

Pattern of Case Studies in the Ethics Paper and an Examination Strategy

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- 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 .

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- 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 the society.
 - Finally, there are cases in which an individual faces an ethical dilemma in personal life .

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- 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
- Facing pressure in recruitment from a senior official
- Facing pressure to disclose sensitive information
- Responding to social prejudice in villages
- Facing public and private ethics

B. A business executive facing an ethical issue:

- Responding to demand for bribe by government official
- Facing social issues in setting up an industry

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C. An individual facing an ethical issue at workplace or in personal life:

- Responding to unethical practice in company
- Responding to sexual harassment at 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

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What is meant by ethics?

- Ethics is the study of what is right and what is wrong in the conduct of life.
- Ethics is concerned with what ought to be done to achieve what is good and what ought not to be done to avoid what is evil.

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Methods of Case Analysis and Resolution

What could the UPSC be expecting from your responses to the case studies ?

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 by him in dealing with society.
- Questions may utilise the case study approach to determine these aspects .

Probity Meaning:

Probity means the quality of having strong moral principles, especially honesty and decency in public or official duties.

Focus:

It is specifically used in public life, administration, and financial matters, and is a more formal/legal term.

Example:

The judge was respected for his probity and fairness in court decisions.

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 actions.
- 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:
 1. If an officer is offered bribe, accepting it is obviously wrong and refusing it is right.

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2. The financial officer of a company can present the proper accounts (right) or he can falsify the accounts for some reason (wrong). In Examples 1 and 2, the wrong actions are also illegal.

- Any 'right' versus 'wrong' option involves a 'moral temptation' to get some benefit for ourselves through an immoral act .

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- **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:

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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 .

2. 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 he 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?

- Here you are at the Ethics examination, you have answered all the theory questions, and you are ready to take up Section B: Case Studies.
- For each case, you have just about 15 minutes to complete the mental analysis written response.
- What should you do ?
- Follow the guidelines given below . As you read the case, answer the following questions and make rough notes:

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- **Case Summary** - What are the main facts of the case?
 - **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:**

1. What are the options given in the case?
2. Are you asked to think of more options?
3. What are the merits and demerits of each option?

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- **Recommended option with justification:**

1. What would be your recommended option?
2. What is the justification ?
3. 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.

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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.

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- 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.
 - You could use the following table:

Options	Merits	Demerits

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- 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 .

How to approach the cases under Policy Issues (Category D)?

- The guidelines given above will not suit the Category D cases.
- You should approach them the way you answer the theory questions.
- You could, however, highlight the ethical issues to be considered while framing the policy.
- Let us now apply the guidelines to a UPSC case study.

UPSC Case 2014 - Q. No. 13: Officer facing corrupt practices in a government department-

- Rameshwar successfully cleared the prestigious civil services examination and was excited about the opportunity that he would get through the civil services to serve the country.
- However, soon after joining the services, he realized that things are not as **rosy** as he had imagined.
- He found a number of malpractices prevailing in the department assigned to him.

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- For example, funds under various schemes and grants were being misappropriated. The official facilities were frequently being used for personal needs by the officers and staff.
 - After some time, he noticed that the process of recruiting the staff was also not up to the mark.
 - Prospective candidates were required to write an examination in which a lot of cheating was going on. Some candidates were provided external help in the examination.

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- Rameshwar brought these incidents to the notice of his seniors.
 - However , he was advised to keep his eyes, ears and mouth shut and ignore all these things, which were taking place with the connivance of the higher-ups.
 - Rameshwar felt highly disillusioned and uncomfortable.

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- He comes to you seeking your advice.
 - Indicate various options that you think are available in this situation.
 - How would you help him to evaluate these options and choose the most appropriate path to be adopted? (20 marks; 250 words)

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UPSC Case 2014- Q. No. 13 Analysis and Resolution

- What does a new recruit with high ideals do when faced with corruption and connivance at his first posting? How he reacts will define his entire career!

Facts :

- Malpractices in department
- Misappropriation of funds
- Misuse of official facilities
- Malpractices in recruitment

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Core ethical issues:

- Malpractices in Recruitments
- Connivance of seniors
 - > Loyalty to senior / Obeying orders of senior
 - > Responsibility / Accountability to public
 - > Cognitive Dissonance
 - > Conscience related
 - > Transparency
 - > Integrity in service

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Options		
Option	Merits	Demerits
1. Follow advice of seniors; keep quiet	Avoids trouble	Troubled conscience
2. Leak information to press and NGOs	Corruption exposed; government may take action	Not quite ethical, the press and NGOs may be silenced, suspicion could fall on Rameshwar. Also a violation of Code of Conduct
3. Collect information and evidence, send formal report to higher-ups	Ethical and open stand; may force seniors to act	Report may be suppressed; Rameshwar Victimimized

Option	Merits	Demerits
4. Begin taking action himself, take up recruitment first, prevent cheating and influencing selection. Then go on to other aspects where he has authority	Ethical approach; good experience for future	Could face hurdles and harassment; should keep proper documentation
5. If Option 4 fails and he is prevented from taking action; send information to Anti-Corruption Bureau or Lokayukta	Action on corruption likely	Definite vindictive action against Rameshwar as whistle-blower
6. Anonymous Complaint	Action May or may not be taken	Violation of rules, Unethical
7. Persuasion of employees for not to indulge in corrupt practices	Unethical conduct shall be sit at rest	May or may not be work

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- Recommended: Options 3-4-5 in that order, because Rameshwar cannot afford to **stumble** at the very first step. He can be harassed, but not dismissed. He should just be ready for a transfer!
 - True cases of honest officers have shown that when they take a bold stand, seniors and politicians often backaway. (252 words)

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UPSC Case 2015 - Q . No. 13 : Officer facing malpractice in allotment of government land

- You are heading a district administration in a particular department.
- Your senior officer calls you from the State Headquarters and tells you that a plot in Rampur village is to have a building constructed on it for a school.
- A visit is scheduled during which he will visit the site along with the chief engineer and the senior architect.

Contd...

- He wants you to check out all the papers relating to it and to ensure that the visit is properly arranged.
- You examine the file, which relates to the period before you joined the department.
- The land was acquired from the local Panchayat at a nominal cost and the papers show that clearance certificates are available from the two of the three authorities who have to certify the site's suitability.

Contd...

- There is no certification by the architect available on file .
- You decide to visit Rampur to ensure that all is in order as stated on file.
- When you visit Rampur, you find that the plot under reference is part of Thakurgarh Fort and that the walls, ramparts, etc., are running across it.

Contd...

- The Fort is well away from the main village and therefore a school here will be a serious inconvenience for the children.
- However, the area near the village has potential to expand into a larger residential area.
- The development charges on the existing plot, at the Fort, will be very high and the question of heritage site has not been addressed.

Contd...

- Moreover, the Sarpanch, at the time of acquisition of the land, was a relative of your Predecessor.
- The whole transaction appears to have been done with some vested interest.

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Contd...

- (a) List the likely vested interests of the concerned parties.
- (b) Some of the options for action available to you are listed below. Discuss the merits and demerits of each of the options :
 - (i) You can await the visit of the superior officer and let him take a decision.
 - (ii) You can seek his advice in writing or on phone.

Contd...

- (iii) You can consult your predecessor/colleagues, etc. and then decide what to do.
- (iv) You can find out if any alternate plot can be got in exchange and then send a comprehensive written report.
- Can you suggest any other option with proper justification? (250 words; 25 marks)

UPSC Case 2015 - Q. No. 13 Analysis and Resolution

- So often we read about **shady** land deals in India . Selling off government land as private property is very common!

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Contd...

- Facts: Suspected malpractices in acquisition of land for a village school.
 - Land acquired from Panchayat at a nominal cost
 - Land encroaching on heritage site
 - Location of school far away from village
 - High development cost
 - Lack of full clearance for land
 - Sarpanch a relative of previous ~~collector~~ ^{officer}

Contd...

Likely vested interests:

- Sarpanch could have made money
- Nexus between the Sarpanch and the Department of Archeology Education Department and another authority providing clearance

Required action from protagonist:

- Check papers, prepare for visit by senior officer

Contd...

Options		
Option	Merits	Demerits
1. Await the visit of the senior officers and let him take a decision	Avoids trouble	Shirking responsibility; senior officer not happy to find out facts on arrival
2. Seek the advice of senior officer over phone or in writing	Avoids trouble; guidance from an experienced officers	Cannot convey all the details to the senior officer over phone or in a letter
3. Consult your predecessor, colleagues	Could get advice	Predecessor may be unreachable or unwilling to discuss matter; insufficient information
4. Send to senior a comprehensive written report to senior (see below)	Proactive effort; Investigation likely	Resistance and retaliation from guilty

Contd...

- Option 4: The report should include
 - Evidence of encroachment on heritage site, lack of clearances
 - Evidence of improper land transaction
 - Distance of land from village Availability of alternative land in or near the village (government land or clear land available for sale)

Option 4 is recommended for given reasons. (260 words)

Case Study

- You are aspiring to become an IAS officer and you have cleared various stages and now you have been selected for the personal interview. On the day of the interview, on the way to the venue you saw an accident where a mother and child who happen to be your relatives were badly injured. They needed immediate help. What would you have done in such a situation? Justify your action. (25 Marks)

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- **Subject matter:** Dilemma between achieving career ambition Vs responding to accident as a good samaritan.
 - **Stakeholders involved:** The mother, child, me, my family, society at large and the UPSC.
 - **Ethical dilemmas:**
 - Personal ambitions vs. Moral responsibility to help others
 - Being punctual to the interview vs Saving life
 - Personal and family's dream to be civil servant vs Moral obligation to relatives

Options	Merits	Demerits
Ignore the accident and head to the interview	Punctuality will be maintained Personal ambition will be fulfilled	Morally abdicating my duty to save life Selfish and against my conscience Poor example of an aspiring civil servant
Skip the interview and help the victims	Moral obligation towards my relatives will be met A good example to the society	Hampers the years of hard work to be a civil servant Failing my and my family's dream Unbalanced decision making in response to multiple needs
Admit them to a nearby hospital and quickly try to reach the interview venue	Rescue the relatives Realise my career goals Clear conscience	Risk of missing the interview

Final Course of action

- I shall choose the last option because I have a moral responsibility to help the victims, and a personal responsibility to myself, my family and my career. I worked hard to reach the interview stage, so it makes sense to balance both these obligations.
- So my immediate response would be to quickly move the victims to my cab. Using Google Maps, I'll check for nearby hospitals and find the shortest route possible to get there. I will call the hospital and ask them to arrange emergency services by the time we reach.
- Along the way, I will also call the relatives' family and ask them to reach the hospital. I will admit the victim to the hospital and pay any charges, if required. If it gets late for the relatives to reach, I will entrust the cab driver to kindly look after her, pay him his waiting charges and proceed to the interview.

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- In the meantime, I will also check if I can reach out to anyone who can inform the interview panel about my situation and that I may reach late. If I do get delayed, I will make every attempt to convince the authorities involved as to the reasons why it happened. As soon as the interview is done, I will come back to the hospital and check on the victims' condition and help them in anyway I can.
 - As remarked by Gandhiji *"The best way to find yourself is to lose yourself in the service of others"*. By helping people, we not only make the world a better place but also stay true to our conscience. It leads to harmony, balancing social good with personal ambition.

Case Study

- You are in-charge of the National Park (NP).
- Struggling for funds due to the pandemic.
- Expanding visit timing of NP is not allowed as it might interfere with the nocturnal activities of the animals of the park.
- The NP has received a proposal for a sizable donation from a major company on the condition that their CEO would visit with his family at night to tour the NP.
- You have received a call from Chief Minister's Office to facilitate the visit as the CEO is CM's friend. You are in a state of indecision.

Summary

- You are in-charge of the National Park- NP is struggling for funds due to pandemic
- Expanding visit timing, but current rules do not allow-nocturnal activities of the animals of the park.
- NP has received a proposal - CEO of a company who is friend of CM would visit NP at night time with his family in return of a huge donation.
- As the in-charge, you know that it is prohibited.
- You have received a call from Chief Minister's Office to not cause any trouble and facilitate the visit. You are in a state of indecision.



Questions

- What are the ethical issues involved in the case study?
- What are some of the choices available to you?
- What choice would you make and why?



Stakeholders involved

- In-charge of the National Park
 - CEO of a major company
 - Chief Minister's Office
 - Wildlife of the National Park
- > Environmentalist / NGO
-> Media
-> Court



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Ethical issues involved

Integrity of officer

**Environmental
welfare issue**

Rule of law

Ends vs Means issue

**Following seniors order
vs Moral righteousness**

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Option I - Allowing visit of CEO during night

Merits

- Chief Minister's Office orders are followed, and it might be good for you in future .
- It is possible that you will receive donation for National Park.

Demerits

- Rule of law is not obeyed in spirit.
- You will face an ethical dilemma.
- Nocturnal activities of the animals of the park will be affected.
- It will set a wrong precedence that might open a new challenge for wildlife in the National Park.

Option 2-Not allowing the visit of CEO during night

Merits

- It will uphold the rule of law.
- It is moral and ethical decision.
- Nocturnal activities
• of the animals of the park will not be affected.
- You uphold the integrity as In-charge of the National Park.

Demerits

- Disobeying Chief Minister's Office orders might impact your service.
- You will not receive donation for the National Park.

Option 3-Pursuing the CEO to visit in daytime while informing CMO about challenges of night visit

Merits

- Nocturnal activities of the animals of the park will not be affected.
- There is no breach of laws. So, rule of law upheld.
- CEO can explore more in daytime and better arrangements can be made to convince him/her to do donations.
- Chief Minister's Office orders are not disobeyed.
- It is morally and ethically sound decision.
- No controversy in media is raised by doing so. Therefore, lesser number of administrative challenges will be there.
- Integrity of yours will not be at stake

Demerits

- CEO might not be convinced, and you may lose the donations.
- Chief Minister's Office might get upset by not following orders completely.

Choice (Recommended option)

- (c) It being in-charge of the National Park, will choose the Option 3 (Pursuing the CEO to visit in daytime while informing CMO about challenges of night visit). It is best suited for its merits and has lesser demerits. This option is helpful in resolving all the ethical issues involved here.

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

What should be your touchstones while coming up

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- Belief in the basic goodness of human beings
 - Giving everyone a chance to become a good person
 - Punishment only as 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 taking 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.

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- 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.

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- 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.

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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 public interest ?
- Are you proud of taking the decision? Would you be ready to share the decision with your family?

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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 by it? Will it restore him to a 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 .