duty. However, on the other side it might earn you the ire of your senior and he might hold a grudge against you.

Another flipside of this option depends on the approach of the boss. If he is also in conformity with the politician and the senior then this step might prove to be counterproductive and add pressure on you. If such be the case then it does not resolve the larger concerns of prevailing law and order conditions as well.

Option 4:

Informing the media is an option broadly in consonance with openness and responsiveness to the public at large. A tactful utilisation of media might result in mounting public pressure on the politician and senior officials involved, thus, expanding the ambit of stakeholders in upholding the duly considered legal action against illegal acts. Similarly, media can be helpful in creating awareness, public truss in officials and confidence in the government machinery. However, a sensationalist approach or taking recourse to media prematurely (before exploring other options/ channels of communication) might backfire leading to counter propaganda, official reprimand and deterioration of public order if the politician takes recourse to pressure tactics. The option requires greater caution and tact.

After having considered the options on offer, let us consider a course of action which is advisable:

The officer should ascertain the facts of the case prima-facie. After having assured himself of the merit of his case it's his responsibility of follow due course of law by filling and FIR and further investigation. The call from the local politician should be taken in the spirit of public nature of his office without feeling any obligation to fulfil his dictates. Politely but firmly explain to him the illegality, in case he is not aware of it. Also try and explain the sensitivity involved and how an active media would take cognisance of the case. Similarly, communicate to the senior the illegality and sensitivity. If he insists even then, inform him that you are inclined to follow the due course of law and verbal order is not enforceable. Talking to the boss of the senior should be considered only after this step for following the chain of command and in the spirit of greater departmental communication. Media can be involved as an ally on reporting the facts of the case and not for gaining fame and glory. The official should fulfil his responsibility through upholding the principles of rule of law and legality, professional integrity and responsiveness to civil society.

80. You have recently been posted as a District Labour Officer in a state, which derives a substantial revenue from tourism. You come to know that a big hotel in the area has not been paying wages as per the Minimum Wages Act. The hotel owner is a powerful local leader having contacts with many influential officials of the state. You have the power to take sou-moto cognizance of such violations and accordingly you initiate a preliminary enquiry into the matter. However, no worker is willing to come forward to lodge a formal complaint because they fear loss of employment. Meanwhile, your action has attracted notice of the higher authorities, and you are advised to drop the matter altogether. You are deeply concerned about the situation as it involves not only violation of the Minimum Wages Act but also denial of basic human rights of the worker.

(a) Identify the issues involved in the given case.

(b) Consider the options given below:

1. ***Follow the informal advise of the higher authorities.***
2. ***Convince the owner of the hotel to take note of these violations and take appropriate remedial measures.***
3. ***Submit a detailed report on the matter highlighting violations of workers' rights and seek formal directions from the competent authority.***
4. ***Serve a notice to the hotel owner and initiate action as per your powers under the Minimum Wages Act.***

Evaluate the merits and demerits of each of these options and suggest your preferred course of action, giving reasons.

Approach:

- Giving a brief introduction of the case study, highlight the issues involved in it.
- Analyse the merit and demerit of the given options
- Give the final course of action in this case and justify it with appropriate reasons.

Answer:

The given case presents a classic case of exploitation of vulnerable class by employers. Even after the legal mandate which requires the employer to provide minimum wages for the work performed and services rendered by the worker, the employer in its pursuit exploits the lack of bargaining power with the workers. The bargaining power may be low due to multiple factors including less skilled nature of job, fear of unemployment, low savings to fall back on etc.

(a) The given case involves multiple issues at various levels:

- **Violation of legal right** of the workers as per the minimum wage act.
- **Lack of trust in the system** as can be seen from the inaction of workers to fight for their rights.
- **Bureaucratic-Political nexus** due to which there is pressure from higher authorities to drop the matter.
- **Economic ramifications** on the district revenue and image of the administration if any action catch the attention of the media as the district derives substantial revenue from tourism.
- **Responsibility as Labour Officer** to implement Minimum Wages Act.

(b) Following are the merits and demerits of each of the given option

Option - Follow the informal advise of the higher authorities.

Merits

- Maintains hierarchy of the system
- Fear of being harassed by way of transfer, posting etc. would not be there.
- Tourism of the region won't be affected.

Demerits

- Violation of workers' rights would continue.
- Negligence of duty, which might lead to accountability on the part of the existing officer in near future.
- It might incentivize other such employers in the area to adopt such practice.

Option - Convince the owner of the hotel to take note of these violations and take appropriate remedial measures.

Merits

- It gives a benefit of doubt to the owner and provides a second chance in the case
- It may lead to solving the situation informally while not entering into formal dispute whereby workers may even deny any such situation.

Demerits

- Any informal agreement leaves room for exploitation of workers in the future.
- It also shows lack of courage as well as commitment on the part of administration to take appropriate action as time demands.
- Employer might find another way of exploiting, like in terms of more working hours.

Option - Submit a detailed report on the matter highlighting violations of workers' rights and seek formal directions from the competent authority.

Merits

- It may result in written orders and then action can be taken through appropriate channels.
- It would put pressure on all the members up the line towards adherence of the law as proper accountability will be set up in case on inaction.
- It may also put pressure on the hotel owner.

Demerits

- It may be seen as a rebellion by the higher authorities against their informal order.
- In case of lack of support and inaction from higher authority, employer will be encouraged more as well as people will lose faith in system.

Option - Serve a notice to the hotel owner and initiate action as per your powers under the Minimum Wages Act.

Merits

- It may result in restoring rights of the workers to a minimum wage.
- It would increase trust in the administrative system.
- It may embolden other workers in such situation as well to stand up for their rights.

Demerits

- It may tarnish reputation of the hotel.
- It may also result in hasty action by employer resulting in loss of employment of the workers.
- It may be seen as a rebellion by the higher authorities against their informal order and may also impact the career prospects of the existing officer.

Considering the above merits and demerits, the best course of action would be submitting a detailed report of the matter and seeking formal directions from the higher authorities. If formal orders are not provided, the next step would be going ahead and initiating action as per the powers given under the Minimum Wages Act.

The foremost reason for such an action is that the position of power comes with a set of responsibilities towards the system, administration and most importantly the citizens. Public interest should be the top most consideration of any decision taken while resolving any matter. Furthermore, it is unconstitutional to deny the basic wage rights to the workers. Also, this action would justify the attributes like empathy, impartiality, honesty that a civil servant should carry while performing his duties. It will also restore faith of the people in the system.

81. You are a young civil servant posted in a tribal dominated district, which is notorious for illegal mining done by mafia. They exercise their power over poor tribals of the region by bribing the local tribal musclemen who have political aspirations. The consequent easy money and luxury have ensured that these musclemen work in the interest of these mafia. They use these 'tribal' musclemen as a 'front' to plant 'constructed' news in the media to create confusion or to gain sympathy of the civil society activists and the public at large. It is a strategy to thwart any concrete action of the government for eliminating the menace of illegal activities in that area.

You quickly understood these designs after assuming the office. You came to know that some employees in your own office are in nexus with the mafia. When you initiated stringent action against the mafia they turned hostile. They prompted few tribal musclemen to file a fake FIR against you under the stringent provisions of the 'Prevention of Atrocities Against SC and ST Act'. They also convinced the unsuspecting poor tribals that the state was 'again' launching atrocities against them. These poor tribals were eventually tutored to write a complaint to the National and State Commission for ST, a copy of which was leaked to the media.

This could easily become a very hot issue for the opposition parties in the state as the Assembly Elections were due only six months later. Unfortunately all this can have grave consequences for your career.

(a) Bring out and discuss the ethical issues involved in the above case.

(b) What steps will you take in pursuance of the most appropriate closure of this case?

Approach:

The basic ethical issue involved is exploitation of tribals and their resources and attempt to derail justice through false case. Accordingly answer should consist of the following parts:

- The major ethical issues involved.
- Various course of actions with ethical reasoning underlying it.

Answer:

The case contains two important ethical issues:

- The illegal mining being done in the district is a loss for the State as well as the local community. It favours only a handful of people (mining mafia, local musclemen and compromised employees of State) at the same time it results in poaching on natural resources and their labor illegally and unethically.
- Another ethical aspect of the case is attempt to delay the justice to the tribals by false case against an honest administrator. This counter attempt to stop any legal action against illegal mining is motivated to preserve the system of exploitation and deny justice to tribals.

The right course of action would involve the following steps:

1. A strong case should be built against the illegal activities of the mafia. The scope of investigation should be wide, covering the local musclemen as well as government servants. With full cooperation from the investigating and prosecuting agencies, the case can be pursued quickly and the culprits exposed. This will bring facts to the centre and certainly help changing the public opinion as well as ensure political cooperation (both government and the opposition).
2. Elaborate awareness campaigns about the government policy regarding mining should be carried out so that cooperation of general public can be ensured without the intervention of local musclemen. Their complaints to the SC/ST Commissions should be addressed rather than quashed. Proper and point-wise response to all queries should be provided and made public. Their fears must be assuaged and a negative campaign must be countered. This will bring credibility to the administration in its action against offenders.
3. For self-motivation in such circumstances, adherence to truth and having confidence of the team is important. Perseverance as well as leadership qualities will have important bearing on the outcome of the case. One must know that legally he/she is on a strong footing and such hurdles are expected. To address insecurity arising out of political meddling, one must concentrate on the first two points.

By adopting this course of action, I would uphold my constitutional, legal as well as moral responsibility. Pursuing the course with courage, integrity and conviction will be a win-win situation for all – the local people, the Government and I. It will increase the confidence of people in democracy and the State institutions. Besides, it will also lead to development of my personal competence.

8. Health and Medical Ethics

82. ***You work as a marketing consultant for a multinational company that specializes in various products including nutrient supplements, diet pills etc. The company pays its employees extremely well and provides satisfactory fringe benefits. Your manager has hinted that he will recommend you for overseas company transfer, which will improve your job profile. This has motivated you to work harder and perform better.***

The company has to advertise and sell a new weight loss pill 'X'. As per in-company research, it has minimal or no side effects and has no adverse impacts on health, which is its unique selling point (USP). You are given the responsibility of heading the marketing team for advertising pill 'X'. Due to a well-crafted marketing strategy including endorsement by a renowned celebrity, the product has generated considerable public attention. However, while working on an advertisement campaign for the pill, you find out that the in-company research findings of pill 'X' are fabricated. While it indeed has no side-effects, there are no proven benefits of taking the pill as well. It merely acts as a placebo.

When you bring up the issue with your manager, he promptly tells you to keep the facts to yourself. He also indirectly brings up the fact that your performance review date is approaching and hints that you will get transferred overseas if you prove your loyalty to the company.

Based on the given information, address the following:

(a) Identify the stakeholders in this situation.

(b) State the ethical issues that arise in this case.

(c) Discuss your options in this scenario and mention your next step.

Approach:

- Give a brief overview of the case.
- Identify the stakeholders in the situation.
- Mention the ethical issues in the given scenario.
- Evaluate your options as an employee of the company who is responsible for marketing the product.
- State your final action in the given situation.

Answer:

In the given case, a multinational company has developed a new weight loss pill 'X', which it claims has minimal or no side effects and has no adverse impacts on health. However, the in-company research findings of the pill 'X' are fabricated. I have been assigned to head the marketing team to advertise the stated pill to ensure huge sales.

(a) The stakeholders in the given scenario include:

- As the **head of the marketing team** for Pill 'X", I am one of the stakeholders. And I am cognizant of the fact that the pill does not have the same effect as advertised.
- The **general public** who will consume pill 'X', expecting it to have health benefits.
- The **manager**, who knows that there is false campaigning going on about the pill, yet does not want to disclose the information to the general public.
- The **other employees** of the multinational company who may not be aware of the issue but are directly/indirectly involved in the sale of pill 'X'.
- The reputation of **the MNC** and credibility of the **endorsing celebrity** is also at stake.

(b) The ethical issues that arise in this case include:

- **Emphasis on profit over transparency:** The pill 'X' has huge potential to generate profits for the multinational company as it has garnered huge interest among the general public due to the successful marketing campaign and celebrity endorsement. However, there is lack of **transparency and accountability** as the public is being misled into believing in possible positive effects of the pill.
- **Conflict between personal and professional ethics:** As an employee of the company, my aim should be to work towards its growth and wider outreach. Further, I have been strictly instructed by the manager to not disclose the findings of the in-company research regarding pill 'X'. However, personally, I am conflicted since I know that the approach taken by the company in selling its product is unethical and it can backfire for the MNC in the long run.
- **Work ethics:** It is quite possible that the drug approving authorities may have been bribed or misled regarding the finding of the study. Either way, officials can be blamed for dereliction of duty. The company, too, has breached the trust of its consumers and has misled them.

(c) The various options for me in the given situation include:

- **Talk to the senior officials in the company:** I will approach the senior officials in my company and let them know about the conversation I had with my manager regarding pill 'X' and will ask them to take necessary steps to retract the product and inform the public.
- **Go to the relevant government authorities so that the product is re-tested and appropriate action is taken:** This way the government agencies will be compelled to take action against those officials who may have taken bribes to approve the product. Upon further investigation, those in the company who are involved will also face consequences for their actions.
- **Pass the information to the press anonymously:** This way the public is aware of the potential effects of pill 'X'. However, the backlash for the company could be extreme and my co-workers who are unaware of what is going on could face the brunt of it. So, it could only be a measure of last resort.

In this scenario, I will talk to the senior officials of the company first so that they can resolve the issue appropriately. However, if no action is taken immediately, I will approach the relevant government authorities for re-testing the product.

83. You are working as a senior doctor in the oncology department of a super specialty hospital located in Delhi. While accessing the quotations from reputed pharmaceutical companies to hospitals, you unearth a nexus between pharma firms and the hospital administration. You get to know that they are hand-in glove with each other and trying to fleece cancer patients by selling drugs at exorbitant prices, even though low cost alternative drugs are available in the market. Being the head of Alliance of Doctors for Ethical Healthcare, who is working against the arbitrary price regime of life saving drugs, you get a chance to represent your case before the Health Minister of your state. However, certain other doctors of the Alliance have asked you to present a distorted reality in front of the Minister since they are obtaining pecuniary benefits from such a scheme of nexus, which would cease if the nexus gets exposed.

(a) Identify the main stakeholders and ethical issues involved.

(b) Analyse the possible solutions for addressing the issues.

(c) What would be your final course of action and why?

Approach:

- Briefly introduce the concerns of the case, in a larger framework.
- Identify the main stakeholders and ethical issues present in the case.
- Suggest some possible solutions for addressing the main issues at hand by analyzing the merits and demerits of each case.
- Discuss the final course of action along with its rationale. Also, suggest some long terms solutions which can help eradicate the problem right from its root.

Answer:

- The given case captures the breach of medical ethics without giving regard to public interest at large. It presents a grim picture of the competing interests among the hospital administration, pharmaceutical companies and cancer patients.

Main stakeholders	**Ethical issues involved**
Cancer patients	Since the burden of exorbitant prices directly falls on them, it violates the principles of justice and fairness in the event of misery among patients. It is inhuman to see someone's life as a commodity.
Hospital administration	Unholy nexus with pharma firms violates the principles of transparency and accountability. By adoption of wrong means to earn big profits, it depicts apathy on the part of hospital administration.
Pharmaceutical firms	In a bid to maximize profits, unreasonable prices amount to dilution of corporate governance norms. By viewing patients as merely customers and money minting agents, it shows lack of compassion and sensitivity towards them.
Alliance of Doctors for Ethical Healthcare (including myself) and Health Minister	The idea of presenting distorted reality in front of the Minister, speaks volumes of self serving tendencies. As a result, it defeats the basic purpose of setting up the Alliance, thus compromising its foundational values and integrity.
State & Society	The case also depicts failure on part of the State to uphold the Rule of Law. 'Hand in glove' situation highlights ineffectiveness of the regulatory system, thus exposing thousands of patients to unmindful exploitation.
Myself, as senior doctor	Being aware of reality, one cannot be immune from taking action. At the same time, one has to either motivate or fight one's colleagues who are engaged in such unethical practices. Professional ethics along with the courage to face consequences only can show the right path

Possible solutions for addressing the issues

- **Adhere to the demands of other doctors to ignore the impending issues and present a distorted reality to the Health Minister**
  - **Merits**- Hospital administration and other doctors who are part of the Alliance of Doctors for Ethical Healthcare will continue to express their confidence and their support for me, in addition to regular flow of pecuniary benefits.
  - **Demerits**- This will amount to dereliction of my duty and will neither help the hospital nor the patients in the long run. Knowingly, ignoring the discrepancies in the system provides a scope for slippery slope in the future. It even compromises the basic essence of medical ethics.
- **Issue one last warning to the administrative officials and pharma firms so as to get things in order or face executive action**
  - **Merits**- This step provides scope for reformation within the existing work culture of the hospital for betterment of all. Also, it may help in bringing down the prices of life saving drugs in a swift manner.
  - **Demerits**- However, this step ignores the disproportionate harm which has already been done to the patients. Knowing that strict action is avoided, it may send a message to the administration/doctors about high tolerance for unethical conduct.
- **Presenting true picture of the case supported by all the factual evidences to the Health Minister**
  - **Merits**- It redresses the interests of various stakeholders in the most efficient manner. Most importantly, this step would ensure that benefits are redistributed across large population, rather being accrued to handful of people occupying the top administrative posts.

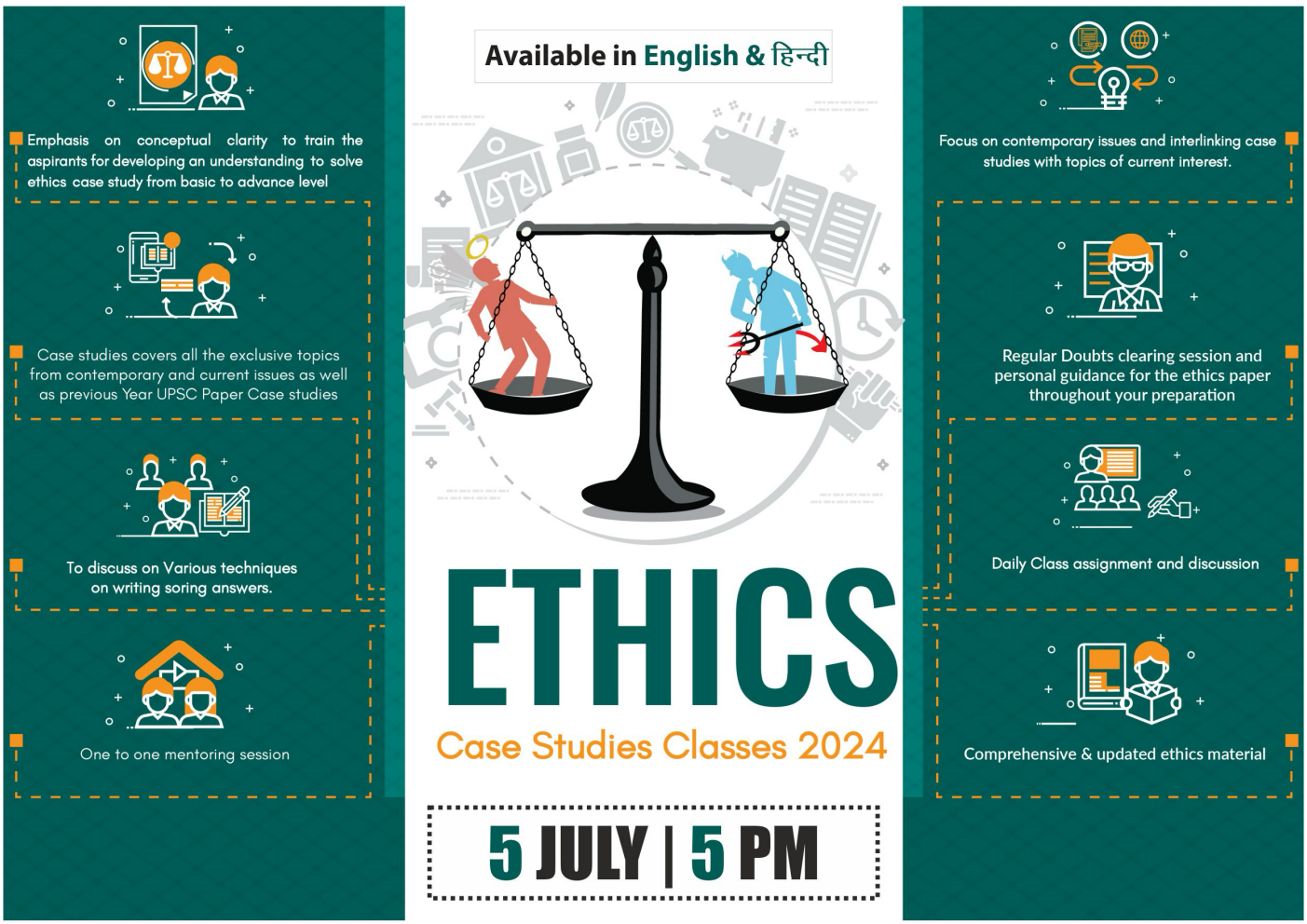
- **Demerits**- This step might antagonize members of the Alliance. I might even lose the support of hospital administration and the work environment may become temporarily uncongenial.

Given the gravity of the situation, the last solution seems more empathetic and pragmatic among the enlisted options. This action will be in line with my personal commitments, organizational values and institutional integrity. It would not only help expose the nexus in my hospital, but would also set the ball rolling for repairing the relations between other pharma firms and hospitals across different parts of the country. It would also be in consonance with the **Directive Principles of the State Policy** and **Supreme Court's directives under Article 21** which aim to safeguard the Right to Life of every person.

However, a multi-pronged approach is needed to ensure better transparency in the short term-

- The prices of all medicines must be carefully regulated- in a manner that does not unjustly interfere in the market but strictly regulates the cases where market provisions are misused for personal gains.
- A code of marketing for pharmaceutical companies should be enforced
- Strict action should be taken against those found guilty in the illegal nexus network
- Auditing of all medical procedures, implants, business contracts etc. should be undertaken and overseen by a competent authority
- Concerned authorities with requisite mandate should issue guidelines for proper management of hospitals and conduct of doctors & ensure their proper enforcement

As injustice anywhere is a threat to justice everywhere. The suggested course of action would bring fairness in the drug price discovery, ensure meaningful justice to the patients and provide them the ability to lead a socially and economically productive life in the long term, serving the cause of just system eventually.



84. Regulation and procedure of human clinical trials vary from nation to nation. Stem cell research, as an emerging biomedical field, requires approval for human trials and encounters multiple challenges. You are the head of a team of scientists who developed a new Tissue Engineering system, which appears to be a promising means of regenerating heart tissue. Trials of the system have already been conducted on animals and yielded good results. Millions of people suffering from critical heart diseases would benefit immensely if this medication is immediately made available to them. However, you need to conduct human clinical trials before it could be commercialised. It is also known that the stringent regulatory environment in the country will mean that human trials and final approval will take many years before it is made commercially available. On the other hand, regulation of clinical trials in many poor countries is weak and quick approval is possible. Many of your competitors also resort to human trials in these countries, often bribing the officials for getting quick approvals.

Given this situation, answer the following questions:

(a) Identify the ethical issues which arise during clinical trials.

(b) Given the above situation, would you prefer to shift human trials to a third country where regulations are lax? Give reasons in support of your choice.

(c) Suggest a framework of standard procedure to minimise ethical conflicts and speed-up the approval process of new medicines.

Approach:

- Give a brief introduction about human clinical trials and identify the ethical issues in clinical trials.
- Discuss the merits and demerits of shifting lab location and state your final stand on shifting the lab from the home country.
- Give a framework of standard procedure to minimise ethical conflicts and speed-up the approval process of new medicines.

Answer:

Case Summary: I am the head of a team, which developed a new system which will help people suffering from heart diseases. Before being made available commercially, it has to undergo clinical trials on humans, for which strict regulations have to be adhered. Alternatively, weak regulation in poor countries will result in quick human trials and approval there and many competitors are doing the same including use of bribes.

(a) Clinical trials are the tests on human volunteers to see whether new medical treatments should be approved for wider use in the general population. Various ethical issues associated are:

- **Moral duty** to perform honest clinical trials for welfare of a large population.
- Humanity is an end in itself (Gandhiji). Using people from the bottom strata of society for undertaking considerable risks in lieu of minor payments degrades humanity. The end result may improve general population's health, but the costs in form of exploitation, which may even cause death is wrong.
- Ethical concerns regarding **informed consent** in poor countries.
- Medicine is governed by certain ethos, which includes that first consideration of physician should be health and life of patient. She should not do anything, which impairs patient's health. Clinical trials may weaken the normative foundations of doctor-patient relationship in the long run.

(b) In the current case, the scientists have developed a new technology to regenerate heart tissues, which will provide new lives to millions of people who are suffering from critical heart disease. However, fewer regulations and corrupt governance in poor and developing countries pull scientists to open their labs and conduct trials in these countries. The merits and demerits of such practice are as follows:

Merits

- The costs are lower in poor countries. So, the developed medical treatment would be cheaper. For example, clinical trials in India could cost one-tenth of that in US.
- Availability of **"treatment-naive" patients** i.e. drug-free bodies in third world countries. They are much less likely to have been previously exposed to drugs or trials.
- The developing countries get benefits of advanced medical science and access to the latest medications.

- The process of clinical trials is quicker in developing countries because getting regulatory approvals is easier. It shortens the development time of medical treatments.
- It would make this cure quickly available to people suffering from critical heart diseases.

Demerits

- **Consent**: Most of the time, people in poor countries give their consent without understanding the contracts as they are written in foreign languages, without understanding the risks.
- **Economic Compulsion**: Sometimes poverty is responsible for the poor selling their body for clinical trials. The blind faith for western medicine also plays a role in their decision-making.
- **Poor healthcare system**: The risks are too high in clinical trials. However, poor healthcare system in the third world increases their vulnerability in cases of complications and side effects arising out of experiments on their bodies.
- The reliability of data obtained in third world countries is also questionable because of lax monitoring.
- Fewer regulatory safeguards, high levels of poverty and illiteracy encourage misconducts and substandard approach by foreign drugs companies.
- Bypassing professional ethics and an established procedure raises doubts on integrity. Competition may tempt to opt for unfair means like bribes to get approval.

As can be seen, there are a number of advantages of shifting the trials to countries where costs are cheaper and regulations less stringent. However, laxity in procedures should not be the motive for shifting trials. It would save lives of millions of people and improve accessibility of cure through cheaper cost. So, it is prudent to shift laboratory to country with easier regulations.

However, I will use the same safeguards and precautions which are used in developed countries, encompassing every aspect from informed consent, side-effects' treatment, compensation in cases of errors, etc. I would make sure that no illegal practice is done and ensure strict action for any breach.

Thus, I would be able to ensure greater benefits to people at large without compromising with the safety and well being of people who have put trust in me.

(c) Framework of standard procedure

- **Social Value**: Study should help researchers determine how to improve people's health or well-being.
- **Scientific Validity**: Research should be expected to produce useful results and increase knowledge. Researchers should design their experiments to be as good as possible.
- **Fair Subject selection**: Researchers should be fair in both recruiting and deciding which people can be in the study.
- **Favourable risk benefit ratio**: For research to be ethical, any risks must be balanced by the benefits to subjects, and/or the important new knowledge society will gain.
- **Independent review**: Researchers sometimes overlook ways they could improve their research results. To avoid such problems, a group of people who are not connected to the research are required to give it an independent review
- **Informed Consent**: Subjects must be told about the details of the study. They should voluntarily agree to participate and give informed consent.
- **Respect for subjects**: Regular health monitoring along with maintaining confidentiality of information would impart trust.
- **Data Sharing**: Data from past researches should be made available to others. It would exclude the need for new trials for similar drugs thus speeding the process of drug approval. This clause must be ensured in WTO negotiations on data exclusivity.

85. A deadly epidemic has broken out in West Africa killing thousands of people in a short span of time and infecting many others. There is no vaccine or treatment available to cure the disease.

You are the head of the health department of one of the countries that have been severely hit by the epidemic. While there is no treatment currently available for the disease, an experimental drug is being used in some other country. This drug has shown positive results and consequently some of the patients have also managed to recover from the disease. However, it is not yet clear whether the relief came due to the drug alone, or otherwise.

Given the high mortality rate of the disease and its rapid spread, other countries affected by this disease have already given a go-ahead for the mass production of this experimental drug. But some health experts are skeptical about the efficacy of the drug and have even warned against its use as it may result in some deadly side-effects.

(a) Bring out and discuss the ethical issues involved in the above case.

(b) What would you do in the above situation? Give reasons.

Approach:

The answer should consists of the following parts –

- The facts of the case
- The major ethical issues involved
- Different options available to you and their analysis
- The course of action you would adopt, giving reasons

Answer:

The facts of the case are –

- The epidemic is deadly with a high fatality rate
- There is no cure for the virus except for an experimental drug whose efficacy is questionable
- Some countries affected by this disease have given a go ahead for use of the experimental drug.

The ethical issues involved here are –

The disease is causing havoc among the population. As a head of Health department it is my duty to take steps to tackle the situation. The experimental drug has not proved its efficacy in tackling the disease. Without proper clinical trials it would be unethical to give this drug to the victims. Also, some health experts have warned against the possible side-effects of the drug. Thus administering the drug may prove to be worse than the disease.

But in the absence of any other medication and the rapid spread of the disease, means that some urgent action needs to be taken before the situation goes out of control. Time is not a luxury that I have. Thus the question comes down to whether to go ahead with the current cure or wait for clinical approval of the drug.

Options available –

1) Wait for clinically approved drug – This option will save me from running the risk of any side-effects that may arise from using the experimental drug. But as the epidemic is spreading rapidly and finding a sure-fire cure may take time, it may be possible that a large population will be affected with a huge death-toll before the cure is administered to the people. Hence, this option is not suitable.
2) Give go ahead for the use of the experimental drug – The situation is very dire in my country and it requires immediate action. This will ensure that some sort of action is taken on my part. But it is also possible that the cure may prove ineffective and in worse case scenario, affect the population adversely. Hence, without any clinical approval, it is not suitable to administer the drug to the population.
3) Wait to see what impact the drug has on the neighboring countries' affected population and act accordingly – This option accords equal importance to gauging the efficacy of the drug and also keeping public health in mind. If the drug shows positive signs in other countries and no side-effects, then I will also give a go ahead to use of this drug. But if the drug proves ineffective or results in major side-effects

than I will not allow the use of this experimental drug. This will save the population from something which is worse than the cure, though the delay may cause some additional deaths.

I will choose the 3rd option as it is an informed decision. Though the wait period may result in some deaths but the larger affected population will be saved from being administered a wrong cure. This option shows that instead of panicking under the outbreak of epidemic and going with any available untested cure, I have followed an informed course of action.

9. International Relations and Ethics

86. There is an ongoing ethnic civil war in a neighbouring country. The conflict has caused massive displacement of people from the country. Ironically, the developed countries have closed off their borders to the refugees on account of the COVID-19 pandemic, resource competition, domestic politics etc. With countries sealing off their borders, the refugees are left in a vulnerable situation and many are taking illegal routes to enter your country. As a Senior Official of your country's Ministry of External Affairs, you have been involved in discussions with officials of other nations and are entrusted with the mandate to design a national policy to safely accommodate India bound refugees. In this context, answer the following questions:

(a) Discuss the moral issues related to the rights of international refugees, especially those from conflict-torn regions.

(b) What recommendations would you suggest given the large influx of refugees in India.

Approach:

- Give a brief overview of the case.
- Write the ethical issues involved in the refugee crisis.
- Suggest long-term as well as short-term measures to deal with it.
- Conclude accordingly.

Answer:

The given case study presents similarities to the ongoing crises in the wake of recent issues like political violence, terrorism, ethnic conflicts across countries that causes large scale displacement of people. It was witnessed during Syrian refugees' exodus to Europe, Rohingya refugee crisis and the recent Afghan refugee crisis. The Global South had to bear the major part of the refugee burden, while the West shrugged off its moral and ethical responsibilities.

(a) In the present case, an influx of refugees is natural. However, there are issues with respect to legality of the same in addition to various moral issues that can be delineated as under:

Moral Issues:

- **Conflict between national interest and universal humanism:** International norms and humanitarian impulse suggest that a country should accept refugees. On the other hand, national interests like security threats, demographic challenges of rehabilitation and resource competition raises key concerns for a country.
- **Denial of human rights:** Human dignity not being respected by the state even if they are a party to the UN conventions and customary laws as well as refusal to accommodate refugees points towards a global failure of states and the UN agencies to protect those facing potential threats of prosecution.
- **Compassion:** Forced displacement should not only be viewed only through an economic perspective but from the perspective of humanity.

In addition to the aforementioned moral issues, the present case also presents an unfortunate **denial of commitments offered under the international law**, in particular relating to humanitarian laws, human rights, genocides, crimes against humanity and war crimes. The **UNHRC also identifies rights and guarantees** relevant to the protection of persons from forced displacement and to their protection and assistance during displacement.

(b) As a Senior Official entrusted with the mandate to design a national policy to safely accommodate India bound refugees, I would categorize my policy recommendations in the light of their short-term and long-term impact and suggest the following policy recommendations:

1. Short-term measures:

- **Temporary refuge:** As part of the ongoing crises, I would recommend discussion with adjoining nations and call for efforts to be made to provide for their temporary settlement in adjoining countries. I would recommend countries bearing greater burden of refugees to come together as a regional bloc and influence affluent countries to contribute generously. This way, it would also be easy to repatriate refugees once the conditions normalize.
- **Nodal Offices:** Since there are issues related to the legality of routes adopted by inbound refugees, many would be under immense duress, I would recommend setting up an integrated asylum agency with nodal offices across neighboring regions to facilitate verification, and resettlement of the refugees in their nearest safe spots. The current system of fragmented border agencies is not only inefficient, expensive and cruel but also non-accountable and works only to pass the responsibility.
- **Civil Society:** NGOs and private sector could be roped in for humanitarian assistance for ensuring the basic needs like food, water, sanitation etc.

2. Long term measures:

I would recommend setting up institutional mechanisms in cooperation with the international agencies to offer greater protection and assistance to people in their own countries so that they do not have to flee in the first place.

- **Moral and diplomatic persuasion** to stop persecution and promote reconciliation among stakeholders in various countries to avoid migration of people.
    - **Policy measures at global level:** I would recommend stepping up diplomatic efforts to instill a multilateral asylum policy to facilitate equitable sharing of the burden of refugees.
    - **Policy measures at domestic level:** Since there is an absence of a national refugee policy, I would recommend officials to give some serious thought to drafting its own refugee policy based on universal principles of dignity, fraternity and safety.
- **Proper Data collection:** The lack of reliable data in terms of the exact number of illegal immigrants, especially in India, is also a problem area that needs to be addressed urgently for better preparedness.

Global collective action to prevent violence induced forced migration and holding accountable those who commit them will be a crucial step in making the global system of refugee protection more adequate. Similarly, taking positive steps to come to the aid of those who have been driven from home will be essential to a more effective refugee regime.

87. You are the officer in charge of overseeing refugees' related issues in a multilateral humanitarian organisation. There is an ethnicity based civil war going on in a region and as a result, many people are being displaced. Hitherto, the economically better-off neighbouring countries have accommodated the streams of migrants with financial support from your organisation. The violence in the region has increased recently and the flux of people seeking refuge has grown substantially. With countries sealing their borders, the refugees are left in a vulnerable situation. You are sent to negotiate for humanitarian settlement of refugees with the neighbouring countries, who also happen to be a powerful economic bloc. However, they refuse any more accommodation on the following grounds:

(a) Drainage of resources in face of subdued economic conditions.
(b) Domestic political repercussions.
(c) Rehabilitation will encourage more influx and indirectly fuel the persecutors.
(d) Permanency of settlement in face of better prospects than at home.

What are the counter-arguments that can be cited to convince the countries for an immediate solution? Suggest some long term measures as well that should be followed to address the problem.

Approach:

While ethical arguments are must to convince on humanitarian grounds, the answer must also propose economic, equitable and more acceptable, pragmatic solutions. The answer should reflect the understanding of reluctance in such issues and therefore must specifically address each point with a combination of short and long term solutions.

Answer:

Refugees have been defined as those unable or unwilling to return to their country because of a well-founded fear of persecution on the grounds of "race, religion, nationality, membership of a particular social group, or political opinion." As mentioned, their numbers are increasing due to increased violence. Even though the concerns raised by the countries are genuine, the crisis at hand requires a humanitarian response. Turning refugees back or erecting walls will only lead to their piling up on borders and will exacerbate the problem.

As an officer in-charge of managing refugees and convincing countries to step-up their efforts, I will have to appeal to their core societal values as well as convince them with short-term economic and political arguments. As has often been the case, the high minded declarations of principles have often remained mostly that – declarations. Therefore, to extract action on the ground the arguments must be presented in a convincing manner where social, political and economic goals of the countries are advanced.

My arguments would be:

(a) Regarding drainage of resources in face of subdued economic conditions –

Yes, the cost of maintaining refugees in camps and shelters may drain resources temporarily, but in the medium term, there are economic benefits to be reaped. A significant proportion of the incoming refugee population would be young, energetic, motivated, and committed to building a better future in their new homes. Capitalizing on this, the decision-makers can turn a severe short-term challenge into a powerful long-term advantage.

Private sector can be also involved, including MNCs. Early involvement in the process of assessment, education, and integration planning would allow the private sector to help shape policy from the outset. They can help identify the skills and abilities that would most benefit their sectors, establish guidance and training programs, and offer apprenticeships.

Also, since these countries, for example European countries today, are old/ageing, the refugees will act as an antidote to aging populations and low birth rates. They can help address the looming shortages of working hands in the near future.

(b) Addressing domestic political repercussions

Certainly there will be political pressure from the opposition parties, who might try to monger the anti-immigration sentiment in the public, creating fear about losing jobs, draining resources and cultural invasion. In such a scenario, the political and community leadership would have to appeal to the public conscience about the cost of doing nothing. I would encourage political leadership to unite on the issue and with support of Civil Society, build up a public case for rehabilitation of refugees. It is important to honestly explain to the locals about the responsibilities they have – economic, historical and above all humanitarian.

Powerful images shake the conscience of the public and political leaders and therefore, I should make sure that they are not aloof to the conditions of the people. I will appeal them to lead with morality and purpose, rather to waste time in appeasing or courting populist movements. Only by turning the challenges into opportunities can social, political, and economic risks be mitigated.

I will also give statistical argument that the refugees which they are shouldering are only a miniscule percentage of their population and therefore, the perceived threats are more exaggeration than real. For example, in Europe the asylum seekers are less than 0.1% of its population.

The grouping of the countries should be working to encourage and harness the generosity of some of its members, while containing and resisting the selfishness others. To be successful, however, there must be

burden sharing. If those whose instinct is to be generous are left alone to shoulder the burden, that generosity will not last for long.

(c) Rehabilitation will encourage more influx and indirectly fuel the persecutors

This argument mixes the two problems at hand together and confuses the cause-effect relation. The refugees are the immediate concern and everything must be done to rehabilitate and resettle them. It does not in any way forestall nations' responsibility to take action to end the civil war.

Bringing an early end to war should be the ultimate goal of all nations. But that should not be the pretext for ignoring the conditions of refugees. In what way the countries intervene should be decided by international laws/treaties, but the hands-off approach should not extend to the many civilians who have no choice but to seek refuge outside their home country. The least that can be done is to welcome them.

(d) Permanency of settlement in face of better prospects than at home.

The refugees are mostly fleeing persecution in their home countries but are also attracted by the economic prospects that these countries offer. This is a reality that the countries must accept and treat as an opportunity rather than challenge. Historically, waves of migrations have only enriched the culture and economies of destination countries. In the long run, a society can advance only through openness and tolerance. The United States would not have become the leading world power without the successive waves of migrants that landed there.

Not all of these refugees will remain in Europe permanently. When they do return to their homelands, they will have the skills to help rebuild their societies and economies, as well as provide strong ties to the country where they sought refuge. The importance of this investment may seem distant, but will certainly reap dividends in building strategic weight, strong trade and not to mention, soft power.

Some long term measures that can address the problem

Everybody recognises that ending the war and turmoil is the only possible long-term solution to the refugee crisis but nobody expects this to happen anytime soon. This means that beyond the humanitarian rhetoric the only option is to devise the most efficient containment policy which will limit the crisis of conscience on seeing conditions of refugees. Some measures that can be taken: –

- Greater protection and assistance to people in their own countries so that they do not have to flee in the first place.
- Next, efforts should be made to provide for their temporary settlement in nearby areas. This will require more man and material resources than currently available. Affluent countries, especially those not sharing the refugee burden should contribute generously. This way, it would also be easy to repatriate refugees once the conditions normalise.
- There should be multilateral asylum policy to facilitate equitable sharing of burden of refugees.
- An integrated asylum agency to verify, facilitate and resettle the refugees in different countries. The current system of fragmented border agencies is not only inefficient, expensive and cruel but also non-accountable and works only to pass the responsibility.
- NGOs, religious bodies and private sector should be roped in.
- Public facing organisations, such as sports clubs can step in to build societal opinion in favour of welcoming.

We cannot blame people for wishing to leave conflict-ridden, impoverished countries and find a better life elsewhere. In their situation, we would do the same.

10. Media and Journalism Ethics

88. The promotion of harmful products like liquor, tobacco, etc. through mass media and advertisements have been banned in India. However, many companies are roping in big celebrities to promote these harmful products and brands through surrogate advertisement. In the disguise of another product, surrogate advertising is used to promote regulated products, like cigarettes and alcohol, There have been many debates on this issue, particularly in recent times, with many arguing that such advertisements should be banned altogether.

In this context, answer the following:

(a) What are the ethical issues involved in surrogate advertising?

(b) Suggest steps that can be taken to address these type of advertisements in India.

Approach:

- Give a brief overview of the case.
- Discuss the ethical issues involved in it.
- Mention the steps to address surrogate advertisements in India.

Answer:

After the implementation of the **Cable Television Networks Regulation Act, 1995 and the Cigarettes and Other Tobacco Products Act, 2003 (COTPA, 2003),** new advertising appeals used by most liquor and tobacco companies circumvent the ban by what is called surrogate advertising. The companies advertise surrogate products through celebrities and influencers, such as audio cassettes, drinking water, soda, juices, playing cards, etc. under the brand name with which they advertised liquor or tobacco earlier. Examples include Bacardi Blast music CDs, Bagpiper Club Soda, Officer's Choice playing cards, Kamla pasand mouth freshener etc. The masking product i.e. the music CDs, or mineral water might not even be marketed in real, as it is just a strategy used to generate top of the mind recall and mislead consumers, especially the young generation, to attract them towards their other harmful products like tobacco, liquor, etc.

(a) Ethical issues involved in surrogate advertising include:

- **Deceptive advertisement:** The aim of surrogate advertising is not to promote the sales of its supposed new product but to keep the brand in public mind and promote a product whose advertising is prohibited legally.
- **Nudging consumers to buy harmful products:** Successful advertisement campaigns push sensitive products such as tobacco and alcoholic beverages, which influence vulnerable minds by showing such products as trendy, cool, fashionable and subject to consumption through peer pressure and indulgence.
- **Insensitive behaviour of celebrities/influencers:** Celebrities and influencers promoting harmful products through surrogate advertisements give more preference to money than to their responsibility towards their fans and upholding public interest at large.
- **Concealment of information:** Popular brands deliberately try to conceal facts or give misleading information, which influence the public to change their buying behaviour without telling them their real motive. For instance, Pierce Brosnan, an actor, claimed that the endorsing company (Ashok & Co.) cheated him by not disclosing the harmful nature of its product 'Pan Bahar'.

(b) Surrogate advertising is an attempt to circumvent the law. The government issued a notification banning surrogate advertising of liquor in print, electronic and outdoor media. No advertisement is permitted which promotes directly or indirectly, sale or consumption of cigarettes, tobacco products, wine, alcohol or liquor. However, the practice of surrogate advertising is still unabated in India and even though regulatory authorities have taken heed, enforcement is still elusive.

Steps that can be taken to combat surrogate advertising in India are:

- **Framing clear and unambiguous laws** banning surrogate advertisements for different products under a single brand name. For instance, companies selling alcohol or tobacco under any brand name, should not be allowed to use the same brand name and tagline for other products and should be pensalised if they do so.
- **Providing more power to the Advertising Standards Council of India** to enable it to take action against false and misleading advertisements and keep a close vigil over clever evasion of the law, instead of just issuing notices.
- **Asking the electronic and print media to adhere to the advertising codes** and to not entertain surrogate advertisements.

- **Requiring advertising agencies to have full knowledge of the products** under the same brand for which they are promoting advertisements, and taking legal actions against those agencies which design surrogate advertisements.
- **Conducting consumer awareness programmers** to help people understand the negative impacts of surrogate advertisements. In this context, youth-led campaigns by NGOs such as HRIDAY(Health Related Information Dissemination Amongst Youth), SHAN (Student Health Action Network) etc. are appealing to the government for a comprehensive ban on surrogate advertising.

Thus, comprehensive law and policy on surrogate advertisements is imperative to not only keep check on TV ads but also put vigil on companies that are turning to event sponsorship and innovative integrated marketing communications strategies to promote their harmful products.

89. You are one of the producers of a television reality show. The show is very popular in the country and has a wide viewership among all sections of the society and across various regions. However, a controversy has emerged wherein in the latest season of the show, a contestant from the film industry who has been accused of sexual harassment by many of his co-workers has been accepted as a participant. Several media houses have reported it and have criticized the show for giving a national platform to one of the country's most high-profile alleged perpetrators of female harassment. They term it as a denigration of those women who had bravely spoken up about their harassment.

In a personal capacity, you also feel the same and are of the view that such a controversial person should not have been invited to the show. However, when you talk to other producers about it, they opine that the controversy is good for the show, as it generates free publicity. Also, they say that a person is not guilty unless the court of law declares so and the career of a person should not be sabotaged due to media trial. Moreover, the person in question is very close to the host of the show, who is an extremely popular public figure in the country. The show commands a huge fandom and success of the show is also contingent on him. None of the producers want to antagonize the host.

In the given situation, answer the following questions:

(a) What are the ethical issues involved in the case?
(b) What are the options available to you and what will be your course of action?
(c) Discuss the positive and negative impacts of trial by media in such cases.

Approach:

- Briefly mention the facts of the case.
- Highlight the ethical issues pertaining to the case.
- Mention the various options available to you and give justification for the course of action that you will adopt.
- Bring out the pros and cons of media trials.
- Conclude accordingly.

Answer:

The given case study highlights an issue where a public figure who has been accused of sexual harassment at workplace by his co-workers has been invited to a public reality show. The show will be televised on a national channel with wide viewership. The producer in question has reservations about such a move.

(a) The ethical issues in the case include:

- **Disparagement of victims:** Giving a person accused of a heinous crime a national platform and wide publicity is tantamount to disrespecting hundreds of women who have faced sexual harassment at workplace.
- **Reflects poorly on public moral:** Giving publicity to such a person creates disillusionment among the crusaders of women's issues. Further, it shows the poor state of public morality that exists in the society.

- **Mockery of justice:** Such action by a national television sends a message that those who are powerful and socially well-connected can get away with anything. It makes a mockery of the justice system and the rule of law.
- **Patriarchal nature of society:** An issue that is evident here is that men can enjoy a certain degree of impunity while women, who are often at the receiving end of crimes, which are sexual in nature, are publicly trolled, undermined, bullied and even intimidated by dragging them through court procedures.
- **Legitimacy to the criminal while delegitimizing the movement:** Acceptance of such influential persons by their colleagues and the industry provides legitimacy to the actions and conduct of the accused. It also undermines the women who got inspired by the movement that gave them courage to confront men who had persistently oppressed them, and in the process revealed the extent of rot in the system.
- **Not guilty till proven so:** No one should be robbed off his/her livelihood just because he/she is alleged to have engaged in certain wrong doings. The court's verdict should supersede any media trial.
- **Profit seeking at any cost:** The arguments given by certain producers that controversy is good for the show is immoral and decadent. Money making should not be done at the cost of another person's pride and honour.

(b) Options available to me as the producer and the best course of action include:

- Staying silent on the matter and letting the accused be a part of the show.
- Making my displeasure/reservations known to the higher management of the channel.
- Making a public statement in the media stating that the rule of law should take its own course.
- Meeting the host of the show and persuading him to convince the accused to voluntarily withdraw from the show.

Course of action: I will call a meeting with other producers and makers of the show, including the host. I will propose that the accused should either be removed from the show or he should voluntarily withdraw. A meeting will ensure that all the stakeholders are involved and heard before coming to a decision. It will also ensure everyone's accountability. I accept that a person is not legally guilty until proven so in the court of law, but at times, morality takes primacy over legality. A public show, which is very popular in the country, should adhere to the moral standards of the society.

(c) Pros and cons of media trial in such instances are:

- **Pros:**
  - It brings wider attention to the issues of national importance.
  - At times, it pressurizes the state to pay heed to the public issues and demands.
- **Cons:**
  - It creates sensationalism. At times, it makes visual media a theatre of verbal terrorism, visual extremism and content fundamentalism.
  - The race for viewership has put the corporate media houses into the toxic triangle of viewership, ratings and revenue. The issues/facts of the matter take a backseat in such cases.
  - Media trials are often biased and premature judgements are made on the basis of religion, ethnicity or race. Stereotypes are created and that may even influence the investigating agencies and court's judgements.

The media should remain a conscience keeper of democracy by ensuring factual and impartial scrutiny of public issues. The domain of 'trials' should be left to the other organ of democratic state i.e. the Judiciary. Also, sexual harassment should be dealt with strictly and television shows should play their part in preventing instances of sexual harassment.

90. With the advent of 24x7 news and prevalence of an array of news sources across the board, the media is omnipresent in nature. In this competitive environment, many media professionals who are overcome by deadlines, bottom-line imperatives, and corporate interests are losing sight of the ethical implications of their work. Further, there have been several cases of irresponsible reporting where the reportage has interfered with court proceedings, compromised delicate security situations or led to the spread of fake or unverified news. In this context, answer the following questions:

(a) Identify the ethical issues prevalent in the profession of media.

(b) How does unethical reporting and sensationalization of news impact the society?

(c) What can be done to strengthen the role of ethics in media?

Approach:

- Give a brief introduction about the case.
- Highlight ethical issues involved in the case.
- Highlight the impact of unethical reporting and sensationalization of news on the Indian society.
- Suggest suitable steps to strengthen the role of ethics in media.

Answer:

Media acts as a **bridge between the state and public** and plays a role of informer, motivator and leader for healthy democracy at all levels. As the **fourth pillar of democracy**, media is mandated to follow certain ethics such as ensuring authenticity of the news, use of restrained and socially acceptable language for ensuring objectivity and fairness in reporting and keeping in mind its cascading effect on the society and on the individuals and institutions concerned.

However, in recent times, there has been a decline in media ethics with growing instances of **yellow journalism**, where illegitimate and poorly researched news are presented with catchy headlines served with exaggeration and sensationalism to increase TRPs and revenue.

(a) Ethical issues prevalent in the profession of media:

- **Commercialization of media**: It has not only increased the tendencies of sensationalization of news and yellow journalism, but has created an associated ill of paid news.
- **Misuse of freedom of speech and press:** There have been instances of insensitive language used in news debates by regularly crossing the limits of decency and public morality and some people have become habitual offenders. Further**,** revealing personal information not available in the public domain without consent **violates the right to privacy.**
- **Impedes right to fair trial:** Media trial impedes the right to a fair trial and justice of a person as well as **jeopardises the rule of law**. Further, continuous media trials may destroy the reputation of the concerned person even after the person gets acquitted by the judiciary through the due process.
- **Irresponsible reporting**: Covering news without checking veracity of facts may lead to communal disharmony, political unrest and lawlessness in the society; thus hampering the nation's unity and security.

Media plays a significant role in shaping the opinion of people and how they perceive the world around them. The omnipresent nature of media also discourages critical thinking by continuous bombardment of opinionated content.

(b) Impact of unethical reporting and sensationalization of news on Indian society:

- **Creating a misinformed society:** Issues like fake news and sensationalization of news results in creation of a misinformed citizenry and thus a misinformed society.
- **Crowding out the real issues**: Increasing commercialization of media leads to prioritization of entertaining news over real issues. This creates a scenario where a general citizen remains oblivious to many real and socially significant issues like national growth, decline in Human Development Index (HDI), increasing unemployment, etc.

- **Encouraging the attitude of indifference**: When the news reported by reputed sources of media needs to be frequently corrected, it degrades their credibility. This results in the development of a general attitude of indifference towards reported events on part of the citizen.
- **Propagating fear and anxiety**: Overhyping the reported content and cherry-picking of stories can create an atmosphere of fear and anxiety among the citizens. For instance, reporting live footage from crematorium during Covid times.

(c) Steps to strengthen the role of ethics in media

- **Independent self-regulatory body:** An internal mechanism for adherence to guidelines can be sought to be ensured through mechanisms such as 'letters to the editor', internal Ombudsman, Media Council of Peers and Media Watch Groups, which focus on the wrongs committed by the media persons, journalists or the management.
- **Encouraging a central role for civil society:** The advent of digital media has effectively led to democratization of media. This demands that civil society plays an integral role in regulation, supervision and also creation of media content.
- **Creating discourse on ethics in digital media:** Media ethics needs to be rethought and reinvented for the media of today and there is also a need for sensitization of consumers on how to effectively use digital media.
- **Using technology to check fake news**: Advent of technologies such as Artificial Intelligence and Blockchain can be utilised to verify real-time authenticity of facts before covering the story by the media outlets.

Mahatma Gandhi once said that the sole aim of journalism should be service. Especially in case of developing countries like India, the media has a great responsibility to fight issues such as casteism and communalism and help the people in their struggle against poverty and other social evils.

91. You have joined as a reporter in a newly launched news channel. This choice was based on the assurance given by channel's management that it would emerge as the voice of the downtrodden. While working on various assignments, you reported political incidents and covered national stories as instructed by the organization. But later you come to know that the channel was targeting particular individuals, rather than serving its stated mission. The reporters were also pressurised to go out of the way to accomplish the organisation's wishes. Given the economic slowdown, most reporters complied with these directives. Some who left the job, also did not blow the whistle against the organisation fearing lack of other employment opportunities. Recently, you have also been assigned a similar task by the organisation. In this context,

(a) Identify the various ethical issues involved in this case.
(b) You tried to convince the management to change its functioning and work as per its assurance given earlier but to no avail. In such a scenario, consider the options given below:

1. ***Follow the task given by the organisation.***
2. ***Work with other reporters in protest against the organisation's actions.***
3. ***Leave the job***
4. ***Blow the whistle on the organisation's working.***

Evaluate the merits and demerits of each of these options and suggest your preferred course of action, giving reasons.

Approach:

- Discuss the ethical issues involved in this case.
- Evaluate each option by highlighting the merits and demerits.
- Suggest the preferred course of action, giving reasons.
- Conclude the answer by suggesting a long-term solution.

Answer:

The given case-study involves the issues of journalistic ethics as well as the personal choice of working in an area specifically for downtrodden. The issue relates to taking into consideration interests of reporters, media

houses, citizens and society at large.

(a) **Ethical issues** involved in this case are as follows:

- **Breach of trust**: The channel did not stick to its stated mission of being the voice of downtrodden and breached the trust of its employees.
- **Against the principle of free and unbiased media**: Media being the fourth pillar of democracy, it is highly undesirable of it to use its machinery to target individuals rather than working for social justice.
- **Overriding public interest:** Covering stories and agendas, which are not in larger public interest and create distraction from issues affecting society.
- **Taking undue advantage of the scenario:** As the reporters may not leave the job due to the economic slowdown, the news channel is pressurizing them to opt unethical means while covering the stories.
- **Lack of courage:** Not standing against the organization or getting scared that other media houses will also not employ them if they blow the whistle, reflects that both the journalists and other media houses lack courage.

(b) The analysis of the options available with the reporter is as follows:

1. Follow the task given by the organization.

Merits: It ensures job security and provides opportunity to learn and gain experience by working with big media houses and helps in getting strong connections for further career advancement.

Demerits: It leads to compromise of ethical standards and creates cognitive dissonance. The journalist may lose confidence in herself and will become a puppet at the hands of the news channel. It may also undermine her intellect and in the long run the employee may get caught using unethical means and get convicted under the law of land.

2. Work with other reporters in protest of the organization's actions.

Merits: Protesting in groups gives legitimacy to the cause and upholds the journalistic ethos. It would create pressure upon the management and also give a chance of course correction to the media house.

Demerits: It may provoke management to take action against protesting reporters. Further, in an industry where the main purpose of the reporters is to bring out truth, to expose the corruption in the system, to write about atrocities etc. protesting silently with others may not yield the desired results.

3. Leave the job

Merits: It shows commitment to ethical standards and may also encourage fellow reporters to raise their voice against unethical practices. It would give a sense of satisfaction that one remained stuck to their values and showed courage when required.

Demerits: It leads to job insecurity as there is lack of employment opportunities in the given economic slowdown. There would be some other employee who would continue being pressurised to opt unethical means in reporting. The organisation will continue violating the fundamental rights of common citizens.

4. Blow the whistle on the organization’s working.

Merits: It not only shows unwillingness to compromise ethical standards but also reaffirms stand against unethical work practices. It would also give courage to other employees to come out and report malpractices, if any. It may also give the government a chance to improve regulations and bring better policies making media houses more competitive and ethical.

Demerits: The reporter might not get employment opportunities in the short term and would have to fight on multiple fronts. There can be a threat to the life of the reporter as well.

The preferred course of action would include:

- First, approaching the management, along with other like-minded co-workers, to register our opinions and protest against the biased or unethical reporting of news.
- In case, it doesn’t work, the only viable option left would be to blow the whistle for the greater good.

As a citizen of a democratic nation, it is the duty of citizens especially journalists to expose the corruption existing in their offices, even at the risk to their lives. This would even inspire the upcoming generation of journalists and ensure the greater good. As a long term solution, the Press Council of India can bring detailed guidelines on such actions by the media houses. Further, the state should ensure institutional protection to whisteblowers under the respective legislations for the same.

92. India is one of the biggest fairness product markets in the world. A number of firms produce, advertise and sell fairness creams, marketed mainly as whitening products in the country. At the same time there have been many debates on this issue, particularly in recent times, with many arguing that such advertisements should be banned altogether.

In this context, answer the following:

(a) What are the ethical issues involved in advertising of fairness products?
(b) Highlight the consequences of preference for light-skinned people in a society like India?
(c) Do you think such issues are better tackled at the societal level rather than regulating advertisements through legal and administrative measures?

Approach:

- Briefly mention the facts of the case.
- Highlight the ethical issues pertaining to advertisements related to fairness products.
- Mention the consequences of preference for light-skinned people in a society like India.
- Discuss the advantages of social measures over legal and administrative measures to address the issue.

Answer:

Recent times have witnessed debates and protests regarding anti-racism around the world. In India also, citizens have called out advertisements that showcase 'fair skin' as a key to success and happiness, thus fuelling discrimination that favours light skinned members in the society. The case at hand is related with the issue of prejudices related to skin colour and advertisements promoting fairness products.

(a) Ethical issues involved in advertising of fairness products:

- **Discrimination and against dignity of person:** These advertisements show people with darker skins as inferior, which amounts to discrimination based on colour and also amounts to violation of dignity of persons with darker skin.
- **Misrepresentation and deception:** Contrary to the claims of such advertisements, fairer skin has nothing to do with success and happiness in life. Also, there is no scientific evidence to show that the use of these products lighten the skin tone.
- **Fear appeal:** In the advertisement of fairness products, emotional appeals are made through negative messaging about the darker skin.
- **Gender stereotyping:** Most of the fairness product advertisements emphasize the importance of being fair, mostly for women.

(b) Consequences of preference for light-skinned people in a society like India

- **Effects on mental health:** Studies have shown correlation between symptoms of depression and prejudices against darker skin tones among women. Societal notions about 'fairness and beauty' undermine the self-esteem of the individuals making them vulnerable to mental health issues.
- **Social hierarchies:** Historically, darker skin tone has been linked to inferiority that people have culturally transmitted across time, within and outside of their groups. Colour prejudice is also reflected in the bigger evil of casteism in India.
- **Realm of matrimony:** One study on Indian arranged marriages found that darker-skinned marriage candidates were rated lower in preference by prospective in-laws, compared with their light-skinned counterparts. Such preferences are commonly seen in newspaper advertisements and matrimonial portals.

- **Discrimination:** The popular belief in India corelates skin colour to a person's worth. In our culture, all virtues are associated with being "fair", while anything dark has negative connotations. Such beliefs are reinforced by TV programmes, movies, billboards, and advertisements.

(c) Acknowledging various ethical and legal issues with such advertisements, the **Advertising Standards Council of India (ASCI), in 2014,** attempted to address skin-based discrimination by banning ads that depict people with darker skin as inferior. However, India's media and advertisement industries are still promoting the idea that women with dark complexions should aspire to be fairer. Since the perceptions about the skin colour in India have cultural and social acceptance, legal or administrative measures have not proved very effective in tackling the issue. There is a need for a social solution along with legal and administrative regulations.

To change the perception and belief of the society, there is a need for attitudinal change of the members of the society. To develop a **positive attitude, social persuasion** is needed. It helps address the prejudiced attitude, which can lead to discriminatory or offensive behaviour. In this context, **role models** such as Bollywood celebrities can play a major role in changing the perceptions prevalent amongst the public. Many such celebrities have refused advertisements for fairness cream in recent times, which is a positive step forward.

Social and behaviour change communication (SBCC) needs to be employed to change the perception of society and the individuals about the skin tone. Social media campaigns like **#ColourMeRight** are trying to highlight the existing prejudices in society. They are targeting advertisements that show one skin tone as better and asking them to create commercials that do not reinforce the existing beliefs about the skin colours.

However, the impact of legal and administrative measures cannot be undermined. **Anti-discrimination laws and their strict implementation** in India have yielded desired results. It should be complemented with **value education** in schools, **awareness and sensitization** through mass media and social media.

11. Public Service Delivery

93. ***A state has been struck with floods and there is immense anger and frustration among people regarding delay in flood relief measures. A reason for the anger is that immediate relief is directed towards localities where the local MLA and MP (belonging to the ruling party) reside. There have been incidents where people have physically attacked the relief personnel. It is winter and there is threat of adverse weather in the coming week. You have been brought in as the new District collector as the previous one was transferred due to public pressure on the political leadership. Your senior has directed you to give special attention towards the same locality where the loyal voters of the MLA and MP live. In this background –***

1. ***Bring out and discuss the ethical issues involved in the above case.***
2. ***Also suggest the right course of action in the given situation.***

Answer:

Facts:

- A state struck with floods and an adverse weather following
- Relief operations marred with undue intervention of elected representatives
- Public anger and frustration leading to transfer of previous District Collector.

Stakehloders:

1. People from the Affected locality
2. The Govt and Administration
3. Local MP and MLA
4. Me and the relief personnels

Ethical Issues Inolved:

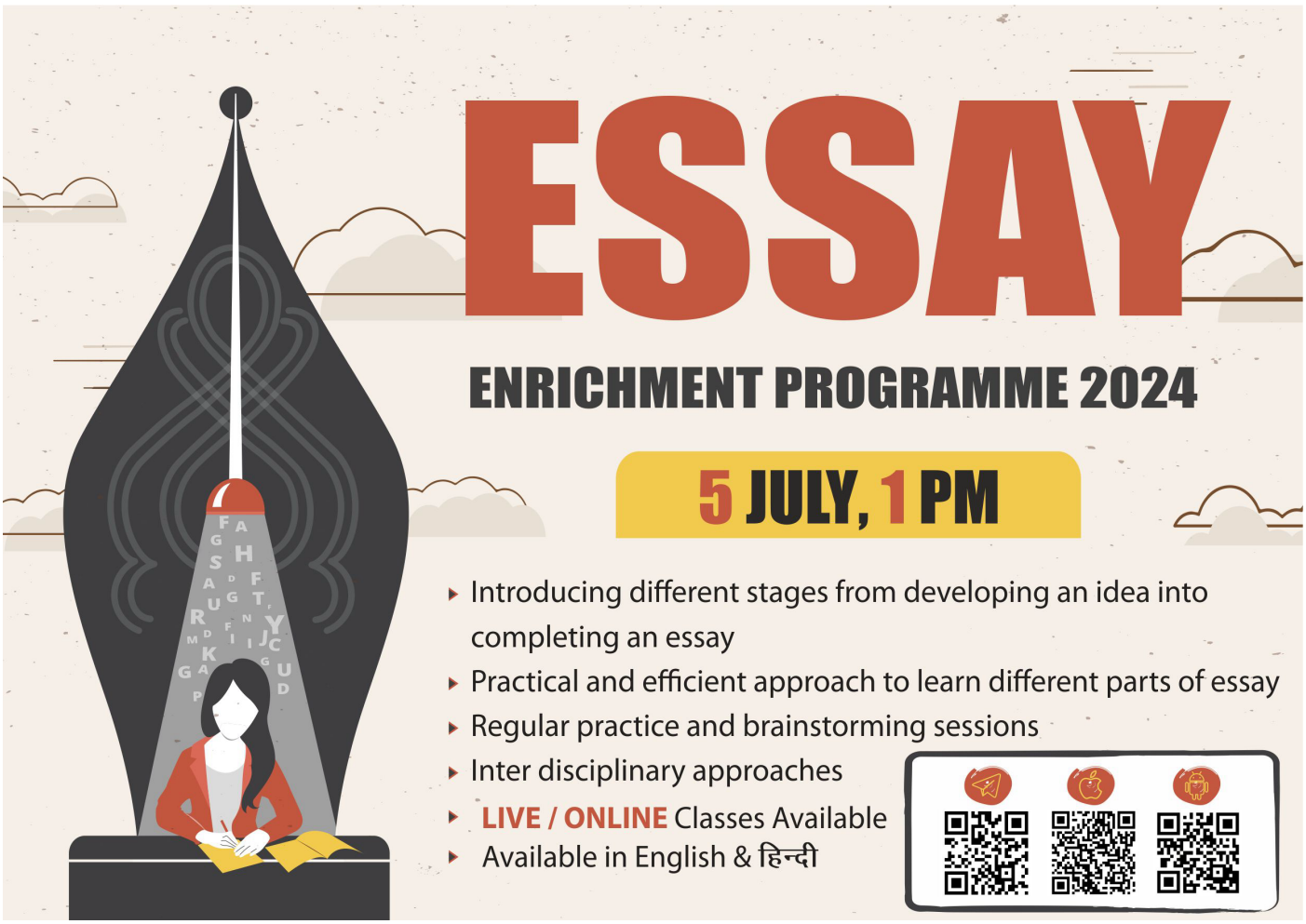
1. Carrying out relief operation without favoritism.
2. Discharging duty according to rule of law
3. Assuaging fear of the general public amicably

4. Protecting the relief personnels

This case study involves the classic case of conflict between populist interests of the elected representative and the duty of the selected official. Here it is imperative that the relief operations are carried out effectively to deliver the desired services that the govt owes to people so as to prevent a humanitarian crisis arising out of flood and possible exacerbation due to an impending bad weather.Further as the District Collector it is my duty to uphold the ethics of administration by providing an impartial service to all by not succumbing to any external pressures .

Right Course of Action:

The right course of action here would be to follow courage of conviction and ward off any external pressure from local representatives or from my senior officers and carry out relief operations impartially. This is important in order to uphold the trust people have in administration. Giving in to pressure would be tantamount to eroding the basic concept of check and balance on which the administration runs . Elected and selected representatives are there so as to reinforce each other to do the right thing. Further in the current case public opinion has forced the govt to transfer the previous District Collector so there is minimal chance of me getting transferred. Thus with security of tenure I should focus my energies on assuaging the fears of public and carrying on relief operations on massive scale. For effective relief work it is important that relief personnels remain motivated and are not attacked .To ensure this I should effectively involve the police force. Further all arrangements pertaining to food and shelter should be made keeping winter season in mind. I should also engage the civil society and media so as to strengthen the credibility of operation and prevent people from resorting to violence. Proper information dissemination is the key to prevent law and order situation during such times. By adopting this course of action I would uphold the dignity of my post , maintain civil services neutrality, provide effective relief to people, uphold personal integrity and courage of conviction and thereby provide legitimacy to the concept that democracy is by the people and for the people.



12. Social and Community Issues

94. ***You have been working in a well-known business consultancy company for nearly 15 years and have been promoted to a senior executive level. You have a junior colleague, named Meera, whom you have been mentoring from time to time. The time and effort she has invested in the company along with your guidance has led her to rapidly grow professionally in the organisation. The work environment has also been conducive for her growth. Meanwhile, Meera's mother has been ill and requiring medical attention for the past few years. Her medical bills have been increasing rapidly over time.***

Recently, Meera encountered an uncomfortable experience of sexual advances at the hands of your immediate boss, which she reported to Human Resources Department (HRD) of the company instantly. The concerned boss has been instrumental in the success of the company and is also well-connected within the company and beyond. He has indirectly offered a large amount for the settlement of this issue to Meera. If Meera accepts his offer, she will have to sign a non-disclosure agreement that restricts her from re-opening the issue or even discussing about it. She came to know that the concerned boss has been involved in similar acts earlier as well. Given his position in the company and his connections, Meera feels that he could be a threat to her career in the future. She is also in dire need of money.

In the given circumstances, address the following:

(a) Identify the main stakeholders involved in this case.
(b) Highlight the issues related to integrity and ethics in the case above.
(c) What are the various options available to Meera? Which option should she choose and why?

Approach:

- Briefly introduce the case study.
- Identify the stakeholders and mention their relevance to the case study.
- Discuss the ethical issues and questions of integrity involved in the case.
- Outline the options available to Meera and discuss the option she should choose and give reasons for the same.

Answer:

Patriarchy and its associated power asymmetry go beyond the personal space and extends to the professional space as well. The given case study is related to sexual harassment at workplace.

(a) In the above case study, the following are the stakeholders:

- **Meera:** She is a victim of sexual harassment at the workplace. However, she needs her job and the financial security that comes along with it, as her mother's medical expenses have been increasingly rapidly over time.
- **The boss:** He is in a powerful position in the company and is well-connected inside and outside the company. He has also played a role in making the company successful. However, he has made inappropriate sexual advances towards Meera and has behaved similarly with others in the past.
- **Employees working at the human resources department:** The department has been made aware by Meera about the inappropriate behaviour of the boss and they have to take an action in this regard.
- **The company:** The company is the employer for Meera, me and the boss. Its reputation is at stake and the work environment is not conducive for female employees.
- **Prospective employers:** Meera may have to seek employment elsewhere in the future. The impact of the current situation is not known on their decision to employ Meera. It is however possible that the present incident and the way Meera handles it will impact their behaviour towards her.
- **Myself:** I am directly associated with Meera as her mentor. I also know the concerned boss and have been made aware of Meera's encounter with him. This puts me in a precarious position as well.
- **Meera's mother:** She is ailing and her medical expenses are increasing. She is dependent on Meera for her needs.

(b) Following are the issues of integrity and ethics posed in the case study:

- Duty of the management to **prevent sexual harassment at the** workplace and ensure that the organization is safe for its employees.
- Given that such incidents have happened in the past, it reflects on the lack of a **proper reporting mechanism** to report and investigate cases of sexual harassment at the company in an unbiased manner. Further, the mechanisms to foster a **safe work culture** seem to be missing.
- The issue of equality in providing **justice** to Meera by subjecting the boss to the **rule of law and due process** for punishment despite his superior position and connections, arises in this matter.
- There seem to be no provisions for medical benefits for the families of employees, along with innovative solutions to address critical conditions such as that of Meera's mother.

(c) Options available to Meera in the given case include:

- **Option 1- Complete inaction**: In case Meera neither pursues the issue nor takes the settlement offered to her.
- **Option 2- Accepting the settlement deal and dropping the issue**: In case she chooses this option, she would be able to arrange the money that she needs for her mother's medical treatment. It may, however, leave her and other employees susceptible to harassment in the future.
- **Option 3- Pursuing her case against the boss**: Meera has been a victim of sexual harassment and she has the right to report her boss who is at fault. Pursuing the case is a brave decision knowing how well-connected and powerful the boss is.

Meera should choose the third option as she will fight for the right cause. Also, she has found out that others have suffered at the hands of her boss previously. Hence, it becomes even more important that the perpetrator be held accountable. The boss has escaped similar situations before and is a habitual offender. While Meera requires the money to take care of her mother, there are other avenues for that such as crowdfunding, loan, etc. This move by Meera will prevent the boss from harassing other women in the future and will make the workplace safer for female employees.

95. You are the Managing Director of a successful marketing company in India that has several high profile national and international clients. The company makes every effort to hire people from all social and religious backgrounds in order to promote diversity. One day, an employee Miss 'A' who was recently hired informs you that she often feels discriminated in the company due to the fact that she is a transgender woman. She points out that senior male employees are uncomfortable in her presence. Further, other employees want to discuss her personal life when she has no intention of doing so. She also states that she has been excluded from some departmental meetings without being given a valid reason. Due to these instances, she feels harassed and wants you to either correct the situation immediately or accept her resignation. If she resigns and the information becomes public, the image of the company will be maligned. However, you know it is difficult to bring about an immediate change in the attitude of your employees, especially senior members, as such changes require time.

In this context:

(a) Highlight the ethical issues in this situation.
(b) As a Managing Director, what are the options available to you?
(c) Evaluate each of these options and choose the option which you would adopt, giving reasons.

Approach:

- Introduce briefly with the crux of the case.
- Highlight the ethical issues involved in the situation.
- As a Managing Director, bring out and assess the options you have in this situation.
- State your preferred course of action in the situation and substantiate it with reasons.
- Conclude accordingly.

***Answer**:*

The above case highlights the plight of a transgender person in a workplace environment. Even though organisations are ready to welcome transgender people into the workplace, employees are not ready to accept them as just another colleague or employee. In the given case, they have shown unnecessary interest in her personal life. She feels discriminated against and harassed at the workplace.

(a) Ethical issues in the case:

- **Gender Bias:** Gender equality is one of the major organisational values. But male employees are not adhering to it.
- **Lack of empathy:** Discussing personal life with a co-worker who is uncomfortable doing so shows the lack of empathy among the colleagues.
- **Lack of accountability**: Excluding Miss A from meetings without providing a reason demonstrates the decision makers' lack of accountability to her.
- **Diversity without inclusivity:** Even though the company is ready to accept the diversity by recruiting transgender people, inclusivity is still missing in terms of making the vulnerable sections work without discrimination.
- **Leadership is put to the test:** If the Managing Director fails to handle the situation and accepts Miss "A" resignation, it will reflect poorly on the organization's value of gender diversity and will also erode the company's image.

(b) Options available to me, as the Managing Director:

- Discussing the issue with the senior male employees and warning them against any potential wrongdoing.
- Accepting the resignation of Miss A.
- Disciplinary action against employees who have allegedly harassed Miss A.

(c) Evaluation of each option and course of action

- **Discussion with the senior male employees**:
  - **Merits:**
    - It will help to explain the gender-equal policies of the company and the importance of improving the company's brand image.
    - Further, the MD should explain the rights of the LGBT community under Indian laws and the associated punishments for violating the same.
    - This will instil confidence in Miss "A" and other employees that the organisation doesn't tolerate any kind of discriminatory practices.
  - **Demerits:**
    - Directly confronting the male employees may hurt the ego of senior employees and they might feel offended. It may impact the ongoing projects in the organisation.
- **Accepting Miss "A's" resignation**:
  - **Merits:**
    - It will pacify senior employees and help them focus on work rather than wasting time on these practices.
  - **Demerits**:
    - It will encourage the practice of gender discrimination which is against the fundamental rights of Miss "A" (Article 15).
    - It shows the MD's leadership in poor light as he is not courageous enough to confront employees involved in discriminatory practices.
    - If such news becomes public, the company's image will be tarnished which may affect its business.

- **Disciplinary action**
  - **Merits:**
    - It sends the message of zero-tolerance against any sort of gender discrimination within the company.
    - It gives confidence and moral encouragement to the employees, especially transgender and women.
  - **Demerits**:
    - As senior members may protest your decision, it may affect the timely completion and delivery of those projects.

Course of action: As a managing director, I will forward the complaint to the **Internal Complaints Committee** and will ask them to conduct a fair investigation of the issue. If found guilty, appropriate **disciplinary action** will be taken against those found guilty**.**

Reasons for the course of action:

- A free and fair investigation will give everyone the chance to present their case. No judgements should be made without listening to all the sides.
- Disciplinary actions will convey the message that everyone in the organisation is equal and there is no room for any kind of discrimination in the organization.
- It also **upholds values** like compassion, empathy, courage of conviction, leadership and constitutional ethos (Article 15).

To avoid such instances in the future, a long-term course can be charted out like a new **Code of Conduct** emphasising the importance of gender neutrality, establishing **a grievance cell, hiring more transgender people** etc. According to a World Bank estimate, the cost of social stigma and exclusion of LGBT people in India is $31 billion. So, it is necessary to break the social stigma in our society. As a Managing Director, adopting the above course of action is a win-win situation for both Miss "A" and the organisation.

96. You are a young IAS officer and have recently joined as a Sub-Divisional Magistrate in a district, which has been declared 'open defecation free'. However, you get information that some villages in your sub-division are still continuing the practice of open defecation out of habit despite availability of toilets. Your colleagues in the district administration confirm that the information is true. You call the village headmen of these villages and tell them to persuade their respective villagers to stop open defecation. But, they express their unwillingness and inability to fully stop this practice, as in some cases they themselves consider it healthy to defecate in the open. You discuss this matter with the District Magistrate who forbids you from taking any official action, as this may cause the 'open defecation free' status given to the district to be withdrawn.

As a young and dynamic officer, answer the following:

(a) Why do people continue to practice open defecation even when they have access to toilets?
(b) What are the options available to you as the Sub-Divisional Magistrate in this case? Highlight the merits and demerits of each option.
(c) What will be your course of action?

Approach:

- Briefly write about the crux of the case study at hand.
- Highlight the reasons behind continuation of the practice of open defecation.
- Mention the options available to you along with their merits and demerits.
- Mention a course of action that you would take.
- Conclude accordingly.

Answer:

The given case pertains to the continued practice of defecating in the open by many persons despite availability of sanitary latrines in a district, which has already been declared as 'Open Defecation Free' (ODF). It reflects

the fact that behavioural change is difficult to achieve and it requires the will of officers, continuous monitoring and emotional intelligence to ensure that the status is maintained in perpetuity.

(a) Reasons behind unceasing practice of open defecation despite availability of sanitary latrines:

- **Socialization and physical activity:** People consider defecation in open fields as an activity undertaken with friends that allows socialization, an opportunity for morning walk, a visit to their fields and access to fresh air in the morning.
- **Religious belief and hygiene:** Defecation in houses is considered against the religious and spiritual norms by some, as their gods reside in the houses. Bad odour from the latrine, its maintenance and associated pollution, forces people to avoid usage.
- **Household norms for latrine use:**
  - Toilets are to be used by special guests, elderly or only during the night-time.
  - Females of the house do not share toilets with the males, due to associated privacy and honour issues in joint families.
- **Issues with queuing:** Public toilets are time-consuming. People find it uncomfortable to defecate in a dark room with an unpleasant smell.

(b) As the Sub-Divisional Magistrate (SDM), I have the following options along with their merits and demerits:

- **Ignore the issue**
  - The ODF status given to the district will not be questioned due to my actions. My predecessors and other officials of the district who might have furnished wrong data to claim ODF status will remain aloof from any inquiry that may be ordered. And, I will remain in the good books of the District Magistrate.
  - However, the protection of ODF status will only be temporary. If some media persons highlight this issue, the ODF status will still be in danger.
- **Take official action by writing for an official enquiry**
  - This will help in identifying the areas where open defecation is still being practiced and taking suitable and targeted actions to change the attitude of people in those areas towards use of sanitary latrines. This will also help in identifying the lapses in the administration, which led to furnishing misleading data to claim ODF status.
  - However, this may endanger ODF status besides disobeying my District Magistrate (DM) who happens to be my senior in the department. The DM may create hurdles in my career.
- **Increase vigilance and awareness, so that when reverification is done, the ODF status is earned again in the real sense.**
  - This will not only help ensure that people change their attitude towards open defecation but also, I will remain in the good books of the DM.
  - There is no demerit attached with this step.

(c) As the SDM, I will take the following course of action in order to serve the public interest:

- **Social audit:** The issue of ODF sustainability would be raised in the Gram Sabha meetings. There, they would be made to understand that several centrally sponsored schemes have been prioritised to their area, simply because of ODF status. In the absence of maintenance of that status, such funds will go away. So, a careful social audit and ODF sustainability needs to be maintained.
- **Vigilance:** The Nigrani Samiti in villages and the municipal administration in the cities will be asked to ensure morning and evening vigilances, so that nobody goes for open defecation. I would also plan a surprise visit at dawn/dusk in the villages/cities where behavioural changes are not reflected.
- **Awareness generation:**
  - Involvement of the entire community, especially women and children, PRIs and key opinion makers such as social workers, doctors, leaders, etc. would be used to spread awareness about the usage of toilets, as well as demerits of defecating in the open.
  - For learning and cross-sharing of information, I would arrange the sessions of key stakeholders with the districts/states which are doing exceptionally well in this regard.

- **Incentive mechanism for motivators/swachhagrahis:** The role of motivators/coordinators would be reworked in tune with the activities required for sustainability of ODF status, and an incentive mechanism/reward would be attached to their performance.

The issue highlighted in this case study is a real issue in many areas of our country, which requires high emotional intelligence besides effective persuasion to change people's attitude.

97. In order to tackle climate change, green energy is touted as one of the best solutions. Countries are now replacing coal with hydroelectric power, fossil fuels with solar energy, petrol and diesel cars with electric vehicles (EVs). EVs are being pitched as a cleaner, greener and sustainable alternative. Electric cars use batteries, and lithium and cobalt are rare metals that make up these batteries. The cobalt in the battery keeps it stable and allows it to operate safely. Cobalt is used in about half of the electric cars, which is about four to 30 kilograms per battery.

You are the District Magistrate of a district where cobalt is found in abundance. On a visit to one such cobalt site, you find out that children are employed in the mines and these children flirt with death daily. They enter vertical tunnels that are too narrow for adults to enter and dig for cobalt under inhumane conditions in a furnace-like environment. Although, they sometimes use shovels, they typically dig with their bare hands. They are not provided with masks, gloves, work clothes and are only provided with 20 minutes of oxygen at a time. Yet, these young children dig for hours. Upon digging the rock, they crush it, wash it and then take their finds to the market in order to sell them.

In this regard, answer the following questions:

(a) Discuss the ethical issues involved in the above case.
(b) Despite the legal and institutional measures, discuss the reasons behind the prevalence of child labour in India.
(c) In context of the given situation, what steps will you take to address the issue of child labour in the district?

Approach:

- Briefly introduce the case and mention its key stakeholders.
- Discuss the ethical issues involved in the above case.
- Give reasons for the prevalence of child labour in India and mention the institutional steps taken to combat it.
- Mention the short-term and long-term solutions for tackling such a situation.
- Conclude accordingly.

Answer:

The case presents a scenario where on the one hand, the number of electric vehicles on the world's roads is rising fast, while on the other hand, due to child labour, a large number of children in India remain vulnerable and face physical and psychological risks to a healthy development. The key stakeholders in this case study are the State represented by the District Magistrate, mine workers (including children), industries using cobalt, and the society at large.

(a) Ethical issues involved in the given case:

- Issues of values and morality make an essential part of environmental ethics and here inclusion of children in mining of cobalt and that too in dangerous conditions is a major ethical issue.
- There is a failure of the government in implementing the rules related to child labour, and failure on part of the society to stop such unethical practices.
- Multi-national corporations using cobalt are generally aware of such practices, still they use such raw products and boast about their contribution towards environmental initiatives.
- A major dilemma is to strike a balance between ensuring development and protection of human rights, specifically child rights.

- The given case presents a scenario in which two basic necessities of children are in conflict i.e., their socio-economic rights of getting an education and good health vs. survival and livelihood of their families.

(b) Reasons for the prevalence of child labour in India: Despite various legal and institutional measures like **ratifying the ILO conventions, implementing the Child Labour (Prohibition and Regulation) Act, 1986, formulating the National Policy on Child Labour (1987), etc.**, child labour is prevalent and persistent in India owing to the following **reasons**:

- **Poverty** is the greatest single force driving children into the workplace. Income from a child's work is felt to be crucial for his/her own survival or for that of the household's survival. **Social backwardness is also one the main reasons for child labour in India**.
- Absence of compulsory education (prior to the RTE Act) at the primary level, parental ignorance regarding the bad effects of child labour, non-availability and non-accessibility of schools, impractical school curriculum are some of the factors, which lead to child labour.
- There is poor compliance of laws related to child labour due to the lacklustre attitude of the administration in their implementation.
- Lure of cheap labour is a major factor, as children's wages are much lower as compared to adults' wages, which encourages child labour.

(c) Steps that can be taken to address the issue of child labour in the district are the following:

- **Short-term solutions for tackling such a situation**:
  - Being the DM of the district, effective implementation of laws and rules and regulation for protection against child labour should be the first step, wherein the District Labour Officer would be given directions to control any such illegal and unethical practice happening in the district.
  - Strict action against miners employing children should be taken immediately and the police of the district should be kept on vigil mode, as frequent raids where children are regularly employed would help in curbing the issue of child labour in the district.
  - As child labour is a contributing factor in the vicious circle of poverty, unemployment, and underemployment, there should be a concerted effort towards social protection programmes and cash transfers to improve the economic situation of families and to reduce the "need" to send children to work. This may lower the familial pressure on children to opt for child labour.
- **Long-term solutions for tackling such a situation:**
  - There is an urgent need to revamp the educational infrastructure in order to ensure access to educational institutions for the children and improvement in quality of education.
  - The state should take adequate measures to raise awareness among families and communities about the adverse consequences of child labour. Literacy of the parents can play an important role in ensuring that the rights of children are upheld.
  - Considering the benefits associated with the development of electric vehicles, it is necessary to focus on research and development in order to use the best affordable technology for extraction of cobalt.
  - In the long-term, elimination of child labour demands commitment from the society e.g., family, state, civil society and those who employ children in any enterprise.

A climate-friendly solution should not be at the expense of children's basic rights. Stakeholders like industries should ensure that they are not adopting any measure which results in the abuse of basic human rights of children. Collaborative action from all key developments actors, including the state, civil society organisations, communities, media and the private sector is required to prioritise and protect the rights of children.

98. You have recently joined as the Chief Executive Officer of the Water Supply and Sewerage Board in a metropolitan city of India. Recently, there was an incident where two poor people died while undertaking hazardous cleaning of sewers in a posh neighbourhood, housing top corporate honchos of the city. The preliminary report found that a few residents in the said neighbourhood employed private workers to clean the sewers without the knowledge of the local city administration.

A complaint for causing death by negligence has been registered against the concerned residents as well as the private contractor through whom these poor people were employed to carry out the task. The complaint has come as a shock to the residents of the neighbourhood, most of whom never had a brush with the law before.

During the investigation, the residents of the neighbourhood complained that the local administration has not been cleaning sewers for a long time, forcing them to hire private workers. You also come to know that there has been a confusion over the maintenance works in the city administration, with no resolution till date. The city administration, as a whole, has also been facing a shortage of funds to build the requisite infrastructure and provide protective gears to carry out the sewage cleaning work.

In the meantime, the family members of the deceased have started pressurising the government for compensation and there has also been a media blitzkrieg blaming the apathy of the city administration for the incident and pressure to withdraw the complaints registered against the high profile residents of the neighbourhood.

In light of the above situation, answer the following questions:

(a) Identify the stakeholders involved in the case along with the associated issues.
(b) Evaluate the options that are available to you in the given case. Which of these options will you choose and why?
(c) What will be the long-term measures you will take to prevent such an incident from occurring in the future?

Approach:

- Briefly state the crux of the given case study.
- Identify the stakeholders along with the issues associated with them.
- Evaluate the options available and state your preferred option along with the reasons.
- Provide some long-term measures to prevent such instances from happening in the future.

Answer:

The given case involves a situation of violation of law by residents of the posh neighbourhood and poor inter-departmental coordination leading to dereliction of responsibilities.

(a) Stakeholders and their associated issues in the given case study are:

- **Residents of the neighbourhood**: They have unknowingly violated the law and are facing the consequences of the administration's failure to perform its duties.
- **Family members of the deceased:** They are waiting for justice while dealing with their personal loss.
- **Media**: The media must maintain objectivity and not blame the administration without knowing the facts of the case.
- **I, as the CEO of the Water Supply and Sewarage Board**: The main issue to establish clarity regarding the responsibilities of maintenance work and provide justice to the deceased workers' families.
- **Sewage cleaning workers in the city**: A lack of awareness about rehabilitation facilities as per the *Prohibition of Employment* as Manual Scavengers and their Rehabilitation Act, 2013, forces them to rely on traditional methods.
- **Local government**: The failure to provide basic services forced the residents to hire private workers. In addition, there is the inability of the administrative workers to carry out their services and responsibilities.

(b) As the CEO, I have the following options in the given case:

- **Option 1: Setting a Committee for detailed enquiry and at the same time providing immediate compensation to the families of the deceased:**
  - **Merits:** It would ensure that the guilty would be punished and rule of law would be upheld, which in turn would uphold my professional integrity. Also, providing monetary support to the families of the deceased following the loss of an income source reflects the administration's compassionate behaviour towards the vulnerable sections of the society.
  - **Demerits:** As a detailed report of Committee might take some time, public pressure will be high, especially from the media. Further, there can be pressure from higher officials as the case would bring unnecessary limelight.
- **Option 2**: **Suspending the officers who failed to provide timely services to the residential neighbourhood**:
  - **Merits:** Such an action will help to remove the apathy among the officials towards the need for timely resolution of issues. Moreover, the public and media will also be pacified and the incident may come out of the limelight.
  - **Demerits**: This will be contrary to the value of objectivity because the city administration was short on funds for the necessary equipment and infrastructure. Further, suspending officers without hearing their side or without proper departmental investigation violates the principles of due process of law and natural justice.
- **Option 3: Informing the local police about the situation so that an FIR can be filed** against the house owners for violation of law.
  - **Merits:** It would uphold the rule of law as hiring private workers for cleaning of sewage violates the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. Also, it can act as a precedent and can be used as a deterrence for similar instances in the future.
  - **Demerits:** The ire of residents and media will be faced by me and the department leading to more public backlash. Further, the organization may be seen in a bad light due to constant media trials.

From the above available options, as the CEO of the Water Supply and Sewerage Board, **I will choose Option 1. The reasons for this are as follows**:

- Setting up an enquiry Committee would ensure that the facts of the case would be delineated in a detailed manner. If there has been any dereliction of public duty by the concerned officers, they could be suspended. Further, based on the Committee report, it would be easier to decide whether to pursue a case of death by negligence against the concerned residents. This, in turn, would lead to upholding the rule of law and values of integrity, neutrality and fairness while performing my professional duty.
- Immediate monetary compensation to the families of the deceased would ensure that their needs have been taken care of following the loss of an income source and it would be taking a step forward towards providing justice to the families.
- In the meantime, NGOs, trusts and corporates, etc. can be roped in for setting up dedicated funds for building infrastructure. Further, there is a need to delineate clear-cut responsibilities regarding the cleaning of sewer and septic tanks.

(c) Long-term measures to prevent occurrence of such incidents in the future include:

- **Creating awareness**: There is a need to create awareness about the **Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013** along with the impacts of manual sewage cleaning.
- **Building infrastructure**: Requisite infrastructure like septic tanks and canals should be built on a priority basis.
- **Adopting technology**: It is necessary to resort to mechanised cleaning of sewers and septic tanks to ensure safe evacuation, transportation, and treatment of sludge from septic tanks without any death of manual scavengers.
- **Skilling of the workers**: Under the Recognition of Prior Learning (RPL) component, it is important to ensure upskilling of the sanitation workers.

- **Working with the National Commission for Safai Karamcharis**: It aids in the timely identification and provision of rehabilitation measures to local manual scavengers and sewerage cleaners.

It is important on the part of the administration to provide necessary civic amenities within a reasonable time frame and to provide a clean environment to the people of the country, as it is their right under the Constitution of India.

99. The rise of the gig economy greatly benefits the new generation of employees, as it provides them with new job opportunities and multiple sources of income. It is a common trend for fresh graduates who move out of smaller towns and cities and take up gig works to make ends meet till they land a permanent job. Organizations are also opting for temporary professionals over training their own employees for a specific skill set. The NITI Aayog estimates that India has 7.7 million gig workers, which it expects will swell to 23.5 million by 2029-30. Being a gig worker in a delivery company, Rahul earns around Rs. 30,000 to Rs. 40,000 per month depending upon the number of orders received. Also, the work gives him flexibility in scheduling and structuring his days. However, he faces unprecedented struggles due to long working hours, lack of job security, lack of availability of gigs and mainstream jobs, inhuman treatment by the employers and lack of legal protection or rights. But, he is compelled to work, as he is the sole earning member of his family of 4 members. Finding a sense of identity has become difficult as the frequently asked question 'what do you do for a living?' remains to be one of the toughest to answer. It is very difficult for him to get financial assistance, such as loans and mortgages, as he has no stable income to show nor any business to his name, just a skill which is being used every now and then by some employer. Getting health insurance is yet another pain with no insurance companies extending benefits to him due to the nature of his job. In short, Rahul and his family have almost no recognition in the society even for bare minimum amenities, which are reserved for the 'working class'. The abuse of the gig workers is further aggravated by the venture capitalists who would rather pour their money into organizations which are devoid of the employee liability and do not have the overhead expenses of managing a full-time workforce, making it difficult for the regular employers to compete.

(a) Discuss the ethical issues involved in the case.
(b) What can be done to resolve the problems faced by gig workers like Rahul?

Approach:

- Give a brief overview of the case.
- Write the ethical issues involved.
- Suggest measures to resolve the problems faced by gig workers like Rahul.
- Conclude accordingly.

Answer:

The given case on the gig economy, which has gained significant traction in India, illustrates a scenario where Rahul, a gig worker, has to support his family while being a part of a system of informal employment, which violates basic human rights. Human rights violations include violation of the right to fair working conditions, right to decent work and economic opportunity etc.

(a) The following are some of the ethical issues involved in the case:

- **Exploitative working conditions**: Gig workers like Rahul often experience exploitation and receive inadequate compensation for their work. The gig economy platforms may engage in unfair payment practices, along with issues like lack of legal protection or rights, inhuman treatment by the employers, etc. Such practices show lack of empathy, and compassion among the platform owners.
- **Underemployment**: Due to the nature of the economy, gig work has become one of the few available employment options for individuals who are unable to secure stable, full-time employment due to factors like lack of job opportunities, limited qualifications, etc. Joining the gig economy becomes a necessity to ensure a regular income flow for their families.

- **Absence of formal job titles**: Rahul is involved in performing various tasks/services for different clients. This lack of a fixed job title or professional designation makes it challenging for him to establish a clear identity within his professional domain. This also goes against the dignity of labour.
- **Indirect abuse by venture capitalists**: Due to profit motive, the venture capitalists give limited emphasis on the well-being of workers and often seek to maximise their returns within a short timeframe. This can lead gig economy platforms to prioritize rapid growth and profitability, sometimes at the expense of workers' rights and well-being. The pressure to cut costs and maximize profits can result in lower wages, inadequate protections, and exploitative working conditions for gig workers.
- **Financial instability**: Gig workers often face the issues of lack of job security and a highly unpredictable income stream, which makes them vulnerable to wage volatility. They may struggle to secure consistent work opportunities due to lack of availability of gigs and mainstream jobs and face uncertainties regarding their income, which can lead to financial stress and instability.

(b) In view of these ethical issues, the following measures can be taken which can aid in resolving the problems faced by gig workers like Rahul:

- **Legal recognition**: The government can introduce a legal framework that explicitly recognizes gig workers as a distinct category, thereby acknowledging their contributions to the economy. This recognition can help establish their rights and entitlements.
- **Collaboration between stakeholders**: It is important to foster dialogue and collaboration between gig workers, platform operators, policymakers, venture capitalists and civil society organizations for adopting best practices, and innovative solutions to address the challenges faced by gig workers.
- **Universal social security coverage**: It is necessary to extend social security measures including paid sick leave, health insurance, and other contingency benefits for gig workers and their families.
- **Public awareness**: Promoting positive narratives that emphasize the economic significance of gig workers like Rahul is necessary to shift public perception and foster recognition of their professional identity.
- **Ensuring ethical practices**: It is vital to encourage gig platforms to adopt ethical guidelines that prioritize worker well-being, fair treatment, and non-discrimination and establish mechanisms for workers to provide feedback, report grievances, and seek resolution for disputes with the platforms.

By addressing the problems faced by gig workers, a more equitable and sustainable gig economy that respects the rights and well-being of all the participants can be fostered.

100. Rina and her friends from the college were working as interns with a company for the last few months. On completion of their internship, some of them, including Rina, have been offered full-time jobs in the company. Being a reputed company, she and her friends accepted the offer. Rina is enthusiastic about her new job and has even established good relationship with some of her company co-workers during her internship. However, during her tenure as an intern, Rina had begun to notice that one of the Vice-Presidents (VPs) of the company was giving her too much attention. He used to make an extra effort to stop by Rina's cubicle and chat, something he was not doing with any of the other interns. He had even tried to connect with Rina over social networking sites. Some of her co-interns also noticed this and began to make offhand comments to Rina about the extra attention being given by the VP.

Now that she was has been hired for a full time position, she is fearful that she might have to work with this VP directly. While he has not done or said anything explicitly inappropriate, the extra attention and the fact that her co-workers noticed it, made her very uncomfortable and undermined her concentration at work.

The company encourages an open and friendly atmosphere and when she was hired, it was communicated to her that she should always speak to her Manager whenever faced with any uncomfortable work related issues. However, she is concerned to speak about it officially, as the VP has not explicitly done anything wrong.

In the given situation:

(a) What dilemmas does Rina face?
(b) What options does she have? Provide the merits and demerits of each.
(c) Highlight the course of action she should adopt, along with justification for the same.

Approach:

- Introduce by giving the gist of the case study.
- Highlight the dilemmas faced by Rina.
- Mention the options available to Rina and evaluate each option for merits and demerits.
- Giving arguments to support your position, suggest a course of action that she should follow.
- Conclude accordingly.

Answer:

The given case study aptly highlights the challenges and dilemmas faced by women employees while working in an organisation. An employee named Rina is facing an uncomfortable situation where the VP is giving her extra attention, which is being noticed by her colleagues thus creating an uncomfortable work environment for her.

(a) In the given case, Rina **faces the following dilemmas:**

- **Whether to communicate her concerns to her manager or not:** Rina faces this dilemma because the concerned VP has not explicitly done anything wrong. She is not sure if the actions of the VP are indicative of something more inappropriate. Hence reporting of the incidence might adversely impact her relations with other members of the organisation and even her future prospects of working in the company.
- **Whether to communicate her issues with the concerned VP or not:** She is facing a dilemma with regard to communicating her discomfort with the concerned VP as she fears that it might adversely impact her relations with him. This may also impact her future career growth in the company.
- **Whether to continue the job or quit due to challenges faced:** Rina is also facing the dilemma whether to continue her job or not because the extra attention given by the VP and offhand remarks by her colleagues have created a negative work environment and made it difficult for her to concentrate on work.

(b) Faced with the above concerns, Rina has the following options:

(i) Informally communicate her issues to the concerned VP: Rina can communicate to the concerned VP personally about the discomfort she faces due to the extra attention given by him.

- **Merits:**
  - It will be a mature way of handling the issue at hand. This will help in the resolution of the issue in an amicable manner at an earlier stage without disturbing her relations with the concerned VP.
  - If the VP has any ill Intentions, then it will be like a warning for him.
- **Demerits**
  - If not communicated properly, it might adversely impact the relations of Rina with the concerned VP, which might also affect her future growth in the company.

(ii) Formally communicate her concerns to the higher authorities: The company encourages an open and friendly atmosphere and she was communicated about conveying any uncomfortable work related issues to the Manager during her recruitment.

- **Merits**
  - The action will be in accordance with the guidelines given by the company to Rina during her recruitment.
  - If the intentions of the VP are malafide, then the higher authorities of the company can look into the similar issues involving the concerned VP and take appropriate actions against him.

- **Demerits**
  - The concerned VP might use his influence to adversely affect the future prospects of Rina in the company.

(iii) Quit her job and join some other company:

- **Merits**
  - By quitting the job, she will be able to avoid the concerned VP and the negative environment at work.
- **Demerits**
  - It is not a desired option, as it will be a kind of running away from the situation without facing the problem. And there is no surety that she might not face such a situation in the other company as well.
  - If the intentions of the VP were malafide, then similar issues might be faced by other female members in the company.

(c) Rina can take the **following course of action** in the given situation:

- **She can have an informal conversation with the concerned VP and inform him about the discomfort** she faces due to the extra attention given by him.
- Simultaneously, she should also **communicate to her colleagues about the offhand remarks** made by them and how these remarks are making it difficult for her to concentrate, impacting her performance at work.
- Even after speaking with the concerned VP, if the behaviour of the VP doesn't change, then she should make a formal **complaint against the concerned VP to the Manager and the higher authorities.** They will look into the issue and take appropriate action.
- It should also be **communicated to the manager that it will be difficult for her to work under the concerned VP** and request the manager to allot her in the different team where she won't be working under the concerned VP.

Such instances in an institution can be prevented by encouraging an open and friendly atmosphere in the institution and following the guidelines of the Prevention of Sexual Harassment at the Workplace Act, which provides for a safe and secure working environment for all employees regardless of gender.

101. You are a public representative, elected on the ticket of a political party, considered as conservative by many. Your daughter, who has returned years after studying abroad, has conveyed to you her choice of marrying a person from another community. You personally do not consider anything wrong in her choice, and convey your assent to her. You also discuss it with many among your friends and family, and inform them of a grand wedding ceremony you are planning for your daughter. However, a few days after you have shared the news of the forthcoming grand wedding with many, you are informed by your political secretary about an issue being made of the same. He informs you that there are whispers among many people in your constituency about it, and indications of a sense of unease among some prominent citizens. While most of them are enamoured by your plans for a grand wedding ceremony for your daughter, they are unhappy about the bridegroom being from another community. You also get to know through your sources in the party, that your assent to the choice of the bridegroom may lead to a denial of ticket by the high command in the forthcoming elections. You are not only an ambitious politician and a rising star in your political party but also an open-minded, loving and doting father. But howsoever much you love your daughter's freedom and choices, you do not want her decision to adversely affect your political journey. This is more so, when you had been eagerly looking forward to greater responsibilities and a higher stature in the party, given the years of hardwork you have put in, as a politician. Your daughter, on the other hand, is firm with her choice and does not want her impending grand wedding to be affected in any way. She is adamant that her wedding will not be held as a private ceremony with only close friends and family, but should be publicised in a grand way, as you had promised earlier to her.

Given this situation, answer the following:

(a) What are the ethical issues in the above situation?
(b) What are the various options that you have, as a father and an ambitious politician?
(c) What will be your course of action? Justify with proper reasoning.

Approach:

- Introduce with the context of the case.
- Mention the ethical issues involved in the case.
- List the various options that you have, as a father and an ambitious politician.
- Discuss the course of action with proper justification.
- Conclude accordingly.

Answer:

The given case highlights the issue of inter-religious marriage of the daughter of a politician from a conservative political party, impacting his political career and is against the political ideology of his party.

(a) Key ethical issues

Various stakeholders involved in this case study include the politician, his daughter, political secretary, high command of the political party, civil society organisations and the common voters of the constituency in general.

Considering these stakeholders, following are some of the ethical issues involved:

- **Compromise the right to choose one's marriage partner**: Daughter of the politician has the right to make decisions about her personal life, including whom she chooses to marry. Rather than respecting her choice and autonomy, imposing societal or religious restrictions has created an ethical issue here.
- **Religious intolerance**: Inter-religious marriages often lead to resistance and hostility due to deep-rooted religious biases, prejudices, and intolerance in the society. The prevalence of unease in party's high command indicates this religious intolerance.
- **Dilemma for the politician/father**: The politician/father faces conflicts within his family as his daughter is firm with her choice. Balancing **personal values** (as he does not consider anything wrong in his daughter's choice), and **political commitments** (fulfilling political aspirations of conservative party) has created conflict of interest for him.

(b) Various options available, as a father and an ambitious politician: As a father and an ambitious politician, following are some of the options that can be considered:

- **Open and supportive approach:** Embrace the choice of my daughter and publicly express my support for her decision. By demonstrating acceptance and celebrating the union, this move can send a positive message about inclusivity and respect for individual freedoms.
- **Deny marriage and prioritise political career**: It is necessary to evaluate the potential implications on my political career and public image within my constituency or political party. By denying the marriage, I can reflect on the societal attitudes towards interreligious marriages and the level of their support for me.
- **Convince the daughter for private marriage**: Though the daughter is firm with her choice and does not want her impending grand wedding to be affected in any way, I will try to strike a balance between her right to choice and my political ambitions. Convincing her for a small private marriage with the presence of only close friends and family can help to give effect to this balance.

(c) My course of action with justification:

- Though **convincing the high command or other workers of a political party** to support an inter-religious marriage can be a complex and challenging task, I will still emphasize upon the evolving societal norms and the growing acceptance of interreligious marriages among the general public. Political party, being a public institution, may help the society in adapting to these evolving norms regarding inter-religious marriage.

- I will **initiate an open and honest dialogue with other key stakeholders** in the society like civil society organisations and local communities to understand their concerns and perspectives. In the process, I will communicate my personal views as well and reasons for favouring this inter-religious marriage.
- If the situation becomes contentious or communication breaks down, I will consider **involving a neutral third party**, like involving respected religious leaders or elders from both sides to facilitate discussions and provide guidance. Their wisdom and influence can help bridge religious differences and encourage understanding and acceptance.
- Even after exploring all these options, if the issue still persists, I will try to **convince my daughter for a simple private marriage** rather than a grand public ceremony. While a lavish celebration can be enjoyable and memorable, the foundation of a successful and fulfilling marriage lies in the love, compatibility, and commitment between the partners, which is present in this case here.

Inter-religious marriages continue to be a contentious issue in India, with social and political factors influencing public perception. **Proper education and awareness drive** can help the citizens to appreciate the diversity of beliefs and practices, leading to greater empathy and acceptance of inter-religious marriages.

102. You are a young officer posted as a Sub-Divisional Magistrate in a backward district. You receive a complaint against the appointment of a Dalit woman in a village school for cooking food under the Mid-Day Meal scheme by parents of some students. The parents are putting immense pressure on the school management to discontinue the services of the woman concerned on the basis of long-standing social norms of caste impurity. They also say that if the management fails to take a favourable decision, keeping in mind the prevailing social customs, they will convene a village assembly and take action against the woman and her family members, including boycotting them socially.

Based on the above information, address the following:

(a) Identify the issues involved in the given case study.

(b) Highlighting the reasons behind continuing caste discrimination, discuss the steps which you will take to resolve the present issue.

Approach:

- Introduce by giving the gist of the case study.
- Write about the various issues and associated stakeholders in the given case.
- Mention the reasons behind the continuation of caste discrimination.
- Write down the steps that you will take in this situation.
- Conclude accordingly.

Answer:

The case at hand pertains to a Dalit Woman employed as a cook under the Mid-Day Meal scheme. Her livelihood is threatened due to caste prejudice. It reflects the continuation of regressive social practice of the concept of impurity based on caste.

(a) Issues involved along with associated stakeholders are the following:

- Fundamental rights to **equality and livelihood as well as dignity** of the **Dalit woman** as a human being have been threatened. At the same time, she and her family need protection against social sanctions that may be put on them.
- **Adequate nutrition of children** through the Mid-Day Meal scheme as well as **smooth conduct of educational activities** need to be ensured by the **school management.**
- **Parents and other villagers** need to be educated against the concept of caste impurity. Also, parents have the **responsibility to give the right kind of education and upbringing to their children.**
- This being social discrimination, the **society at large** needs to be sensitized against the practice of untouchability and end such **regressive social practices.**
- **The Sub-Divisional Magistrate as the representative of the government** has a duty to not only protect the fundamental rights of the citizens but also take effective steps to end such immoral social practices.

(b) The reasons behind continuing caste discrimination are the following:

- **Religious and social sanctions:** The concept of "Varnashrama" degenerated into rigid caste hierarchies based on the concept of impurity of so-called lower castes. Various scriptures are used to justify the caste system giving it strong roots in Indian society.
- **Resistance to reforms:** Social inequities and prejudices take time to change. This is why despite various reform movements led by many influential personalities, caste-based discrimination still persists.
- **Access to resources/opportunities:** Faced with a long history of exploitation, people from the backward caste groups lack access to good education, face financial wherewithal etc., due to which they face restrictions in moving up the social ladder.
- **Lack of a political voice**: Despite having reservation for Dalit communities in the Legislature and in government jobs and educational institutions, the community still lacks political power to counter caste violence in India.
- **Ineffective legal system:** There is lack of awareness about legal recourse that should be taken against caste discrimination. Further, the huge pendency rate of cases involving violence against SC/STs stood at around 96.5% in 2020, which makes the legal system ineffective in checking caste related violence.
- **Caste as a support system:** Caste, at times, provides economic support to its members, which they fail to get from the market. Caste groups are well aware of their members' creditworthiness and can also sanction their members for reneging on their commitments. This allows caste groups to form informal mutual arrangements and provide loans to their members.
- **Reservation:** It is argued that the reservation system itself has led to strengthening of caste identities and growth of political associations on caste lines in the society.

Steps which I, as the Sub-Divisional Magistrate (SDM), will take to resolve the issue are following:

- In the present case, I will first talk to the school management and instruct them to ensure that the Dalit woman continues to work in a free environment.
- I will visit the village at the earliest and talk to the Dalit woman, her family members, and imminent/reputed persons of the village.
- I will assure the Dalit woman and her family members of their fundamental rights and also make them aware about the legal rights and recourse that they can take if caste discrimination continues.
- I will talk to the parents and try to convince them about the evils of casteism. At the same time, I will clearly warn them that any illegal activity including any attempt of social boycott will be dealt with the relevant sections of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- Further, I will involve reputed members and local NGOs to persuade villagers to end such caste discrimination through awareness programmes.
- Lastly, I will eat the food cooked by the woman along with other students and influential members of the village to give a strong message that caste-based discrimination is based on irrational grounds and should not be tolerated in society.

As the SDM, it is my duty to uphold the law of land, which is very clear about ending caste discrimination. The Constitution of India provides fundamental rights against discrimination on the basis of the caste. Further, the Constituent Assembly debates clearly term caste discrimination as a social scourge which needs to be eradicated in all its forms. In this regard, there is a need to take various actions including increasing awareness about legal rights, ensuring adequate opportunities, incentivizing inter-caste marriages, strengthening the judicial system etc.

103. You are the Superintendent of Police (SP) in a district. One of your subordinates informs you that a girl has reached out to him and complained about a potential death threat to her and her boyfriend who belongs to another caste. Both the families are averse to their union. She has also informed that the local police station is neither filing any complaint nor giving her any assurance of protection. The girl belongs to the dominant caste of the region and her father is a prominent local leader of the party which is in power in the state. On further enquiry, you come to know that both the girl and her boyfriend are adults. They have moved out of the house and have started living together. This has further angered both the families and they are accusing

each other of abduction. In the given scenario, answer the following questions:

(a) Bring out the ethical dilemma faced by the you.

(b) What would be a suitable course of action to resolve the issue?

(c) At times, such instances lead to violence and may end up in honour killings. Discuss the reasons behind their social acceptance in parts of India despite the legal sanction against them.

Approach:

- Briefly mention the facts of the case.
- Mention the ethical dilemma faced by the officer.
- Mention the suitable action to resolve the issue.
- Mention the reasons for social acceptance of honour killing in certain parts of India.

Answer:

In the given case, an inter-caste couple has decided to live together without the consent of their respective families. The couple fear for their lives while their families have accused each other of abduction. Given the social repercussions of the issues, the officer in charge has to find an amicable solution.

(a) Ethical dilemmas faced by me, as the Superintendent of Police (SP):

- **Social norms vs. rule of law:** Inter caste union and live-in relationship might not be accepted in the social settings of a region. But the judiciary in its various judgements have given legal recognition of live-in relationships. Also, there is no legal hurdle for inter caste marriages in India.
- **Individual liberty vs. family values:** The officer has to make a choice between upholding individual liberty and choice of the couple and adhering to the family values of the respective families.

(b) Suitable course of action that I will take as the SP:

- To begin with, I will have a preliminary enquiry of the case initiated and make sure that all the facts stated by my subordinate and the girl are validated.
- The couple should be provided police protection and it must be ensured that no harm is done to them. They should also be shielded against any pressure by the community. If needed, legal, financial and moral support should also be extended to the couple.
- I will meet the families and convince them to accept their children's freedom of choice. I will also take help from elders in the community, local leaders as they command respect within the community, their words will have a calming effect on the families.
- I will also take help from NGOs, if needed, regarding spreading of progressive ideas and also for providing support to the couple.
- If the families are unrelenting and continue to take matters in their own hands in violation of the law, I will initiate legal action against them as per the law of the land.
- In the long run, I will endeavour to create avenues to sensitize the community against the practice of casteism and honour killing. The community must be made aware about the repercussions of these heinous sins.

(c) Reasons for social acceptance of violence and honour killings in some parts of India:

- **Caste endogamy:** Marriage within the same caste, i.e. caste endogamy is one of the features of the caste system. Though there have been changes, caste endogamy continues to persist, particularly among the locally dominant caste groups, in some parts of India. In certain circumstances, its violation may be seen as bringing dishonour to the family and may also result in violence among families and social groups.
- **Different social status:** Other than the caste, social status is another consideration. If a couple marries against the wishes of parents, rejecting the notions of status and equality, the family takes it as humiliation and loss of family name in their social circles.
- **Property considerations:** It is believed that the girl, who has already asserted her right to marry a person of her choice, may assert her right to her share in ancestral property, which is now safeguarded

by law in India. The fear of social ranks being obliterated and property getting transferred may make the resistance to such relationships more violent and widespread.

- **Expectation of altruistic cooperation:** An individual is expected to sacrifice personal freedom and desires in accordance with the specified codes of honour for the benefit of the society. Punishment for misconduct is viewed as a form of altruism that benefits the group at the expense of the individual. In such a social setting, the reputation and social standing of an individual or his family and even community is based on the sexual behaviour and morality of its women and any diverging behaviour is deemed to bring shame to these institutions.
- **Cultural beliefs and traditions:** It plays a decisive role in the freedom given to its women. Intermixing of girls and boys, especially those belonging to different castes and faith, is often unacceptable. The sexual behaviour of women is readily associated with the symbolic capital of a family and any misconduct may warrant stern action.

The "Honour-related" violence thrives due to the silence of the community, lack of evidence, and delayed legal punishment. The ideals and notions embedded in the collective consciousness of a community can't be changed overnight. However, with education, awareness of legal procedures and human rights, and conviction of perpetrators involved in such crimes, it is believed that a change in mindset toward honour-related crimes may be attained in due course of time.

104. You are posted as the Superintendent of Police (SP) of a district, which has witnessed several lynching related crimes in the recent past. One day, a police station in the district got an SOS that in a particular village under their jurisdiction, two women have been accused of witchcraft and are now being paraded naked by the villagers. Given the past record of crimes in the village, it was likely that they would be killed by the villagers. When a police team from the station reached the spot and tried to save the two women from the mob, a scuffle broke out. In the ensuing scuffle, the police were brutally attacked and they had to retaliate by lathicharging in order to save themselves. The incident left three villagers dead. There is anger amongst the villagers, who are also a critical vote bank of the ruling party in the state. As the SP, you have been instructed to institute a quick enquiry and take the strictest action against the police team who lathicharged. You are aware that with elections around the corner, you need to diffuse the situation quickly.

Given the situation, answer the following :

(a) Identify the stakeholders and the issues involved in the above case.

(b) What are the options available to you? Which of these will you choose and why?

(c) As an objective and scientfic-tempered administrator, what steps will you suggest in the long-run to deal with mob lynching?

Approach:

- Give a brief introduction about the case.
- Identify various stakeholders and the issues involved.
- Bring out the options available and the option that you will choose, along with reasons.
- Suggest steps to deal with mob lynching in the longer run.

Answer:

This case study reflects upon the challenges faced by a Superintendent of Police (SP) in the maintenance of rule of law in the district and conduct of an impartial enquiry in an incident, which is being alleged as police atrocity. During a police action for the protection of the right to life and dignity of women, some villagers have lost their lives. I, as the SP, have to protect the women in the question, control the law-and-order situation of the village, and conduct an impartial enquiry of the incident.

(a) Various stakeholders and issues involved in the case are:

- **The women in question:** Modesty of women has been outraged, and their fundamental right to life with dignity is being violated. This is a criminal offence, and they are the victims of the crime.

- **Relatives of the victims who lost their lives**: They are the aggrieved party who would be interested in justice and compensation from the government.
- **Public at large:** The village has a history of lynching. They are either the culprit or witness of the whole situation. Being a critical vote bank to the ruling party, those involved in the crime would want to influence the situation.
- **The police force:** Their jobs are at stake and they would want an impartial enquiry into the cause of death of the villagers considering the fact that they were performing their duty and acted during the scuffle.
- **Local politicians:** Since elections are approaching, they would want to exploit the situation by gaining support of the critical vote bank and mobilize them accordingly to escalate the issue.
- **The Superintendent of Police:** I, as the SP, have been asked to institute an enquiry. I would want the enquiry to remain impartial and the culprits to get punished in such a way that the lynching situation in the village gets resolved and law-and-order remains under control.

(b) Given the situation of public anger and instructions from the government, the following options are available for me as the SP to deal with the situation.

- **Option 1: Set up an enquiry committee:** A team of senior officials can be formed to conduct a quick but thorough enquiry of the matter. The issue involving the death of villagers and accountability of the police personnel, needs to be established.
- **Option 2: Ask for a judicial enquiry:** A judicial enquiry can be requested in the matter so that it remains free from all influences. The enquiry would be regarding the police personnel involved. This would take away pressure from me, as I would only be assisting in the enquiry.
- **Option 3: Set up an enquiry committee as well as take a few corrective steps, such as:**
    - **Suspend** the personnel who were leading the team immediately to ensure that the enquiry is impartial.
    - Meet the women victims and **order arrests** of the people identified by them.
    - Meet the relatives of those who lost their lives and assure them that an **independent enquiry** will be conducted. I will also assure them that I would recommend adequate **compensation** to the government in my official capacity.
    - Order a detailed **explanation from the police team who was deputed to handle the matter** to understand the gravity of the situation.
    - **Meet the village representatives** to assure them that strict steps would be taken against those involved in disturbing the law-and-order situation and clearly state that **neither the perpetrators of the heinous crime against women will go unpunished nor those whose actions resulted in the death of the villagers.**

I would choose the third option, as it is more comprehensive and has the potential to correct the situation, without giving up to the public or political pressure. Asking for a judicial enquiry would reflect my incapacity to handle such situations, therefore, I would not opt for that.

(c) Mob lynching is an act of targeted violence rooted in anonymity of the crowd and immediate justice. To curb it in the long-run, the following measures can be taken:

- **Use of technology:** Adequate number of CCTV cameras can be installed in the village. Aid of social media platforms such as WhatsApp and twitter can be taken for quick reporting of such crimes.
- **Legislation**: A strict law needs to be put in place by the government so that the mob violence is deterred. A legislation to curb fake news should also be looked into.
- **Judicial reforms:** Pendency of cases need to be resolved, so that people are not discouraged from seeking justice through courts, which results in them taking matters in their own hand.
- Scientific temperament and respect for laws have to be inculcated among the masses.
- Further, NGOs and civil society organisations should be encouraged to engage with the villagers to bring about a positive change.

105. You are the Dean of Academics of a University. It has been brought to your notice that some students have raised a complaint against Mr X, a specially-abled Professor at the University, for not performing his academic duties diligently. The Head of the Department (HoD) tried to have a conversation with him regarding these complaints; however, Mr X feels that he is a victim of internal politics and is being discriminated against on account of him being specially-abled. He also conveyed to the HoD that he will file a complaint of discrimination against the University under The Rights of Persons with Disabilities Act, 2016. As the Dean of Academics, it is your responsibility to uphold the academic standards of the University and take any administrative decision in this regard.

In this case, answer the following questions:

(a) State the stakeholders and the ethical issues in the given case.

(b) What are the options available to you?

(c) Evaluate each of these options and state the option which you would choose, citing reasons.

Approach:

- Briefly write about The Rights of Persons with Disabilities (RPWD) Act, 2016.
- Highlight the key stakeholders involved in the case study.
- Elaborate on the ethical issues involved in this case.
- In the given scenario, discuss the options which are available to you.
- Evaluate the listed actions and justify the best option among them.

Answer:

The Rights of Persons with Disabilities (RPWD) Act, 2016 **promotes and protects the rights and dignity of people with disabilities** in various aspects of life – educational, social, legal, economic, cultural and political. It applies to the **government, non-government and private organisations**. The instant case pertains to the alleged neglect of duties by a Professor, who in turn, threatens to file a complaint against the University under the RPWD Act, 2016 for discrimination.

(a) Stakeholders involved in the case are the following:

- **Students**: Students' careers are at stake as their studies are presumably being affected by Mr X's performance.
- **Dean**: As the Dean of Academics, he has the responsibility to create an enabling environment for both professors and students. He has to find an amicable solution to the issue at hand.
- **Mr X**: Mr X is mainly involved in this case as he is either the victim of discrimination under the RPWD Act, 2016 or he is trying to exploit the situation to hide his performance in the academic position he is working at.
- **Head of the Department (HOD):** The HOD has established a direct communication with Mr X over the complaint of non-performance of his academic duties by his students.
- **Other faculty members**: The motivation of other faculty members may also get affected by the incident.
- **University administration:** The quality of education as well as reputation of the university is at stake.

Ethical issues involved in the given case include:

- **Rights of PwD vs quality education**: The rights of specially abled persons have to be protected and at the same time a certain level of quality of education needs to be maintained at the University.
- **Lack of integrity**: It has been alleged by students that Mr X is not performing his duties diligently and thus not upholding values of integrity and commitment to his duties as a Professor.
- **Justice to treat like cases alike**: As this case involves a specially-abled person, the final decision and action against Mr X, if any, has to be ethically correct in terms of treating like cases alike.
- **Impartiality:** The Dean has to take the decision objectively in light of the evidence and the decision has to be taken without any pressure or fear.

- **False allegations**: Mr X has been alleging that he is being falsely accused and would file a complaint of discrimination against the University. He also claims to be a victim of internal politics.

(b) In this scenario, the various options available to me as the Dean and their evaluation are as follows:

- **Option 1: Calling both sides and trying to settle the matter internally:** This option involves peaceful resolution by bringing all the stakeholders together and coming to a final decision without taking any action against Mr X in a haste. But, it is more informal and will be based on verbal statements of different stakeholders. Further, it does not guarantee that Mr. X will bring about any change in in discharging his job responsibilities.
- **Option 2**: **Setting up an internal committee and taking a decision based on the findings of the committee:** This option is more formal, as it will follow set guidelines to deal with such situations. All the findings of the committee will be objective and rational and will be recorded. Further, the decision taken will be purely based on the final report of the committee and will be an objective one.
- **Option 3**: **Recommend to the appropriate authorities to suspend Mr. X based on his past performance reports and verbal complaints.** This decision would have been taken in haste without investigating the matter further. Also, it may backfire as it involves a specially-abled person who has legal protection against discrimination and the higher officials may take note of this decision.

(c) In the given situation, I would choose Option 2 for the following reasons:

- The setting up of an internal committee will ensure establishment of the veracity of facts. The committee can also look into the issues of internal politics and discrimination of the Professor within the department.
- If Mr X decides to make a formal complaint under the Act, the written report of the committee can be used by the university for its defence.
- Irrespective of which side is right or wrong, the decision taken here will be purely based on facts. All the ethical issues will be dealt with such as protection of rights of specially-abled people, right of the students to receive quality education, etc.

Quality education is an important aspect of attaining success in life for students. It must not be compromised in any situation. The Professor, along with the University, should take this into cognizance and there must be zero tolerance against underperformance when it comes to education, while at the same time ensuring that there is no discrimination against any specially-abled employee or student of the University.

106. You are an IPS officer posted as the Inspector General of Police in a state. The recent death of a father-son duo in one of the districts in the state, due to custodial violence allegedly in the presence of the Deputy Superintendent of Police (DSP), has sparked anger across the state. This is not an isolated incident, as there have been allegations raised by human rights groups in the past regarding custodial deaths due to physical assault by the police. The High Court of the State, taking suo moto cognizance of the recent incident, has served a notice to the state government, seeking a detailed report on the rising instances of custodial deaths. The state government has constituted a Committee to probe the incident and submit a detailed report about the veracity of facts related to it. You have been asked to head the Committee. You know the Deputy Superintendent of Police of the district to be an honest, hardworking and upright officer. He has privately requested you to absolve him of any wrongdoing as he claims not to be present when the incident occurred. You know that any action against him will be detrimental to his reputation and career. On the other hand, the seniors in the department are pressurising you to put all the blame on the DSP and make him a sacrificial lamb in order to protect the overall image of the police in the state.

In the given scenario, answer the following questions:

(a) Identify the stakeholders and the ethical issues involved in the case.

(b) What steps will you take to ensure that the enquiry is seen to be fair and impartial?

(c) Given the challenges that the police forces in India operate under in their day-to-day functioning, suggest some initiatives to address them.

Approach:

- Give a brief introduction about the case.
- Identify the stakeholders and ethical issues involved in the case.
- Mention steps that you will take to ensure an impartial enquiry is carried out.
- Briefly mentioning the challenges that the police forces face, suggest some initiatives to address these challenges.
- Give a brief conclusion.

Answer:

The given case portrays an instance of custodial violence leading to death of the detainees. In recent times, there have been growing instances of custodial deaths in India. For instance, according to National Crime Records Bureau (NCRB) data, over the last 20 years, 1,888 custodial deaths were reported across the country, in which 893 cases were registered against police personnel and 358 personnel were charge-sheeted.

(a) Stakeholders in the case

- **The concerned police officers:** The reputation and career progression of the concerned Deputy Superintendent of Police (DSP) and other police officers is at stake**.**
- **Family of the deceased father-son duo:** They are facing emotional trauma due to sudden death of their family members and seek truth about the death of their loved ones.
- **Police Department:** The prestige and reputation of the police administration is at stake.
- **High court of State**: Protector of fundamental and constitutional rights of individuals against extrajudicial killings like custodial death.
- **Inspector General of Police**: As the head of the Committee, I have the responsibility to probe the incident while upholding impartiality and professional integrity.

Ethical issues involved in the case

- **Culture of torture and brutality**: It has been alleged that the torture, along with violent behaviour has become an integral part of the police culture, as highlighted by the human rights group.
- **Violates the principles of natural justice**: From the perspective of justice, a criminal or a detainee has rights including the right to be heard and extrajudicial killings such as custodial death abridges the constitutional rights of an individual such as the **Right to life provided under the Article 21 of the Indian Constitution.**
- **Misuse of authority and power**: The custodial violence by the police administration clearly highlights the abuse of power by them, which is provided to them to maintain law and order.
- **Right to fair enquiry:** If the police officers are being falsely blamed, then it will raise questions about them being tried in an unfair manner, which might have a demoralising effect on the police force.

(b) Maintaining professional integrity, I will not succumb to my seniors' pressure to falsely frame the concerned DSP & other police officers and will **ensure that an impartial enquiry is carried out and is also seen to be so:**

- Firstly, I would **temporarily suspend the concerned DSP and other police officers** who have been alleged in the custodial death, till the time investigation is completed to ensure impartiality in enquiry.
- **I will ensure that a thorough enquiry** is conducted in the matter by identifying and interviewing key witnesses, including eyewitnesses and suspects. Testimonies must be carefully recorded and thoroughly analysed.
- Then, I will check the records of arrests and detentions of the father-son to look into the reasonable grounds and documented procedures.
- I will send corpses for **a proper autopsy** by a medical officer to know the cause of death.
- Based on the autopsy report and testimonies of eyewitnesses, the detailed report will be formulated and if the concerned police officers are found guilty, then along with the departmental proceedings, a criminal charge-sheet will be filed to uphold the due process of law.

(c) The police force faces many challenges in their day to day functioning such as **increased psychological pressure, overburdened with work, no fixed working hours, understaffed and excessive political pressure**.

The following initiatives would be suggested to address these challenges:

- **Regular training and sensitization of ground-level officers**: These officers serve as the first point of contact and thus it becomes important that they exhibit requisite emotional intelligence to balance pursuance of justice and respect of the human rights of the accused.
- **Creating awareness regarding human rights**: Awareness of 'rights of the accused' among citizens can drastically reduce the incidence of custodial crimes as it creates a channel of accountability towards the police administration.
- **Implementation of Supreme Court directions on police reforms**: SC directives given in the Prakash Singh case, 2006 need to be followed in letter and spirit.
- **Adequate police recruitment**: More people should be recruited in the existing understaffed police administration.
- **Modernization of police force**: Equipment, service condition, training should be modernized so that criminal investigation can be done in a professional and timely manner.
- **Surprise inspections by Non-Official Visitors** (NOVs) should be made mandatory which wold act as a preventive measure against custodial torture.

Further, steps such as separation of investigative and law & order maintenance functions of police can be taken. Overall, there is a need to formulate a multi- pronged strategy to keep police excesses in check and uphold the rule of law.

107. Though discrimination on racial grounds is generally associated with Western countries, arguably similar notions of colour and racial discrimination are prevalent in India too.

Many Indians are found to be obsessed for "White" skin tone as visible in matrimonial ads and popularity of whitening creams. They are also found to be more hospitable towards the white-skinned Europeans than the dark-skinned Africans. Even within the country, people can be found to be discriminating fellow countrymen on the basis of their skin tone. People from North-East India face frequent racial abuse and are referred to by various derogatory names. All these point towards racism being practised and accepted in India. Moreover, it is not considered a very serious issue as the anti-discrimination laws in India are not stringent enough to deal with hate crimes associated with racism.

(a) In this context, discuss the ethical issues associated with the practice and acceptance of racial discrimination in India.

(b) If you have been tasked to formulate a plan to combat hate crimes associated with racism in India and bring about an attitudinal change, what would be your suggestions?

Approach:

- Discuss the case study in brief.
- State the ethical issues associated with racism.
- Provide a plan to combat racism in India and bring about attitudinal change.
- Conclude accordingly.

Answer:

The above case study highlights the existence of racism all over the world including India. Though under Article 14 and 15 of the Indian Constitution discrimination on the basis of 'race' is disallowed, this particular aspect has not been strengthened with separate legislation. Surely discrimination as a subject has been sought to be dealt with strictly. Several laws such as SC/ST (Prevention of Atrocities) Act 1989, Equal Remuneration Act 1976, Hindu Succession Act 1956 and Transgender Persons (Protection of Rights) Act 2019 have been brought to end various kind of discrimination based on religions, caste, sex, and place of birth, but there is no act to deal specifically with racism based on colour and facial features.

(a) Following are the **ethical issues** associated with practice and acceptance of racial discrimination in India:

- It **violates the fundamental constitutional principles** of equality, justice and fraternity enshrined not just in the Indian Constitution but also form the basis of basic human rights across the world.
- It is **against scientific rationality and the principle of respect for human life and dignity.**
- Manifestations of racism are an **expression of a society's hierarchy**. It is rooted in supremacy of one race or colour over the other.
- Racial discrimination is an outcome of **unwanted fear and anxiety** against people of different ethnic origins.
- Racism **hinders the all-round development of the victim group or individual**. It can lead to loss of faith in the government and the people by the same.
- It can lead to formation of **ghettos of the victim community** for their safety. These ghettos can further become easy target for institutional discrimination and can create pockets of underdeveloped or volatile areas in the state.
- It **destroys the social fabric** of a nation and creates rifts in the society, which can prove to be harmful for a diverse nation-state especially India, which has citizens of multiple ethnicities and colour.
- Acceptance of racism by the society and lack of appropriate laws means that many **hate crimes would go unreported** and the oppressors would roam freely in absence of justice being served.
- The world experience is rife with **genocides and massacres** that were rooted in racial hatred e.g. the Nazi belief in racial superiority was one of the justifications behind its aggression that led to the Second World War.
- In a globalised world, cases of racial discrimination bring bad repute to a country.

(b) To formulate a plan to combat racism in India and bring about attitudinal change, following would be my suggestions:

- **Data collection:** It is very difficult to understand the complexity of a crime and bring an appropriate policy measure in the absence of data. Therefore, extensive data collection, incident recording, monitoring and research should be done before policy-making and should be conducted afterwards at regular intervals.
- **Legislative action:** An anti-racism legislation should be brought in order to introduce effective, proportionate and dissuasive criminal penalties for the perpetrators. The legislation should remove institutional barriers, resource problems and racist practices that often restrict the choices and environments of the vulnerable groups.
- **National Strategy and Action Plan:** India needs to adopt an explicit public policy framework aimed at combating all forms of racial discrimination. Such policy should be designed and developed through public consultation, including a targeted assessment of the specific concerns of the victim community.
- **Affirmative actions:** In order to prevent further alienation, the government must also take positive policy actions such as quantitative targets to be achieved in employment, educational institutions and housing projects of the government for people belonging to North-Eastern India.
- **Sensitisation:** The government should organise in-service training of teachers, police officers and civil servants that addresses prejudice and negative stereotypes, increases awareness of direct and indirect discrimination, and provides them with the necessary tools to respond to and effectively deal with an ethnically mixed population.
- **Media**: Given their role in shaping social attitudes and behaviour, media organisations should develop clear codes of conduct and training programmes for media professionals to promote diversity and combat all forms of racism.
- **NGOs and civil society**: All religious communities, non-governmental organisations, local authorities and other relevant stakeholders should be encouraged to speak out against bigotry and hatred.

Racism in India is a shrouded reality. The obsession for fair skin tone is huge and crimes/ discrimination against people belonging to North-East India is increasing continuously. The aforementioned principles backed by quick intervention by the government and strict implementation of existing laws should prove substantially useful.

108. You are a District Magistrate posted in a backward district of the country. You are responsible for getting an Atal Residential School built on the village land in your district. The contract for the construction of the school has been assigned to a popular local leader's son. This land is presently occupied by tribal communities but they cannot produce any ownership records. They claim that they have resided on the land for generations. They also allege that the administration is pressurising them to vacate their land to build the school and have assured that they will be relocated elsewhere. However, they are hesitant to do so as it will uproot them from their homes and will affect their livelihood. One of the prominent tribal leaders has highlighted this issue and it has caught the attention of the mainstream media.

In the light of the situation, answer the following:

(a) Identify the stakeholders involved in the case and their respective interests.

(b) Discuss the various ethical concerns in the given case.

(c) What are the options available to you and which of these options you will choose? Justify.

Approach:

- Briefly introduce the case study.
- Briefly highlight the key stakeholders & their interests associated with the case study.
- Bring out the ethical concerns in this situation.
- Evaluate your options with suitable arguments.
- Conclude appropriately.

Answer:

The above case study presents a classic example of **development induced displacement**. It presents a case of **conflict between developing the much needed educational infrastructure and its fallouts in the form of alleged forceful eviction of tribals & their rehabilitation.**

(a) Stakeholders involved in the case study and their respective interests are as follows:

- **Tribal Community:** Prime stakeholder, livelihood opportunities, tribal welfare, disruption in their cultural and land rights.
- **State and District Administration:** Welfare of the people in the area, persuading tribals to trust administrative machinery, ensuring social justice to all, in line with their duty obligations, responsibility for eviction and rehabilitation.
- **Contractor (local leader's son):** Construction of Atal Residential School, profits from the contract, job creation.
- **Tribal Leader & Media:** Ensuring welfare of tribal people and development of the area, protection of the rights of tribals, being the voice of tribal communities.

(b) Ethical concerns involved in this situation

- **Land alienation**: Loss of land and forced displacement due to development projects and lack of proper rehabilitation is a serious issue for the local tribals.
- **Loss of livelihood:** Eviction of tribals threatens their livelihood opportunities and can subsequently push them into the vicious circle of poverty and perpetual debt trap.
- **Balancing the educational rights vs forceful eviction**: The school being built on the land aims to provide education to the children of tribals and surrounding areas. However, this comes at the cost of their forced eviction.
- **Violation of their customary rights**: Customary rights of tribals including their habitat rights to live in the forest areas get denied especially when there is lack of ownership documentation.
- **Public duty**: The DM has a public duty to get the Atal Residential school built on that land. **Right to Education (RTE) Act, 2009** provides for a free and compulsory education to all children of India in the 6 to 14 age group.
- **Nepotism**: There may be a collusion/nexus that may have helped the kith and kin of local leaders get the contract to build the school which could tantamount to an unfair use of power to get such contracts.

- **Responsibility of state for resettlement and rehabilitation:** Providing alternate accommodation along with other basic amenities is required by the administration.

(c) Following are the options available to me:

- **Allow construction of the school and rehabilitate the affected tribal population**
  - **Merits:**
    - This option will ensure a smooth completion of the project and at the same time rehabilitation of the tribals.
    - There will be no further delay in the project.
    - It will also provide educational rights to tribal children.
  - **Demerits:**
    - There may develop a perception amongst local tribals that they are being evicted on the orders of powerful leaders. Media pressure could increase further as well.
    - The state apparatus can be seen as exploitative and there may emerge allegations of collusion between the same and the local leaders.
- **Cease any construction, stop the project and look for alternative land for construction of the school**
  - **Merits:**
    - This may be beneficial for tribals as they may not be required to be rehabilitated.
    - Both their habitat and livelihood rights would thus be protected.
    - It would avoid any confrontation between the state apparatus and the affected population.
    - No allegations would be made against any collusion between the state apparatus and influential leaders.
  - **Demerits:**
    - This may create further delays in the project as new land may not be available at the time.
    - The new land may not be suitable to meet the desired objectives of the project i.e. longer distance may lead to local kids avoiding enrolment in school.
    - Educational rights may get affected for the children in the surrounding areas.

Given the alternatives available to me, I would opt for the first course of action. I would ensure that the concerns of the affected population are addressed and their fears are allayed.

- For this, I would convene a meeting with the local tribal leader and a section of tribal representatives.
- The details of the project would be outlined and the rationale behind selection of the said land would be communicated to them in a fair and understandable manner.
- I would lay open a well laid out plan and the course of action to rehabilitate them. I would ensure that their voices are heard when it comes to selecting an alternate land to resettle them.
- The benefits of opening a school in the contested land would also be communicated to them comprehensively.

As a responsible civil servant, I would ensure that there is effective delivery of the message that the concerns of the tribals would always be the priority of the administration and rehabilitation and resettlement would occur smoothly and in conjunction with their expectations. This would ensure a fair balance between their educational rights and rehabilitation. The decision would be based on consent between the tribals and administration.

109. You are posted as the Sub-Divisional Magistrate in a backward district. Recently, a young couple belonging to different castes eloped from the village belonging to your sub-division. They wanted to marry but the caste conflict prevailing in the village was a big hurdle for them. So, they planned to get married secretly and then come back to the village. On account of their elopement, the girl's family, which belongs to the dominant landlord caste, filed a case of kidnapping against the boy and have riled up the villagers against him and his family. After their return to the village, the couple meet you before meeting their family members. On account of your official position, they request you to convince their family members and other members of the village to accept them. The village has witnessed many caste conflicts and honour killings in the past on account of such incidents and the present matter may aggravate caste-related tensions. Under

these circumstances, answer the following questions:

(a) Identify the stakeholders and associated issues in the given case.

(b) What are the options that you have? Highlight your course of action and give suitable justification for the same.

Approach:

- Give a brief overview of the case.
- Mention the stakeholders along with associated issues in the given case.
- State the options you have in the scenario and discuss your course of action.
- Conclude on the basis of the above points.

Answer:

The given case relates to the conflict between the **fundamental right** to life of two people who choose to be in an inter-caste marriage and the social customs/norms in a village where caste conflicts and honour killings have occurred in the past.

(a) The stakeholders and associated issues in the given case include:

- The **inter-caste couple** who had to elope in order to be together: Their basic human right to have freedom of agency and their fundamental right to choose life partners of their choice are at stake. The safety of the couple is paramount.
- The **family members** of the couple who are against the marriage: Their belief about marriage as well as societal pressure on them to adhere to societal norms are at conflict with the modern values against caste discrimination.
- The **villagers** who are opposed to inter-caste marriages: They have been involved in inter-caste conflicts in the past and their societal attitude, which goes against the right of adults to choose their life partners irrespective of caste barriers, need to be shattered.
- The **Sub-Divisional Magistrate (SDM)** of the village: As the representative of the government, the SDM has to ensure the safety of the couple, adherence to law of land and also maintain public order in the village.

(b) In the given case, I, as the SDM, have the following options:

- Provide police security to the couple till things settle down in the village.
- Arrange for the couple to live in a safe place in a nearby town till a conducive climate is made in the village for their return.
- Convince the villagers to bring a change in their attitude towards inter-caste marriages, so that the couple can live peacefully in the village.

However, as the SDM, who is a public authority, I have to ensure that the prevalent customs of the village and the actions of the villagers are not in contravention of the rule of law. Also, the right to life of the couple, which is a fundamental right, needs to be upheld. **My course of action in this scenario will include:**

- The foremost action I will take is to **secure the life of the couple** and provide them access to a safe place in the village/nearby town so that they are not attacked verbally or physically.
- I will **meet family members of the couple** and try to convince them about allowing the couple to choose their life partners. I will explain to them the legal position on the issue and also tell them that the state will protect the right of the couple along with taking suitable legal action against those violating the law and disturbing public order.
- I will then **meet the village Panchayat members** along with some reputed village elders and discuss the issue with them. I will explain the couple's point of view and clearly tell them about the legal aspects of the situation, and persuade them to accept the couple.
- The **Panchayat members could then decide to convene the village assembly**, where they would discuss the matter with community members of the village.
- Due to the possibility of occurrence of caste related tensions, I would ensure **deployment of police force** on the date of convening of the assembly to ensure maintenance of peace and order.

- I will ensure that **adequate security** is provided to the couple till the time there is threat perception to their life as there is a history of honour killings in the village.
- I will also seek the **help of local NGO members, local celebrities** etc. who are actively involved in the development of the village and have a good reputation among members of the village. This would make it easier to convince the village members regarding acceptance of the couple.
- I will also arrange for the assembly to be filmed so that **everything is on record**.
- Lastly, I will clearly tell the villagers that the **law of the land is supreme** and the administration will take all legal steps necessary to uphold the rights of the couple.

The Constitution of India guarantees liberty and equality to citizens. Putting restriction on private decisions in the name of social customs amounts to violation of the rights conferred by the Constitution. Thus, the couple should not be forced to live according to the dictates of the village members and should get the freedom to choose their life partner without any threat to their lives.

110. You are waiting at a red light of a traffic signal while driving a car. A poor teenage boy, who is looking sick and weak, approaches you and starts begging for money. Looking at his situation, you out of compassion take out your wallet and start looking for some money to give it to him. But suddenly the boy, who was standing very near to you, snatches your wallet and starts running. Another man standing next to your car watches this act and catches the boy. He starts beating him badly. Few other people also join him.

(a) What are the issues involved in this case?

(b) What course of action will you take and why?

Approach:

- Introduce by stating the gist of the given case.
- Discuss the issues involved in the case.
- Suggest a course of action that can be taken in the above situation.
- Conclude by giving a way forward.

Answer:

Poverty driven crimes are a common phenomenon in a developing country like India where the prevalence of poverty is high with more than a quarter of the population living in rural areas and around one-sixth of the population living in urban areas below the poverty line.

(a) Following are the issues involved in the given case:

- **Poverty has led a teenage boy to beg** for his survival. Also, his situation has forced him to commit a crime as a resort to subsistence. Here, the issue is of lack of basic human needs.
- The **state is failing to do its duty** to provide a decent life to its citizens.
- **Violent response of the people** against theft by a teenage boy is a concerning issue as it portrays the kind of mindset people have developed in the society towards such situations. It shows lack of emotional intelligence among the people in the society.

(b) The situation demands an immediate act of compassion to protect the teenage boy without causing much discomfort i.e. traffic block. So, **the following course of action can be taken:**

- Firstly, I would park the car in a convenient spot to avoid creating a traffic jam. Then, I would reach the spot and request the man and other people not to beat the boy as he could have acted out of helplessness like hunger.
- I would acknowledge the helping gesture of the man. At the same time, I would gently remind the people that it is a public space and such acts of physical violence could land them in legal trouble. This would help in lowering the anger of the man and the people.
- I will assure the boy that he will not be harmed and will try and make him comfortable. Further, to allay his fear, I will get him something to eat and drink and ask him the reason for his action.

- I will then call and inform the authorised government agency or an NGO working in the field of child welfare and explain the situation to them. These agencies are obliged to take the right course of action for the betterment of the children like him.
- I will also ensure that occasional follow ups are done with the agency to review his progress.

This course of action should be taken as it is a compassionate act, which has been taken not only to understand and feel the problem faced by someone else but also includes efforts to resolve that problem. This would ensure that the issues are addressed and remedial steps are taken towards a better future of the teenage boy.

111. You are working as a District Magistrate in an aspirational district where women literacy and sex ratio is one of the lowest in the country. It is brought to your notice that a woman who has been elected as 'Sarpanch' on a seat reserved for women candidates in a panchayat in your district is head 'only on the paper'. All the work related to the panchayat is actually carried out by her husband. Even the flag hoisting ceremony on Independence Day is carried out by her husband. However, her husband happens to be a good administrator as indicated by that panchayat's performance on various developmental parameters as compared to other panchayats in the district. Also, her husband enjoys the support of the local people. Given the situation, answer the following:

(a) Identify the stakeholders and issues involved in this case?
(b) What options are available to you as the District Magistrate in such a scenario? Also, evaluate each option and indicate what option will you choose.

Approach:

- Give a brief description of the case study.
- Write about stakeholders involved in the case and various issues that need to be considered in this case.
- Write some options that can be taken in such a scenario with pros and cons of each option.
- Indicate which option you will choose.

Answer:

This case depicts the phenomenon of "Sarpanch Pati" in which a male relative of an elected woman Panchayat Sarpanch/member discharges all the official responsibilities of the woman. This phenomenon arose as a result of provision of reservation of seats in Panchayat elections for women in the backdrop of patriarchal mindset of society.

(a) Various stakeholders and issues involved in this case are the following-

- **Sarpanch**: She has been **deprived of her rights** to discharge her official duty, participate in the political process and take decisions.
- **Husband of sarpanch**: Though a good administrator, he is indulging in **impropriety** by discharging official duties of the Sarpanch, which is a case of **unauthorised appropriation of an elected office**.
- **Villagers**: Though their Panchayat is ahead of other panchayats in the district, this incident clearly points to their **regressive attitude towards women**. This may also be a factor behind the district's low performance on women's literacy and sex ratio.
- **District and state administration**: The district administration must ensure that there is no violation of **the 73rd Constitutional Amendment Act**, which seeks to involve women in decision-making and leadership roles.
- **Women and society at large**: Such incidents strike at the very root of the process of women empowerment, perpetuate traditional patriarchal society and ensure that women are kept subjugated. This acts as a **hindrance to the overall development of society**.

(b) As a District Magistrate, I have the following options available:

- **Take legal action against the Sarpanch under relevant provisions of the state Panchayati Raj Act:**
  - Pros: This will act as a deterrent for others and will create the space for women empowerment as envisaged by the PRI Act.

- Cons: Without a proper enquiry into the matter, this step may prove hasty. Also, there is a chance that the local aids of the 'Sarpanch Pati' start creating law and order issues.

- **Conduct an enquiry into the allegation:**
  - Pros: This will establish the facts of the case, which will help in taking informed decisions based on evidence and will also uphold the rule of law.
  - Cons: This may initially give a message that the administration is going lenient over the issue, as the enquiry may take time to conclude.
- **Inform counsel and if needed, warn the Sarpanch**
  - Pros: It will also ensure that the legal repercussions of their actions are well understood by the Sarpanch. It will also provide an opportunity to the woman Sarpanch to put across her point as well. Also, based up on this conversation, a future course of action can be decided.
  - Cons: Though this step takes into account the sensitivity of the situation, this might give an impression that the administration lacks the desired will power to take strong action against such perpetrators. Going lenient on an unlawful act might prove detrimental in the future.

However, if I come across such a situation, I will order a time-bound inquiry into the allegations. If the allegations are true, a show cause notice will be served to the Sarpanch first. Based on the nature of the reply of Sarpanch I will take following action, as suitable:

- If cited any personal problem or lack of administrative skills, I will ensure that she gets the required training/help etc. as per the law of the land to enable her to discharge her official duties.
- If she remains adamant that her husband should carry out the official functions of the Panchayat, I will move forward to initiate further legal proceedings.
- I will also order legal action against her husband as he is impersonating as a Sarpanch.

It is important to recognize that this situation is more than a law and order issue; capacity issue and social mindset are some of the other issues involved. In addition to the above steps, at the district level, I will conduct social awareness drives to raise awareness about women empowerment and importance of women in the political process. I will also recommend the Government to conduct a training exercise for all women heads so that they can fulfil their obligations as per the legislation.

112. 'Honour killing' has been in news in recent times. It involves the homicide of a member of a family by other members, due to the perpetrators' belief that the victim has brought shame or dishonour upon the family. Analyse this problem in detail and indicate not only the social but also the emotional and attitudinal factors responsible for this problem? Also, distinctly bring out why:

(a) The youth in such areas do not speak up against these practices.

(b) The conviction rate in 'honour killing' cases is extremely low.

(c) Women, who have to face the brunt of this crime the most, do not speak against it collectively.

Discuss some feasible steps, which could be effective in controlling this serious problem.

Approach:

The answer must analyze various aspects of the problem of honour killing- social, emotional and attitudinal. While explaining this problem, the second part of the question should be simultaneously dealt with. Finally, suggest some practical and relevant suggestions to overcome these problems. Supreme Court's observations can also be cited here.

Answer:

Many experts believe that there are about 1000 honour killings a year in India. It is mainly women who are the victims of honour killing.Violation of the local cultural norms for marriage is the leading cause of honour killings. In the areas where honour killing is the most common, social ills such as casteism and patriarchy are deeply entrenched in people's minds.

If we look upon honour killing from sociological angle, when a woman marries a person of lower caste she goes into the husband's caste, this brings the family's status down in the eyes of society. Similar is the case with inter-religion marriages. Patriarchal tradition casts 'male as the sole protector of the female' so he must have total control of her. If this protection is violated, he loses honour because he failed to protect her or he failed to bring her up correctly.

Patriarchal upbringing molds the brothers into thinking that he shoulders the responsibility for his unmarried sister and in turn, family's "honour". Thus, the young brother may become an accomplice in the honour killing. At the same time, one can say that it is the young only who rebel against these orthodox values and become a victim in turn.

A society in which this murder is seen as justice, rather than a crime, people do not report it to the police. Also, there may be a handful of people who may be liberal in these societies but the social repurcussions prevent them from speaking up. Without a formal complaint, witnesses etc, conviction rate in such cases is very low. Victims complain of police as being biased too.

The Law Commission of India disapproved the proposal of Government to amend Sec. 300 of IPC to include 'honour killings' within the definition of murder on the ground that the existing provisions are adequate to take care of the situations leading to such killings. The Law commission has proposed fresh legislation that seeks to declare that the KhapPanchayat indulging in this crime be declared unlawful. However, this legislation is yet to see the light of the day.

Woman, in the context of honour killing, is either a victim, or an accomplice or she is simply a bystander who is unable to speak up. The latter may be a result of her feeling helpless in the patriarchal society or she may be financially dependent on her husband/son.

Suggestions:

Law definitely can play an, important role in curbing honour killings, but it alone can not stop such killings, since, it is a sociological issue, which isdeeply rooted in social culture, traditions and mindset. The vulnerability of women to this type of violence will only be reduced when these patriarchal mindsets are challenged and effectively confronted.

Another, great liberator may be the economic status of women. Education can also play an important role. An economically independent woman can be more powerful, and capable of taking her own decisions. This kind of change in our socio, economic conditions and stringent law can only be helpful in reducing the number of honour crimes.

Civil servants, including the police should undergo sensitivity training, so as to forego any social bias that they may have.

113. You are posted in a district as a public servant responsible for looking into the matters of violation of Right to Education Act. You came across a case in which a poor farmer had beaten his daughter for not going to take her fifth class annual exams. Eventually, he tied her up with his motorbike and took her to the examination hall. Corporal punishment to the children by parents or teachers is a punishable offence with three month jail term.

When you enquired about it the poor farmer explained that he had done so for ensuring a better future for her daughter as he does not want his children to live in poverty in which he is living. He also says that his economic condition is poor and if he is taken to jail his children will face severe hardships.

(a) What are the options available to you?
(b) Evaluate each of these options and choose the option which you would adopt, giving reasons.

Approach:

Answer can be framed in the following manner:

- Introduce your answer by identifying the ethical dilemma involved in this case for you, as public servant.
- List the various course of action you can take.

- Evaluate the listed action in terms of logical thinking that went behind it and justify the best option among them.

Answer:

This case presents a unique situation in which a poor father has beaten his child to send her to school and has fallen into the trap of law. The administrator who is responsible for overseeing the law is presented with an ethical dilemma - whether to follow his duty according to rules or act in good faith by considering the situation of the person and make an exception with the case.

In such context, as a public servant, the following options will be available:

- Establish his offence as evidently he is a culprit in a crime that is considered as serious according to the law.
- Consider his disparate situation as a poor farmer spending hard earned money on his child's education and leave him after a strict warning.
- Try to understand why children are not willing to go to school and take appropriate measures accordingly.

Following consideration will go behind the above course of actions:

1. Establishing the offence of father and punishing him has both merits and demerits attached to it. The merits will be that I will fulfil my duty in strict observance of law, it ensures justice to the aggrieved child, It acts as a deterrence for parents and teachers.
   However, this step comes with more demerits, as punishing the poor farmer desperate to provide education to his child will amount to blind observance of law ignoring the circumstances in which crime has happened. Further, there would be practical difficulty as who will take care of child when her father will go to jail. Punishing the child will amount to punishing the child more as she comes from a poor farmer family. Any punishment might change the father's attitude towards the child as he might turn hostile and non-caring for his whole life after his release. This step overlooks the reasons as to why the child is unwilling to go to the school.
2. Giving due consideration to situation of the father and the child and setting him free after strict warning. This step has merit of acting in good faith considering the totality of the situation and showing empathy both with poor father and child as it saves her from consequences of punishing the father. Further, it will save the family from financial hardship. Since the farmer had taken the decision with a good intention, he may be given benefit for it. The action of farmer may end up educating his daughter and bring the family out of poverty. The demerit of the action is if through the media or otherwise this case goes in public domain than I may face disciplinary action for not implementing the law properly. Moreover, it will encourage, or at least will not deter, others to exercise corporal punishment.
3. Knowing why children show unwillingness to go to school is important to prevent corporal punishment. It may be the case that due to fear of corporal punishment in the school, the child is showing resistance for going to the school. Further, such measures need to be taken, which increase the willingness of children to go to the school.

   I believe that I can choose both the second and third options of showing restraint and give due consideration to the situation of farmer and child and taking substantive measure to prevent corporal punishment in both schools and home.

114. You are an undergraduate student in a leading Law University. You go with your college friend Surender to his village to attend his sister's marriage. Surender's parents are farmers and are financially very poor. They have somehow managed to send him to the university by selling their land. After interaction with the family relatives attending the marriage, you find out that the bride is not of marriagable age, which makes it a case of child marraige. The family wants early marriage of the daughter to avoid huge demands of dowry in the future. You are well aware that child marriage is illegal in India. So, you discuss the issue with your friend who says that he is helpless and can't do anything. Your friend feels that his family is already doing too much for him and he cannot argue and change his parents' decision. In this situation, what are the possible actions you can take? Evaluate the merits and demerits of each of them.

***Approach**:*

- Introduce the situation briefly
- Suggest possible actions and evaluate them
- Take your final stand in the conclusion

***Answer**:*

The given situation is of child marriage in a village where every person in family feels their hands are tied due to some reason. However, being aware of this social illness and that child marriage is illegal in India; I cannot allow it to happen. There are several options available to stop this event such as

1. **Persuade the family with the help of Surender**

   Firstly, the dilemma of Surender needs to be cleared. He must be told that it is his responsibility to tell parents about the implications of child marriage. Further, his hard earned education will be of no use if he cannot save his little sister from orthodox, outdated social traditions – dowry and child marriage.

   Once Surender is convinced, we both can persuade the parents through following arguments:

   - Making them aware that the child marriage is illegal and it is similar to destroying theirs beloved daughter's whole life
   - Removing theirs primary apprehension of dowry demands by telling them that is illegal practice.
   - Encouraging them to make their daughter educated and skilled. It will make her independent and then she would be able to choose her best partner herself. Citing some successful women will be useful
   - The sister's education expenditure can be met by Surendar's earning from job in near future

   If this persuasion gets successful in stopping the marriage from happening then there is apparently no demerit in this action.

2. **Bringing the matter into the notice of local panchayat**

   However, if the parents do not get convinced and still holds the event, then the local leaders from panchayat can be informed.

   Merits:

   - The panchayat can create social pressure on the family to stop the marriage
   - It will serve as an important example to bring social change in the community

   Demerits:

   - The family may not abide by the panchayat's persuasion and will also bring the personal matters into society
   - The parents and friend may get angered on me and may also threaten me

   However if still they decide to hold marriage, the FIR should be registered with police station.

3. **Registering the complaint with the police**

   Merit:

   - The most important objective was to stop child marriage from happening will be achieved
   - The case will act as deterrence against future practices of child marriage in local area

   Demerits:

   - It will bring whole family into the criminal proceeding which will hamper the education of both the children. This could further push the family into deep poverty which was the primary reason for child marriage. So, instead of removing the root cause, this solution will be superficial in nature.

On evaluating all the above scenarios, I must persuade the family by all means to stop the child marriage from happening. In this process, we can involve all educated and reform oriented relatives and local people. The registering of police complaint should be avoided till all options are exhausted because it has huge repercussion on the family and lives of brother and sister.

115. In your personal life you are a religious person and strongly believe in the preservation of socio-cultural beliefs. Your recent posting as an IPS officer has brought you to a district with a widely revered shrine. Shortly after you take charge, you find considerable tension building up in the district on the question of women's entry in the shrine. In this backdrop, the Supreme Court has ruled in favour of women being allowed to enter the shrine.

You are aware that there is considerable resentment against the decision. Additionally, several political parties, religious bodies and groups have launched a campaign to defend the tradition. In few weeks the traditional annual pilgrimage to the shrine is going to commence. You suspect that if the situation is not diffused it might lead to law and order problems.

(a) What are the key issues at stake here?
(b) Do you see any dilemmas in the unfolding situation?
(c) In this context, what steps would you take to discharge your duties?

Approach:

- Briefly highlight the key stakeholders involved in the case study.
- Discuss the key issues involved in the case study.
- Discuss the ethical dilemmas involved in the case study.
- Discuss the steps which you would take to discharge your duties.

Answer:

The current case involves a situation where personal beliefs of a civil servant may induce him/her to act in a partisan manner as well as keep him/her in contravention of their duty to uphold duly passed decisions. Where as on one side, a person may strongly argue about correctness or wrongness of a decision, but as an officer appointed to uphold that very decision, it is the duty of a civil servant to carry it out in the most effective manner. The given case also revolves around the contradictions within our society where strongly held religious beliefs may have an apparent or a real conflict with constitutional values.

Stakeholders involved: People who want to uphold the traditions; activists who want to ascertain their fundamental rights; people directly involved in administration of the temple such as priests; women as a whole group; authorities responsible for execution of court order, primarily the government of the state and the common citizens in general.

(a) Key issues involved:

- **Public especially women Safety**: As Supreme Court has allowed entry of women into temple, it is the duty of administration to ensure safe and secure passage of women into temple and respect the mandate of apex court, otherwise it would be unwise to allow women to enter the shrine where there is a possibility that she can be harmed..
- **Political pressure**: Since several political parties and religious denominations have launched a campaign to defend the tradition, providing safety and passage to women demands standing tall against powerful pressure groups. .
- **Law and order**: Due to commencement of traditional annual pilgrimage to the shrine, mass inflow of pilgrims can make law and order problem even more complex.
- **Personal beliefs**: The call of duty demands taking certain measures which may go against your personal belief that favors preservation of socio-cultural beliefs.

(b) Ethical dilemma involved:-

- There are clear directions from the court regarding entry of women in the temple. As such, there is little choice before the office but to uphold the order with full sincerity. Therefore, there seems no ambiguity about the course of action that has to be taken and as such, there cannot be any dilemma resulting in inaction. Still, at the subconscious level, an officer will experience dissonance. This can result from various conflicts, such as:
  - Freedom of religious affairs v/s right to equality.

- Challenge to the faith and deeply held beliefs..
- Reasonably differentiating practices which are actually discriminatory v/s those that can be defensible in a plausible way. Preservation of cultural identity and the conflicts it can raise with liberty, justice and equality.

(c) Steps that would be taken as a part of duty:-

- Inform district authorities about the above problems and brief them in advance about the potential conflicts.
- Make adequate arrangements to ensure security of people who want to enter the shrine and uphold the SC order
- Call a meeting in advance with all stakeholder and clearly communicate to them about the duty of police force and the need to implement the order in-toto.
- Request district administration to be prepared with emergency measures such as closing of schools or specific sections in the city in anticipation of situation.
- Ensure proper security arrangements at the temple and regulate the flow of pilgrims.
- Optimum deployment of security personnel for controlling any act of violence and ensuring swift action if violence erupts.
- Appeal and strict warning to every citizen in the area to refrain from any violence around temple.
- Special protection guidelines will be given to protect women, children and elderly, if violence erupts.
- Another layer of security arrangement will be done for temple people and temple property to avoid any further damage.
- Involving the concerned political parties, religious groups, media and NGOs working in the area to prevent any violence.

By doing so, I would have demonstrated my commitment to duty. taking the decisions objectively and handling the crowd with emotional intelligence will be the key to maintain an atmosphere free of violence. The overall situation will also give me the opportunity to resolve any internal dissonance that I may have and learn from the situation, so that I can better serve the people.

116. You are the dean of an engineering college. You have received a complaint regarding prejudice against students from lower castes by some senior professors. These professors have contributed a lot academically to the university. However, this particular instance has disturbed peace and harmony in the campus.

(a) Discuss the immediate steps you would take to contain growing discontent among some students.

(b) Discuss the action to be taken if the professors are found to be guilty and also evaluate the steps if it comes out to be a false case against the professors.

(c) What should be the responsibilities of professors and students to create positive social ambience in the campus?

Approach:

The case is about social discrimination- perceived or actual. The answer should be written from the perspective of the Dean and not any other party.

- List the facts of the case.
- To clarify the course of action, list the priorities. Mention the constitutional values and your duties as a dean.
- One must choose the right course of action and make it acceptable to all. As such, whatever course you choose, there should be accompanying explanation about how to convince others about it, i.e. you should address the demerits.

Answer:

(a) Facts of the case are:-

- There is a complaint against some senior professors for their prejudiced treatment of students of lower castes.
- The peace and harmony in the campus is disturbed.

There is discontent amongst the students about the treatment of some of their fellows by the professors. As a dean, my immediate responsibility would be:

- To ensure that no untoward incident occurs in the University, i.e. peace and harmony is maintained.
- To make sure that both the constitutional values of social equality and presumption of innocence unless proven are protected.

Steps needed to be taken:

- Students should be pacified first. Foremost, audience should be given to the student leaders and their grievances should be noted. They must be assured of swift redressal.
- An enquiry should be ordered into allegations. The panel of independent experts should be appointed in consultation with student representatives. It should be made sure that it submits its report in a time-bound manner.
- Help should be sought from student union president /office bearers to reach to student community and maintain tranquility and peace.
- Students should also be given warning of not taking the law into their own hands and demanding mob-justice. Acts of indiscipline and ruckus on campus should not be allowed to take place.

(b) Maintaining the dignity and credibility of institution among students and academic ecosystem should be the priority of any office bearer of educational institution. Discrimination on the basis of caste is a breach of fundamental right of an individual. As a dean of the university, I must protect as well as be seen to protect the values of social justice and equality.

In case the committee after giving both parties opportunities to present their case, finds the professors guilty:-

- Immediate suspension and disciplinary proceedings would be ordered for such conduct. It is of little consequence whether they have contributed academically or not. In fact, as a senior faculty, they must have been more responsible for their conduct with students.

If they are not found guilty:

- Students should be asked to explain why disciplinary proceedings should not be initiated against them. They must be given the opportunity to apologize before any disciplinary proceedings are initiated.

(c) An educational institution is not merely a learning center. It is also a place of interaction of students from various cultures and backgrounds. The college administration as well as the professors must make special effort that a positive social ambience is maintained at all times in the University.

Administration/Professors' role:

- Have to be impartial in their treatment of students. Decisions such as mentoring of students should be done according to the merit of the project and not on perceived capability of the student, especially by factoring in of caste.
- Providing equal accessibility to all would help in maintaining trust.
- Giving mental and psychological support to the students who are vulnerable and deeply sensitive to such issues.
- A vigil should be kept on those elements which try to foster discontent and exploit social divisions to their vested agenda.

Students' responsibility:

- Not engaging in divisive university politics but keeping the administration abreast with the issues they face in a democratic and harmonious manner. Student union must be active and address grievances of students without aggravating the situation.

The students must not take law into their own hands and concentrate on their studies. However, high quality teaching from the professors is one important thing that can keep them engaged**.**

117. You are appointed as the principal of a school, which is located in a backward district. A colleague brings to your attention that a group of boys indulge in smoking during school hours within the vicinity of the school. The same group has also repeatedly been caught consuming alcohol in the school premises. No form of punishment seems to be effective while dealing with this particular group.

Upon investigation, you find that the boys belong to low-income families and have picked up the habits from elders at home and neighbours. The teachers are concerned about the effect it will have on other students. You also realise that this problem has to be addressed as quickly as possible. In this context, answer the following questions:

(a) Identify the factors that make young people take up such harmful habits? What is the role of educational institutions in inculcating right habits among the students?
(b) How would you address the immediate issue? Analyse the options available to you in this regard.
(c) How will you bring about a behavioral change among students in this case?

Approach:

- State the factors that make young people take up harmful habits
- Mention the role of educational institutions in inculcating right habits among students:
- Discuss how you would address the immediate issue as a principal and assess the options
- Discuss ways to bring about a behavioural change among students in this case

Answer:

(a) The factors that make young people take up harmful habits are:

- Exposure to tobacco advertisement and product placement, easy availability of tobacco products.
- Emulation – whether it is following someone they look up to, public idols, etc.
- Lack of awareness and understanding about theThey do not realise the extent of consequences of smoking especially with regard to personal health.
- Peer pressure and the desire to look mature, independent, act rebellious etc.
- Hardships due to poverty and familial problems at home.

Role of educational institutions in inculcating right habits among students:

- The considerable amount a child spends in educational institutions can be constructively used to develop personality of a child, socialize them and impart value and health education.
- Identification of children who show signs of attraction to undesirable and harmful activities and counselling them to take decisions in their best long term interest.
- Policies may be developed to respond to bad habits and prevent them.
- Providing learning resources or curriculum support.

(b) Addressing the immediate issue:

The immediate issues to be addressed include:

- Correcting the behaviour of students and inculcating right habits in them.
- Keeping the confidence of other students, staff and parents of children about the environment in the school.
- Ensuring that any action against students does not result in they opting out of school.
- Protecting the reputation of school

I have the following options:

- **Ignoring the issue**- This will make the concerned students habitual to breaking rules and will push them further into tobacco/alcohol use. If these students are not prohibited effectively, other students may also take up addictive habits. The reputation of the school will also be undermined. Also, it will have long term negative socio-economic consequences for the concerned families and the society.
- **Punishing the guilty students/dismiss them from School**-It will be a too harsh punishment considering the socio-economic realities of these students. This may force them to abandon their education midway.

Punish them and direct all efforts at reforming them.

- Disciplinary action for smoking and seeking professional health counselling.
- Informing the concerned guardians and educating them about the seriousness of the issue.

I would opt for the 3rd option. Also, I will take steps to disseminate information about the harmful effects of such habits in school through presentations, plays, etc. and would ensure that "no to addictive substances" policy is strictly adhered to in and around the school premises. Steps can also be taken to inculcate a course on desirable social behaviour in the curriculum of the school.

(c) For behavioural change, the following measurements need to be adopted:

- Organization of school-based tobacco use prevention programmes with the help of NGOs and local media.
- Preventive Programme training for teachers and guardians.
- Encouragement and support of cessation efforts among the student body and the teaching staff that focuses more specific attainable goals.
- Developing and inculcating constructive hobbies among students.



118. You are the District Magistrate in a district where a significant number of transgenders reside. While discrimination against the community is well known, commuters increasingly complain of harassment at their hands, especially at traffic junctions where transgenders are mostly involved in begging. This, at times, also leads to traffic management issues. You have received a number of complaints in this regard and have to act quickly to resolve it. However, a group of transgender associations argue that begging is their only source of livelihood.

Given the situation, answer the following questions:

(a) Describe the ethical issues involved in this case. Discuss the attitude of people towards transgenders in general and reasons for the same.

(b) What possible courses of action can be undertaken in such situations? Discuss their merits and demerits.

Approach:

- Discuss the ethical issues involved and the reasons for differential attitude of people towards transgenders.
- Discuss possible course of action with merits and demerits. You may conclude by suggesting long-term solution/elaborating on your solution.

Answer:

The given case involves the issues of vulnerable section of population as well as the comfort of the community. The issue relates to taking into consideration competing interests of discrimination, which transgender faces, be it education, employment, social participation as well as the means they use to earn their living.

(a) Ethical issues involved in this case are as follows:

- **Convenience versus livelihood**: Begging by transgenders is causing inconvenience to commuters and is leading to additional problems like traffic congestion. While, on the one hand, poor socio-economic condition of transgenders force them to make a living by begging, this at times becomes inconvenient to general public.
- **Discrimination of transgenders versus harassment of the commuters:** The society in general can't have both ways, that is, restricting the options of a section of population to earn decent income and at the same time have problem with whatever little means they are using to earn their livelihood.
- **DM's commitment to safeguard interests of the vulnerable sections versus taking action on the registered complaints by citizens:** Since a large number of complaints have been registered, it is the DM's duty to take up a call to reign in the menace while balancing the right of transgenders to earn a living.

General attitude of people towards transgenders

- **Discriminatory** - based on their class and gender. This makes the transgender community one of the most disempowered and deprived groups in the Indian society.
- **Non-inclusionary**: They are treated as unnatural and as objects of ridicule and even fear on account of superstition.
- **Inequality and that of Seclusion**: A long neglect in terms of rights (civil rights like the right to a dignified living) and development (reservation in educational institutions and public employment) has completely isolated the community.
- **Negligence and indifference**: Their numerical minority makes them politically less significant as a vote bank and paves the way for their legislative and administrative neglect.

Reasons for such attitude

- They are different from what has been considered 'normal' in the society
- Gender based discrimination has been the norm everywhere and ever since. They have been treated as objects of entertainment rather than as human beings.

- Discarded by their families and society, they turned to petty means to earn livelihoods. Now they are looked down upon for that, without realizing the root cause. Society misunderstands the changing concept of gender identity.
- Many superstitions have also built up around the community because of their closed nature, without realizing that they have been discarded, not that they chose to remain secluded.

(b) Possible course of action

- **Ignore the issue as begging is a matter of livelihood for transgenders**

  Merit: Transgenders will have their way in collecting money at traffic junctions.

  Demerit: This will amount to dereliction of duty and will neither help transgenders nor the general public in the long run. Also, begging is a criminal offence. Knowingly allowing begging amounts to collusion. Also, it does not solve the issue of genuine inconvenience which the commuters face.

- **Issue a stern warning to transgenders indulging in harassment of commuters. Additionally deploy squads who may check the menace at traffic junctions.**

  Merit: It may rein in the menace of harassment at the hands of transgenders and may prevent traffic problems.

  Demerit: It may affect the livelihood of transgenders adversely who mainly rely on begging and are discriminated by the general public. As the area has high population of transgenders, it may also create law and order problems.

- **Issue guidelines for traffic junctions along with establishing of committee for chalking out measures to sensitise public about transgender issues as well as implement skill development and vocational training schemes along with rehabilitation measures.**

  Merit: It will provide alternate avenues of employment for transgenders. In fact, they would happily switch their jobs given the opportunity. It redresses grievance of citizens as well and may also lead to transgender community getting a respectable place in society in the long run.

  Demerit : This is a step with a long gestational period. It may hamper the income earning source of transgenders in the short term. This may reinforce the notion that general society's rights are valued above those of the vulnerable sections.

Though it is important to provide relief to general public, the perspective of transgender community must be empathized, else the solution will not be sustainable in the long run and the status quo will rebound. Implementing the Supreme Court directions of giving them special treatment in certain matters will go a long way in integrating them in the society.

119. Recently you were posted as a District Magistrate of a predominantly agricultural district, which has been one of the best performers in agriculture since the last decade. In one of your field visits, you find that the large landowners, who are a socially, politically and economically powerful group, employ domestic helps and agriculture labour who are informally tied to them and have been working there since generations. In return, these workers are provided basic amenities like food and shelter apart from some money. However, you do sense a violation of basic human rights in this situation.

In light of the above case, answer the following questions:

(a) Identify the stakeholders, their interests and ethical issues involved in the case.

(b) How does denial of choice amount to violation of human rights?

(c) What course of action would you take? Give reasons.

Approach:

- Briefly highlight the key stakeholders, their interests and ethical issues associated with the case study.
- Discuss how denial of choice violates basic human rights.
- List the ethical dilemma and course of action.

Answer:

The given case illustrates the system of informal employment in violation of the basic human right of choice and the fundamental right to livelihood.

(a) Major stakeholders, their interests and ethical issues:

1) **People employed as domestic help & agricultural labourers:** The absence of a contract makes them vulnerable to exploitative working conditions, insecure tenure and low wage rates. Apart from bordering on illegality, it shows lack of **empathy, and compassion** among the landowners.
2) **Landowners:** They have demonstrated apathy towards fellow human beings and disregard to freedom of choice of their employees. It has perpetuated inter-generational poverty. This is against **dignity of labour.**
3) **The State:** The state has failed to ensure basic human rights and amenities to the weaker sections of the society. It is a case of lack of will and courage on the part of state and district administration.

(b) Denial of choice as violation of Human Rights

Human rights are basic inherent rights to which all human beings are entitled. They are meant as an expression of what constitutes a basic, dignified life. These are meant as a protection of people from social abuses. They focus on the freedom of choice and protection of life and livelihood.

Key aspect of human rights is the development of capability of the human being so that they can choose what is best way to progress by themselves. When exploitative, generationally bound labour is employed, it denies them the choice to be employed elsewhere and negotiate for better conditions. It also inhibits development of their capability to rationally choose for themselves and their future generations. This makes them more vulnerable to be exploited and denied further human rights. This can be seen in their current conditions as well:

- Informal underpaid employment is in direct contravention of Right to Life.
- Denying the workers rightful employment and wages for generations is akin to modern day slavery. This also lowers the dignity of labour.
- Denial of choice is in direct contravention of freedom. For one to assert his claim to human rights, he must have freedom and well-being.

(c) Course of action in the given case:

In the given case, as an officer responsible for overall law and order situation and specifically to see whether human rights violation does not take in the district, I will foremost ensure that whatever legal action is required, is taken immediately. While the legal case does not arise if the practice is not a form of bonded labour as defined in the law, instructions can still be given and directions passed if the DM is reasonably sure about violation of human rights.

That the people who are apparently in violation of law are politically influential should not be the concern for inaction but should be a concern for an extra responsible behavior expected of such people.

- Forced and underpaid labour is against the Fundamental Rights and DPSPs enshrined in the the Indian constitution.
- First dilemma is to acting without any complaint and evidence. However, an administrator needs to act according to her conscience. To establish evidence, preliminary enquiry needs to be conducted.
- The course of action that follows, will be decided based on the findings of the enquiry. If it is established that the practice is unlawful, necessary action must be taken against the employers. And needful assistance will be provided to the employees.
- In any case, the absence of contracts is an issue that needs to be resolved. The district magistrate needs to convince the landowners to practice contract-based system. The current informal system of employment may be in contravention of labour laws.
- However, this leads to another dilemma i.e. forcing the landowners to adopt contract system may induce them to terminate the services of the employees. This will increase impoverishment of the labourers and domestic helps.

- As a part of state machinery, it is incumbent on the District Magistrate to provide alternate means of livelihood to the workers. They also need to be sensitized about their situation and rights.
- If terminated by the landowners, the workers need to be reskilled to help them break the 'generational cycle of poverty'.

120. You are DM of a very poor district in the hinterland of India. It has come to your notice that manual scavenging is widely prevalent in the district even though the new law prohibits manual scavenging in any form. Upon enquiry, you have found that the number of manual scavengers has been reported to be very low, however, hundreds of dry latrines in the district depict a different picture. You have also noticed two more important trends: first, most of the manual scavengers are Dalits, and second, in many of the cases they themselves go to the houses and request the owners to clean their toilets manually, as it would provide monetary benefits. The entire district administration has been criticized by the media and there is political pressure on you to manipulate the data in a way that it shows less number of manual scavengers in the district. Based on the given information answer the following:

1. ***Identify the ethical issues associated with manual scavenging.***
2. ***List the options available to you in the given case. Evaluate the merits and demerits of each.***
3. ***Discuss some feasible steps that you can take to control this serious problem.***

Approach:

- First discuss the ethical issues with manual scavenging in detail. Discuss the moral dimensions of the problem.
- In the given scenario, discuss few options which can be implemented with the merits and demerits of each of them. Also, mention the best course of action to be adopted.
- Provide a long term strategy to solve the manual scavenging.

Answer:

About 65 years since we have had an egalitarian constitution in operation, it is embarrassing to know that many are forced to clean the excreta of others to earn their daily bread; i.e. manual scavenging.

1. **Ethical issues associated with manual scavenging**
   - **Human dignity**: In India, people give importance to their dignity more than their life. In such a situation manual scavengers are forced to live an undignified life by cleaning the excreta as highlighted in the case.
   - **Health Hazards**: They are not only deprived of a dignified life but also deprived of healthy leaving conditions. Due to the nature of the job, many of the workers have related health problems.
   - **Caste discrimination:** Manual scavenging is traditionally a role determined by the outlawed caste system for members of the Dalit caste. This reflects a clear-cut image that India is still suffocating with the evils of caste system.
   - **Issues in implementation of various laws:** Even though there came various legislations and judicial proceedings to curb manual scavenging, it is prevalent in many parts of the country due to the lack of bona fide implementation of governmental policies as this case suggests. It is unfortunate see that the law remains as a paper tiger.
2. **Options available**
   a. Report low number of manual scavengers
      i. Merit: It will ease the pressure on me from political establishment as well from media. I can work towards this serious issue without any pressure. It will also present a good picture of the district in the media.
      ii. Demerit: The picture presented will be based on fabrication of data which is against organizational ethics and also shows lack of empathy for manual scavengers. It also shows lack of courage and lack of dedication to public services where the DM is trying to wriggle out of his responsibility instead of solving the problem. It gives a false sense of reconciling with reality.

b. Go to the media with actual numbers
    i. Merit: The issue will be highlighted in the media and the pressure on the government will increase. It may become more serious about the problem with more funds allotted to solve the problem.
    ii. Demerit: However, this will be against the civil services conduct. It may only sensationalize the issue rather than providing a concrete solution. This option should only be utilized if the political establishment is adamant on fabrication of data.
c. Resist all the attempts of fabrication of data and work for the elimination of manual scavenging:
    i. Merit: This shows dedication to the welfare of the most marginalized section of society on one hand and also shows integrity and courage on the part of DM.
    ii. Demerit: This may hamper the relationship between DM and political leaders and can affect his future promotions.

I will choose the third option to tackle the current conundrum. This is not a case of moral ambivalence as I have to choose between personal gains and professional integrity. The key to solving any problem is to first identify the problem and its magnitude. With proper recognition, appropriate planning can be done and outcomes evaluated against baseline.

3. Steps to eliminate manual scavenging

For the manual scavenger, it is the economic necessity that drives him/her to perform this act. For the beneficiary of cleaning, the general citizen, it is their attitude (mostly derived from caste based social status) which makes them ignorant about the problem. This perpetuates their exploitation.

Enforcement of law in letter and spirit is required to create deterrence in society against manual scavenging. Measures for an attitudinal change in society need to be initiated to bring awareness about this undignified practice. For rehabilitation, alternative employment to manual scavengers and free education and health services to their family members will ensure that scavenging is not done manually.

As a DM of the district, I will ensure that all public and school latrines are equipped with proper flushing facilities. Manholes need to be cleaned using machines and not hand. Open defecation needs to be banned. Apart from funds, all this requires a societal movement. I will involve like-minded citizens and local NGOs to increase awareness. Advertisements at prominent places will help. I will ensure mandatory attendance of children of such people in school so that even in the worst case, this hereditary livelihood is not passed on. Working closely with the police department can lead to effective curbing of the practice.

121. You are posted as a District Collector in one of the districts in India. It has been brought to your notice that a structure has been built by few members of a religious community on the public land without getting due permissions. In keeping with the guidelines of the Supreme Court of India, disallowing the construction of any permanent religious structures on public land, you are contemplating its removal. However, the leaders of the community in question have requested you to permit the structure saying that it is for the period of month long religious festival only. Moreover they say that there is no other religious place nearby where community members can celebrate their festival. Your seniors and the political leader of the area also support their views. However you are skeptical that after the festival is over, it may not be easy to remove the religious structure from the public land due to the involvement of community members at large.

(1) Perform an objective and subjective analysis of the case.

(2) What will you do in such a situation?

Answer:

Objective Analysis:

- The constitution of India caters to treat everybody as equal before of the law irrespective of his religion. Thus, religious community in the question should not be dealt with any special treatment.

- As a civil servant an officer should follow the guidelines of SC as its interpretation is final and binding in India.
- If he violates the law he has to answer to his superior for such a violation.
- The religious community too is part of Indian population. Therefore, their customs and beliefs should be respected.

Subjective Analysis:

Religion plays an important part in lives of people in India. If the structure is removed, the action can be given a communal color. Since our model of secularism respect all the religion equally, their sentiment should also be respected. Leadership quality of civil service also demands not to antagonize any community.

Course of Action:

1st Approach

Firstly, leaders of the community should be persuaded that though District Administration fully respect the values and customs of their religion but due strict guideline administrators have to suffer from penal action if structure is not removed.

Second, if leaders do not agree, then the matter should be discussed with the superiors that are there any authority which can give such permission. If it is not possible, then he should remove the structure.

If such solution is not available, then he should check whether it is possible to limit the number of people attending the festival, based on law and order administration available and with the help of leaders of the community? If it is possible, then he can allow them to take up the festival because structure can be removed later if number of people involved is not much. If it is not possible, then he should remove the structure.

2nd Approach

Community activities can be taken up on a government land but proper permission needs to be taken so I will ask to that community to take requisite permission in written manner.

As a district officer it is my responsibility to maintain law and order and peace in district and also to ensure sentiments of community is not hurt. Therefore to maintain such balance permission will be granted till festive month but after that demolition will be carried out under municipal act, following proper procedures and discussions with influential and important members of religious community such that peace would not be disturbed.

122. You are the Managing Director of a multinational company that prides on hiring people from diverse backgrounds. The company also chooses multiple projects under Corporate Social Responsibility that are geared towards social inclusion and empowerment of vulnerable sections of the society. Miss 'X' who works in your office tells you that she has been diagnosed with HIV. It happened due to malpractice by a medical practitioner who re-used a contaminated syringe that led Miss 'X' to contract the disease. The company has strict policies about toleration and you ensure Miss 'X' that she can continue with her job in the company without facing any form of discrimination. A few days after the revelation, Miss 'X' angrily submits her resignation letter. She states that she has faced discrimination at the workplace every day after the revelation. Her colleagues are hesitant to eat lunch with her, they make sure they do not drink water from the same source and the females in the office comment on her marital status. She is also asked to sit separately during departmental discussions. She intends to sue the company for mental harassment. If she takes the step, the public image of the company will be maligned and its non-discriminatory policies will be questioned. The following are some suggested options for you to deal with the situation as a Managing Director of the company. Evaluate the merits and demerits of each of the options:

(a) You accept her resignation and suggest a compensation package so that she refrains from suing the company.

(b) You persuade her not to submit her resignation and transfer her to another department.

(c) You ask her to continue with her job and take strict action against the colleagues who discriminated against her

Also, state (without necessarily restricting to the above options) your course of action, giving proper reasons.

Approach:

- Highlight the ethical issues involved.
- Assess the given options and state their merits and demerits, with reasons.
- State your preferred course of action in the situation. Substantiate it with reasons.

Answer:

An employee is being socially discriminated at workplace and feels harassed to the extent that she wants to quit her job. In such a situation, the employer, on the one hand, has to address her grievances and, on the other, bring an attitudinal change about this sensitive issue amongst his colleagues.

Evaluation of the stated options

a) If employer accepts her resignation and offers a compensation package, then there is a probability that Miss X will refrain from suing the company. However, it will not boost the morale or self-confidence of Mrs X which was lowered by her colleagues. Also, it will justify the balancing of unethical practices with monetary compensation. By doing this, the employer will set a wrong precedent and indirectly reinforce the practice of discrimination in the company.

   As a Managing Director, it is my duty to ensure that the employees have a conducive, non-discriminatory work environment. Accepting resignation will not be a right step in ensuring such work environment but an easy way out of this situation.

   Further, every time monetary compensation for such incidents will pose additional financial burden on the company. Thus, it is necessary to root out the cause of problem which is wrong attitude of people in company.

b) If I persuade Miss X not to submit her resignation and transfer her to another department, it will ensure that she will remain in the company and not sue it. She will also not face her co-workers who have made her uncomfortable in the situation. However, there is no guarantee that her co-workers will not discriminate against her in another department. Moreover, by transferring her I will not eliminate the issue at hand, which is ensuring there is no workplace discrimination

c) Taking strict action against her colleagues will send a right message and create deterrence against discriminatory practices in future. It will address the grievances of Mrs X and boost her confidence for the company's management. However, the managing director must seek explanation from her colleagues before taking strict action against them. There must be fairness in the decisions of management otherwise it will lower the morale of other employees.

Course of Action

Any course of action must comprehensively address all the aspects of the situation. The action must bring justice to Mrs X, send a right message to the employees and create a positive atmosphere in the company.

- **Ask Mrs X to continue** with her job in the present department and ensure her of non-discriminatory work environment in future in the company.
- **Seek explanation** from her colleagues who discriminated against her and take strict action against them
- I will also make it a point to socialize with her in the workplace, whenever feasible, to **set an example for other workers**
- Request the HR department to ensure through the **code of conduct** that there is no discrimination against HIV patients.

Further, to bring attitudinal change in employees, the management of the company can undertake various activities such as:

- Arrange **lecture sessions and workshops** for employees by NGOs working in the field of eliminating discriminations against HIV patients.

- Undertake **CSR activities** for the welfare of HIV patients and involving company's employees in them. It will sensitize them about the people suffering from AIDS.

Social discrimination against HIV patients should not be tolerated as they are already dealing with the health and financial pressures of contracting the disease. It is everyone's moral responsibility to destigmatize the disease and treat HIV patients normally.

13. Sports and Ethics

123. ***You are a young athlete representing India at an international-level competition. To your surprise, during the competition, you witness a few senior athletes injecting something using a syringe in private. When you approach them, they explain that it is a performance enhancing drug, which is very common in such competitions and you should take the same as well. You are aware that if these players get caught in a doping test, it may damage India's reputation. You are confused and afraid of the repercussions and decide to approach the coach to discuss the event you witnessed. However, you get to know that the athletes are taking the drug on the advice of the coach himself.***

(a) What would you do in this scenario? Discuss the options available to you and chart your course of action.

(b) What are the reasons behind the use of performance enhancing drugs in competitive sporting events? How can this practice be minimized?

Approach:

- Briefly introduce the case with ethical dilemmas and associated stakeholders.
- List the options available with the merits and demerits of each option. Also, write your course of action.
- Mention the reasons for use of such unfair means in competition and suggest steps that can be taken to minimize this practice.
- Conclude accordingly.

Answer:

The above case study represents the classic case of **means** (unethical) vs **ends** (winning) ethical dilemma. Use of performance enhancing drugs makes a mockery of a competition as well as the international reputation of India is at stake.



(a) In such a scenario, it would be my moral obligation to follow the spirit of the game and stick to the ethical value system imbibed in me. Options available in such a scenario are:

Option-1: Warn the athletes/coach against using such drugs in the future.

Merits:

- Give a choice to the fellow athletes to refrain from taking drugs in future.
- Resolution of the issue at the team-level.

Demerits:

- Warning may not be taken seriously.
- Coach may punish me on disciplinary grounds to silence me.
- Doping may get detected if they participate in the competition.
- Unfair competition.

Option-2: Complaint directly to the higher authorities accompanying the contingent

Merits:

- Fair competition as it would prevent those candidates from entering into the competition.
- Establish your credential as a fair player.

Demerits:

- No chance for the athletes/coach to explain their actions.
- It would come into the media, which will impact the image of the nation and sports fraternity as a whole.
- Higher officials may also be involved along with the coach.

Option-3: Complaint after the competition is over

Merits:

- Performance of the team will not be affected in the competition.
- Provides ample time for assessment of my options.

Demerits:

- Athletes/coaches may deny the wrongdoings.
- Non-resolution of my fear and conscience crisis during the competition.
- Doping may get detected, which will tarnish India's image globally.

My final course of action would be guided by my belief in Gandhian ethics i.e., "**Be the change you wish to see in the world**".

- Firstly, I'd try to clear a few doubts by obtaining first-hand information i.e., whether the drug being used is banned or not as well as affirming the role of the coach and other members in it.
- Then, I would try to persuade the fellow athletes to stop the drug's use, as it is illegal and goes against sports ethics. I would try to convince them that it can be detrimental to both their career as well as the country's image.
- In case they disagree, I would reach out to the coach and warn him of possible complaints against the ongoing malpractices.
- If the coach ignores my warning, I would be left with no choice but to write a written complaint mentioning the use of illegal drugs to Team Managers & Sports Authority of India officials accompanying the contingent, National Anti-Doping Agency (NADA) and also to the Ministry of Youth Affairs and Sports.

(b) Reasons for common use of unfair means in sports:

- **Individual factors:** Desire for winning, improvement, pain management, recovery, career longevity and economic gains. Also, cut throat competition sometimes motivates a player to resort to such unethical activities.

- **Legal factors**: Weak implementation of anti-doping laws/rules by domestic sports bodies and lack of awareness about the rules.
- **Systemic factors**: Historical prevalence of doping in sports, weak anti-doping infrastructure, inadequate sport governance systems, organized systematic doping in some countries, biased role of coach etc.

Steps to minimize this practice:

- **Preventive steps**:
  - Spread awareness regarding side effects and related punishments for doping violations, especially at the grassroots level.
  - Simplify rules, laws and list of prohibited substances.
  - Improve drug testing technology and increased reliance on investigation.
- **Punitive steps:**
  - Strict enforcement of anti-doping laws at domestic levels. E.g. strict testing policy with random but frequent tests of athletes.
  - Ban countries accused of covering up anti-doping violations. Also, banishment of coaches involved in it.
- **Promotive steps**:
  - Advocating best practices and encouraging countries to adopt them.
  - Factor in ethical conduct and doping rankings in funding mechanisms.
- **Other steps**:
  - **Therapeutic Use Exemption (TEU) certificate** to protect those athletes who have a genuine medical condition with no alternative drugs/treatment.
  - Universalize the application of athletes' '**biological passport'.**

To enjoy the fruits of success, it is not enough to win. Triumph must be measured by absolute fair means, honesty and just play. Without fairness and trustworthiness, the established order of our society is at risk.

124. You are a sportsman who has been recently included in the national team squad for an upcoming international tournament. Many others are fighting for the same position and you would like to cement your place in the team as soon as possible. While you are practicing at a training session for the tournament with your fellow team mates, one amongst them offers you a prohibited substance. He claims that it will help you in improving your performance in the tournament. He also informs you that a lot of other team mates also use performance enhancing drugs or PEDs to improve their performance in tournaments.

In this context, answer the following questions:

(a) What are the options available to you in the above case? Which amongst these will you choose and why?

(b) Discuss the ethical issues involved in doping by sportspersons.

Approach:

- Introduce by giving the gist of the case study and its current relevance.
- Giving examples of various options available to the sportsman, ascertain what would be the best possible recourse.
- Discuss the ethical issues of doping.
- Give a brief conclusion.

Answer:

The above case study represents the classic case of means vs ends dilemma. Competition has become so fierce and winning is deemed so important that players tend to resort to unethical means to enhance their performance. This has become a recurring phenomenon in sports in the recent years. Many sports persons in cricket have been banned in India in recent times owing to the usage of various drugs.

(a) In the given scenario, various options available to the sportsman are:

- Refuse the substance offered and continue with the training session to avoid any conflict.
- Refuse the substance offered and discuss with the team captain to warn everyone against doping.
- Refuse the substance offered and file a complaint after the tournament is over.
- Refuse the substance offered and bring the situation to the notice of higher authorities.

I would choose the last option as:

- The first three options though have various merits in terms of level playing field between myself and other PED taking sportsperson, avoiding conflict of interest and giving a chance to the fellow sportsmen to mend their ways, yet there are various problems with those options, such as:
  - Since any action is not taken against such unethical practice, it would be an unfair competition.
  - Further, my knowledge of such practice and subsequent inaction makes me an indirect complicit in the act.
  - Just a warning from the captain may not be taken seriously.
  - The detection of drug intake after the tournament may become difficult and the guilty sportsperson may walk free.
- The last option would bring into light the use of such prohibited substances in the national team. Further, reporting of the incident would prevent disqualification of the whole team in the tournament if taking drugs eventually comes to light.
  - Fair enquiry thereafter would ensure that the honest and worthy sportsmen only continue to be a part of the national team in the tournament.
  - This also depicts sportsmanship where winning is not achieved at the cost of the game itself.
  - It would also set a positive example for the budding talents of the country.

(b) Ethical issues involved in doping by sportspersons:

- **Lack of sportsmanship**: The use of banned substances among sportspeople brings into forefront a dismal state of sports administration governance as well as of sportsmanship. It highlights the failure of sports federations and coaches in imparting training. Sportspersons also avoid training camps to avoid sample collection and testing.
- **Unfair competition:** It proves to be a disincentive for compliant sports persons, as it discourages honest sportspersons who have risen through the ranks under trying circumstances.
- **Information asymmetry**: Sportspersons might not know the side effects of certain medicines and medicines containing prohibited substances.
- **Winning regarded as the ultimate value**: Despite not fully understanding the side effects of drugs, the sportsperson takes such substances in order to win.
- **Greed for fame and money**: Money awarded by the government and celebrity status attached to medal winners lure the athletes to cheat. Olympics and Commonwealth Games champions have also tested positive for doping.
- **Emotional pain for viewers:** People enthusiastically watch sports with emotional attachment with the game. Thus, news of doping may lead to lack of trust among the viewers and feeling of being cheated and resentment among the society.
- **Blow to a country's reputation**: It puts the country on the global map for doping violations. For example, WADA had previously questioned the credibility of India's National Dope Testing Laboratory (NDTL) testing procedures, following which it suspended accreditation of NDTL due to non-conformities with international standards.

Thus, there is a need to undertake various anti-doping measures such as upgradation of testing procedures, implementation of a comprehensive anti-doping legislation**,** periodic testing of sportspersons under WADA Code, making availability of such drugs difficult, strict punishment for sports person taking such drugs and for the coaches who force their disciples into the habit etc.

14. Technology and Ethics

125. In a metropolitan city of India, the law enforcement authorities decided to adopt facial recognition technology to improve their crime-fighting capabilities. They implemented a facial recognition system that integrated with existing surveillance cameras across the city, allowing real-time identification and tracking of individuals. The system was intended to assist in identifying known criminals, missing persons, and suspects in ongoing investigations.

One evening, a woman reported a mugging incident where the perpetrator wore a hoodie, obscuring most of his face. The victim provided a vague description to the police, and based on that information, the authorities decided to use facial recognition technology to locate potential suspects. The system scanned through hours of surveillance footage from various locations near the crime scene.

The facial recognition algorithm generated a list of potential matches, and one individual's image stood out as a close match to the description provided by the victim. The police considered this individual a prime suspect and proceeded with his arrest. Subsequently, it was discovered that the arrested person was innocent. Further investigation revealed that the facial recognition system had misidentified the innocent individual due to the limitations of the technology and the partial description provided by the victim. The police released the arrested individual; still his reputation got tarnished for life. He, along with his family, was evicted from their current place of residence. The psychological impact of the incident has been tremendous owing to which his job is also on the line.

With reference to this case study, answer the following:

(a) What are the issues involved in this case?
(b) What measures can be taken to minimize the negative implications of adopting such technologies?

Approach:

- Give a brief introduction of the case study.
- Highlight the ethical issues involved in this case and implications of facial recognition technology on human rights.
- Suggest measures that can be taken to ensure that negative implications of adopting such a technology are minimized.
- Give a brief conclusion.

Answer:

The present case represents the issue of rapidly advancing technology and issues arising out of its adoption without due consideration to the possible side effects. Balancing progress in terms of technology and human rights is and would remain a key area of concern in the times to come.

(a) Issues involved in the case

- **Misidentification**: It affects the reputation, personal life and livelihood of an innocent person, which has caused injustice and resulted in lasting damage impacting his basic rights.
- **Invasion of privacy**: The continuous monitoring and real-time identification of individuals through facial recognition systems potentially violates individuals' rights to privacy and freedom of movement.
- **Lack of accountability**: Inadequate scrutiny of the potential matches generated by the system **raises accountability issues** to hold law enforcement authorities responsible for errors and wrongful arrests.
- **Undermines fairness of the justice system**: Such wrongful arrests without considering the limitations of technology and its inability to understand bias and discriminatory factors inherent in the training set may perpetuate social inequalities.
- **Over-reliance on technology**: Reliance on such technologies gives a false sense of security and confidence, which may lead to sidelining the due considerations, which law authorities may have otherwise undertaken while taking the decision of arrest.

(b) Measures that can be taken to ensure that negative implications of adopting such technologies are minimized:

- **Robust testing and evaluation:** Facial recognition systems should undergo rigorous testing and evaluation to identify and mitigate biases and limitations.
- **Regular audits and reviews**: Conduct regular audits and reviews of facial recognition systems to assess their effectiveness, accuracy, and compliance with ethical and legal standards.
    - Independent audits can help ensure that the technology is fair across different demographic groups.
- **Transparent guidelines and regulations**: Clear guidelines and regulations should be established regarding the deployment and use of facial recognition technology to address issues such as data protection, consent, transparency, accountability, and the limits of the technology's application.
- **Ethical framework and oversight**: Develop an ethical framework for the use of facial recognition technology, ensuring that human rights, privacy, and due process are prioritized.
- **Public awareness and engagement**: Foster open discussions and public engagement to ensure that societal concerns and perspectives are taken into account in the development and deployment of such technologies.
- **Accountability and redress mechanisms**: Establish mechanisms to hold law enforcement authorities accountable for any wrongful arrests or infringements on individual rights resulting from the use of such technology.

Facial recognition technology has a huge potential to revolutionize the security apparatus but it needs to work within the ethical parameters and humane principles to be used for the benefit of humanity. Moreover, the risks associated with adoption of facial recognition such as overreliance on AI, lack of transparency and human oversight, discrimination etc. need to be addressed.



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ETHICS

PREPARATION APPROACH & STRATEGIES

Insights from Ethics Answer Scripts of UPSC Toppers





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ADITYA SRIVASTAVA

Rank 1, 2023

Aditya Srivastava's approach to Ethics answer writing, which secured him a highest score of **143 marks** in UPSC CSE 2023, is a benchmark of excellence characterized by **comprehensive analysis, conceptual understanding, and practical reasoning.**

- **Theory-Based Questions:** Addressed all relevant **dimensions** with a multi-faceted approach, using **precise** statements and diverse **examples.** Effectively integrated **ethical theories and ideas** of thinkers.
- **Quote-Based Questions:** Accurately **interpreted** quotes, offering balanced **analysis** with both arguments and counter-arguments. Connected quotes to current events for immediate relevance and provided concise explanations with relevant examples.
- **Case Studies:** Explained the ethical framework in the introduction, demonstrated clarity of thought and **conceptual reasoning.** Used standard subject vocabulary, maintained a smooth flow of logical arguments, and justified solutions rooted in **ethical principles** and values.

Moreover, his answers were **well-structured** with clear bullet points and underlined keywords. **Illustrations** were used to highlight decision-making priorities, and conclusive statements emphasized the ethical implications of the solutions.

Aditya's approach reflected an **objective and exact understanding of each question,** making his answers exemPlary.



MEDHA ANAND

Rank 13, 2023

TOPPER'S COPIES

Medha Anand's approach to Ethics answer writing, which earned her a high score of **140 marks** in UPSC CSE 2023, showcases her excellence through well-structured responses, clear thought processes, and innovative illustrations.

- **Well-Structured Answers:** Answers were organized with headings and keywords were underlined for emphasis.
- **Concise and Coherent Arguments:** Answers were concisely written, presenting multiple arguments and examples while maintaining clarity and coherence.
- **Creative Illustrations:** Employed a variety of creative illustrations to enhance the presentation and convey complex ideas effectively.
- **Precise Definitions:** Provided precise definitions of key terms and values, demonstrating strong conceptual clarity.
- **Case Studies:** Introduced case studies with current-based context, used sound reasoning for analysis, and referenced ethical ideas of thinkers in the conclusion.



SRISHTI DABAS

Rank 6, 2023

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Srishti Dabas's strategy in Ethics answer writing, which achieved her an impressive rank in UPSC CSE 2023, highlights her excellence by effectively weaving ethical ideas, demonstrating conceptual clarity, and articulating points precisely.

- **Conceptual Clarity:** Demonstrated clear understanding and precise definitions of key concepts, ensuring her arguments were both concise and accurate.
- **Relevant Examples:** Used relevant examples from public life to illustrate her points, adding depth and practical relevance to her answers.
- **Effective Conclusions:** Utilized popular phrases, quotes, and ethical principles in her conclusions, reinforcing the ethical dimensions of her answers.
- **Case Study:** Identified underlying ethical issues and stakeholders in case studies, providing an ethical stand (vision statement) in the introduction. Her analysis combined sound legal and ethical reasoning.



AISHWARYAM PRAJAPATI

Rank 10, 2023

TOPPER'S COPIES

Aishwaryam Prajapati's technique in Ethics answer writing, which led to her notable rank in UPSC CSE 2023, exemplifies excellence through simple language, creative presentation, and practical reasoning.

- **Simple and Lucid Language:** Used simple and clear language to effectively communicate complex ideas, ensuring the answers were easily understandable.
- **Contextual Introductions:** Utilized data and definitions in introductions to contextualize the question, setting a solid foundation for the answers.
- **Creative Presentation:** Employed creative schematics to present arguments and used different illustrations to highlight stakeholders, enhancing the visual appeal and clarity of the responses.
- **Case Study Analysis:** Provided an ethical stand in the introduction, followed by thorough analysis and practical reasoning to propose feasible solutions.



ANIMESH PRADHAN

Rank 2, 2023

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Animesh Pradhan's method for Ethics answer writing, securing him a notable rank in UPSC CSE 2023,demonstrates excellence with a thorough integration of ethical theories, precise expression, and organized presentation.

- **Referring Ethical ideas:** Consistently referenced ethical theories and ideas of philosophers to support his arguments, providing a strong theoretical foundation.
- **Multiple Arguments with Examples:** Presented multiple arguments supported by relevant examples, enhancing the depth and credibility of his responses.
- **Use of Schematics:** Incorporated schematics to visually represent information, making complex ideas more accessible and easier to understand.
- **Case Study Analysis:** Introduced case studies by referring to relevant articles, judgments, or quotes, linking them to the case. Identified ethical issues accurately, analyzed options, and applied practical reasoning to propose feasible solutions.



ISHITA KISORE

Rank 1, 2022

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Ishita Kishore, had shown a remarkable proficiency in ethics answer writing as evident in her attempted copies of mains test series

- **Meticulous Understanding:** Displayed a deep understanding of the question by pausing to grasp its demand before writing.
- **Structured Answers:** Organized answers with precise introductions, headings, subheadings, and conclusions, ensuring fluid information flow.
- **Creative Introductions:** Used varied tools like quotes and statistics to make lasting first impressions.
- **Relevant Arguments:** Presented relevant arguments substantiated by fresh and imaginative examples, showcasing depth and research.
- **Case Study Solutions:** Demonstrated profound understanding of ethical issues, adeptly identifying themes and articulating underlying principles.



VIDUSHI SINGH

Rank 13, 2022

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Vidushi Singh, who achieved remarkable success in her maiden attempt, boasts of a deep-rooted understanding of ethical concepts. Her responses in the ethics paper stand as evidence of her clear comprehension and strong reading habits

- **Deep Understanding:** Exhibited a strong grasp of ethical concepts, reflecting clear comprehension and strong reading habits.
- **Simplicity and Informativeness:** Organized writings into sections that directly addressed the crux of the questions, ensuring simplicity and informativeness.
- **Concise Presentation:** Presented arguments concisely, using succinct sentences and uncluttered paragraphs.
- **Balanced Approach:** Balanced use of concise paragraphs and bullet points, underlining crucial keywords.
- **Logical and Moral Reasoning:** Bolstered arguments with apt and novel examples, reflecting logical prowess and a strong moral compass.
- **Case Study:** Blended systematic analysis with real-world relevance in case studies, offering practical and ethically grounded solutions.



SIDDHARTH SHUKLA

Rank 18, 2022

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Siddharth Shukla, with his notable achievement in the exam, demonstrates an impeccable strategy of answer writing in ethics.

- **Defining Terms:** Artfully defined terms in introductions, setting the stage for detailed exploration.
- **Diverse Examples:** Enriched content with diverse examples, current affairs references, and citations from notable reports.
- **Reinforcing Arguments:** Referred to personalities from varied domains to reinforce arguments.
- **Lucid Perspectives:** Ensured clarity in language, lucidly conveying perspectives.
- **Interdisciplinary Approach:** Crafted unique conclusions, intertwining concepts from different general studies papers.
- **Case Studies:** Innovatively integrated current affairs into case studies, rooting actions in legislation and historical references.



GAMINI SINGLA

Rank 3, 2021

TOPPER'S COPIES

Gamini Singla, with her distinguished achievement, epitomizes excellence in answer writing. Her approach truly stands as a masterclass in Ethics.

- **Impeccable Structuring:** Structured answers with precision, ensuring comprehensive and informative content.
- **Quote based question:** Exhibited keen sensitivity to the thinker's context in quote-based questions, weaving in relevant interpretations.
- **Holistic Case Study Analysis:** Focussed on core issues and key stakeholders, followed by holistic analysis grounded in sound reasoning.
- **Language and Writing Prowess:** Demonstrated impeccable language usage and overall writing prowess, ensuring clarity and minimal errors.



UTKARSH DWIVEDI

Rank 5, 2021

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Utkarsh Dwivedi, with his distinguished achievement, exemplifies unparalleled expertise in ethics answer writing. As a diligent student of the **Vision IAS General Studies Classroom Foundation course,** his approach to ethics answers truly sets him apart.

- **Meticulous Approach:** Displayed a clear and objective grasp of a question's demand, ensuring compact yet comprehensive answers.
- **Contextually Apt Introductions:** Provided contextually apt and insightful introductions.
- **Deep Analysis:** Delved deep into the thinker's intent in quote-based questions, emphasizing contemporary relevance.
- **Practical and Ethical Reasoning:** Pinpointed exact ethical issues in case studies, blending practical and ethical reasoning.



SHUBHAM KUMAR

Rank 1, 2020

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Shubham, **the 2020 topper** and an IIT Bombay alumnus who pursued research in the US, was drawn to Civil Services due to his experiences and self-reflection. He is a student of **Vision IAS General Studies Classroom Foundation course** and his ethics answer writing is particularly commendable.

- **Standard Definitions:** Leaned on standard definitions and invoked stories of prominent personalities for illustrative examples.
- **Effective Illustrations:** Employed effective illustrations like pyramids to elucidate ethical codes.
- **Multi-Dimensional Solutions:** Integrated relevant schemes into social-issue-based scenarios, demonstrating analytical skills with multi-dimensional solutions.
- **Decision-Making:** Demonstrated commendable decision-making complemented by use of diagrams to depict issues comprehensively and engagingly.



DIVYA MISHRA

Rank 28, 2020

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Divya Mishra, with her notable achievement, became one of the top scorers in the Ethics paper.

- **In-Depth Grasp:** Demonstrated a thorough understanding of the syllabus, exhibiting mastery over foundational concepts.
- **Invoking Renowned Thinkers:** Interlaced answers with insights from eminent thinkers like Gandhi and Marx, as well as classical philosophers such as Aristotle and Plato.
- **Wide Range of References:** Drew upon contemporary events and mythological narratives to add richness to her answers.
- **Meticulous Presentation:** Enhanced readability and engagement through meticulous presentation style, incorporating tables, pie charts, and delineated sections for thinkers.
- **Holistic Case Studies:** Took a holistic stance in case studies, providing solutions anchored in ethical frameworks, making answers both insightful and actionable.



VISHAKHA YADAV

Rank 6, 2019

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In 2019, Vishakha Yadav outshone others by clinching the top spot in the ethics paper with an impressive score of **162 marks.** Delving into her answer-writing technique, we find:

- **Deep Understanding and Simplicity:** Blended deep understanding with simplicity, rooted in robust foundational knowledge and logical reasoning.
- **Conceptual Clarity:** Ensured answers were articulated with precision and avoided unnecessary jargon.
- **Skillful Language Command:** Demonstrated a skillful command over language and the ability to discern the essence of questions.
- **Quote-Based Questions:** Captured the essence of quotes succinctly while relating them to contemporary contexts, linking historical or philosophical perspectives to modern scenarios.
- **Case Study:** Provided meticulous introductions for case studies, ensuring diverse openings. Placed significant emphasis on analyzing the ethical dilemmas presented in case studies, ensuring comprehensive and thoughtful responses.

Heartiest Congratulations
to all Successful Candidates



Aditya Srivastava

16 in **TOP 20** Selections in **CSE 2023**
from various programs of **Vision IAS**



Animesh Pradhan



Ruhani



Srishti Dabas



Anmol



Nausheen



Aishwaryam Prajapati

39 Selections in **TOP 50** in **CSE 2022**



Ishita Kishore



Garima Lohia



Uma Harathi N



SHUBHAM KUMAR
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