

# Ethics Case Study Class 01

13th July, 2024 at 9:00 AM

## ETHICS CASE STUDY (09:00 AM)

- In most of the UPSC case studies in the ethics paper, there is a leading character or a protagonist, who has the responsibility and authority to take action under the given circumstances.
- Such a protagonist is most often a public official and in some cases a business executive.
- In other cases, the protagonist is a citizen or an employee, who is not the authority, but faces all the same an ethical issue at work or in society.
- Finally, there are cases in which an individual faces an ethical dilemma in personal life.
- The protagonist could be 'you' with a designation and authority.
- In some cases, 'you' are asked to advise the protagonist.
- In many instances, at the end of the case, some options are suggested for the protagonist.
- Sometimes, you are also asked to come up with more options. You are required to list the merits and demerits of each option.
- At the end, you must recommend one or more options, justifying your choice.
- What are some examples of UPSC cases in each category?
- **A. A public official facing an ethical issue:**
- Addressing faulty construction in a municipality such as Bridge, Roadways etc
- Facing pressure in recruitment from a senior official. For example, A senior telling you to appoint someone known to him
- Facing pressure to disclose sensitive information such as Govt Projects
- Responding to social prejudice in villages such as Upper Caste vs Lower Caste disputes
- Facing Public and Private ethics
- **B. A business executive facing an ethical issue:**
- Responding to a demand for a bribe by a government official
- Facing social issues in setting up an industry
- **C. An individual facing an ethical issue at the workplace or in personal life:**
- Responding to unethical practices in the company. For ex- Corruption, Tax evasion, Hoarding etc in Company
- Responding to sexual harassment in the workplace
- Facing the issue of a friend copying in the examination
- **D. Public Policy issues:**
- Issues of environment versus development
- General Issues of Ethics in Public Service
- Issues of displacement due to development. Example- the Issue of Tribal displacement

## **METHODS OF CASE ANALYSIS AND RESOLUTION (09:32 AM)**

- The preamble to the **syllabus** of the Ethics Paper says:
- "This paper will include questions to test the candidates' attitude and approach to issues relating to integrity, probity in public life and his problem-solving approach to various issues and conflicts faced in dealing with society.
- Questions may utilise the case study approach to determine these aspects.
- What are the most **common features of the cases** in the Examination?
- Some wrongdoing or unethical act has taken place, is still taking place, or is expected to happen.
- The protagonist is required to set things right by taking action.
- Some options for the protagonist are listed and more are to be suggested by you.
- After listing the merits and demerits of each option, you should recommend the best option (s) with justification.
- What kind of options or choices does the protagonist have in the cases?
- There are mainly two types of options before the protagonist:
- 'Right' versus 'Wrong' option - The protagonist is clearly faced with a 'right' action and a 'wrong' one. Here are examples:
- If an officer is offered a bribe, accepting it is obviously wrong and refusing it is right.
- Choice of two or more 'right' options - Such 'right' versus right options create ethical dilemmas since often we cannot choose both of many of the options.
- In most 'right' versus right situations, two or more core moral values come into conflict.

- **Here are two examples:**
- **1. UPSC Case 2016 - Q. No. 11:**
- An officer has to decide whether to extend the benefits of a scheme to an old and destitute woman.
- She fully deserves the help but does not have the necessary documents.
- The officer is faced with an ethical dilemma: He can deny her the benefit by following the rules, or extend the benefit to her on compassionate grounds (by using any permitted discretion or by finding a way to overcome the rules).
- Both actions are "right", but he can choose only one of them. You can call this a 'Justice versus Mercy' dilemma.
- **UPSC Case 2015 - Q. No. 12 :**
- The officer has to decide on the order in which the disaster victims are to be evacuated.
- Whatever order follows, he would be taking the 'right' action of saving people.
- The ethical dilemma is about choosing the sequence of evacuees.
- Those later in the queue face a greater risk to their well-being and even life.
- In most of the UPSC cases, the protagonist must choose among two or more 'right' actions.
- How should you begin and proceed with the analysis?
- Follow the guidelines given below. As you read the case, answer the following questions and make rough notes:
- Write Case Summary in 2-3 lines
- Stakeholders - Who are the people and/or which are the institutions whose interests could be positively or negatively affected by the decisions taken by the protagonist?
- Core ethical issues - What are the core ethical issues faced by the protagonist?
- Options, their merits and demerits:
- What are the options given in the case?
- Are you asked to think of more options?
- What are the merits and demerits of each option?
- Recommended option with justification:
- What would be your recommended option?
- What is the justification?
- What are the ethical principles that underlie the recommended option (if they can be articulated)?
- **Long-term measures:**
- Does the case call for long-term measures that can be taken to prevent the recurrence of the situation? This may not be applicable in all cases.
- What are the guidelines for writing the answer?
- Rearrange your rough notes in the proper order.
- Begin with a short introduction of one or two sentences. Make it interesting enough to attract the attention of the examiner. A creative introduction can set your answer apart from those of other aspirants.
- Use bullet points for the rest of the case discussion. Bullet points save words and also make it easy for the examiner to follow your line of reasoning.
- When you come to options, begin with the least viable one and end with the recommended one.
- Where necessary, give the possible impact of each option on each stakeholder.
- Where appropriate, suggest long-term measures to avoid the recurrence of such issues.
- Make sure that you have answered the specific questions asked. Conclude with an interesting statement, if possible.

### **CASE STUDY (10:15 AM)**

- Refer to the uploaded handout for more details.
- UPSC CSE Previous Year Ethics Case Study Questions were discussed in class.

### **SOLVING ETHICS CASE STUDY (11:45 AM)**

- What should be your touchstones while coming up with the best option or options for the protagonist?
- The following **elements** run through the examples of case analysis given above:
- No compromise on ethics
- Compassion toward all
- Dialogue as a way of resolving problems
- Confrontation only if it is unavoidable
- Belief in the basic goodness of human beings
- Giving everyone a chance to become a good person
- Punishment is only a last resort
- 'Do nothing' is always an option.
- Many do follow this option and thus perpetuate unethical behaviour.
- In your responses, never recommend the 'Do nothing' option in the face of unethical acts.
- What are the laws, regulations and rules you should be familiar with in order to carry out an informed analysis and resolution of cases?
- It will be useful to know the answers to questions such as:
- What powers does a civil servant have in matters of corruption?
- What can institutions such as the Election Commission, Lokayukta, and Anti-Corruption Bureau really do in matters of corruption? What orders can they issue and who should implement them?
- What measures and pathways are open to individuals who face unethical behaviour in government, business, or society?
- What are the Conduct Rules for civil servants?
- What are the main provisions of laws such as the Sexual Harassment of Women at Workplace Act of 2013?

- What are the **ground rules** you could follow while resolving cases involving public officials?
- Ideally, a public official should follow the following ground rules while making decisions:
  - Do not compromise on ethics.
  - Do not yield to pressure from seniors or politicians.
  - Do not escape responsibility by going on leave or seeking a transfer.
  - Remain ethical in both public and private spheres.
  - Keep service to people as your uppermost value.
  - Have compassion toward all. Maintain a dialogue with the stakeholders: Take everybody along, listen to the other side, and invite suggestions.
  - Use punishment as a last resort, give everyone a second chance.
  - Take less than what the rules/laws permit, give more than what the rules/laws require.
  - To the extent possible, these rules should be reflected in the way you respond to the case studies.
- How can a public official be sure that he or she has made an ethical decision?
- There is no foolproof test for an ethical decision. However, a decision is very likely to be an ethical one if the official can answer all the following questions with a firm 'yes':
  - Is it legal?
  - Is it just and fair?
  - Is it in the public interest?
  - Are you proud of taking the decision? Would you be ready to share the decision with your family?
  - At a deeper level, a public official could abide by Gandhiji's talisman:
    - I will give you a talisman. Whenever you are in doubt, or when the self becomes too much with you, apply the following test. Recall the face of the poorest and the weakest man whom you may have seen, and ask yourself, if the step you contemplate is going to be of any use to him. Will he gain anything from it? Will it restore him to control over his own life and destiny? In other words, will it lead to swaraj for the hungry and spiritually starving millions? Then you will find your doubts and your self melt away.
- Try to apply the tests to the decision (s) that you recommend in a given case

## **TOPIC OF THE NEXT CLASS- DISCUSSION OF ETHICS CASE STUDY**