

Ethics Case Study Class 07

9th August, 2024 at 1:00 PM

CASE STUDY 1: Ethics in Administration & Governance (12:59 PM)

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 has developed where civil servants, especially younger ones, have taken to social media to post their day-to-day activities regularly. 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 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 film-star-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)

- **Answer:**
- **Introduction**
- The trend of civil servants actively using social media has sparked a debate. While some argue it helps connect with the public and inspire youth, others believe it violates civil service principles and can be counterproductive.
- **(a) Ethical Issues**
- 1. Glorification: Creates a misleading image of civil service, glamorizing the profession.
- 2. Privacy Threat: Risks invasion of privacy and cyber threats.
- 3. Public Pressure: This may compromise objectivity and integrity to maintain popularity.
- 4. Informal Setup: The bureaucracy's formal nature conflicts with social media's openness.
- 5. Unintended Consequences: Online presence can impact public order and breach anonymity
- **(b) Effective Utilization of Social Media**
- 1. Update Conduct Rules: Revise rules to clearly define permissible uses and limits of social media by civil servants.
- 2. Separate Accounts: Maintain distinction between official and personal accounts, with conduct rules applicable to both.
- 3. Uphold Constitutional Values: Ensure online conduct reflects and promotes constitutional values and morality.
- 4. Public Policy Improvement: Use social media to enhance public policies, ensuring it supports their role as independent advisers.
- **Conclusion**
- Civil servants should leverage social media for good governance while adhering to civil service values and updated conduct rules to maintain public trust and integrity.

CASE STUDY 2: Ethics in Administration & Governance (01:10 PM)

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 several serious cases was killed by some people in the capital city while he was being taken to court. Due to the poor record of the state police in terms of the death of criminals in police custody, various human rights organizations are demanding a fair enquiry into 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 establish a nexus between a prominent politician and the criminal. He prepared a report and was planning to share it with the SIT. Based on 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 into 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 to 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?

- **Answer**

- **Introduction:** Lloyd, an honest police officer, faces a dilemma when investigating a criminal's death, uncovering a nexus between a politician and the criminal. His senior advises him to omit this information, promising career benefits and safety.

- **(a) Options Available to Lloyd**

- 1. Follow his senior's advice and omit the information.
- 2. Include all findings in the report to the SIT.
- 3. Report the senior's advice to higher authorities or oversight agencies.

- **(b) Critical Evaluation of Options**

- **1. Omit Information:**

- Merits: Ensures personal safety and career stability; maintains good relations with influential figures.

- Demerits: Compromises integrity; perpetuates corruption; hinders justice.

- **2. Include Findings in Report:**

- Merits: Upholds honesty and justice; holds the politician accountable; sets a positive example.

- Demerits: Risks backlash; endangers personal safety and family's well-being; potential career repercussions.

- **3. Report to Higher Authorities:**

- Merits: Promotes accountability and transparency; follows ethical principles.

- Demerits: Risks further backlash; may not result in immediate protection or resolution.

- **Most Appropriate Option**

- Lloyd should choose the second option and present all findings to the SIT. This action aligns with his commitment to honesty, integrity, and justice. Although it carries risks, it ensures a fair investigation and holds those involved accountable.

- **(c) Measures to Prevent Deaths in Police Custody**
- 1. Implement Supreme Court Guidelines (D.K. Basu v. State of West Bengal, 1997): Ensure proper arrest and custody procedures, medical examination, and lawyer access.
- 2. Follow NHRC Guidelines: Intimate NHRC within 24 hours and submit post-mortem reports with videography and magisterial inquiry within two months.
- 3. Human Rights Training: Educate police officers on human rights principles.
- 4. Comprehensive Training: Regular training on arrest and custody procedures, force and restraint techniques.
- 5. Accurate Records: Maintain detailed records of individuals in custody.
- 6. Psychological Support: Provide support and adequate rest for police officers to reduce abusive behaviour.
- 7. Oversight Systems: Implement internal and external oversight for accountability, including independent investigations and transparent reporting.
- **Conclusion:** By choosing to present all findings and implementing measures to prevent deaths in custody, Lloyd can uphold ethical standards, ensure justice, and improve the integrity of the police force.

CASE STUDY 3: Ethics in Administration & Governance (01:31 PM)

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 approving its further construction and completion. The local contractor paid hefty bribes to some officials in the PWD to get the contract. These officials are pressuring 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 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 mishapening 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.

- **Answer**
- Introduction
- This case involves the dilemma of a lab in-charge in the PWD, facing pressure to approve a substandard bridge construction.
- (a) Issues Involved
 - Transparency: Lack of openness in tendering and testing processes.
 - Public Safety: Risk posed by the substandard bridge.
 - Politico-Administrative Pressure: Influence exerted by the local MLA and corrupt officials.
 - Accountability: Potential scrutiny of the lab in charge if an accident occurs.
 - Corruption and Bribery: Bribes accepted by PWD officials.
 - Objectivity and Integrity: The lab in charge must decide based on evidence and public interest.
- (b) Options Available
 - 1. Approve the Bridge:
 - Merits: Avoids trouble with superiors and the MLA; potential financial gain.
 - Demerits: Endangers public safety; risks future accountability and job loss.
 - 2. Reject the Bridge Approval:
 - Merits: Ensures public safety; maintains transparency and integrity.
 - Demerits: Potential backlash from superiors and the MLA; risks job security.
 - 3. Consult with Seniors:
 - Merits: Engages more stakeholders; reinforces accountability; emphasizes public safety.
 - Demerits: Resistance from political and administrative pressures; possible ineffectiveness.
- (c) Course of Action
- The lab in charge should reject the bridge approval and present the actual test results. This action upholds public safety, integrity, and transparency. Despite the potential backlash, maintaining ethical standards and preventing corruption is paramount. If necessary, whistleblowing can be a last resort to ensure public trust and accountability.
- Conclusion
- Ensuring public safety and upholding ethical standards should guide the lab in-charge's decision, even in the face of political and administrative pressure.

CASE STUDY 4: Ethics in Administration & Governance (01:45 PM)

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.

- **Answer:**
- **Introduction:** This case involves a District Magistrate dealing with illegal mining and political pressure to manipulate the findings to protect influential figures.
- **(a) Stakeholders and Ethical Issues**
- Stakeholders:
 - District Magistrate (DM)
 - Innocent junior government employees
 - State's Minister of Mines and Minerals
 - Political parties and voters
 - Public Works Department (PWD)
 - General public
- **Ethical Issues:**
 - Misuse of political authority by the Minister to protect himself
 - Risk of punishing innocent junior employees to shield the real culprits.
 - Potential harm to public safety due to unchecked illegal mining.
 - Erosion of public trust in the integrity of the public administration.
 - Compromise of objectivity and accountability in public service.
 - Conflict between professional duty and personal career security
- **(b) Options and Evaluation**
- **1. Name the Minister in the Report:**
 - Merits: Upholds integrity, transparency, and accountability; protects innocent employees.
 - Demerits: Risks career setbacks and personal safety; political backlash.
- **2. Protect the Minister and Name a Junior Employee:**
 - Merits: Career security, political favour.
 - Demerits: Compromises ethics, injustice to innocent employees, perpetuates corruption.
- **3. Take the Issue to the Chief Minister:**
 - Merits: Hierarchical respect, potential political action against the Minister.
 - Demerits: CM might support the Minister; pressure to conform.
- **(c) Course of Action:** The DM should name the Minister in the report. This ensures integrity, transparency, and accountability, protecting the innocent and setting a strong ethical example. Upholding justice and public trust outweighs personal and political risks.
- **Conclusion:** Upholding ethical standards and public trust should guide the DM's actions, even in the face of political pressure and personal risks

CASE STUDY 4: Ethics in Administration & Governance (01:49 PM)

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 suitable rehabilitation, citing that the city is under the grip of a cold wave as December is in progress. This has not only halted the railway traffic on the route causing immense hardships to railway passengers but also posing a 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?

- **Answer**

- Introduction: This case involves the conflict between slum-dwellers occupying railway property and the Indian Railways' plan to demolish the slum for expansion. The situation has escalated, causing disruptions and safety risks particularly keeping in view the cold winter seasons.

- **(a) Stakeholders and Issues**

- **Stakeholders:**

- Indian Railways: Needs property for expansion and to resume railway traffic.
- Slum-dwellers: Facing eviction during a cold wave, demanding rehabilitation.
- Local Police and Administration: Responsible for maintaining law and order.
- Railway Passengers: Experiencing travel disruptions.
- City Residents: Will benefit from the railway station expansion.

- **Issues:**

- Illegal occupation of railway property.
- Potential human rights concerns due to eviction in harsh weather.
- Disruption of railway services.
- Safety risks due to confrontation.
- Political and social pressures on authorities.

- **(b) Course of Action**

- As Superintendent of Police,
- 1. Avoid Coercive Action Initially: Direct the police to refrain from using force and proceed to the protest site.
- 2. Gather Information: Obtain details about the protestors, slum population, legal actions taken by Railways, and eviction notices.
- 3. Engage with Protestors: Explain the illegality of occupying railway lines and the inconvenience caused to passengers. Offer an alternative protest site and assure that their concerns will be communicated to higher authorities.
- 4. Clear the Railway Lines: If protestors refuse to move, use minimal necessary force to clear the tracks, ensuring immediate medical assistance for any injured.
- 5. Resume Railway Traffic: Ensure the immediate resumption of railway services.
- 6. Report and Recommend: Submit a report to the district administration with details of the incident and suggest possible measures for the rehabilitation of slum-dwellers.
- **Conclusion:** The proposed course of action aims to balance law enforcement with humanitarian considerations, ensuring minimal harm and addressing the concerns of all stakeholders involved.

CASE STUDY 5: Ethics in Administration & Governance (02:05 PM)

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 are 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.

- **Answer:**
- **Introduction:** The case involves the alleged custodial torture and disappearance of three tribal persons, with conflicting narratives from the police and the family members of the accused. As the Superintendent of Police (SP), I must ensure a fair and impartial inquiry while addressing the public perception of bias.
- **Stakeholders and issues**
- Tribal persons and their families: Allegations of human rights violations, false framing, and custodial torture, questioning their right to life and liberty under Article 21.
- Local police personnel: Accusations of enabling an escape from custody, facing claims of serious misconduct, and highlighting procedural lapses, such as failing to produce the accused before a magistrate or conducting medical examinations.
- Police department: Concerns about the department's reputation and credibility, with potential systemic issues and loss of public trust.
- Superintendent of Police (SP): Ethical dilemmas in ensuring an impartial inquiry while balancing internal pressures to protect the police force's image, professional integrity, and justice.
- General public: Need for transparency and fairness in law enforcement to maintain public trust and confidence.
- **(b) Steps for a Fair and Impartial Inquiry**
- 1. Immediate Transfer: Transfer the implicated police personnel to prevent influence on the investigation.
- 2. Transparency: Release a press statement acknowledging the allegations and the steps being taken.
- 3. Form an Inquiry Team: Assemble a team of officers with impeccable records to ensure credibility.
- 4. Record Statements: Collect statements from all related persons and video-record the proceedings.
- 5. Forensic Analysis: Conduct a forensic analysis of the police station and related areas.
- 6. Review Case Diaries: Compare case diaries with witness statements and police logs.
- 7. Search Efforts: Investigate nearby jails, hospitals, and unclaimed bodies for any clues.
- 8. Detailed Report: Prepare a comprehensive report highlighting procedural lapses and findings.
- **(c) Reasons for Continuing Impunity and Measures to Prevent Custodial Deaths**
- **Reasons for Impunity:**
- 1. Colonial Mindset: Police forces have not modernized and often use outdated methods.
- 2. Non-compliance with Laws: Judicial inquiries are not consistently conducted.
- 3. Power Asymmetry: Victims are often marginalized and lack the resources to fight for justice.
- 4. Lack of Political Will: Governments fear demoralizing the police force.
- **Measures to Prevent Custodial Deaths:**
- 1. Reintroduce the Prevention of Torture Bill: Implement the bill with consensus from states.
- 2. Independent Mechanism: Establish an independent body for investigating custodial torture.
- 3. NHRC Guidelines: Strictly enforce NHRC guidelines for preventing and responding to custodial deaths.
- 4. Timely Reporting: Ensure immediate reporting of such incidents to NHRC with all necessary documents.
- **Conclusion**
- A fair and impartial inquiry is essential to uphold justice and maintain public trust. Comprehensive police reforms, strict adherence to legal procedures and robust oversight mechanisms are critical to preventing custodial deaths and ensuring accountability within the police force.

CASE STUDY 6: Ethics in Administration & Governance (02:27 PM)

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 under 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?

- **Answer**
- **Introduction:** The given case involves an assault on a government servant by an MLA during a municipal demolition drive, with allegations of bribery and corruption against the officer.
- **(a) Issues involved in this case:**
- **Assault on a Government Servant:** Obstructs official work, affects the morale and dignity of officers and sets a negative precedent of political dominance over public servants.
- **Allegation of Bribery and Corruption:** Erodes public trust in public service; allegations must be verified through proper legal channels.
- **Use of Violence:** The MLA's resort to violence is unlawful and undermines the rule of law.
- **Violation of Right to Adequate Housing:** Demolition may infringe on families' right to housing if the claims of bribery are true.
- **Creating Fear Psychosis:** Lack of security for officers performing their duties creates an atmosphere of fear.
- **(b) Relevant actors and options to redress their concerns:**
- **Government Officer and Association:**
- **File a police complaint against the MLA:** Ensures legal action and maintains public trust in democratic institutions.
- **Avoid strikes:** Strikes can disrupt public services and sensationalize the issue, hampering the greater good.
- **Municipal Commissioner/District Administration:**
- **File a police complaint against the MLA:** Ensure the rule of law.
- **Conduct an enquiry:** Investigate the condition of the houses and allegations of land grabbing, taking suitable actions based on findings.
- **Local MLA:**
- **Issue a public clarification:** Address the use of force and any misinformation.
- **File a formal complaint:** Follow proper channels to address alleged wrongdoing by the government officer.
- **Residents of Demolished Houses:**
- **File a complaint with supporting documents:** Prove the condition of their houses.
- **Seek annulment of the demolition order:** Approach appropriate authorities for legal redress.
- **Political Party of the MLA:**
- **Launch an internal investigation:** Hold the MLA accountable if found guilty and take disciplinary action as per party rules.
- **Conclusion:** Interference and ill-treatment of government servants by politicians undermine the efficacy of public service and dilute public faith in the administration. Adequate safeguards and institutional mechanisms are essential to ensure public servants can perform their duties without interference and intimidation.

CASE STUDY 7: Ethics in Administration & Governance (02:37 PM)

In recent times, the country witnessed protests based on opposition to some steps taken by the government. Whereas, mostly these were peaceful protests, in a few places these activities turned violent leading to the destruction of public property. In some places, the government arrested a 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 there 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?

- **Answer:**
- **Introduction:** The case involves protests, some of which turned violent, leading to public property damage. The government imposed fines on the protesters and confiscated their property if they couldn't pay, also publicly disclosing their personal information.
- **(a) Issues of Public Importance:**
- **Responsibility for Property Damage:** Ensuring accountability for damage to public and private property.
- **Balancing Rights and Order:** Balancing the right to protest with maintaining public order and minimizing inconvenience to others.
- **Protest Management:** Effective management of protests by the police to control violence while respecting peaceful demonstrations.
- **Due Process:** Ensuring fines and confiscations follow a legal process and are not arbitrary.
- **Proportional Measures:** Avoiding disproportionate actions against citizens, such as public naming and shaming.
- **(b) Ethical and Legal Principles:**
- **Presumption of Innocence:** Imposing fines and confiscating property should only occur after individuals are proven guilty, respecting the rule of law.
- **Right to Protest:** Criminalizing protests can have a chilling effect on free speech and dissent.
- **Bias and Fairness:** Ensuring police and administrative actions are unbiased and fair, with accountability for any police misconduct.
- **Privacy Rights:** Publicly disclosing personal information violates privacy and can have severe consequences for individuals.
- **Respect and Courtesy:** Government agencies should uphold constitutional and democratic values, treating all individuals with respect.
- **(c) Guiding Principles for a Democratic State:**
- **Space for Dissent:** Allow peaceful protests and designate specific areas to minimize public inconvenience.
- **Due Process:** Follow legal procedures and Supreme Court guidelines for claims assessment.
- **Objective Procedures:** Implement rational, unbiased procedures for handling protests.
- **Empathy and Compassion:** Train police and administration to handle protests with sensitivity and maintain public trust.
- **Public Responsibility:** Encourage citizens to protest peacefully and respect public property, balancing rights under Article 19 with duties under Article 51A.
- **Conclusion:** Balancing the right to protest with maintaining public order and safety is crucial. Ensuring due process, fairness, and respect for individuals' rights while holding them accountable for any wrongdoing will help uphold democratic values and public trust.

CASE STUDY 8: Ethics in Administration & Governance (03:00 PM)

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 the 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.

- **Answer:**
- **Introduction:** The case involves a scandal where over 30 girls were allegedly raped and sexually exploited at a city shelter home run by an NGO. A nexus involving police, politicians, administrators, and criminals is suspected. Media and public pressure demand swift action, while top officers and political leaders urge a slow investigation due to upcoming state elections.
- **(a) Issues Involved:**
- Violation of Law and Order: Alleged rape and sexual exploitation under the POCSO Act and IPC sections.
- Exploitation of Vulnerable Individuals: The victims are marginalized girls in a shelter home.
- Negligence and Complicity: The administration and police are accused of negligence and involvement.
- Nexus of Crime: Allegations against a nexus of police, politicians, administrators, and criminals.
- Betrayal of Public Trust: The NGO, part of civil society, is implicated in the crimes.
- Undue Political Influence: Pressure to delay or cover up the investigation from political leaders.
- **(b) Options Available:**
- **1. Conduct a Swift Investigation and Make High-Profile Arrests:**
- Merits:
 - Assuages media and public sentiment.
 - Restores public trust in the administration.
- Demerits:
 - Risk of omitting key facts, leading to a poor trial.
 - Justice may be compromised due to procedural shortcuts.
 - High-profile arrests may look good but may not ensure a thorough investigation

- **2. Investigate Thoroughly in a Time-Bound Manner:**
- Merits:
 - Upholds legal and moral obligations without fear or favour.
 - Ensures justice for the victims and boosts public confidence in the police.
 - Sends a positive safety message to other potential victims.
- Demerits:
 - Possible backlash from political superiors and harassment by culprits.
 - The thorough investigation may take time, causing public impatience.
- **Chosen Option:** I would choose Option 2: Investigate thoroughly in a time-bound manner.
- Justification:
 - Upholding the rule of law and constitutional duty is paramount.
 - Ensures comprehensive justice for victims and maintains procedural integrity.
 - Demonstrates that influence and power cannot shield wrongdoers from the law.
 - Provides a transparent process to the public, ensuring accountability and maintaining trust.
- Additionally, I would:
 - Protect the victims and their families.
 - Communicate investigation progress to the public to manage expectations and maintain transparency.
- **Conclusion:** By ensuring a thorough investigation, the law is upheld, victims receive justice, and public confidence in the police is restored. This approach aligns with the ethical values of the civil service and upholds the integrity of the administration

Case Study 9: Ethics in Administration & Governance (03:17 PM)

A state has been notorious for its high rate of crimes and illicit activities. An understaffed police force along with the 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 investigations without external influences. A sense of lawlessness has prevailed in the society. Against this backdrop, it has been observed that police have been resorting to an increasing number of encounters with alleged criminals rather than catching them and following 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:

- Analyse the issue from different ethical perspectives.
- What could be the effects on the police administration and the society of such a strategy?
- As an advisor to the Chief Minister of the State, what advice would you give to improve the law and order situation?

- **Answer:**
- **Introduction:** The given scenario highlights the issue of extrajudicial killings by the police in a state with high crime rates and a strained criminal justice system. Despite public support for such actions, several ethical and practical concerns arise.
- **(a) Ethical Perspectives:**
 - Justice Perspective: Every individual has the right to a fair trial. Extrajudicial killings violate constitutional rights.
 - Utilitarian Perspective: Although immediate crime reduction might seem beneficial, such actions ultimately lead to lawlessness, innocent deaths, and administrative breakdown, reducing overall happiness.
 - Deontological Perspective: Actions must be universally applicable. Extrajudicial killings cannot be justified universally as they undermine democracy and legal principles.

- **(b) Effects on Police Administration and Society:**
- Police Administration:
 - Short-term benefits include flexibility and crime deterrence.
 - Long-term negatives include brutality, loss of public trust, discipline erosion, dereliction of duty, and officer vices.
- Society:
 - Initial satisfaction and sense of security.
 - Long-term issues include social fabric destruction, fear psychosis, loss of faith in the judicial system, and potentially violent culture.
- **(c) Advice to the Chief Minister:**
- Separation of Functions: Distinguish investigative roles from law and order maintenance.
- Accountability and Swift Actions: Incorporate accountability while allowing swift, just actions.
- Implement SC Directions: Follow Supreme Court directives on police reforms from the Prakash Singh case to reduce political interference.
- Increase Funding: Allocate more resources for police and judicial reforms.
- Recruitment: Address understaffing in the police force.
- Modernization: Update equipment, training, and service conditions for professional criminal investigations.
- Fair Practices: Ensure transparent, non-partisan transfer, posting, and promotion practices.
- Focus on Development: Promote economic development and employment generation to reduce crime long term.
- **Conclusion:** Restoring law and order through legal and ethical means ensures sustainable peace and public trust, fostering a robust democracy

CASE STUDY 10: Ethics in Administration & Governance (03:33 PM)

You have been appointed by the Election Commission as a booth-level officer to oversee the conduct of elections in a remote and underdeveloped 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 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 give assurances to vote. Based on this information, answer the following questions:

- Identify the stakeholders in the situation along with their interests.
- What are the factors that you will take into account to convince the people and ensure maximum voter turnout?

Answer:

- **Introduction:** Voter turnout is crucial for the legitimacy of elections and the effective functioning of democracy. In the given scenario, the apathy of villagers towards voting poses a significant challenge.
- **(a) Stakeholders and their Interests**
- Registered Voters:
 - Desire tangible improvements in their living conditions.
 - Seek fulfilment of promises.
- Women and Youth:
 - As critical groups, their participation can influence policies directly affecting their lives.
- Elders:
 - Encourage younger generations to vote.
 - Ensure sustained democratic engagement.
- First-time Voters:
 - Be aware and involved in shaping their future through electoral participation.
- Local Politicians:
 - Adhere to ethical practices.
 - Gain voter trust for electoral success.
- District Collector:
 - Ensure smooth and fair elections.
 - Fulfill their administrative responsibilities.
- Election Commission of India (ECI):
 - Maximize voter turnout.
 - Uphold the integrity and effectiveness of the electoral process.
- Nation:
 - Ensure every citizen participates in democracy.
 - Avoid dissent and maintain stability.
- Local Self-Governance Bodies:
 - Educate and mobilize the community for active participation in the electoral process.
- Myself (Booth Level Officer):
 - Fulfill the duty to ensure voter turnout.
 - Ensure the integrity of the election process.
- **(b) Factors and Strategies to Ensure Maximum Voter Turnout**
- Factors to Consider:
 - Despondency and lack of trust among voters.
 - Perception that voting does not lead to tangible changes.
 - Limited understanding of the significance of voting.
 - Unawareness about accountability mechanisms.
 - Remoteness and under-development of the area.

- **Strategies to Convince People to Vote:**
- 1. Listen Patiently: Address the concerns and grievances of the villagers, building trust through open dialogue.
- 2. Engage Community Leaders: Encourage elders to vote and educate younger generations about their role in democracy.
- 3. Utilize Grassroots Workers: Involve Anganwadi and ASHA workers to mobilize voters and lead by example.
- 4. Empower Youth and Women: Highlight their critical role in bringing change and encourage them to participate actively.
- 5. Educate on Voting Rights: Inform villagers about their constitutional rights and the importance of voting.
- 6. Promote Use of NOTA: Explain the None of the Above (NOTA) option as a way to express dissatisfaction with candidates.
- 7. Highlight Success Stories: Share examples of political leaders who have brought positive change through sustained efforts.
- 8. Raise Awareness of Accountability Tools: Educate villagers on tools like RTI, Social Audits, and grievance redressal mechanisms to hold elected officials accountable.
- 9. Implement SVEEP Objectives: Facilitate and promote the Systematic Voters' Education and Electoral Participation (SVEEP) plan.
- 10. Report Challenges: Keep the SDM and District Collector informed about the challenges and concerns raised by villagers.
- **Conclusion:** By addressing voter concerns, educating them on their rights, and demonstrating the impact of their participation, it is possible to enhance voter turnout and strengthen the democratic process in the village.

CASE STUDY 11: Ethics in Administration & Governance (03:44 PM)

You have recently been posted as a probationary officer in the District Magistrate's office in a tribal district. During one of the field trips, 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 did 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 of the need for government intervention in the situation.

Answer:

- **Introduction:** The case study highlights the exploitation of tribal knowledge and resources by a private company, leading to disproportionate profit distribution. The tribals are wary of government intervention due to past failures and a lack of alternatives.
- **Stakeholders and their Interests:**
- **Tribal People:**
 - Livelihood opportunities.
 - Welfare and fair profit sharing from their traditional knowledge.
- **Private Companies:**
 - Profit maximization.
 - Obtaining Intellectual Property Rights (IPR) on tribal products.
- **District Magistrate (DM):**
 - Ensuring the welfare of the tribals.
 - Promoting social justice.
 - Maintaining administrative efficacy.
- **Probationary Officer:**
 - Upholding the rule of law.
 - Ensuring the welfare of tribals.
 - Seeking personal job satisfaction.
- **Gram Sabha:**
 - Ensuring the welfare of tribal people.
 - Equitable benefit-sharing from company profits.
- **NGOs in Tribal Areas:**
 - Ensuring the welfare and development of tribal communities.
- **(b) Case for Government Intervention**
- **1. Present Situation:**
 - Livelihood Dependency: Tribals rely heavily on the private company for employment and income.
 - Disproportionate Profits: The company is amassing significant wealth while tribals receive minimal benefits.
 - IPR Concerns: The company's potential IPR filing may hinder the tribals' access to their traditional knowledge.
- **2. Problems Due to Lack of Alternatives and Government Efforts:**
 - Inadequate Government Intervention: The historical lack of effective government programs has left tribals dependent on the private sector.
 - Economic Exploitation: The company is exploiting the vacuum created by government inaction, leading to economic disparity.
 - Distrust in Government: The tribals' reluctance to accept government help stems from previous failures and unmet promises.

- **3. Need for Government Intervention:**
- **Alternative Livelihoods:** Immediate efforts to provide alternative livelihood opportunities can reduce dependency on the company.
- **Fair Profit Sharing:** Guidelines should be established to ensure equitable profit sharing between the company and tribals.
- **Marketing Support:** Platforms like Tribal Hut and TRIFED can be used to market tribal products at fair prices.
- **IPR Protection:** Ensure adherence to the Indian Patent Act, 2005, and the Biological Diversity Act, 2002, to protect tribal knowledge.
- **Strengthening Gram Sabha:** Empower the Gram Sabha in decision-making processes for the welfare of tribals.
- **Conclusion:** A multidimensional approach involving government intervention is essential to address the exploitation of tribals by private companies. Ensuring fair profit distribution, providing alternative livelihoods, and protecting tribal knowledge are crucial steps to foster the holistic development of tribal areas.

Topic for the next class: Case Studies (Continued)