

- **Corruption**
  - last resort is Lok Ayukta
  - Remember the answer should be like- will he be a good civil servant! so dont whistle blow or post in facebook
- **Structure**
  - INTRO
    - The case study emphasis about the empathy, compassion and sense of responsibility of ' \_\_\_\_ '
  - Stakeholders
    - Triangle diagram,Quadrant diagram
  - Dilemmas/ethical issues involved
  - Answer Body
  - Points
    - Theory to substantiate points/merits/demerits
    - Before suggesting course of action say- this requires me to use ethics as source and guidance of decisions and also be emotionally stable
  - Keywords
  - Diagram
  - PERIPHERAL ISSUES and SOLUTIONS
    - Touch those on periphery that isnt demanded in the question
  - LONG TERM SOLUTION (A MUST)
  - IDEAL SITUATION
    - What happens if what i suggested happens
  - Conclusion
    - This is the best way forward as it addresses all dilemmas and promotes welfare of all actors

- **Quotes**

- Compassion over any dilemma
  - As MKG said our greatness lies not so much in being human, but in being humane
- Service
  - Gandhiji said meaning of life is to lose yourself in the service of others

- **Themes**

- **Issues**
  - Your act will bring disciplinary action against you and your colleagues
  - Saving an otherwise honest subordinate?
  - Pressure from superiors
    - Under Civil service conduct rules, subordinate must seek written orders from superiors to follow directions in case of conflicting situations thus relieving from undue superior interference
  - Divided loyalty (Private works during public life)
  - About to complete work but based on illegality
  - Illegal project with large public interest
  - Pressure from senior to favour a candidate in interview
  - Illegality in terms of bribery/favouritism vs to get tender/release fund for org
  - Breach of confidentiality
  - Deception
  - Illegality (Sexual harassment) of a star performer who is a pivot for organization's future
  - Indiscipline of certain employees that disrupt work culture
  - Threatening me by instigating a woman to file a complaint of sexual harassment against me
  - Sole bread winner vs morality

- **Laws(use also to say-will make aware of their rights)**
  - **Sexual Harassment-IPC 354 defines and slaps 3 year imprisonment**
  - **IPC 107-abetting a crime is equally an offence**
  - **IPC 304A - death by negligence**
  - **IPC 498A- Domestic violence**
  - **Civil service conduct rules**
  - **Section 16 of EPA 1986-incharge of company guilty-5 years imprisonment**
  - **Public Insurance Liability Act**
  - **Polluter pays principle**
  - **Employee's compensation act for injury/death/occupational hazards**
  - **Section 14 of Child labour act- Imprisonment >6 months**
  - **BOCW act(Building and Other Construction Workers Act)- safety neglect-min 3 month imprisonment**
  - **National Building Code of India-guidelines that stipulates safety requirement**
  - **interstate migrant workmen act 1979 -imprisonment upto 1 year**
    - **wages,holiday,equal pay**
  - **Illegal construction**
    - **one can go to the municipal corporation of the city and can lodge a complaint with the proper procedure**
  - **RTI**
    - **Section 8(1)-exemptions-no need to disclose that affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence**

- **Section 20 provides-delaying/misrep -penalty of 250 each day till info is furnished**
- **PCA**
  - **Section 10-abetment of an offence upto 5 year prison**
  - **Section 13-gift**
- **online petitions through change.org that mobilize support that pressures change in law**
- **Periphery**
  - **Success stories**
    - **Eraviperoor Panchayat,Kerala-women,envi,edu**
    - **Jhabua Bhil women watch group,MP and women led development**
    -
  - **Safe Childhood Pgm by UNICEF-MoPR-NCPCR to educate panch members of their role thus convergence of child schemes**
  - **Gram swaraj abhiyan- to enroll the beneficiaries to govt pgms**
  - **National Youth Corps enroll to serve in blocks**
  - **eSamvad portal to flag the issue to MoWCD**
  - **Use NGO DARPAN to find the NGO involved in this and seek help**
  - **National Oldage pension scheme**
  - **seek help from Civil Defence Volunteers for all stages of disaster management**
  - **Aam admi Bima Yojana for unorganized workers**
  - **Tele law initiative through CSC centre to access legal service**
  - **pgportal.gov.in to lodge grievance against any dept**
- **Ethical issues involved in the case?**

- Kant's duty based vs Bentham's outcome based-whether end justifies means
- Insensitivity to children/women
- Intellectual dishonesty by Exploiting legal loop holes
- Disregard for human dignity
- Negligence to human life
- divided loyalty(pvt works in pub work hrs)
- Ignoring the voice of conscience
- Personal leisure over organizational loyalty
- Gandhian sin of commerce without morality
- Misappropriation of public funds
- Use of official facilities for personal needs
- Connivance of superiors in corruption
- **Examine the ethical issues?**
  - Victim
    - Access to Justice
    - Rights
    - Fairness
  - Perpetrator
    - Arbitrariness towards 'voice-less'
    - Intellectual Dishonesty acting against conscience
    - Empathy vs greed
    - Gandhi's 7 sin-Wealth without conscience
    - Insensitivity towards women-children
    - Disregard for rule of law

- Govt
  - Bureaucratic Inertia
  - Collusive malfeasance
- Public-Media
  - Lack of moral responsibility to question illegality
- For all
  - Valueless Education
- Suggestion
  - Govt
    - Safety audit esp when women-children involved
    - Encourage NGO to assist in legal access
    - ()code of conduct(eg)Builder CoC
  - Public-Media
  - Perpetrator
  - Victim
- **Problems faced by migrants/women/labour**
  - Xenophobia
  - Social stigma associated with menial labour
  - Stress and depression
  - Physical-Verbal-Sexual abuse
  - Systemic deprivation and discrimination
- **Options available**
  - Hierarchy
    - Refer matter to superior and act on his/her advice

- Develop a report of the situation based on facts-your viewpoints and seek written orders from superior
  - Take the issue to higher levels of the superior
- Proceed on leave and matter dealt by another
- Consult with colleagues who were party to decision
- **Solution**(
  - General
    - Also think as citizen- raise the issue in My Gov app or suggest this in PM's Mann ki Baat)
    - Progress Panchayat to create awareness of govt schemes
    - Think as Individual and collective-for eg responsibility mean IR and CR
    - Encourage civic virtues of voting,volunteering
  - NGO
    - women-Bhumata Brigade
    - rape- Sunita Krishnan'a Prajwala
    - MS-Bezwada Wilson-Safai Karamchari Andolan
    - ADR-politics
    - PUCL-any rights
    - Common Cause -any rights
    - CGNET swara for tribals
    - CSE-Environment
    - Akshaya Patra-food for children
    - Tulir,Bachpan Bachao Andolan- for any child issue
    - Smile foundation(education), Akshay Patra(food)
    - Nirbhaya Vahini(rape victims),Swayam(women rights)

- Plan of action
  - While reading qn underline all the issue(even if v ordinary like parents not supportive,) add solution to that
  - If you are a civilian, dont think just solution within your ambit alone- speak to DM-speak to NGO-think all possible stakeholders
  - Say the extreme one and say it is unfeasible and undesirable
  - Persuasion is the first tool no matter how ridiculous it may seem-then write if it fails,then i will
    - while persuading - use Aristotle's pathos to create empathy in the other to take the lead,
    - mention about social applause one would get by this
    - means you havent over step your boundaries
    - donot impose my views on another
    - will not lose job/working relationship
    - AND CONCLUDE I WILL FOLLOW THIS as it will ensure that i did my part to the best that my resources would permit
  - explore tech option
- Justify negative acts?
  - Utilitarianism-greater good for greater number
  - Epicureanism-action must reduce pain
  - Ayn rand's pursuing self interest is a virtue
- Issues
  - Construction workers
    - Building and other construction workers act-condition of service regulation
    - National Building Code of India-guidelines that stipulates safety requirement



- Women
  - Take the women to One stop centre that provide support services for victims of gender violence
  - Mobile phones with panic buttons
- Corporate
  - In a company
    - Accident due to chemicals/hazardous substances?
      - Public Insurance Liability Act
      - Polluter pays principle
    - If law not binding,that itself is a problem-also following law in letter not spirit
    - Contracts
      - flexible but with binding competitive bidding
      - provision for recusal in case of conflict of interest
      - objective parameters
- **Procedural flexibility in cases of vulnerable**
  - sense of dutifulness should not be swayed by the emotions.
  - send her with reference to the required office for getting the documents
  - make her aware about the other government schemes (antyodaya scheme, pension scheme)
  - Bi-monthly campaigns to identify beneficiaries and help documentation for vulnerable
- **Problems of Environment**
  - Protest?
    - short term
      - Section 144 of CrPC

- Crowd control management failure of which lead to firing in Sterlite protest of TN
  - Minimum use of force and non lethal
  - SOP-warning tear gas,water canon,lathi charge,rubber bullets and as a last resort firing below waist
- Long term
  - Conduct more anti-riot drills
- People confidence?
  - Detailed study on operational aspects
  - People agitate because there should be some real cause
  - Thorough envi review with post audit before any call is made
  - Carrying capacity studies must be taken
- Movie protests
  - release a letter of info to state movie is about cultural expression and not nationalist sentiment
  - flag that movie includes hundreds of Indians too
  - meet with political party and explain how Indians too affected
  - law enforcement help
  - Tie up with netflix
- Followers preventing arrest of religious leader
  - persuade
  - cite tenets of sect
  - soldiers dressed as common man to assess situation
  - shut down mobile internet crpc under sec 144 so that followers may be forced to negotiate
  - if no of days, phased action

- if all fails,consult seniors(NO NEED TO SOLVE IT )
- **For problems in a village**
  - (Often Caste)
    - Social Influence-Any local well known figure for liking,authority like DM
    - Persuasion-Among few families who are amenable to reason. These people inturn will motivate others in a dilemma using 'peer pressure'
    - Inter-community festivals as interaction is the way to remove prejudices and co-existence
    - Fix shared goals on education and health and stress how good performance only will enable extra govt fund to develop village
  - (Girl Education)
    - Social Influence-Any local well known figure for liking,authority like DM or Sarpanch
    - Persuasion-Among few families who are amenable to reason. These people inturn will motivate others in a dilemma using 'peer pressure'
    - Fix shared goals on education and health and stress how good performance only will enable extra govt fund to develop village
    - In era of smart phone,selfie with daughter initiatives can appeal
    - Presentation on community led women empowerment -eg of Eraviperror Panchayat of Kerala
    - Frequent Police roundups to reduce harassment
    - Changing gender stereotypes in socialization process-for eg in schools teachers to encourage interaction through group activities to remove certain prejudices
    - Self Defence training to girl children
    - Providing cycles, transport

- Increasing street lights, toilet facilities
- also
  - quality of edu
  - change teacher apathy attitude
  - Social audits to monitor
  - Engage parents as stakeholders

○ Roles

- As a DM
  - First preliminary enquiry(dont act by emotion-Plato cardinal virtue)
  - Show cause notice to hear other side argument((Seneca's fairness approach)
  - collect evidence to strengthen the case
  - Keep seniors updated about development
  - media briefing, use of social media
  - letter and spirit of law
  - National interest priority-as Social contract(Rousseau)
  - Empathetic understanding of needs(compassion)
  - **For those whose concern not addressed, find govt schemes and guide them how to access it**
  - Selection process
    - **based on Meritocracy**
    - **competition-openly advertise**
    - **Put down the criteria and weightage of parameters in public domain for transparency**
    - **Integrity-put down clear penalties for violations**

- **appeal process for the persons disqualified who find the process to be unfair**
- Options
  - Legal
  - NGO
    - 
    -
  - Inculcation
  - Persuasion
- Flag the issue to local MP/MLA and request funds under MPLADS/MLALADS
- Dealing with
  - Protestors
    - Immediate relief
      - Going with force to prevent any violence/disturbance
      - talk with the leader with patience and emotional stability
      - Representing their demands to state admin
      - providing counselling of legal routes to relieve their distress
      - Assuring to take up their issue to higher authorities in return for vacating the area
    - Long run
      - If economically viable,fencing and Security forces
      - Seeking coop of dist admin in such cases esp when some issues begin to boil

- Awareness to public that how protesting by disruption is only harmful for them in long run
- politicians
  - **First persuade them(DONT SKIP THIS IF QUESTION SAYS MLA IS THE PROBLEM- PERSUASION MUST BE THE FIRST TOOL)**
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- Solutions

- Suggest measures to instil values
  - Value education at schools
  - Families awareness so that values into children
  - Incentive structure aligned to values like transparency, probity
  - Movies promotion
  - ad attractive- public service not job but opportunity to serve
  - political envi clean
  - show suffering to bring empathy
  - all India tour to poverty areas
  - leaders in India and abroad
  - inspirational people to persuade
  - social media
- How it should be
  - Politically acceptable
  - Socially desirable
  - Technologically feasible
  - Financially viable

- Administratively doable
- Judicially tenable
- Funds
  - Charities-Donors
  - Online crowd funding from public
  - aggregation-materials like food,clothe instead of money
  - Social business concept of Md.Yunus
  - Use social media campaigns
  - CSR
  - seek MPLADS fund from local representative
  - Govt schemes
    - 
    -
  - like minded NGOs
- Work Culture
  - Be democratic in decisions-A meeting with all subordinates will be called and The facts and charges will be put in front of all
  - Adopt 'Zero Tolerance Policy' towards malfeasance,misfeasance;must mend their ways or face the dire consequences.
  - Persuasion regarding adherence to work culture through short term training, meditation courses
  - Change incentive structure
  - Raise the cost of unethical acts-eg suspension
  - Procedure Integrity-complaint box, promotion of RTI, e-complaints, public grievances redressal mechanisms will be put in place

- external checks by related NGOs for weaker section people
- Ethical Impact Assessment of each decision
- Monthly performance Appraisal be prepared with regard to services delivered, time required, complaints files and action taken on complaints.
- Kautilya's strategy of Dhana(Rewarding the best) and Dhanda(punishing the violator)
- Suspending habitual offenders as a deterrence signal
- Set up Ethics Committee
- Proactive vigilance
- Risk review and management
- Justification
  - Psychological-Address root cause for attitudinal change
  - Admin-Insights into new way of working
  - Philosophical-Every saint has a past and every sinner a future
- **How to inculcate**
  - **Training**
  - **CoE,CoC**
  - **EI**
  - **Kautilya SDBD**
  - **Carrot Stick Policy**
  - **Social audits,public feedback**
  - **Right to be heard**
  - **Data driven policy approach/evidence based policy approach**



- **Right to review decisions by an appellate authority**
- **RTI**
- **CVC Integrity index**
- **OECD guidelines-clear guidelines on interaction between pub-pvt sector,law based on ethics(cant promote transp with numerous exemption in RTI)**



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#### ▪ Dealing with Conflict of Interest

- Recognise the conflict -> Explore alternatives -> Evaluate conflicts -> Disclose it to the concerned authorities -> step out of the deal -> Disclose to media/public if situation warrants

#### ▪ Dealing with Whistle Blowing

- Explore alternatives(reform using existing mechanisms within institution)[Code of conduct rules 1964 of civil servants]
- Collect evidence
- Consult with like minded people
- Work on anonymous ways of disclosure
- whistle podu 🗣️
- Issues

- Privy to information as the department trusted you with the information-Breach of Confidentiality
  - Going against colleagues-Breach of collegiality
  - it comes at a price, is it worth it?
  - risk of family?
  - Internal whistle blowing?
  - Personal glory
  - 
  -
- **Tip**
- **Touch peripheral issues too-For eg if issue is committee to look into irregularity in colleges,if a person approach with bribe->after addressing core issue,say lodge a complaint for bribery**
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- **Case Study**
  - **Give Intro**
    - For eg Sexual harassment at work place and not respecting the dignity of women has become more frequent in Modern India and based on facts 70% of women do not even report them. So justice to victimized women is necessary .
  - **Case summary**
    - **(explain the underlying core issue and not the symptom-for eg in case of sexual misbehaviour emphasise that need to secure healthy work culture)**
  - **Stakeholders**
  - **Ethical values tested(JADE CVC)**
    - **Adherence to rule of law**
    - **Emotional Intelligence**
    - **Courage to question injustice**

- **Compassion**
- **Valuing Human life**
- **Justice to victim**
- **Democratic-Consultative approach**
- **Utmost Sensitivity to women and children**
- **Discuss merits and demerits**
  - **Start from least suitable to most appropriate option. In each option in 2-3 separate paragraphs, discuss merits and demerits. Start with merits. In first 2 options there should be more demerits. Consider all stakeholders while writing merits and demerits. Mention which value is affected.**
- **Examples**
  - Police involved
    - Utmost sensitivity when victims are children and women
    - Policing by consent
    - Use of force circumscribed by rule of law
    - Nudging people to become law abiding citizens
    - Exemplary action against habitual offenders
    - Civility in interaction with general public
    - Police ,more than weapons,need consent of people
    - Police need strategic thinking for seeing broader picture
    - Community policing to bridge trust deficit-Friends of Police of TN,Maitri of AP
  - Options available(For workplace issues)
  - a)**Extreme positive** provide compensation as demanded by family members--->
    - Merits

- Settle issue,org integrity,empathy to one
- Demerits(write as I wont chose this because)
  - It doesn't solve the issue of bringing justice to the molested
  - Compromise- I am accepting that I have made some mistake when I am paying family members money even without any fault of mine.
  - Not calling investigation- Also a person is killed and it is not my duty to pronounce who is right and wrong , so I am going against the law.
  - set wrong precedence
  - not following due process of law.
- b)**Extreme negative**- Ignoring family plea of compensation
- **Merits**
  - Criminals should not be compensated in any case, strong message to **uphold justice,sympathetic understanding** towards concerned woman
- **Demerits**
  - Family already lost an earning member and with no compensation they might be pushed in further distress.
  - Report file against me can cost my career as well as **impact the organization credibility.**
  - Shows **lack of empathic attitude** towards man's family.
- Option 3- **Democratic Procedure before decision**  
Involving all the stakeholders such as family members,eye witnesses, myself and Tell the family the truth and arrange the finances (using man's provident fund)
- **Merits**
  - my **honest approach** towards them
  - **emotional intelligence** required here to balance the situation
- 3.. **If loss of life involved,call investigation agency as any decision must be taken w/0 any iota of doubt** calling the police for investigating the matter(For private matters)--->
- Also
  - **If woman issue**-approach the concerned woman and give her adequate support by suggesting her counseling or take leave, so that she could cope up with this unfortunate incident

- Also ensure Internal Committees as per PSHAW(Vishaka) are there to ensure s at workplace are eliminated
- Best options(all 3 identities satisfy)
  - I would follow this option because as a professional employee and a law abiding citizen it is my duty to report to the police and let them decide who the actual victim is. Also the woman who killed can be acquitted of all charges in court if it is proved that she acted in self defense against an assault on her. Even in UN human rights convention the concept of justifiable homicide is valid in self defense. Also now the family does not have the reason to demand money from me and the organization as its not an accident.
- Conclude-The last option is best in the interests of everybody as proper justice would be delivered only via this option.