



ETHICS

55 CASE STUDIES WITH SOLUTION



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VALUE ADDITION MATERIAL – 2018

PAPER IV: ETHICS

55 CASE STUDIES (Q & A)

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1. *You are posted as a District Collector in one of the districts in India. It has been brought to your notice that a structure has been built by few members of a religious community on the public land without getting due permissions. In keeping with the guidelines of the Supreme Court of India, disallowing the construction of any permanent religious structures on public land, you are contemplating its removal. However, the leaders of the community in question have requested you to permit the structure saying that it is for the period of month long religious festival only. Moreover they say that there is no other religious place nearby where community members can celebrate their festival. Your seniors and the political leader of the area also support their views. However you are skeptical that after the festival is over, it may not be easy to remove the religious structure from the public land due to the involvement of community members at large.*
- (1) Perform an objective and subjective analysis of the case.*
(2) What will you do in such a situation?

Answer:

Objective Analysis:

- The constitution of India caters to treat everybody as equal before of the law irrespective of his religion. Thus, religious community in the question should not be dealt with any special treatment.
- As a civil servant an officer should follow the guidelines of SC as its interpretation is final and binding in India.
- If he violates the law he has to answer to his superior for such a violation.
- The religious community too is part of Indian population. Therefore, their customs and beliefs should be respected.

Subjective Analysis:

Religion plays an important part in lives of people in India. If the structure is removed, the action can be given a communal color. Since our model of secularism respect all the religion equally, their sentiment should also be respected. Leadership quality of civil service also demands not to antagonize any community.

Course of Action:

1st Approach

Firstly, leaders of the community should be persuaded that though District Administration fully respect the values and customs of their religion but due strict guideline administrators have to suffer from penal action if structure is not removed.

Second, if leaders do not agree, then the matter should be discussed with the superiors that are there any authority which can give such permission. If it is not possible, then he should remove the structure.

If such solution is not available, then he should check whether it is possible to limit the number of people attending the festival, based on law and order administration available and with the help of leaders of the community? If it is possible, then he can allow them to take up the festival because structure can be removed later if number of people involved is not much. If it is not possible, then he should remove the structure.

2nd Approach

Community activities can be taken up on a government land but proper permission needs to be taken so I will ask to that community to take requisite permission in written manner.

As a district officer it is my responsibility to maintain law and order and peace in district and also to ensure sentiments of community is not hurt. Therefore to maintain such balance permission will be granted till festive month but after that demolition will be carried out under municipal act, following proper procedures and discussions with influential and important members of religious community such that peace would not be disturbed.

2. *As the Housing society in Faircity, an older community in Honestopolis, is in a dilapidated state, the Municipal Corporation of Honestopolis (MCH) has declared the area appropriate for redevelopment appointing you as project director. You have a team of two specialists, Prateek and Tarun, and the mandate is to determine which of the houses should be rehabilitated and which must be demolished.*

Prateek and Tarun, report to you about Mrs. Sudha, who has lived in project area 1 for thirty years. Mrs. Sudha is now eighty-five years old, her husband is deceased and the little money her husband left her with has been so battered by inflation that it barely meets her basic living expenses. She has been neglecting the repairs on her home, which is now in a pretty bad shape. They sum up the condition of the house by admitting that according to the standards they have been applying elsewhere in the first project area, Mrs. Sudha's home should be demolished and she be relocated somewhere else.

However, Prateek cannot bring himself to recommend the destruction of the old woman's home. He tells you that he knows what the law requires and what the MCH project guidelines specify, but it seems wrong. He argues that "Elderly people, when relocated often lapse into senility and sometimes death. We should not treat decent people who have worked hard all their lives as though they were disposable trash just because they do not fit in certain guidelines."

But, Tarun does not agree. He feels as strongly as Prateek but not in the same way. "It is too bad about Mrs. Sudha, and all the Mrs. Sudhas who get caught in her predicament, but there is nothing we can do about it," says Tarun. He tells you that MCH's job is to rehabilitate the houses when it can and demolish when it cannot, and there are laws and rules and standards that must govern those decisions. He insists that we cannot go around making exceptions; we have to be fair with everyone and that means treating everyone equally. There must be no special favours, or everyone will demand an exception, and nothing will get done. The only way is to follow the rules.

What would be your objective responsibility in this case? Also, clarify what is your subjective responsibility?

What would be your future course of action? Is there any other essential information that you would need in order to arrive at a suitable decision? If yes, what could be this information?

Answer:

1st Approach

First, consider the facts concerning your objective responsibility:

1. The laws and MCH project guidelines related to demolition and redevelopment project authorize the demolition of substandard structures. If the owner cannot or will not make the necessary repairs, the building may be torn down.
2. The criteria for determining substandard buildings are well defined in the MCH's guidelines for such projects.
3. You may be responsible to the higher authorities, say your immediate superior, for recommending which buildings should be demolished and which rehabilitated. If it looks as though this case will be a matter of dispute or if you cannot resolve the issue in your mind, you may have to discuss it with them.
4. If you are not sure what your responsibility for upholding the public interest requires of you in this case, you need to ascertain how the public, at least in the Faircity area, feels about it.

Then you review in your mind what you know about Mrs. Sudha's case and what essential information you need to obtain. You may feel reasonably confident at least about the following:

1. From Prateek's description, the house probably falls into the demolition category. Prateek did not try to soften the hard realities of its condition, and Tarun concurred.
2. Because the house is in such a bad shape and Mrs. Sudha's financial status is quite weak, she is unlikely to qualify for a bank loan large enough to do the repairs required to avoid demolition.

3. If demolition takes place, Mrs. Sudha could not afford to rebuild on the present site. She will most likely have to be rehabilitated.
4. If MCH condemns the house for demolition, Mrs. Sudha will receive compensation for it; maybe the full market value.

You feel much less certain about several other aspects of the case. You believe that you need to clarify the following:

1. How does Mrs. Sudha feel about the situation? Prateek is deeply concerned about saving her house, but not once did he report *her* viewpoint. It would be a good idea to stop by and hear her reactions first hand. Maybe she would like to move into a place that she could manage better.
2. Can she handle a change in residence? What are her mental, emotional and physical states? Is she in a reasonably good health? You know that Prateek is right about the serious negative impact of moving on some older people.
3. Is Mrs. Sudha truly an exceptional case? Are there other elderly people in the project area who face the same threat? Maybe they should be considered as a group.
4. How do people in the community feel about Mrs. Sudha's case? Without violating her privacy, is it possible to assess how others believe their interests might be served or subverted by the way her case is handled?

Finally, you may reflect on your own personal inclinations. You attempt to clarify in your own mind what your subjective responsibility is with respect to Mrs. Sudha. You may/may not realize one or more of the following:

- Your general *attitude* towards older people is one of deep respect. Since your boyhood days with your grandparents, you have felt almost a reverence for those who have survived the vicissitudes of the modern world. They evoke within you a deferential feeling.
- This attitude is composed of a number of *beliefs*. You view older people as having "paid their dues", as having worked hard and deserving our esteem for having done so. You believe young people often do not recognize the valuable knowledge and experience that older people have accumulated. You believe that the elderly are often ignored and mistreated. They generally do not receive what is coming to them.
- Behind these beliefs are some *values* you have long recognized within yourself. Wisdom about life in the world, based on knowledge and experience, is important to you. Getting the most out of the time allotted to one is something about which you feel deeply. Perseverance in the face of hardship is a significant virtue in your value system. Fairness, or equity, is one of the most essential principles of all. Sensitivity to the feelings of others is another of your values.

On the basis of these reflections, you conclude that your strongest sense of subjective responsibility leads you in the direction of trying to resolve the problem without harming Mrs. Sudha in any way. You do not want to disturb her life. However, you have other obligations too. You are the administrator responsible for making a recommendation about Mrs. Sudha's house. You are paid to do that by MCH, and you made a commitment to carry out that responsibility when you accepted the job. It is your objective responsibility, and as long as you hold this position, you may not ignore it.

Also, you have other subjective responsibilities associated with your administrative role. You feel responsible for maintaining morale and a cooperative team spirit among staff members. You value efficiency, and you believe these qualities are essential for an efficient organization. You also feel responsible for avoiding conflict with the residents of Faircity, both because that would upset the orderly schedule of work and lead to reduced efficiency and because you value the esteem of others. You want the residents to feel that you have been fair with them. Further, you feel responsible to your superior for maintaining the image of the agency. Loyalty to the organization is important to you.

In determining the best course of action, you may simply respond to the strongest and most definitive sources of objective responsibility – perhaps your superior, the law, or both if they coalesce. Or you may allow deep-seated feelings to function as the decisive factors.

2nd Approach

Objective responsibility

- People in the same situation should be treated alike. But, if people are not in the same situation then treating them alike shall amount to the discrimination.
- Another responsibility is towards the law, in this case the law regarding the relocation. I have to follow it because it is in the interest of people only. If the old and weak house of Mrs Sudha breaks due to earthquake etc, it will be detrimental to the lady.
- My responsibility lies with Municipal Corporation which appointed me. For every action I am answerable to it.
- My responsibility lies with my subordinates – Tarun and Prateek. I should not do anything which can make them unlawful or unsympathetic toward the people.
- My responsibility also lies towards the citizens of the country. I have to be responsible for all the stakeholders involved in this case – the lady, her neighbour, etc.

Subjective responsibility

My value system is such that I uphold the goodness of the society. I have learned from my training and experience, the marginalized sections like old age people deserve special care. I also believe that I follow the law very strictly but exceptions can be made with the compelling reasons. That reasons should be such that I can defend myself if any penal action is followed against me.

Other essential information that I need

- What are the provisions in which any exceptions to the law can be made?
- Which is the authority that can grant the exceptions?
- How the extra benefits can be given to the lady at the place of relocations?
- Who are the other stakeholders involved in the case?
- Is there a way by which her house can be strengthened without breaking it?
- What are the actions that can be imposed on me if law is violated?

Future course of action

I will consult with all the stakeholders involved and try to assess the net benefit and loss for all the alternatives. If exception is possible in the law, I shall not demolish the house because the lady has to suffer in the old age. If exception is not possible then what are the actions for the exception? If the punishment is not major then also I will not demolish the house. If these are not there, then I will demolish the house and relocate her. But at the same time, I will also try that she can get extra benefits so that she can sustain for rest of her life. I will also teach Tarun and Prateek that law shall never be violated except in very compelling situations. The compelling situations can be assessed with empathy toward the society esp. the disadvantaged sections. I will also convey them that for the violation, they should be ready for the administrative actions. Thus, they should assess their defense as well.

3rd Approach

In this case, demolition is necessary because it is stated by both the specialists that house is not in condition to repair. So for larger benefit of the community as a whole, the house needs to be demolished. But we can look for welfare schemes available in Faircity for elderly, so that Mrs. Sudha can be benefitted.

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

Answer:

1st Approach

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

2nd Approach

Yes, because of the following reasons.

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

4. *Imagine that you have been recently appointed as the head of the accounts department in a municipal corporation. Soon after you assumed your duties, you discovered that a clerk in your department was falsifying the payroll account by continuing to carry the names of some employees who have already been terminated. When the clerk picked up the payroll, he would pull out those cheques, endorse and cash them and keep the money. You have no difficulty in recognizing that this clerk is not only involved in unethical conduct but is also clearly violating the law. In this situation, the following two options are available to you. Which amongst these two would you choose as your response? Give logical arguments in the support of your answer.*

- *Your responsibility for the image of the corporation may suggest firing the clerk quietly, involving as few other people as possible.*
- *Your responsibility for maintaining the public trust may demand you to consider formal charges and prosecution.*

Answer:

1st Approach

It is not difficult to recognize that this clerk is not only involved in unethical conduct but is also clearly violating the law. Both moral and legal sanctions against stealing are well established and generally accepted. You are

immediately aware that his behaviour is unacceptable and must be stopped, although you would probably pause to think carefully about the best course of action. While your responsibility for the image of the organization may suggest firing the clerk quietly, involving as few other people as possible, but your responsibility for maintaining the public trust may lead you to consider formal charges and prosecution.

While the ethical situation, in this case, is quite clear, but the demands of administrative responsibility for resolving it are much less so. The ethical issue and its implications for administrative responsibility are complex and ambiguous.

While you are responsible towards ensuring the image of the organization, it needs to be remembered that your obligation to the public as a whole entails an additional and more rigorous set of standards and constraints associated with the concept of public trust. In this case, your precepts about loyalty to the organization do not help.

Here the best way is that you begin to reflect on the things that you value most. You will probably realize that if you are to remain true to your profession, you must maintain your obligation to a central principle – the public trust. You must have taken an oath to uphold the public trust when you accepted the position. All other commitments and values must be viewed in relation to that responsibility to a basic principle.

The right of the people to know the details of the issue must be upheld. Ultimately the principles of democracy and the integrity of democratic governance are also at stake. People need to know what is going on in public agencies and organizations if they are to truly participate in governing. Information about matters that concern the public in any way should not be withheld from reaching the people. The orderly conduct of public services requires that subordinates as well as their superiors exhibit accountability and efficiency. Loyalty to the organization is not an end in itself; it exists for the ultimate benefit of the citizenry, for the public interest.

2nd Approach

I will proceed with the formal charges and prosecution because of the following reasons.

- Any organization cannot sustain without public trust. There may be short term gain without it.
- The clerk should get fair and free chance to defend himself. He might get smaller punishment then loosing the job. Thus, organization will not loose an employee.
- My image in my subordinates will be strengthened that I believe in justice and fair play. Thus my authority and leadership will be enhanced.
- If I fire him quietly, he becomes a mean to achieve the others' goals.
- I cannot expect that any situation might arise where I do not get a fair chance to defend myself.

5. ***Mr. X is the engineering manager for the County Road Commission (CRC), with the primary responsibility for county road safety. Along a given stretch of the road, many people have died over the course of last 5 years by crashing into roadside trees. Many other accidents have also occurred. Two lawsuits had been filed regarding the unsafe segment of the road, but were dismissed because the drivers were exceeding the 45 mph speed limit. Mr. X recommends that the road be widened, cutting down a large number of trees in the process.***

This leads to a protest by environmental groups and they file a petition to save the trees; and instead educate people about following the road safety rules like speed limit etc. The public sentiment is divided on the issue with no sight of a wide consensus. Discuss how Mr. X should proceed at this point.

Answer:

In discussion of this situation, one can try responding to the following:

- What do societal values require in this case?

- What do professional ethical standards require in this case?
- What would you do?

Societal values:

- A consideration of a variety of societal values would be relevant in this situation. For instance, since society values human life, so this would favor widening the road and sacrificing the trees.
- However, society also values environmental preservation, in which case a solution that does not kill the trees should be found

Professional standards demand that efforts be made in improving the public knowledge regarding the issue - this indicates that whatever decision is made, an effort should be made to educate the public holistically on all the related issues.

Recommended action for Mr. X:

- (1) First, hold a public meeting to inform the public about the decision you may have arrived at. However, it should be noted that presently there may not be wide ranging consensus on the issue. This is because the people who have presented the petition may not constitute the entire population of the town. There may be a silent majority who hold a different view.
- (2) One way to resolve the issue is to widen the road and remove trees from the right-of-way for optimal safety.
- (3) But the county should relocate the displaced trees to other public property (a park, etc).

This solution accommodates both public safety as well as environmental preservation.

6. ***A state-of-the-art technology product is to be launched by a leading company on a widely advertised date, simultaneously at different locations in the country, for the first time. There is fantastic customer response and heavy bookings for the product.***

A big event is planned in Pune for the launch to which a large number of dignitaries, customers and media have been invited, thus ensuring extensive press coverage. The manager's career hinges on the success of the event and the launch.

Three days before the scheduled launch date, the manager's deputy tells him that the trucks transporting the product have been detained at the octroi post outside Pune, ostensibly for want of some documents, and the octroi inspector is demanding a bribe for clearance of the consignment.

"Should we pay the bribe?" the deputy manager asks the manager. What should the manager do? Discuss the course of action he can take. Keep in mind, that this is not an isolated incident. These kinds of things happen a lot in the country where a bribe is demanded for "quick solutions". Discuss an approach, which can be followed in such situations.

Answer:

We need to discuss the various ethical dimensions involved and the actors likely to be effected by the decision.

The deputy manager may face a number of ethical dilemmas that may complicate his decision.

- Should the deputy manager do anything, legal or illegal, in order to ensure a successful launch...? Or should he act within bounds of the law and ethical propriety...?
- Why has his deputy manager passed the ball in the manager's court...? Such situations must have arisen before. Is it a trap to test the manager's honesty...?

The manager has many ethical obligations towards several parties.

- He has an obligation to obey the laws of the land but as an employee he also owes a degree of obedience to his superiors and an obligation to ensure the company's success. This conflicting two-fold obligation comprises not only business and commercial success but also includes his duty to guard his company's reputation, protect its interests and see that it doesn't fall foul of the law.
- Finally, the manager has a duty towards himself not to compromise his own personal conscience.

Impact of giving bribe

- The actors include the various persons demanding the bribe and the company employees / agents involved in the payment / delivery process of the bribe. It could set a bad precedent as both the company and the manager could acquire a reputation that they are ethically vulnerable. Furthermore, paying the bribe could create an attitude amongst employees and junior staff that, in this company, bribery is simply a standard operating procedure.
- Is the argument "well, others are doing it, so why not us" valid? The prevailing ethical environment depends on the moral behaviour of the majority of citizens, or in this case the ethical environment is also determined by the moral values and code of conduct of the existing industry.
- But one thing is sure – in the long term, it is not beneficial to conduct business in an environment where lying, stealing, bribery, cheating and other immoral activities are permitted and practised by the majority. That is why bribery is illegal in virtually every country in the world.

SUGGESTED SOLUTION (to the Ethical Dilemma)

A holistic view of the ethical perspectives of concerned stakeholders involved in the ethical dilemma will provide a solution. In the ethical situation analyzed here, in this case study, it clearly suggests that in the long-term interest of the stakeholders involved, the manager should:

1. Decline to pay the bribe.
2. Apprise the top management of his decision.
3. Use the three days time available and try to resolve the issue in a proper manner, with the help of the top management, intervention at higher levels and threat of counter-exposure if necessary.
4. Take customers into confidence to cater for the "worst case scenario".
5. Ask the top management to promulgate a code of ethics, which clearly prohibits all types of bribes and illegal payments.

Business is a cooperative activity whose very existence requires ethical behaviour, as any unethical behaviour on the part of any stakeholder is detrimental to business interests. Business cannot strive without ethics, so it is in the best interest of business to promote ethical behaviour among all its stakeholders as well as within its larger society. When employees believe an organization is ethical, they are more willing to contribute to the organization's interests, as they see managers' leadership as legitimate and readily follow what their managers and supervisors tell them to do. Thus, ethics is *sine qua non* for any business.

7. ***You head the public relations department of the state's largest bank. The department is responsible for putting together a quality service recognition program. Your bank's public relations agency is designing the advertising specialty components for the program targeting the bank's 10,000 employees. Your spouse owns X Promotions, the largest advertising specialty firm in the state. The company offers the best prices for large orders. X Promotions has supplied products for a number of other accounts of the public relations firm. This is the first time, however, that the public relations firm has used X Promotions for a bank project. The public relations firm does not know that your spouse owns X Promotions. You have not suggested the use of X***

Promotions. The public relations firm has made its recommendations to you, including using X Promotions as the vendor for the quality service recognition program. What should be your next course of action - with the public relations agency, your management team and your spouse? Also, answer the following:

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

Answer:

1. The ethical issue and/or conflict.

Following questions need to be asked:

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

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

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

3. Identify key values.

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

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

Independence — We are accountable for our actions.

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

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

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

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

5. Select ethical principles to help the decision making process

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

6. Make a decision and justify.

Building trust with the employees is key in this case. Even though the use of your spouse's company would most likely result in a good and best price for the bank, letting the public relations agency use the company to supply

the components for the quality service program would present a definite conflict of interest. You should immediately notify the public relations agency not to use your spouse's company as a vendor for this and all future bank programs. You should explain that employees might perceive a conflict of interest, and that the perception would damage mutual understanding and credibility. The lack of trust by employees might be extended to the entire management of the bank. The loss to your spouse's company might be substantial, but you need to put the interests of your employer and its employees before your personal interests. Even if you revealed the conflict to your bank's management team, and they approved the supplier, employees might still perceive that you personally benefited from the bank using your spouse's company as a supplier. Avoiding the conflict would guarantee continued mutual respect between you and employees.

8. ***A convicted mobster decides to make a charitable contribution. He offers more than \$1 million to a hospital to build a children's wing. He will make the contribution if the new pavilion is named after him. The hospital board accepts the gift, with that stipulation. Do you think the hospital was right in accepting the gift?***

Answer:

Adhering to ethical standards in fundraising is especially important because the success of an organization's mission rests on trust: the trust of clients, volunteers, donors, and the community served.

The Problem: Doing Good With Something Obtained Immorally

The conflict in this story stems from the strain between hospital's need for the money and the money's being tainted and coming with a controversial string attached.

Some questions to ask yourself

- How large was the majority in favor of this decision?
- Were other potential benefactors approached and what were their responses?
- Was the decision forced because without this money there would be no new wing?
- Was the board approached or did it solicit this donation?
- How do you respond to the criticism that the money is "ill-gotten" gains? How do you think the public will react.

Apart from this the facts are also needs to be filtered through some general principles regarding the uses and abuses of money, and the relationship between means and ends. It also presents a problem of proportionality. What I mean is how much bad is done in the cause of doing how much good.

Making the Best of a Bad Situation

In regard to the case presented here, there is no question about the origins of the money. The donor is a convicted mobster and the money is tainted. Now he wants to take his money and wash it by putting it to a socially acceptable purpose. The temptation to take it is great.

One approach could be

- If this mobster wants to put his money into helping children, then let him. Take the money, put his name on the hospital and use the money to treat sick children, even save their lives in many instances.

But you need to consider the effect of such action that is, will using something bad encourage others to do bad things?

Short-term Consequences

- So the problem with accepting the money is that while it may make children healthier and even save lives, the hospital would be endorsing and even honoring criminal behavior.
- But won't children suffer who would otherwise not if the gift is rejected? Yes. Fewer will be treated as well as they could if there were a new and better facility.
- But if money could buy respectability, if fortunes could clear the names of people who are otherwise contemptible, then all ethical standards and values amount to nothing more than talk
- It says something about our community that the board would feel compelled to take money from a mobster. Why weren't others in the community willing to step forward? Is the community so impoverished that there simply aren't other sources of funds?"

The Long-term Harm May Be Too High

- Faced with the choice, the hospital board had to make, the hospital board should have turned down the gift. By accepting it they have become complicit in how the money was gotten and have condoned all such future behavior. The gift surely would aid children but at the same time it has helped make a world which honors gangsters who violate the social order equal to doctors who toil to make the world a better place.
- It is possible that the gangster has seen the errors of his ways and now wants to become a respectable citizen by putting his money to good use. Sainthood is always an option for the sinful but this hardly seems the case here because he wants his name prominently displayed. Is it not publicity rather than charity, which he loves. So if the mobster were sincere, he wouldn't attach any strings — no name, nothing. There is no change of heart if he insists upon putting his name on the institution.
- Moreover if the money comes from the crimes, then it really isn't even his to give away. He has no claim to it and he has no right to the fame that comes from donating someone's money.
- Since the protagonist is identified as a convicted mobster and he has \$1 million to give away, this isn't a petty thief. And the gravity of his offense makes a difference to the decision whether to accept the money.

So the hospital should not take the money from someone who is a morally corrupt no matter how useful that money may be.

9. ***You are posted as a DM in a district. You come to know that a newly appointed BDO is making commissions from developmental activities being carried out. Before taking action, you plan to do some background check and come to know that this BDO is from a very humble background and his relations are dependent on him. Moreover, he is funding the education of their children. You also come to know that this BDO is pro-poor and has implemented all BPL schemes with efficiency, wherever posted. Keeping these facts in mind, what would be your course of action?***

Answer:

- As a DM its your responsibility to maintain transparency and service orientation in administration of district.
- You need to hold a in-house inquiry to check the authenticity of information.
- If the complaint holds true then it becomes your responsibility to hold the BDO accountable for his actions.
- In a public organization, means should justify ends; unfair means could never bring welfare.
- Moreover in future if through RTI or through Media such information is disclosed or comes in public, it will lead to distrust among public towards action of the administration.

10. *You are a young civil servant posted in a tribal dominated district, which is notorious for illegal mining done by mafia. They exercise their power over poor tribals of the region by bribing the local tribal musclemen who have political aspirations. The consequent easy money and luxury have ensured that these musclemen work in the interest of these mafia. They use these 'tribal' musclemen as a 'front' to plant 'constructed' news in the media to create confusion or to gain sympathy of the civil society activists and the public at large. It is a strategy to thwart any concrete action of the government for eliminating the menace of illegal activities in that area.*

You quickly understood these designs after assuming the office. You came to know that some employees in your own office are in nexus with the mafia. When you initiated stringent action against the mafia they turned hostile. They prompted few tribal musclemen to file a fake FIR against you under the stringent provisions of the 'Prevention of Atrocities Against SC and ST Act'. They also convinced the unsuspecting poor tribals that the state was 'again' launching atrocities against them. These poor tribals were eventually tutored to write a complaint to the National and State Commission for ST, a copy of which was leaked to the media.

This could easily become a very hot issue for the opposition parties in the state as the Assembly Elections were due only six months later. Unfortunately all this can have grave consequences for your career.

(a) Bring out and discuss the ethical issues involved in the above case.

(b) What steps will you take in pursuance of the most appropriate closure of this case?

Approach:

The basic ethical issue involved is exploitation of tribals and their resources and attempt to derail justice through false case. Accordingly answer should consist of the following parts:

- The major ethical issues involved.
- Various course of actions with ethical reasoning underlying it.

Answer:

The case contains two important ethical issues:

- The illegal mining being done in the district is a loss for the State as well as the local community. It favours only a handful of people (mining mafia, local musclemen and compromised employees of State) at the same time it results in poaching on natural resources and their labor illegally and unethically.
- Another ethical aspect of the case is attempt to delay the justice to the tribals by false case against an honest administrator. This counter attempt to stop any legal action against illegal mining is motivated to preserve the system of exploitation and deny justice to tribals.

The right course of action would involve the following steps:

1. A strong case should be built against the illegal activities of the mafia. The scope of investigation should be wide, covering the local musclemen as well as government servants. With full cooperation from the investigating and prosecuting agencies, the case can be pursued quickly and the culprits exposed. This will bring facts to the centre and certainly help changing the public opinion as well as ensure political cooperation (both government and the opposition).
2. Elaborate awareness campaigns about the government policy regarding mining should be carried out so that cooperation of general public can be ensured without the intervention of local musclemen. Their complaints to the SC/ST Commissions should be addressed rather than quashed. Proper and point-wise

response to all queries should be provided and made public. Their fears must be assuaged and a negative campaign must be countered. This will bring credibility to the administration in its action against offenders.

3. For self-motivation in such circumstances, adherence to truth and having confidence of the team is important. Perseverance as well as leadership qualities will have important bearing on the outcome of the case. One must know that legally he/she is on a strong footing and such hurdles are expected. To address insecurity arising out of political meddling, one must concentrate on the first two points.

By adopting this course of action, I would uphold my constitutional, legal as well as moral responsibility. Pursuing the course with courage, integrity and conviction will be a win-win situation for all – the local people, the Government and I. It will increase the confidence of people in democracy and the State institutions. Besides, it will also lead to development of my personal competence.

11. ***'Honour killing' has been in news in recent times. It involves the homicide of a member of a family by other members, due to the perpetrators' belief that the victim has brought shame or dishonour upon the family. Analyse this problem in detail and indicate not only the social but also the emotional and attitudinal factors responsible for this problem? Also, distinctly bring out why:***

(a) The youth in such areas do not speak up against these practices.

(b) The conviction rate in 'honour killing' cases is extremely low.

(c) Women, who have to face the brunt of this crime the most, do not speak against it collectively.

Discuss some feasible steps, which could be effective in controlling this serious problem.

Approach:

The answer must analyze various aspects of the problem of honour killing- social, emotional and attitudinal. While explaining this problem, the second part of the question should be simultaneously dealt with. Finally, suggest some practical and relevant suggestions to overcome these problems. Supreme Court's observations can also be cited here.

Answer:

Many experts believe that there are about 1000 honour killings a year in India. It is mainly women who are the victims of honour killing. Violation of the local cultural norms for marriage is the leading cause of honour killings. In the areas where honour killing is the most common, social ills such as casteism and patriarchy are deeply entrenched in people's minds.

If we look upon honour killing from sociological angle, when a woman marries a person of lower caste she goes into the husband's caste, this brings the family's status down in the eyes of society. Similar is the case with inter-religion marriages. Patriarchal tradition casts 'male as the sole protector of the female' so he must have total control of her. If this protection is violated, he loses honour because he failed to protect her or he failed to bring her up correctly.

Patriarchal upbringing molds the brothers into thinking that he shoulders the responsibility for his unmarried sister and in turn, family's "honour". Thus, the young brother may become an accomplice in the honour killing. At the same time, one can say that it is the young only who rebel against these orthodox values and become a victim in turn.

A society in which this murder is seen as justice, rather than a crime, people do not report it to the police. Also, there may be a handful of people who may be liberal in these societies but the social repercussions prevent them from speaking up. Without a formal complaint, witnesses etc, conviction rate in such cases is very low. Victims complain of police as being biased too.

The Law Commission of India disapproved the proposal of Government to amend Sec. 300 of IPC to include 'honour killings' within the definition of murder on the ground that the existing provisions are adequate to take care of the situations leading to such killings. The Law commission has proposed fresh legislation that seeks to declare that the KhapPanchayat indulging in this crime be declared unlawful. However, this legislation is yet to see the light of the day.

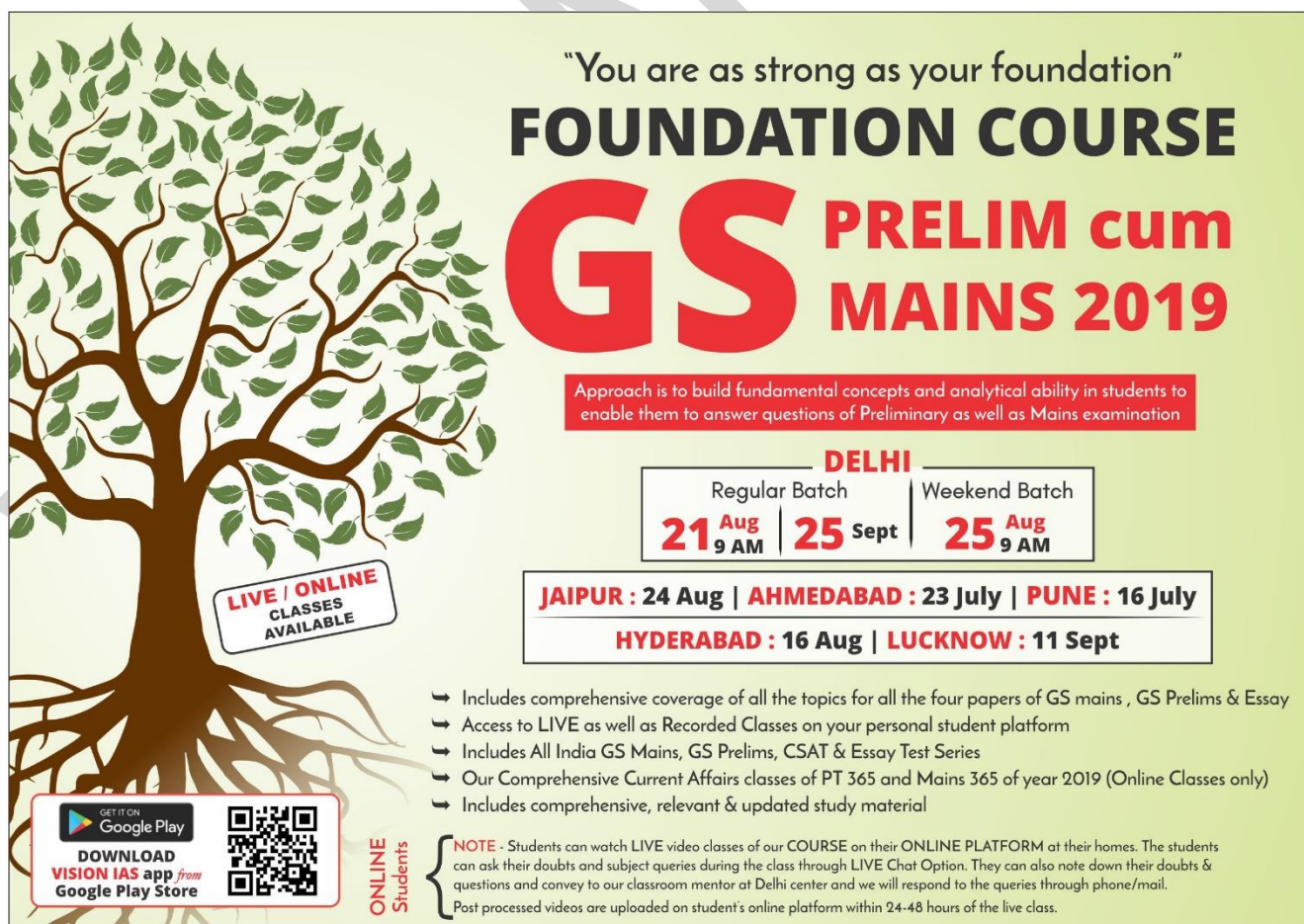
Woman, in the context of honour killing, is either a victim, or an accomplice or she is simply a bystander who is unable to speak up. The latter may be a result of her feeling helpless in the patriarchal society or she may be financially dependent on her husband/son.

Suggestions:

Law definitely can play an, important role in curbing honour killings, but it alone can not stop such killings, since, it is a sociological issue, which is deeply rooted in social culture, traditions and mindset. The vulnerability of women to this type of violence will only be reduced when these patriarchal mindsets are challenged and effectively confronted.

Another, great liberator may be the economic status of women. Education can also play an important role. An economically independent woman can be more powerful, and capable of taking her own decisions. This kind of change in our socio, economic conditions and stringent law can only be helpful in reducing the number of honour crimes.

Civil servants, including the police should undergo sensitivity training, so as to forego any social bias that they may have.



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12. *You are a Head of Department in a premier University. Recently a clerical staff in your department was terminated from the job as he was found under the influence of alcohol during office hours. In the previous month there were a lot of complaints regarding his poor quality of work, tardiness and some incoherent behavior. Later you came to know that this change in behavior was concurrent with the death of his wife after a prolonged illness. It has also made him debt ridden. This may be further compounded by the fact that he has a daughter to marry off soon and a differently abled son to take care of. He desperately needs a job. He has applied for a position at a private University and has already given your name as a reference. He pleads you to give him a good recommendation and not mention his drinking, which he assures you is now under control. He also asks you to mention that he voluntarily left the University to address a family medical crisis and that the University was pleased with his work. You like this person and believe that he is a good worker when he is not drinking. But you doubt whether he has really overcome his drinking problem.*
- Valid arguments can be advanced, both, for rejecting his plea with the consequence that his condition may become even worse and for accepting his plea with a noble intention, but keeping the third party in dark. What could those arguments be? Could there be any better way to get out of this dilemma? If so, outline the main elements of this third way, pointing out its merits. (250 words)* 20

Approach:

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

Answer:

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

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

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

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

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

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

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

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

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

The HoD must first ensure that the clerk has really overcome his problem. Ask him to produce a medical certificate of rehabilitation. Alternately help him out in getting admitted to a rehabilitation centre. Since he is

not a habitual alcoholic and this problem has surfaced only very recently so it can be rectified soon, if he is psychologically 'restored'. For this he needs support of office colleagues.

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

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

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

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

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

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

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

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

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

20

Approach:

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

Answer:

The facts of the case are:

- I worked in a PSU earlier, where I handled confidential work with information, which is usually not available to outsiders.

- Now I am working in a private company which has asked me to involve in the work where I may breach the confidentiality of my earlier work.
- I 'doubt' that I am hired by the present company based on my experience of working in confidential jobs of the PSU so that it will benefit the company.

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

The merits and demerits of the given options are:

- Do not accept the assignment, as it will lead to breach of confidentiality:
 - The merit of this option is that I will not breach the confidentiality of my previous job. I am being completely safe in my professional behaviour so that nobody would question my integrity.
 - I completely refuse to take part in the bidding process even if there are chances of company losing the bid. The demerit is that I am not fulfilling my responsibility towards the present company.
- Do not lead the team but guide them from outside:
 - This option will ensure that I am not directly involved in the bidding process but my expertise and knowledge will be used. I will not be officially responsible for the bidding and the company will also have high chances of winning the bid.
 - The company will benefit and I will be contributing towards the performance of company. But there are chances of breach of confidentiality even though I would not be directly responsible for it.
- Accept to lead the team and use your expertise in bidding for the contract:
 - I will accept the assignment and use my expertise and knowledge in bidding for the contract. The company will benefit from my expertise and I will be contributing directly towards the performance of the company.
 - I may breach the confidentiality of the previous job at the cost of success in the present company.
- Resign from the job
 - I will resign from the job since I suspect that my knowledge and experience of working in PSU were seen as good reasons for hiring me to the position in the present company. This will lead to breach of confidentiality.
 - Resigning from the job will ensure no such breach and my professional integrity is maintained. The present company might be at loss and it might not perform well considering the low chances of winning the bid.

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

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

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

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

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

- 14. *Developing countries are often very vulnerable to exploitation by multi-national corporations. They support industrialization but lack of infrastructure is a major limiting factor. Further, without suitable laws and regulations, developing nations are ill prepared for such endeavours. In their efforts to attract business, these nations often overlook the health and safety violations by the corporations doing business within their borders. Drawn by low-cost labour, new markets, and lower operation costs, corporations have little incentive to address environmental and human risks once they are entrenched. In this situation there is imminent threat of disaster.***

Discuss some feasible strategies to balance economic development and safety and security of people at large in developing countries with special emphasis on India.

Approach:

- Discuss the character of MNCs first with specific examples showing their disregard for human welfare.
- Then discuss various mechanisms at national and global level to address the deficiencies in policies and institutions.

Answer:

Developing countries are attracting a significant portion of global Foreign Direct Investments. Governments of such countries often compete fiercely for attracting Multinational Corporations (MNCs) in the expectation of the advantages they will bring to their economies, often prioritizing economic goals over fundamental human rights and environment conservation. The fierce competition often leads to defective policies by these governments, which are reason for disasters in many countries. The Bhopal Gas tragedy in 1984 was a consequence of defective policies of government and exploitative character of the MNCs.

To prevent a "second Bhopal" from happening, developing countries need to rethink their strategy of economic development to balance the economic goals and its repercussions on environment and human welfare. Strategies to control the exploitative character of MNCs can be classified under two broad categories namely at National and Global level.

A) National Measures

National level measures require changes in the legislative, regulatory and administrative framework, which should ensure that not only adequate institutions are placed but have the necessary authority to balance the required of economic development and human welfare. Some of the measures required are:

- Corporate Governance norms should be strengthened and strictly monitored. Adequate regulatory compliance mechanism should be put in place along with enforcing accountability for any lapses.
- Regulatory institutions should be strengthened to address the concerns of people at large.
- In India we have mandated corporate to spend specific amount of profit as a corporate social responsibility (CSR). Institutional changes are required in this area to ensure compliance.
- Capacity building for environmental and social audit of the activities of the MNCs. Social Impact Assessment should be made mandatory of any major project. Further, adequate information about any project should be placed in the public domain and disseminated to the local population.
- Through tax inducements and non-monetary incentives MNCs can be forced to self-regulate their functions.

- NGOs and community organizations can play an important role to ensure that MNC's not only comply with the regulatory norms but also disseminate complete information to the local community about any danger.
- Mock drills could be organized to ensure adequate response in case of any industrial disaster.
- Government should ensure that any major project should undergo an Environmental and Social Impact Assessment and the report should be widely discussed with all stakeholders.

B) International

On the global scene, global industrial watchdog organization must be instituted, similar to an international environment protection act. The main objective for this organization would be to set standards for the operation and behavior of multi-national corporations. The Permanent People's Tribunal has drafted a "Charter of Industrial Hazards and Human Rights." The Charter draws together all of the lessons to be learned by the Bhopal disaster to emphasize the need to pay closer attention to industrial activity across the world. This charter should be put into action with the aforementioned regulatory body.

International best practices should be documented and widely disseminated. International bodies like WTO should draft adequate guideline for the operationalization of MNC's ensuring that the development dimension is adhered to in any major project balancing the interest of the MNC and the state.

The above measures though may help in creating a better world, but unless every citizen feels that he is a part of the global village and there is a global solidarity for creating a better world, there would always be questions pointing what is development and development for whom.

15. *You are the leader of a 5 member team that has been assigned to carry out social impact assessment of a project proposed in a Naxal area. Members have been allotted a remote village each to conduct surveys and ascertain views of local people. You are under strict instructions not to disclose the identity of respondents outside the project. While compiling data, you are puzzled by the responses from one of the villages. You accompany the point-person for that village next day for verification. You randomly pick a person from the list of respondents and ask her for clarification of the response she had given earlier. She seems confused and denies any knowledge of the survey being conducted, let alone she being questioned. You try to verify this from other respondents and get similar replies. This raises serious doubts about the integrity and credibility of the survey process.*
- (a) What are the ethical issues involved in the situation?*
- (b) As a team leader accountable for credibility of the survey and working on a hard timeline, what are the possible options before you? List their merits and demerits.*
- (c) Giving reasons, state the course of action you would follow.*

Approach:

- Apart from covering the integrity of the team member, ethical issues should also include giving him/her benefit of doubt as well as opportunity for explanation.
- Evaluate the merits and demerits based on ethical dimensions of public service such as honesty, commitment to work in adversity, etc.
- Clearly state your course of action with logical connections of merits and how it will address the demerits listed above.

Answer:

The ethical issues involved in the case are:

- Fabrication and falsification of data that can potentially impact lives of many poor and vulnerable.

- Honesty, integrity and commitment to work by the team member in a potentially hostile area where there is already lack of trust between people and government.
- Leadership capability – standing up to the errors of team members and handling them.
- Strict privacy concerns on how to verify their claims without disclosing their identity.
- Trust that can be reposed in villagers and verifiability that they are acting in independent capacity.

As a team leader, there following options before me:

- Suppress the issue then and there and admonish the team member.

Merits – Given the time constraint, pursuing this option will seem a practical way out. Moreover, data from a single village may not impact the overall findings radically and therefore core conclusions may not change.

Demerits – This not only encourages dereliction of duty but also eats into the overall value system. It abets the team to be dishonest and untruthful in performance of their task. It also reflects lack of empathy on part of researchers towards rights of vulnerable people.

- Inspect the claims of other team members; ask the erring ones to re-conduct the survey ASAP.

Merits – It will establish the truthfulness of the survey. As a leader of the team, it is my responsibility that not only the data and conclusions I present are correct, but also that integrity of my team members is maintained. Moreover, perseverance, i.e. performing duty in face of adversity is a desired and expected trait of a person involved in working with vulnerable groups.

Demerits – Given that there is dearth of time, this may not be feasible. This may also jeopardize the strict anonymity concern.

Finally, there are chances that the other team-members will also follow the suite if resurveying is done, defeating the purpose altogether.

- Hire new team member(s) and re-conduct the survey, explaining the situation and asking for extension. Expel the erring team member(s).

Merits – The dishonest will be punished and the truthfulness of the data will be established.

Demerits – There will be time and cost over-runs. It may also become a never ending cycle with claims and counter claims.

Course of action to be followed

It is important that this data be corrected before being presented. I can either order a new survey, with not necessarily the same respondents or can re-conduct the survey with same people. While the former will be fresh data and would not need comparison, the latter would establish whether the data was fabricated or not. While the first strategy would save time and not violate privacy, the second one would be necessary to determine guilt/innocence.

I would inform the authorities about possible delay and ask for new personnel. The verified data will establish the truthfulness. If the guilt is established, they will be reprimanded.

16. *Gajendra, once a struggling film actor, was accused and later exonerated of rape charges, which the jury found out to be motivated and fake. Not able to cope up with the situation, he changed profession and moved on. Thirty years later, while his closest friends know about the incident but his co-workers do not. One day, out of curiosity, he searches for his name on the internet, and to his surprise, finds that the third entry that comes up is an old report in a local newspaper about the rape charges he faced.*

Gajendra is upset; after all these years, he would like to be able to disclose the event only to whomever he wants. He has heard about the decision of European Court of Justice which allows individuals to submit requests to a search engine to remove certain results from searches on their names, and citing the same, requests the search engine and media outlet to remove the results.

Valid arguments can be advanced for making the Right to be Forgotten a fundamental right? What those arguments could be? What limitations, if any, can it be subjected to? Should there be any obligations on the search engines regarding cases, which are no longer relevant, as the one mentioned above?

Approach:

The answer should discuss concerns of right to be forgotten vis-à-vis right to freedom of expression and right to know. The focus should be on the reasoning of arguments to justify the stand. Clearly mention what restrictions and under what circumstances can such rights be breached.

Answer:

Fundamental rights are basic human freedoms, which enable living a meaningful and dignified life through a harmonious development of personality. To evaluate whether people have an inalienable right to be forgotten or not, we must evaluate its substance as well as utility for the individual and the society.

Arguments in favor of right to be forgotten:

- It is clear from the situation of Gajendra that the reports are not relevant today and do **infringe to** a certain extent on his **right to privacy**.
- These reports, which are no longer relevant and were wrong in the first place, are maligning his character and thus such reports also **violate basic human dignity**.
- Some countries already have conventions/laws regarding outdated information, such as in this case. Even in case of criminals who have served sentences, after a certain period of time, they do not need to refer these cases, for example, to seek jobs, insurance or in civil proceedings.

Arguments Against:

- Since the event actually happened it becomes part of the news and therefore there is also a **right to know** for anybody interested in learning Gajendra's past.
- This **impacts the right to freedom of expression**, particularly of media and the search engines.
- It can also be construed as an **attempt to censor Internet** and to rewrite history.
- It must be mentioned that the right to be forgotten is distinct from the right to privacy, which constitutes information that is not publicly known, whereas the former involves removing information that was publicly known at a certain time.
- It is essentially an individual right, but can be misused by corporations seeking to erase past data.
- Its relevance to the society is also debatable as it poses challenges to right to information.

Therefore the case for making it a fundamental right is not so strong. However, with progressive outlook on individual liberty, a case can be made for making it a statutory right, which details the conditions and manner of its application.

It cannot be absolute. It cannot ask the information to be deleted by the source. It can only ask that it be made available only when explicitly sought.

As mentioned above, search Engines have the obligation to remove data that is inadequate, irrelevant or no longer relevant. But this can only be done on case by case requests. Search engines produce results on basis of automated algorithms and do not treat the searches differently. It is they who decide whether the information is useful or redundant. In their judgment, they must ensure that such individual requests do not lead to putting biased and patchy results, compromising the integrity of internet based information.

17. *You are the officer in charge of overseeing refugees' related issues in a multilateral humanitarian organisation. There is an ethnicity based civil war going on in a region and as a result, many people are being displaced. Hitherto, the economically better-off neighbouring countries have accommodated the streams of migrants with financial support from your organisation. The violence in the region has increased recently and the flux of people seeking refuge has grown substantially. With countries sealing their borders, the refugees are left in a vulnerable situation. You are sent to negotiate for humanitarian settlement of refugees with the neighbouring countries, who also happen to be a powerful economic bloc. However, they refuse any more accommodation on the following grounds:*

(a) Drainage of resources in face of subdued economic conditions.

(b) Domestic political repercussions.

(c) Rehabilitation will encourage more influx and indirectly fuel the persecutors.

(d) Permanency of settlement in face of better prospects than at home.

What are the counter-arguments that can be cited to convince the countries for an immediate solution? Suggest some long term measures as well that should be followed to address the problem.20

Approach:

While ethical arguments are must to convince on humanitarian grounds, the answer must also propose economic, equitable and more acceptable, pragmatic solutions. The answer should reflect the understanding of reluctance in such issues and therefore must specifically address each point with a combination of short and long term solutions.

Answer:

Refugees have been defined as those unable or unwilling to return to their country because of a well-founded fear of persecution on the grounds of "race, religion, nationality, membership of a particular social group, or political opinion." As mentioned, their numbers are increasing due to increased violence. Even though the concerns raised by the countries are genuine, the crisis at hand requires a humanitarian response. Turning refugees back or erecting walls will only lead to their piling up on borders and will exacerbate the problem.

As an officer in-charge of managing refugees and convincing countries to step-up their efforts, I will have to appeal to their core societal values as well as convince them with short-term economic and political arguments. As has often been the case, the high minded declarations of principles have often remained mostly that – declarations. Therefore, to extract action on the ground the arguments must be presented in a convincing manner where social, political and economic goals of the countries are advanced.

My arguments would be:

(a) Regarding drainage of resources in face of subdued economic conditions –

Yes, the cost of maintaining refugees in camps and shelters may drain resources temporarily, but in the medium term, there are economic benefits to be reaped. A significant proportion of the incoming refugee population would be young, energetic, motivated, and committed to building a better future in their new homes. Capitalizing on this, the decision-makers can turn a severe short-term challenge into a powerful long-term advantage.

Private sector can be also involved, including MNCs. Early involvement in the process of assessment, education, and integration planning would allow the private sector to help shape policy from the outset. They can help identify the skills and abilities that would most benefit their sectors, establish guidance and training programs, and offer apprenticeships.

Also, since these countries, for example European countries today, are old/ageing, the refugees will act as an antidote to aging populations and low birth rates. They can help address the looming shortages of working hands in the near future.

(b) Addressing domestic political repercussions

Certainly there will be political pressure from the opposition parties, who might try to monger the anti-immigration sentiment in the public, creating fear about losing jobs, draining resources and cultural invasion. In such a scenario, the political and community leadership would have to appeal to the public conscience about the cost of doing nothing. I would encourage political leadership to unite on the issue and with support of Civil Society, build up a public case for rehabilitation of refugees. It is important to honestly explain to the locals about the responsibilities they have – economic, historical and above all humanitarian.

Powerful images shake the conscience of the public and political leaders and therefore, I should make sure that they are not aloof to the conditions of the people. I will appeal them to lead with morality and purpose, rather to waste time in appeasing or courting populist movements. Only by turning the challenges into opportunities can social, political, and economic risks be mitigated.

I will also give statistical argument that the refugees which they are shouldering are only a miniscule percentage of their population and therefore, the perceived threats are more exaggeration than real. For example, in Europe the asylum seekers are less than 0.1% of its population.

The grouping of the countries should be working to encourage and harness the generosity of some of its members, while containing and resisting the selfishness others. To be successful, however, there must be burden sharing. If those whose instinct is to be generous are left alone to shoulder the burden, that generosity will not last for long.

(c) Rehabilitation will encourage more influx and indirectly fuel the persecutors

This argument mixes the two problems at hand together and confuses the cause-effect relation. The refugees are the immediate concern and everything must be done to rehabilitate and resettle them. It does not in any way forestall nations' responsibility to take action to end the civil war.

Bringing an early end to war should be the ultimate goal of all nations. But that should not be the pretext for ignoring the conditions of refugees. In what way the countries intervene should be decided by international laws/treaties, but the hands-off approach should not extend to the many civilians who have no choice but to seek refuge outside their home country. The least that can be done is to welcome them.

(d) Permanency of settlement in face of better prospects than at home.

The refugees are mostly fleeing persecution in their home countries but are also attracted by the economic prospects that these countries offer. This is a reality that the countries must accept and treat as an opportunity rather than challenge. Historically, waves of migrations have only enriched the culture and economies of destination countries. In the long run, a society can advance only through openness and tolerance. The United States would not have become the leading world power without the successive waves of migrants that landed there.

Not all of these refugees will remain in Europe permanently. When they do return to their homelands, they will have the skills to help rebuild their societies and economies, as well as provide strong ties to the country where they sought refuge. The importance of this investment may seem distant, but will certainly reap dividends in building strategic weight, strong trade and not to mention, soft power.

Some long term measures that can address the problem

Everybody recognises that ending the war and turmoil is the only possible long-term solution to the refugee crisis but nobody expects this to happen anytime soon. This means that beyond the humanitarian rhetoric the only option is to devise the most efficient containment policy which will limit the crisis of conscience on seeing conditions of refugees. Some measures that can be taken: –

- Greater protection and assistance to people in their own countries so that they do not have to flee in the first place.
- Next, efforts should be made to provide for their temporary settlement in nearby areas. This will require more man and material resources than currently available. Affluent countries, especially those not sharing the refugee burden should contribute generously. This way, it would also be easy to repatriate refugees once the conditions normalise.
- There should be multilateral asylum policy to facilitate equitable sharing of burden of refugees.
- An integrated asylum agency to verify, facilitate and resettle the refugees in different countries. The current system of fragmented border agencies is not only inefficient, expensive and cruel but also non-accountable and works only to pass the responsibility.
- NGOs, religious bodies and private sector should be roped in.
- Public facing organisations, such as sports clubs can step in to build societal opinion in favour of welcoming.

We cannot blame people for wishing to leave conflict-ridden, impoverished countries and find a better life elsewhere. In their situation, we would do the same.

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

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

- You would continue to convince the people yourself about the possible consequences and urge them to relocate.*
- You would call in local and national NGOs for protecting the rights of the people against the State and file a PIL in Supreme Court if the State proceeds with dispossession.*
- You would yourself tell the government and the scientific community about the reserves and let them proceed in their own way.*

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

Approach:

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

Answer:

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

The facts of the case are:

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

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

(a) Evaluation of given options

- Convincing people myself and urging them to relocate

Merits-

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

Demerits-

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

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

Merits-

- It would provide help to the vulnerable section of the society by making them aware of their legal and constitutional rights.
- The court and NGOs have functioned as effective guarantors against arbitrary state action, which is looming very close in this case. Involving them would give a broader shield against vested interests.

Demerits-

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

- Telling the Government and scientific community myself about the resources

Merits-

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

Demerits-

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

(b) Course of action

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

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

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

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

19. *A common sight in India at traffic signals, railway stations and urban markets, is that of a destitute woman, begging, with a child in her arms. At times, out of pity or out of fear, from being cursed by God, or out of irritation, we tend to give them some coins or money and drive them away. In this context, bring out the ethical issues associated with beggary. Indicate the socio-economic reasons behind it. Also, discuss the attitudinal aspects of people towards beggars. What feasible steps can be taken to effectively control this serious problem of our country?*

Approach:

There are four sub-parts of the question.

- First, explain the various forms of begging relating it with poverty.
- Then discuss the ethical concerns related to begging.
- Discuss the various attitudinal aspects of people and the source of such attitudes.
- In last part of question discuss the need of a multi-pronged strategy to tackle this issue.

Answer:

India is seen as the world's next economic superpower, but there is darker side, begging, which successive governments have not been able to eradicate from the land. Begging raises various ethical concerns:

- Existence of widespread begging including physically disables, children, women among other vulnerable groups, raises questions on outcomes as well as commitment of government's policies to tackle poverty.
- Begging remains a hugely profitable venture for mafia groups, which in turn work on more anti-social aspects creating and maintaining the existing inequality and crime.
- Kidnapping and maiming a minor for the purpose of begging is prevalent in India.

Socio-economic reasons behind begging:

- Beggary is a result of economic exclusion in the run up to the progress and development. Unplanned urbanization has contributed in a great way to beggary having increased in cities and metros. Causal factors could be under-employment, unemployment or poverty.
- Begging in India has become a big racket in the country. For many, begging is just like any other profession. The gang leader keeps the larger share. These beggars are so involved in begging that they don't want to work elsewhere.
- Physically handicapped are forced to beg due to serious apathy by society as well as government policies.

Attitude of people towards beggars:

- People with religious frame of mind give alms to beggar out of fear from God or they consider doing so a religious responsibility. Thus the number of beggars at worship places are the highest.
- Many consider begging as a scam and refuse to give anything to beggars. Such attitude stems due to believe that beggars are in fact lazy and turn to begging because it is easy way to earn money.
- While some people provide pennies to beggars with physical disability or very old person who are not able to work.
- Many just want to get rid of them and out of irritation or anger give beggars some money to drive them away.

With the nation aspiring to achieve world standards in every field socio-economic measures are needed to curb the begging problem in India. The solution calls for a comprehensive programme and reorientation of the existing programmes. The eradication of begging problems is closely inter linked with poverty alleviation programs. Beggar children should be provided free education under RTE act and a close monitoring on their education status is required. Government should come down heavily on mafia organizations who are responsible for wide spread begging in this country. And most importantly, philanthropic approach to beggar problem should be complimented with therapeutic and rehabilitative work.

20. *You are an A.C.P. in New Delhi. There has been a steep rise in incidents of racial discrimination in the area falling under your jurisdiction. Recently, a young boy from North East was beaten badly by a mob in a market area. This has led to protest by students from the North East region. They have gathered outside your office and are demanding strict action against the culprits. (a) What will be your strategy to manage the situation. Bring out a plan to counter such incidents in the future. (b) What is the use of emotional intelligence in such situations? (c) What are the social and attitudinal factors responsible for racial discrimination.*

Approach:

- First part of the answer should outline the strategy to manage such situations and a course of action to prevent such incidents in future.
- Second part of the answer should bring out use of emotional intelligence in these kinds of circumstances.
- The third part of the answer should outline factors (emotional and attitudinal) which flame racial hatred. Also, analyze them in brief.

Answer:**a) Strategy to manage such situations:****Immediate Action:**

- Empathetic listening to their grievances.
- Promise to take strict actions in future.
- Promise of fair trial.

- More police patrolling in neighbourhoods having high presence of members from North East Community.
- New helpline for distress calls.

These actions would help in rebuilding the trust and faith among the North East communities and people protesting.

Plan for future:

- Legal awareness campaigns in neighbourhoods that have a significant presence of members from the North East community and on introducing lectures on legal rights for university students.
- Social media can be used for improving connectivity and communication with the community. A dedicated Facebook page can be created and nodal police officers should be in constant touch with members of the community on WhatsApp.
- Sports can be used to increase the bonding between people of different communities.

b) Emotional intelligence is use of emotions to guide thinking and behavior and preventing being overwhelmed by them. It enables to recognize and regulate emotions of our own self and that of others. The situation given in the question asks for emotional intelligence to manage the emotions aggrieved students group.

- An emotionally intelligent person will understand the feelings of the outraged public by understanding the reasons behind it. Also, understanding those reasons one is in a better off position to make a bonding with the aggrieved party and build trust. It will soothe their impulse and bring rationality in behavior.
- Emotional intelligence will help him to cope with stressful situation.
- Becoming more aware of emotional triggers that can instigate an angry violent response.

As empathy is one of the core elements of emotional intelligence. It helps in caring. An empathetic attitude will help to tone down impulses and alleviate the suffering of the minorities.

c) Emotional and Attitudinal factors:

- **Prejudice:** A negative attitude toward an individual based on his or her membership in a religious, racial, ethnic, political, or other group. Racism is a specific form of prejudice, involving prejudicial attitudes or behavior towards members of an ethnic group. Prejudice has cognitive, affective, and behavioral components. Based on beliefs, it can affect one's emotions and behavior, sometimes leading to discrimination.
- **Stereotyping:** It is attributing a series of traits to individuals based on the one trait that signals their membership in a particular group. By definition, stereotypes are limiting and disregard people's individuality. They also lend themselves to negative and derogatory assumptions.
- **Social categorization:** In social categorization, we place people into categories. People also reflexively distinguish members of in-groups (groups of which the subject is a member) from members of out-groups. Furthermore, people tend to evaluate out-groups more negatively than in-groups. In this way, social categories easily lend themselves to stereotypes in general and to negative stereotypes in particular.
- **Discrimination:** Discrimination is generally understood as biased behavior, which includes not only actions that directly harm or disadvantage another group, but those that unfairly favor one's own group.
- **Self Esteem:** People sometimes use prejudicial attitudes and discriminatory behavior to boost their own self-esteem. When people's self-esteem is threatened, prejudicial actions such as racism appear to restore esteem.
- **Dominance:** Racism may be driven by dominance motives. Evolutionary psychologists argue that humans, like many other primates, are hierarchical animals. To have a hierarchy, there must be status differences between people. Racism helps preserve status differences because it oppresses minority groups.
- **Survival:** Prejudice and racism in particular may be driven, in part, by basic survival motives. Humans evolved as a species that thrives in groups, and groups compete over scarce resources.

- **Fear** : People often fear groups that they do not understand. Fear of 'other' can easily lead to discrimination, rejection, hatred, etc.
- **Impulse** : People generally react with impulse against people of different groups

Lack of Empathy (Cultural sensitivity): Lack of cultural sensitivity is the root cause for such attacks and discriminations.

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

Approach:

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

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

Answer:

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

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

- By not taking any action I will not be following rule of law as an officer of Government. My family will be happy as I have looked the other way and wedding happened without any disturbance. Though by not taking any action I will be evading my duty that is bestowed upon me by Government and it will become a crises of Conscience for me.
- As per the second option, law will prevail and Band Company using minor will be held accountable. This action will contribute to the work culture by setting an example for others to follow. This option serve as an example of Deontological Ethics as I will be following Ethical means. One of the undesirable consequences of My action will be that it will lead to a disturbance in the wedding programme and may become a personal crises. By following this ethical path will also generate an inner conflict as it will not serve as a holistic solution for the problem.
- This option is an example of following Teleological or Utilitarian ethics as unethical means are used to lead to a desired end. By following this option, I will not be disrupting the wedding by taking action straight away. In a way I will not be fulfilling my duty and compromising with my integrity. As a government official, I should fulfil my duty impartially and objectively. I should not give minor lapses while doing my official duty as it is a first step towards moral corruption.

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

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

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

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

- 1) Threaten the truck owners of severe consequences if they do not fall in line and cancel their transportation permits.
- 2) Transport the food grains by Railways, though it may take a week.
- 3) Agree to pay the truck owners the transportation charges they are demanding, so as to ensure the availability of food grains, but searching for alternative and affordable transportation. However, take legal actions against the truck owners at a later time.
- 4) Asking the state government for sending some help.

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

Approach:

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

Answer:

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

- 1) This option would ensure that the truck owners are punished for their undue exploitation of the situation. As an area officer, it is my duty to ensure that the prices of essential commodities, including the transportation charges, are not artificially and unfairly inflated through some mischievous means. From that end it could be successful in performing my duty. However, this would not necessarily ensure the availability of food grains in the district, which is more important in the given situation. Therefore, this option is not advisable, as the main objective would not be served.
- 2) If I were to transport the food grains by railways then I may be able to reduce the transportation charges to a very great extent. However, it could take a longer time to transport the food grains and in the mean-time

the situation could become worse, as there is already an acute famine. Therefore, I need to ensure the delivery of food grains in the shortest time possible, which would be difficult with this option.

- 3) Going by the third option, I can ensure the availability of the food grains in the immediate time, which is imperative in the given situation. At the same time I may search for some other means of transport, like arranging for public transport etc. It would be more desirable to take action against the erring truck owners at some later time, because it would serve the dual purpose of making available food grains in the immediate situation, and punishing the erring truck owners.
- 4) Asking the state government for help may ensure the availability of food grains at cheaper rates. However, it may not be advisable, in the first instance, because it may take some time for the state government to provide help and in the mean-time there may be deaths due to starvation. Therefore, the whole purpose of the help would be defeated.

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

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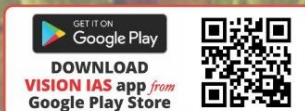
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23. *Arvind has recently started working as a cyber security analyst at a government intelligence organisation. During the course of his work, he stumbles upon documents, which reveal that the government is spying on leaders of opposition parties with alleged Maoist links. He discusses this matter with his superior officer who tells him that though the spying was illegal, it was essential for national security. He also tells Arvind that sanction for the spying came from the highest echelons of the government. He further warns Arvind not to divulge facts of the case to anyone else in the organisation and especially no one on the outside as it may lead to his dismissal from the organisation or even his arrest for treason.*

However, Arvind being an honest person finds himself in a deep conflict. He feels that the spying, apart from being illegal, could also be misused by the government for settling political scores with its opponents.

The following are some options that Arvind has. Evaluate the merits and demerits of each of these:

1. *Do nothing as he does not want to risk losing his job or end up in jail for treason.*
2. *Talk to the head of the organisation to get his opinion on the matter and then do as he says.*
3. *Send an anonymous letter to the press leaking the details of the case.*
4. *Go to the press directly with the details of the case.*

Also indicate (without necessarily restricting to the above options) what you would like to advise, giving proper reasons. (250 words)

20

Approach:

The answer should clearly bring out the ethical dilemma that Arvind could face in selecting each course of action. The student can use any of the utilitarian, rights and virtue approaches to examine the options from different viewpoints.

The suggested course of action should be provided with proper reasons and justification.

Answer:

Option 1: As a young professional, Arvind may have to think not only about his future but also the future of his family or dependents. Doing nothing would save him from facing any untoward consequences but at the same time, the inner conflict that he faces would continue to persist. Also, Arvind would be condoning the violation of privacy of the individuals who were being spied upon. He may feel that he has betrayed his nation by focusing only on his self-preservation rather than the greater good.

Option 2: Instead of just relying on his senior's opinions, Arvind could seek to confirm whether the espionage is really sanctioned by the upper echelons. Talking to the head of the organisation in this matter would help as he would be better aware of the facts of the case. Also, his viewpoint on the matter may help Arvind in framing a more balanced opinion on the matter. Arvind could do as the head says but that could also mean doing nothing if the head asks him to do nothing, a course of action which would not help address Arvind's crisis of conscience.

Option 3: Sending an anonymous letter to the press would ensure that Arvind would not be targeted by any possible witch-hunt and an important issue of public interest would also be highlighted. However, it could also happen that the matter only helps to give fodder to the press and opposition parties to embarrass the government, rather than leading to any concrete discussion on systemic changes in intelligence procedures.

Option 4: Going to the press directly would be the most difficult thing to do for Arvind. He could land up in detention like many other whistleblowers with his career ruined and his image sullied by accusations of treason. It may also happen that the intelligence apparatus of the country is weakened due to such revelations. But at the same time, it may also happen that the citizens of the country realise the pitfalls of such spying. Arvind's bravery may also help to inspire other whistleblowers and conscious citizens to come forward and support his cause.

At the end of the day, Arvind should undertake the course of action which addresses both his inner conflict and serves the wider public interest. Hence, before taking any action he should investigate clandestinely to know more about the facts of the case. He should try to gauge the different viewpoints on this matter by getting inputs from his peers without revealing any details of the case. Finally, if he is convinced of the illegality of the spying, he should come out in the public with the details of the case and proof of the government's complicity in the illegal spying operations. Through his words and actions, Arvind should seek to stir a rational debate on the implications of such spying on individual's right to privacy, political freedom and national security. Such a debate should refrain from simply attacking the government on the issue and should instead lead to systemic/institutional changes to reform the country's intelligence apparatus.

14. ***You are posted in a district as a public servant responsible for looking into the matters of violation of Right to Education Act. You came across a case in which a poor farmer had beaten his daughter for not going to take her fifth class annual exams. Eventually, he tied her up with his motorbike and took her to the examination hall. Corporal punishment to the children by parents or teachers is a punishable offence with three month jail term.***

When you enquired about it the poor farmer explained that he had done so for ensuring a better future for her daughter as he does not want his children to live in poverty in which he is living. He also says that his economic condition is poor and if he is taken to jail his children will face severe hardships.

(a) What are the options available to you?

(b) Evaluate each of these options and choose the option which you would adopt, giving reasons. 20

Approach:

Answer can be framed in the following manner:

- Introduce your answer by identifying the ethical dilemma involved in this case for you, as public servant.
- List the various course of action you can take.
- Evaluate the listed action in terms of logical thinking that went behind it and justify the best option among them.

Answer:

This case presents a unique situation in which a poor father has beaten his child to send her to school and has fallen into the trap of law. The administrator who is responsible for overseeing the law is presented with an ethical dilemma - whether to follow his duty according to rules or act in good faith by considering the situation of the person and make an exception with the case.

In such context, as a public servant, the following options will be available:

- Establish his offence as evidently he is a culprit in a crime that is considered as serious according to the law.
- Consider his disparate situation as a poor farmer spending hard earned money on his child's education and leave him after a strict warning.
- Try to understand why children are not willing to go to school and take appropriate measures accordingly.

Following consideration will go behind the above course of actions:

1. Establishing the offence of father and punishing him has both merits and demerits attached to it. The merits will be that I will fulfil my duty in strict observance of law, it ensures justice to the aggrieved child, It acts as a deterrence for parents and teachers.

However, this step comes with more demerits, as punishing the poor farmer desperate to provide education to his child will amount to blind observance of law ignoring the circumstances in which crime has happened. Further, there would be practical difficulty as who will take care of child when her father will go to jail. Punishing the child will amount to punishing the child more as she comes from a poor farmer family. Any punishment might change the father's attitude towards the child as he might turn hostile and non-caring for his whole life after his release. This step overlooks the reasons as to why the child is unwilling to go to the school.

2. Giving due consideration to situation of the father and the child and setting him free after strict warning. This step has merit of acting in good faith considering the totality of the situation and showing empathy both with poor father and child as it saves her from consequences of punishing the father. Further, it will save the family from financial hardship. Since the farmer had taken the decision with a good intention, he may be given benefit for it. The action of farmer may end up educating his daughter and bring the family out of poverty. The demerit of the action is if through the media or otherwise this case goes in public domain than I may face disciplinary action for not implementing the law properly. Moreover, it will encourage, or at least will not deter, others to exercise corporal punishment.
3. Knowing why children show unwillingness to go to school is important to prevent corporal punishment. It may be the case that due to fear of corporal punishment in the school, the child is showing resistance for going to the school. Further, such measures need to be taken, which increase the willingness of children to go to the school.

I believe that I can choose both the second and third options of showing restraint and give due consideration to the situation of farmer and child and taking substantive measure to prevent corporal punishment in both schools and home.

25. You are a Secretary in a government department. Your Minister has proposed an unemployment grant, which is expected to cost the public exchequer heavily. Having already taken the decision, he asks you to come up with research to support the scheme. Despite your best efforts, you fail to find socio-economic benefit in it. You approach the Minister with relevant facts and studies and ask him to reconsider his decision. Instead, he asks you to suppress the negative impacts and actively promote the scheme through mass media as the perceived social impacts are more important than economic impacts.

Elections are due in a short time and the political party currently in power is expected to win. You are also due for promotion at the same time. You are expected to fully cooperate in the situation and make the scheme a success, however flawed its foundations may be.

- (a) List the different stakeholders in the above situation and mention their prospective interests.
- (b) Discuss the ethical dilemma which you face in this situation.
- (c) Some of the alternatives for you to handle the situation could be:

- Do as asked by the Minister.
- Insist on publication of results and let the public decide whether it wants the scheme.
- Call a press conference and brief the media about the results and the callous attitude of the Minister.

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

Approach:

- List the facts of the case, mention various stakeholders. The prospective interest must be inferred from the facts. Avoid giving unverifiable opinions.
- Bring out the ethical dilemma faced.

- Evaluate all the available options – mention their merits and demerits.
- Give the course of action. Try to address the demerits mentioned and evolve a comprehensive solution.

Answer:

Facts of the case:

- The proposed unemployment grant will cost the exchequer heavily.
- Detailed study about the proposed scheme shows net negative socio-economic impact. The minister has refused to reconsider the decision.
- Elections are due in a short time. My promotion is also due at the same time.

From above facts, it can be argued that although the minister is himself not engaging in corruption, he is using the loopholes of the system to fulfill his electoral compulsions.

a) Different stakeholders and their prospective interests

- Secretary: As a civil servant, it is his duty to give honest opinion to the political executive. However, once a decision is taken, he should implement it whole heartedly. Not obeying legal and legitimate orders amounts to dereliction of duty. Also, it will portray him as non-flexible and show him in poor light. Defying orders may jeopardize his career prospects also.
- Minister: Successful implementation of scheme will probably bring electoral gains for his party.
- Beneficiaries of the grant (unemployed people): They may benefit in the short run, but as the scheme does not have a positive socio-economic impact, real benefits may be scarce.
- General public: Taxpayers money should be spent effectively and the executive should be held accountable for it. The public has an interest in knowing the efficacy of the expenditure.

b) Ethical dilemma faced

As a civil servant unsatisfied with the decision of the political executive, I face the dilemma of whether or not to honestly implement a scheme from which I am certain no positive will come out. As an implementing agency, I will be held accountable for the success/failure of the scheme. Since I am convinced that this scheme will lead to waste of public money, I will have to choose between larger public interest and self-interest. Thus, the dilemma is choosing between something which is legally right v/s other which is morally right in the light of public interest.

c) Alternatives available to me

- Do as asked by the Minister.
Merits: I will be abiding in letter to the duty to implement the will of the political executive. Steadfastly implementing the scheme will also reflect my commitment to duty and will further my career prospects.
Demerits: Will lead to the wastage of public money and breach of the trust of public in the government. Also, I will face cognitive dissonance and may not be able to keep myself motivated during the implementation.
- Insist on publication of results and let the public decide whether it wants the scheme.
Merits: Adherence to transparency is the cornerstone of good governance. It will help the public to choose what is best for them. It will encourage people's participation in decision making and may set a precedent for all schemes in the future.

Demerits: As soon as the issue comes in public domain, the narrative will be hijacked by political compulsions and any rollback would become exceedingly impossible. Changes which could have been made earlier would now become more difficult. Public discussion will also entail substantial expenditure and time.
- Call a press conference and brief the media about the results and the callous attitude of the Minister.
Merits: Will bring the matter into the public domain and expose the callous decision making process. It may force the minister to reconsider.

Demerits: Media briefing will be against the principle of anonymity and secrecy. Such steps should be taken when all other remedies have been exhausted and when the case is of personal or organizational corruption. Moreover, I may be seen as being excessively stubborn, if not in open defiance of authority.

Course of action:

Foremost, I will try to modify the scheme to make it more prudent and effective. I will put honest comments for consideration to make my views clear. Further, I will try to convince the minister of getting the public opinion before going ahead with the scheme. This will be achieved through publication of the broad outlines and engaging in public discussions. Rather than being hijacked politically, wise handling of the issue can in fact bring positive feedback for the government. In the process, I can also improve my understanding of the socio-economic needs of the people. Once the public opinion is incorporated, I will implement the scheme with dedication.

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

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

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

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

Approach:

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

Answer:

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

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

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

1. Suppressing protests by use of police force:

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

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

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

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

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

4. Request them for dispute resolution through legal means:

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

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

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

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

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

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

- (a) Enumerate the ethical issues involved in the case in light of your current responsibilities vis-a-vis future expectations.
- (b) Discuss the possible motivations of the department chair in pressing you for detailed information.
- (c) What stand will you take in such a situation? Give reasonable justification for your arguments.

Approach:

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

Answer:

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

Ethical Issues

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

Possible Motives of The Chair

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

The Way Out

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

28. You have recently been appointed as the District Collector of an impoverished district, which has been witnessing drought for the last couple of years. Corruption at lower levels of bureaucracy has further aggravated the situation. The district also faces the problem of diminishing resources of drinking water. Despite, the gravity of the problem, the response from the central and the state government is lackadaisical. Moreover, the media coverage of the problem is also dismal. To make matters worse, the younger members of the community are migrating in search of work to the urban areas without much success, leaving the elders, women, and children behind to fend for themselves.

(a) As the District Collector what would be your priorities for solving the problem?

(b) How would you tackle the situation?

(c) What long term measures would you take to prevent the future recurrence of the problem?

Approach:

- Identify the challenges and order them on basis of urgency. Give reasons.
- Discuss how to solve the challenge in optimal manner
- Suggest measures to be taken to prevent such incidences in future. Adopt multifaceted approach covering the above challenges.

Answer:

(a) The challenges associated with the above situation are:

- Scarcity of Drinking Water.
- Reduced income and food scarcity because of successive drought
- Corruption at Ground Level.
- Limited response from the state and Central Government.
- No Media Coverage
- Migration of Younger Members of Community.
- Care of Elders, Women and Children

- The problem requiring immediate focus is provision of drinking water. It can have serious health concerns for the population of the district.
- The proper implementation of drought-relief programs
- Moreover, the population has to be motivated and ensured that they will get adequate support from the government so that mass migration from the region can be curbed.

(b) To tackle the situation following steps can be taken:

- The available funds should be directed to arrange for drinking water on immediate basis. This requires contacting nearby water surplus areas and arranging adequate transport facilities to transfer water.
- Direct supervision of District Collector in implementing drought-relief measures so that intended beneficiaries receive immediate relief. This would reduce the plight of vulnerable section- old, women and children and curb corruption to certain extent
- Involvement of local communities and civil society actively will increase citizen participation, avoid manpower crunch.
- The respective governments – state and centre should be intimidated about the gravity of the situation for their immediate support.
- The Media support should be taken with caution. It should not be used to politicize or sensationalise the issue. It should only be used as a tool to make citizens and government aware of the gravity of the problem.

6. The local population should be motivated to stay together in difficult situation and discourage migration of youth. Ensure them of the steps that Government is taking to alleviate their concerns.
7. As the corruption has taken roots at low levels of organization a stern action is required. It can include suspensions and warnings on case to case basis. This is important to ensure that organization performs in difficult circumstances.

(c) Long Term Measures:

1. Engage the local communities to create watershed and other infrastructure to store water during good weather.
2. Engage with the weather monitoring department and create a hazard map to identify the vulnerable regions in the future.
3. Allocate separate contingency funds to tackle such situation to avoid last moment hassles.
4. Send Proposals to the Government and Private Sector to generate employment opportunities in the region.
5. Spread awareness in the local communities for encouraging best practices of water conservation.
6. Mechanisms to avoid malicious corrupt practices have to be effectively implemented.
 - It includes social auditing through Self-help Groups, encouragement of civil society and NGOs.
 - Performance reports, continuous evaluation and monitoring mechanism.
7. Media should be encouraged to practice fair and objective reporting. Also, they should expand their reach and shed their city centric approach.

29. In a district, in which you are posted as a District Magistrate, a teacher molests a child in a government run school. As the news of this crime spreads, the parents, relatives and locals gather at the school. The culprit teacher has meanwhile fled. The police arrests the Principal of the school and assure the crowd that the culprit would be arrested soon. The crowd, however, has gone berserk and begins to damage the school building. It wants immediate arrest of the culprit and is not ready to budge until he is arrested.

(a) Is it correct to take the Principal into custody when he has personally not committed the crime? Support your answer with appropriate reasons.

(b) What options do you have in dealing with the crowd? Enumerate the merits and demerits of each and also suggest the best possible option.

(c) In the capacity of District Magistrate what would be your long term plan to prevent molestations and rapes in the schools?

Approach:

- Analyze the case and ethical issues involved and then comment on the correctness of arresting the principal.
- Suggest and evaluate the options of dealing with the crowd.
- Give a plan of action to prevent sexual crimes in schools.

Answer:

- (a) The Principal can be taken into custody for preliminary investigation. If it is established that principal had made required investigation about the teachers' credentials before appointing them and necessary arrangements to prevent such crime, then he is not liable for an act done by a member of his staff, since no one can take guarantee of the acts of another human being. Though, he can own a moral responsibility but is not liable to be arrested to sooth the collective conscience of the public. However, if his negligence or

willful dereliction in appointment and security measures is evident, then he should be arrested for abetting the crime.

(b) The options available in dealing with the crowd are:

- **Use of force to disperse the crowd and arrest the arsonists.**

Merits: Public is taking law into its own hands by passing judgment and deciding the punishment. This is against the rule of law. Hence, District Magistrate will be performing his constitutional duty by upholding the rule of law. Also, he will be saving the school building. Its damage will cost the public exchequer and jeopardize the education of children of the school.

Demerits: This is an emotional issue for the people and using force on them will be insensitive. It may also result in counter attack from crowd in an emotionally charged atmosphere, putting both my men and crowd in grave danger.

- **Assuring the crowd of arresting the culprit and warning them of strict action in case of further violence.**

Merits: It will help in becalming the crowd and save use of force and further escalation of violence. It will uphold the rule of law. The filing of FIRS against rioters would act as deterrent force against future violence.

Demerits: This option does not have any apparent demerits.

Thus the best course of action would be to send a strict warning to crowd that they should stop rioting. Send the search teams to arrest the culprit and inform the crowd about all possible efforts being taken including the interrogation of the principal and other staff.

Administration should be in constant interaction with all the stakeholders and abreast them with all the developments. Meanwhile, the premises of the school should be guarded and anybody trying to harm it be arrested.

Further, the crowd should be informed about the long terms plans that are going to be implemented very soon so that no such untoward incident occurs in future.

(c) Following long term action plan should be taken to prevent rapes and molestations in schools:

- Issue guidelines about compulsory checks to be made by school authorities in appointing the teaching and non-teaching staff of the schools. Failure to comply with them will be made liable to punishment/fine.
- Random surveys of school by the officials to see that they have necessary infrastructure like appropriate lightning, separate toilets for male and female children and the staff etc.
- Sensitivity training and training of ethics and morality for the staff. Making them aware of the penal provisions for sexual crimes.
- Parents and teachers to make children aware about the differences between affectionate touching/loving and sexual overtures.
- Asking parents to encourage their children of reporting any uncomfortable incident so that remedial action can be taken beforehand.
- Sensitizing the administration towards such cases and cultivating a pro-active and zero tolerance attitudes towards such acts.
- Creating a website or mobile app for parents and teachers to report any untoward incident so that spontaneous action is taken up.

30. *You are the dean of an engineering college. You have received a complaint regarding prejudice against students from lower castes by some senior professors. These professors have contributed a lot academically to the university. However, this particular instance has disturbed peace and harmony in the campus.*
- (a) Discuss the immediate steps you would take to contain growing discontent among some students.*
- (b) Discuss the action to be taken if the professors are found to be guilty and also evaluate the steps if it comes out to be a false case against the professors.*
- (c) What should be the responsibilities of professors and students to create positive social ambience in the campus?*

Approach:

The case is about social discrimination- perceived or actual. The answer should be written from the perspective of the Dean and not any other party.

- List the facts of the case.
- To clarify the course of action, list the priorities. Mention the constitutional values and your duties as a dean.
- One must choose the right course of action and make it acceptable to all. As such, whatever course you choose, there should be accompanying explanation about how to convince others about it, i.e. you should address the demerits.

Answer:

(a) Facts of the case are:

- There is a complaint against some senior professors for their prejudiced treatment of students of lower castes.
- The peace and harmony in the campus is disturbed.

There is discontent amongst the students about the treatment of some of their fellows by the professors. As a dean, my immediate responsibility would be:

- To ensure that no untoward incident occurs in the University, i.e. peace and harmony is maintained.
- To make sure that both the constitutional values of social equality and presumption of innocence unless proven are protected.

Steps needed to be taken:

- Students should be pacified first. Foremost, audience should be given to the student leaders and their grievances should be noted. They must be assured of swift redressal.
- An enquiry should be ordered into allegations. The panel of independent experts should be appointed in consultation with student representatives. It should be made sure that it submits its report in a time-bound manner.
- Help should be sought from student union president /office bearers to reach to student community and maintain tranquility and peace.
- Students should also be given warning of not taking the law into their own hands and demanding mob-justice. Acts of indiscipline and ruckus on campus should not be allowed to take place.

(b) Maintaining the dignity and credibility of institution among students and academic ecosystem should be the priority of any office bearer of educational institution. Discrimination on the basis of caste is a breach of fundamental right of an individual. As a dean of the university, I must protect as well as be seen to protect the values of social justice and equality.

In case the committee after giving both parties opportunities to present their case, finds the professors guilty:-

- Immediate suspension and disciplinary proceedings would be ordered for such conduct. It is of little consequence whether they have contributed academically or not. In fact, as a senior faculty, they must have been more responsible for their conduct with students.

If they are not found guilty:

- Students should be asked to explain why disciplinary proceedings should not be initiated against them. They must be given the opportunity to apologize before any disciplinary proceedings are initiated.
- (c) An educational institution is not merely a learning center. It is also a place of interaction of students from various cultures and backgrounds. The college administration as well as the professors must make special effort that a positive social ambience is maintained at all times in the University.

Administration/Professors' role:

- Have to be impartial in their treatment of students. Decisions such as mentoring of students should be done according to the merit of the project and not on perceived capability of the student, especially by factoring in of caste.
- Providing equal accessibility to all would help in maintaining trust.
- Giving mental and psychological support to the students who are vulnerable and deeply sensitive to such issues.
- A vigil should be kept on those elements which try to foster discontent and exploit social divisions to their vested agenda.

Students' responsibility:

- Not engaging in divisive university politics but keeping the administration abreast with the issues they face in a democratic and harmonious manner. Student union must be active and address grievances of students without aggravating the situation.

The students must not take law into their own hands and concentrate on their studies. However, high quality teaching from the professors is one important thing that can keep them engaged.

31. *You have been recently posted as Superintendent of Police of a district which has a famous temple. Shortly thereafter you found that there is considerable tension in your district on the issue of allowing entry of women in the temple. The women were trying to break the allegedly 400-year-old tradition of the temple, which banned women from entering its inner sanctum. Recently a 350-strong group of women was stopped by the temple administration from entering the temple. This led to a scuffle wherein few women participating in the protest were manhandled. There is a pressure on you from local politicians who want you to prevent any such forced entry as elections are approaching.*

- (a) *Do you think there is a dichotomy between progressive values guaranteed to women by the Constitution and regressive traditions which continue in the garb of religion? How can this dichotomy be resolved?*
- (b) *How would you manage the law and order situation created by the forced entry?*
- (c) *How would you manage and mould patriarchal attitude of the temple administrators and male elders to ensure harmony.*

Approach:

- The answer should first give a brief introduction of the case and issues involved.
- Then it should explain the apparent clash between constitutional values and regressive traditional value involved in the case.
- Then it should bring out the steps required to manage the law and order situation.
- At last it should explain the measures required for changing patriarchal attitude of the elders.

Answer:

In the past decades women have broken many traditional barriers. Be it entry to politics or elevation to higher echelons of corporate world, women have made their presence felt in every walk of life. Yet, there are few

areas where discrimination still exists. Most prominent among these is religion. Although women in ancient Vedic times were given equal status in religious ceremonies but slowly there emerged few traditions that discriminated against them. The ban on entry of women in the inner sanctum in various Indian temple is one such example. These issues pertain to socio-religious sphere of life which raises emotions among common masses as religion is considered to be sacred. Therefore handling such issues require emotional intelligence and tact.

(a) The values of the constitution are enshrined in the preamble to the constitution. These values are equality, freedom and justice. In the above case there is apparent conflict among these values and also between traditional cultural values and constitutional values.

- Constitution guarantee of personal freedom v/s religious freedom
- Modern notions of justice and equality v/s older religious practices.

According to constitution law, which is supreme, unless temple has the constitution right to prohibit women, it cannot prevent women from entering the temple.

This dichotomy can best be resolved by socio-political movement which will raise the consciousness of the masses against the alleged prejudice and discrimination. There is also a need for religious reform movement which should align religion with changing times, otherwise contradictions between modern notions of justice and fairness would be in conflict with religion.

(b) Maintaining Law and order would be my first priority.

- I must refrain from making any adverse distinctions against, or giving undue preference to, individuals or groups of individuals. Neutrality must be my supreme value.
- I would separate the two sides and try to talk to them so that the both sides are heard.
- If there are no specific laws which restrict women entry I would make the villagers aware of this. At the same time I would warn them about any use of force against women.
- If situation is out of control I would detain leaders from both the sides. This will avoid any escalation of the conflict.
- If situation demand, prohibitory orders can be placed in and around the temple till elections, which can help in buying time.

(c) Patriarchal attitudes cannot be changed overnight. Following steps are needed:

- Traditional notions of purity and impurity of menstruating women should be challenged. This can be achieved through sex education.
- Few liberal religious leaders can be roped in for a campaign strategy for creating awareness against such discriminatory practices. This would persuade people because the source of the message will have more credibility than district administration.
- Ancient texts which exhort equal status to women can be distributed among passes and local media can be roped in spreading awareness.
- Religious tolerance should be promoted by the religious leaders.
- Courts can be approached against alleged discrimination and fear can be used against the village elders to persuade them to agree to the entry of women.

32. Mr. A is an honest senior bureaucrat who retired some time back. He has worked across many positions and wields immense influence in the corridors of power. His wife was working in a consulting firm. She has now quit her job and started her own consulting firm that will bid for government contracts also. Mr. A himself intends to contribute his experience and insider knowledge about the government operations to prepare for the bid. When prodded about any conflict of interest, Mrs. A argued that she always wanted to own her own consulting firm and bid for government projects so that she could improve the quality of government

operations through her services. But earlier she could not since her husband was a bureaucrat in the same city and various government rules prevented her from doing so. As he has now retired she can take up this job.

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

(b) What are steps that can be taken by Mr. A to resolve these ethical issues?

(c) What is the best option for Mr. A? Support your answer with appropriate reasons.

Approach:

- Analyze the case and bring out the ethical issues involved.
- Suggest steps that can be taken by Mr. A citing merits and demerits of each.
- Choose the best step with appropriate reasons.

Answer:

(a) The ethical issues involved in this situation:

- The insider knowledge of Mr. A will give him extra advantage over competitors in preparing bid.
- It is not guaranteed that people in the government office will not be partial towards him considering his influence. They may also favor him hoping him to return their favor using his contacts and influence.
- Even if she is careful not to use her husband's clout, the competitors will get an impression that she will use it. This will dissuade many bidders from bidding and reduce their trust in the process. This can also reduce public trust in the process.
- Even if she gets the contract fairly, it will be presumed that Mr. A's contacts have helped creating mistrust among competitors. Some may even file a court case which can lead to delay in the whole process affecting public service delivery.

(b) Thus, there are ethical issues which need to be resolved by Mr. A. Following steps can be taken by him:

i. Recluse himself from working with the firm at any level.

Merits:

- He will not be associated with the company at any level. Thus, he will avoid consciously using his influence and knowledge to bid for the projects.

Demerits:

- Since, the firm is being operated by his wife, speculations will remain about his involvement. His wife or other employees can use his name to gain leverage. Probability of government officials being partial towards him remains.

ii. Ask his wife to operate in another city.

Merits:

- He can use his expertise and at the same time possibilities of interference will also be minimized. In a new city, people won't know him and he can avoid any speculations.

Demerits:

- This may be arduous for his wife. They may face different problems in a new city and incur extra cost. Moreover, possibility of kickbacks cannot be avoided.

iii. Ask his wife to drop the idea of the company and continue with her job.

Merits:

This will avoid any conflicting situation from arising.

Demerits:

It will be unfair to his wife as she had been waiting for her husband's retirement to start her own company. It will be ethically wrong to curb the ambitions of another person.

(c) Based on the above discussion, the best way out for Mr. A will be to excuse himself from any engagement with the firm at all the levels. Make sure that Mrs. A firm bids only for the projects where bidding process is transparent and before public scrutiny. He should also ask her to put all the details on the firm's own

website so that utmost transparency can be maintained. It is the best option because it will avoid unwanted speculations. At the same time it will avoid hardships to Mrs. A in operating in a new city when she wanted to work in this city since long. It will also be respectful to the intentions of Mrs. A. It is true that still some people may have doubts but it cannot be negated to zero. In the end we have to trust the individuals, institutions and processes to operate, else, government business will always remain stuck.

- 33. You are an undergraduate student in a leading Law University. You go with your college friend Surender to his village to attend his sister's marriage. Surender's parents are farmers and are financially very poor. They have somehow managed to send him to the university by selling their land. After interaction with the family relatives attending the marriage, you find out that the bride is not of marriagable age, which makes it a case of child marriage. The family wants early marriage of the daughter to avoid huge demands of dowry in the future. You are well aware that child marriage is illegal in India. So, you discuss the issue with your friend who says that he is helpless and can't do anything. Your friend feels that his family is already doing too much for him and he cannot argue and change his parents' decision. In this situation, what are the possible actions you can take? Evaluate the merits and demerits of each of them.**

Approach:

- Introduce the situation briefly
- Suggest possible actions and evaluate them
- Take your final stand in the conclusion

Answer:

The given situation is of child marriage in a village where every person in family feels their hands are tied due to some reason. However, being aware of this social illness and that child marriage is illegal in India; I cannot allow it to happen. There are several options available to stop this event such as

1. Persuade the family with the help of Surender

Firstly, the dilemma of Surender needs to be cleared. He must be told that it is his responsibility to tell parents about the implications of child marriage. Further, his hard earned education will be of no use if he cannot save his little sister from orthodox, outdated social traditions – dowry and child marriage.

Once Surender is convinced, we both can persuade the parents through following arguments:

- Making them aware that the child marriage is illegal and it is similar to destroying their beloved daughter's whole life
- Removing their primary apprehension of dowry demands by telling them that is illegal practice.
- Encouraging them to make their daughter educated and skilled. It will make her independent and then she would be able to choose her best partner herself. Citing some successful women will be useful
- The sister's education expenditure can be met by Surender's earning from job in near future

If this persuasion gets successful in stopping the marriage from happening then there is apparently no demerit in this action.

2. Bringing the matter into the notice of local panchayat

However, if the parents do not get convinced and still holds the event, then the local leaders from panchayat can be informed.

Merits:

- The panchayat can create social pressure on the family to stop the marriage
- It will serve as an important example to bring social change in the community

Demerits:

- The family may not abide by the panchayat's persuasion and will also bring the personal matters into society
 - The parents and friend may get angered on me and may also threaten me
- However if still they decide to hold marriage, the FIR should be registered with police station.

3. Registering the complaint with the police

Merit:

- The most important objective was to stop child marriage from happening will be achieved
- The case will act as deterrence against future practices of child marriage in local area

Demerits:

- It will bring whole family into the criminal proceeding which will hamper the education of both the children. This could further push the family into deep poverty which was the primary reason for child marriage. So, instead of removing the root cause, this solution will be superficial in nature.

On evaluating all the above scenarios, I must persuade the family by all means to stop the child marriage from happening. In this process, we can involve all educated and reform oriented relatives and local people. The registering of police complaint should be avoided till all options are exhausted because it has huge repercussion on the family and lives of brother and sister.

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34. You are DM of a very poor district in the hinterland of India. It has come to your notice that manual scavenging is widely prevalent in the district even though the new law prohibits manual scavenging in any form. Upon enquiry, you have found that the number of manual scavengers has been reported to be very low, however, hundreds of dry latrines in the district depict a different picture. You have also noticed two more important trends: first, most of the manual scavengers are Dalits, and second, in many of the cases they themselves go to the houses and request the owners to clean their toilets manually, as it would provide monetary benefits. The entire district administration has been criticized by the media and there is political pressure on you to manipulate the data in a way that it shows less number of manual scavengers in the district. Based on the given information answer the following:
1. Identify the ethical issues associated with manual scavenging.
 2. List the options available to you in the given case. Evaluate the merits and demerits of each.
 3. Discuss some feasible steps that you can take to control this serious problem.

Approach:

- First discuss the ethical issues with manual scavenging in detail. Discuss the moral dimensions of the problem.
- In the given scenario, discuss few options which can be implemented with the merits and demerits of each of them. Also, mention the best course of action to be adopted.
- Provide a long term strategy to solve the manual scavenging.

Answer:

About 65 years since we have had an egalitarian constitution in operation, it is embarrassing to know that many are forced to clean the excreta of others to earn their daily bread; i.e. manual scavenging.

1. Ethical issues associated with manual scavenging

- **Human dignity:** In India, people give importance to their dignity more than their life. In such a situation manual scavengers are forced to live an undignified life by cleaning the excreta as highlighted in the case.
- **Health Hazards:** They are not only deprived of a dignified life but also deprived of healthy living conditions. Due to the nature of the job, many of the workers have related health problems.
- **Caste discrimination:** Manual scavenging is traditionally a role determined by the outlawed caste system for members of the Dalit caste. This reflects a clear-cut image that India is still suffocating with the evils of caste system.
- **Issues in implementation of various laws:** Even though there came various legislations and judicial proceedings to curb manual scavenging, it is prevalent in many parts of the country due to the lack of bona fide implementation of governmental policies as this case suggests. It is unfortunate see that the law remains as a paper tiger.

2. Options available

- a. Report low number of manual scavengers
 - i. Merit: It will ease the pressure on me from political establishment as well from media. I can work towards this serious issue without any pressure. It will also present a good picture of the district in the media.
 - ii. Demerit: The picture presented will be based on fabrication of data which is against organizational ethics and also shows lack of empathy for manual scavengers. It also shows lack of courage and lack of dedication to public services where the DM is trying to wriggle out of his responsibility instead of solving the problem. It gives a false sense of reconciling with reality.
- b. Go to the media with actual numbers
 - i. Merit: The issue will be highlighted in the media and the pressure on the government will increase. It may become more serious about the problem with more funds allotted to solve the problem.

- ii. Demerit: However, this will be against the civil services conduct. It may only sensationalize the issue rather than providing a concrete solution. This option should only be utilized if the political establishment is adamant on fabrication of data.
- c. Resist all the attempts of fabrication of data and work for the elimination of manual scavenging:
 - i. Merit: This shows dedication to the welfare of the most marginalized section of society on one hand and also shows integrity and courage on the part of DM.
 - ii. Demerit: This may hamper the relationship between DM and political leaders and can affect his future promotions.

I will choose the third option to tackle the current conundrum. This is not a case of moral ambivalence as I have to choose between personal gains and professional integrity. The key to solving any problem is to first identify the problem and its magnitude. With proper recognition, appropriate planning can be done and outcomes evaluated against baseline.

3. Steps to eliminate manual scavenging

For the manual scavenger, it is the economic necessity that drives him/her to perform this act. For the beneficiary of cleaning, the general citizen, it is their attitude (mostly derived from caste based social status) which makes them ignorant about the problem. This perpetuates their exploitation.

Enforcement of law in letter and spirit is required to create deterrence in society against manual scavenging. Measures for an attitudinal change in society need to be initiated to bring awareness about this undignified practice. For rehabilitation, alternative employment to manual scavengers and free education and health services to their family members will ensure that scavenging is not done manually.

As a DM of the district, I will ensure that all public and school latrines are equipped with proper flushing facilities. Manholes need to be cleaned using machines and not hand. Open defecation needs to be banned. Apart from funds, all this requires a societal movement. I will involve like-minded citizens and local NGOs to increase awareness. Advertisements at prominent places will help. I will ensure mandatory attendance of children of such people in school so that even in the worst case, this hereditary livelihood is not passed on. Working closely with the police department can lead to effective curbing of the practice.

35. ***You are SP of a district where the use of drugs is prevalent, especially among the youth. The neighbouring districts are also suffering from the same problem. There is a huge hue and cry in the national media about the drug issue and the government and political parties are pressurising the police and district administration to act on the issue. A big deal of drugs is busted by the police in your area and all the culprits have been arrested. However, even before you reach your office, a minister from the ruling party of the state calls and asks you to release few of the culprits. You have long suspected the role of many senior leaders in this drug menace of the state. You have also been informed by your juniors that a few officers who dared to act against people involved in drug dealings were transferred or suspended on wrong charges earlier.***

1. ***Identify the options available to you.***
2. ***Evaluate the pros and cons of each of your options.***

Approach:

- List the facts of the case along with stakeholders.
- Mention the ethical issues involved.
- Discuss the available options with their merits and demerits, based on ethical standards and practical considerations.
- Finally, write the best course of action available.

Answer:**Facts of the case**

- Drug menace is a prevalent in the society and there is huge pressure on the administration to act.
- A deal of drugs was busted and criminals caught.
- There is an informal demand from the minister to release some of those caught.

The stakeholders of the case are SP himself, his department, the political dispensation (the minister) and the pressure groups – media and society at large.

The ethical issues involved in the case:

- Responsibility to act against a social menace.
- Public service values and maintaining integrity of the office prone to political influence.
- Consequences of actions and inactions which have the potential to change discourse
- Political corruption and nexus between leaders and criminals

Options available and their evaluation

1. Follow the minister's instructions:
 - i. Merits:
 - a) Potential personal gain for the SP by virtue of being a 'Yes Man' to the minister. By not following the order he can be transferred or even suspended on wrong charges.
 - b) Only some culprits will be released – the media and society can be shown the 'successes' of administration in catching others.
 - ii. Demerits:
 - a) Shows lack of courage to act against the real culprits. Catching the 'small fish' is just a face-saving exercise.
 - b) The real problem of drugs will still continue unabated, with lives of youth destroyed.
2. Ask the minister to send his order in writing:
 - i. Merit: This will give the demand a formal character of request. It will carry more legitimacy and this could be held up against the minister if questions arise later. Moreover, there may be a possibility that the culprits in question were secret government moles, as is frequent in such cases, who helped bust the racket.
 - ii. Demerit: Chance of a written order is less and the SP may face retribution for not 'falling in line'.
3. Go to the media with the bust and also reveal political pressure to release some:
 - i. Merit: It may create a significant political pressure on the ruling party to take action on the minister. It may also lead to an enquiry committee regarding the nexus between politicians and criminal groups.
 - ii. Demerit: It may remain limited to mere sensationalization and nothing concrete happens. As SP doesn't have enough proof to present his case, and he is not aware about the extent of the political involvement, instead of exposing the entire racket this option may invite the wrath of the state.
4. Go ahead with the arrest:
 - i. Merit: It shows courage to do what is right and necessary to deal with situation. It also shows integrity of the officer and commitment to duty.
 - ii. Demerit: Same as option 2.

The best course of action will be a combination of option 2 and 4, i.e. asking the minister to give request in writing, with reasons of the demand, and if that is not obliged, go ahead with the arrest. Meanwhile, I will continue my investigation and will gather evidences against all the stakeholders of the drug trade. Further, as a law enforcement officer, my duty lies in preventing all the illegal practices. My allegiance lies to the constitution and laws duly framed, not to the whims of any person, howsoever powerful he/she may be.

36. *A group of educated young men is caught trying to leave the country to fight for a terrorist organization overseas. It was found that they were radicalized online through social media by the handlers of that terrorist organization. These boys have not committed any act of terror till now and have no criminal background.*

(a) What could be the reasons for radicalization of educated youth?

(b) As a senior intelligence official, what approach would you follow to deal with such cases? Give arguments in support of your stand.

(c) Suggest a feasible strategy to prevent further radicalization of youth in the country.

Approach:

- First explain the probable causes for the radicalization of the educated youth.
- Then describe the approach that the senior intelligence officer should follow. As the case seems to be of misguided youth, the focus should be de-radicalization.
- Conclude by suggesting measures that should be taken to address the root causes and counter radicalization.

Answer:

Online radicalization is a serious threat to the security of the country. Many of the misguided and dis-oriented youth take to increasingly extremist and violent views thanks to the internet and social media propaganda. The arrested group of boys seems like the victims of the same phenomenon.

Probable causes of radicalization

A diverse range of factors and motivations can influence a person to become radicalised, and from there possibly commit extremist violence. Some of these are:

- **Radical ideology, limited understanding** – the presence of a strict and literal understanding of a given ideological belief is a key factor in a person resorting to violent extremism. Such views can be reinforced and exacerbated through the internet.
- **Personal relationships and influence** – the influence of personal and social relationships is another key factor in driving radicalisation and extremism. These relationships can occur face-to-face, or through other media such as the internet.
- **Identity and social exclusion** – personal identity issues and wider problems of marginalisation, racism and social exclusion can act as a catalyst for radicalisation and, potentially, violent extremism.
- **Emotional vulnerability** – it may predispose involvement in terrorism. This includes feelings of anger, alienation, disenfranchisement, shame, guilt and vulnerability. These often arise during times of transition where challenges, such as an identity crisis, enhance susceptibility to extremism
- **Perceived injustice for a person's community** – One additional driver of radicalisation is perceived frustrations and injustices committed against an individual's community or group.

Desirable approach of Senior Intelligence Officer

The senior intelligence officer should follow a 'soft approach' focusing on counseling and de-radicalisation rather than a 'hard approach' based on arrest, prosecution and punishment.

He should counsel them to make them realize futility of their actions. In this, he must take help of professional psychologists, religious leaders and families of the boys. There should also be religious re-education.

Once they are deradicalised, they must be released to lead normal lives but surveillance must be maintained on them so that they do not lapse into radical activities once again.

Rationale

The boys seem to be misguided and disoriented as they are well educated and don't have any previous terror cases, are not members of any terrorist organization and were not planning any terrorist attack in India. Also, they have not committed any terrorist act till now. If they are imprisoned, their radical views might further crystallize due to associations with hardened criminals. They may also form new networks and sleeper cell. The case of ISIS chief Abu Bakr Al Baghdadi is a very relevant example.

Preventing further radicalization of youth**A) Short to medium term measures**

- **Presenting a counter narrative** online – the Government should increase its online presence and take the help of various religious leaders to present an alternative narrative to counter terrorist propaganda.
- **Regular monitoring** – the Government must constitute special teams to monitor internet and social media sites for any terrorist propaganda. Such websites and accounts should be blocked immediately.
- **Presenting role models for youth** – role models should be found out from within the community so that the youth have examples whom to follow.
- **Deradicalisation helpline** – Such a counselling facility will enable parents, teachers and friends of vulnerable and indoctrinated youth to seek professional help for their deradicalization.
- Taking strict action against those who are found to be involved with any terrorist organisation or planning any attacks within or outside India.

B) Long term measures

- Long term measures must focus on addressing root causes of the feeling of marginalization and alienation of youth.
- It should also focus upon channeling energies of the youth towards creative pursuits, skill development and job creation.

Radicalization is an emerging threat for the country. A nuanced approach is needed to tackle this threat effectively.

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

(a) What are the ethical issues involved?

(b) Enumerate the values that are under question in the mentioned scenario?

(c) As the CEO of the company, would you retrospectively change your decision in light of the public backlash?

Approach:

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

Answer:

(a) Ethical issues involved

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

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

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

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

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

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

Approach:

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

Answer:**Facts of the case:**

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

Stake holders:

- Myself
- Minister
- Children
- Parents/Public

Values involved:

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

Ethical dilemmas:

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

Evaluation of options:

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

Merits:

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

Demerits:

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

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

Merits:

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

Demerits:

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

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

Merits:

- In line with principle of anonymity, responsibility doesn't lie with me anymore,
- There is a possibility that minister declare the result and backs off from his stand

Demerits:

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

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

Merits:

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

Demerits:

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

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

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

Approach:

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

Answer:

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

Essential Qualities

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

Options available

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

Evaluation**1) Calling the DM**

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

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

2) Taking help of the contractors

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

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

3) Motivating the villagers

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

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

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

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

- (a) Ignore the MLA and proceed with the process of selection.
- (b) Speak to your superior and seek his guidance on the matter.
- (c) Appoint the lady to the post as it is a compassionate appointment.

Also suggest other possible options.

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

Approach:

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

Answer:

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

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

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

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

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

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

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

Best course of action would be as follows:

Whether the position in question is reserved for compassionate appointment or not I would advise the MLA to make the lady apply as a candidate for the post. I would carry out the prescribed procedure to select the ideal

candidate. In case she is unable to qualify as the most suitable candidate in the process, I would try and find out other vacancies for her in the government (especially positions reserved for compassionate appointment of spouses of martyrs). I would extend all my support to the lady to ensure that she gets a job at the earliest, by following the rules. It is to be noted that creating an exception in appointments will pave the way for future distortions in selection procedure of ASHA appointments.

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

- 41. You are representing India in an international bidding for oil exploration in a country. Other, richer countries are also bidding for the project. You are sure that your bid of exploration is better as well as cheaper than that of others, and that you will definitely win the bid. A day before the auction, you come to know that other countries are employing every means, including bribing the authorities for being successful. Some of the officials of the home country have also contacted you and made some demands in exchange for assurance of India winning the bid. You are aware of the criticality of this bid in terms of domestic economic and strategic implications. Based on above information, answer the following questions.**

(a) Specify the ethical dilemma(s) that you face in this situation.

(b) Do ethical concerns really matter in international transactions or are they secondary to domestic interests?

(c) What will be your course of action in the above situation? Justify with merits and demerits.

Approach:

- Identify the ethical dilemmas that you face.
- Highlight the importance of ethical concerns in international transactions vis a vis domestic interests.
- Then mention the course of action that you would follow. Justify it by taking into account the merits and demerits of the decision.

Answer:

a) The situation in this case study presents the following ethical dilemma:

The dilemma is whether to pay the bribe vs being upright and avoid the temptation to pay.

The former action may help India win the bid, but it will be an unethical course of action and may spoil the image of the country in the long run when the truth comes out in the public. It will also have adverse consequences for India's relations with the countries involved in bidding process. Moreover, this is inimical to a healthy competition, level playing field and innovation. This action will also set a wrong example to others. The action is not only unethical but also illegal as regards to Indian laws. It may not bring in me a sense of accomplishment or content.

The latter course of action may lead to a possible defeat in the bidding process, setback for my career and economic and strategic implications for the country. But it is the right path to follow.

b) Advocates of national interest in international relations argue that national interests are paramount. As Henry Kissinger has said- "there are no permanent ally or permanent enemies, only interests are permanent". These arguments are based on the fact that the government of a country primarily works on the behalf of its citizens and thus it is bound to uphold their interests. The political party in power has to face general elections regularly and its report card of performance evaluates not only domestic but international actions as well. Hence, national interest alone should be paramount in international relations.

However, these arguments suffer from certain inconsistencies. If the national interest alone is taken into account then wrong doings like colonization, regime change, arm twisting of weaker nations etc. will be justified. Further, there exists a wide inequality internationally and if strong nations justify their actions solely based on the national interests then this gap will further widen. Moreover, the global commons will not survive and sustainable development will remain a distant dream.

Thus, fairness, justice, apathy, sustainable development of whole world, equity etc. are ethical principles which are as important as national interests and really matter in international relations.

c) In such situation, I will pursue the following **course of action**:

- a. Verifying, at my own level, the correctness of information related to bribery activities in the auctioning process.
- b. Informing my seniors, seeking their advice as they might have faced similar situation earlier.
- c. Approach the head of the authorities handling the whole process of auction and inform them about inconsistencies which has come to notice and demand a fair and transparent bidding process.
- d. If grievances are not addressed at that level then, after taking my seniors into confidence, we can approach other higher authorities of home country like judiciary for intervention.

I will also demand that the officials involved in bribe-seeking activities must be punished which will deter such malpractices in future. Those nations who are involved in unfair practices must also be punished (by way of fines, blacklisting them or cancelling their bids).

Justification of such course of action

In international transactions, sometimes unethical actions like bribery are also sought to be justified in the name of national interest. However, on a closer look, such actions are clearly against the national interests in reality. The revelation about involvement in bribery would jeopardize the international relations of future generations of our country.

Further, a single contract cannot be so important to our country that we sacrifice our moral standards and higher values maintained for so long. Moreover, corruption can never be the true foundation of prosperity. The gains obtained from it corrupt the whole society.

By following the stated course of action, I will display faith in the governance of home country, uphold our moral values and there will be higher chances of fair bidding process. As India's bid is better and cheaper, it will ensure India's success. It will generate the good will for our nation among the people of that country; set a right example against corruption in international transaction. Overall, it will be a right step towards the righteousness which we expect in international relations.

42. *You are the SP of a district where a large number of followers of a particular sect reside. The district also hosts a large Ashram where regular gathering of the followers take place. The leader of the sect has been under the scanner of the judiciary for his involvement in illegal activities. Now the court has ordered his immediate arrest and an order pronouncing the same has been sent to you. You have been asked to comply with the orders within two days. A large number of followers, which include women and children, have already thronged the Ashram in anticipation of arrest of the leader. Intelligence units have informed about the presence of not only large stock of food and water but also ammunition, inside the Ashram. Your request urging the followers to vacate the site has failed.*

(a) What could be the reason for people's defiance?

(b) List the issues involved in the case.

(c) What will be your plan of action?

Approach:

- Explain the reasons for people's defiance.
- Discuss issues like absence of scientific temper in the society, ethical dilemma of following the court order, which may cause violence, or not following it.
- List your plan of action.

Answer:

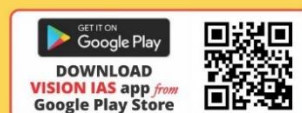
- a) Various factors may be attributed for the resistance put up by the people:
- Prevalence of superstition, blind faith and ignorance which leads to emotional outbursts and provocative behaviour. This type of behaviour is further aggravated due to peer pressure.
 - Lack of understanding/seriousness of the issue and the consequences of preventing a law officer from executing his/her duty.
 - Perceived sense of security in mob action which brings anonymity and diffusion of responsibility.
 - Perception of soft state and its poor law enforcement.
- b) The issues involved include:
- Lack of scientific temper and rationality in the society, which is a consequence of lacunae in our education system, which does not focus on moral education.
 - Ethical dilemma for the executive: To promptly follow the court orders which in the current situation might lead to violence among people particularly women and children.

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c) My plan of action:

- I will repeatedly request the people inside the Ashram to allow the arrest of the leader in a peaceful way for a fair trial. The message will invariably include a timeline for strict action by resorting to force. The message will be conveyed by various means of communication like dropping pamphlets from air, using broadcast media etc.
- Stern warning will be issued to the Ashram authorities and those involved in inciting the followers. Influential leaders will be roped in to convey this message. A time based action plan will be issued for non-compliance.
- Further logistics like water and electricity will be cut off to facilitate the operation.
- Disaster management teams and health services will be kept on alert for any adverse eventualities.
- After the deadline for evacuation gets over, force will be used to get entry into the ashram to execute the court orders. Anyone obstructing the operation will be dealt as per the law.
- However, the standoff may require more time if major violence is encountered as intelligence reports confirm the presence of ammunition inside the Ashram. A hostage situation is also possible wherein few people may be holding others as a human shield. A fair assessment of the emotions of the crowd is also critical as the crowd may also indulge in violence.
- If unintended violence is suspected, I will ask the court to grant me some more time for executing the court orders in view of unprecedented circumstances which may involve life and safety of innocent people.
- All efforts will be made to maintain peace and brotherhood in the city and avoid any inter-community conflicts by clearly projecting the incidence as a law and order problem. Those involved in politicizing the incidence will be booked under IPC and relevant sections.

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

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

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

Approach:

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

Answer:

Brief summary:

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

Stakeholders

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

Ethical issues

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

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

- **Do a thorough background check of new and existing users:**

Merits: This will ensure that the company monitors the accounts of past offenders. Similarly, potential harassers can also be identified and such incidents can be prevented in the future. Will fulfil company's obligation towards women and society as well as increase its popularity amongst women, thus benefitting business in the long run.

Demerits: It can prove to be a cumbersome task as it is not feasible to evaluate large user base. Moreover, conducting a background check does not serve as a guarantee that incidents of harassment will not be repeated in future. Additionally, large customer base denotes more avenues for advertisement by companies leading to more revenue for my company. The company will have to forgo financial profit in this case.

- **Outsource the work to an external security agency in order to combat the existing problem:**

Merits: This will ensure that one agency specifically deals with the problem and all resources are used to put an end to it.

Demerits: It can lead to unanticipated security issues as a third party will get access to confidential user information.

- **Deactivation of account on complaint and add the feature to contact the police of specified area which can take forward the investigation.**

Merits: Will prevent harassment and ensure swift action against miscreants. It will discourage possible offenders and ensure protection of women.

Demerits: Can be used to file frivolous complaints and many genuine accounts will be affected. Company will be greatly occupied with such cases while its popularity will decline.

- **Most suitable action:** In this situation, the most suitable action will be to **hire more personnel and delegate the responsibility of checking instances of harassment to them.** Company personnel can immediately deactivate the account of the harasser and inform the local police. Additionally, they can create a database of offenders for future reference. This will ensure that the same person will not repeat the incident in the future. Also, in this way the company will prioritize the safety of its users and will not compromise on it at any cost.

Additionally educate the users (especially the young) about the moral and legal aspects of online harassment will help.

(b) Along with many benefits social media platforms have become avenues for fake news, online harassment, fraud, etc. Thus, there is a need for reasonable restrictions on social media. This can be analysed from the perspective of different stakeholders:

CEO/Company: Reasonable restriction prevents the misuse of a noble medium for deviant purposes. It would be morally wrong for the company to allow itself to be used such for the sake of profit. Since company earns through public it is its responsibility to cater to its interest and fulfil its social responsibility.

Victims: Misuse can lead to mental anguish, depression and even suicide. Focus should be on safeguarding users, especially women and children, who have become more vulnerable in this respect.

Users: Users will be prevented from abuse as well as exposed to correct information and data. Users will not fall for malicious campaign or opinion thus safeguarding their interest.

Society: Anything that proliferates to extent of social media needs to be regulated whether internally or externally, otherwise, it can have dire and unprecedented consequences.

But it should be ensured that these reasonable restrictions should not become a tool for political and personal vendetta against opponents.

44. *You are the Managing Director of a multinational company that prides on hiring people from diverse backgrounds. The company also chooses multiple projects under Corporate Social Responsibility that are geared towards social inclusion and empowerment of vulnerable sections of the society. Miss 'X' who works in your office tells you that she has been diagnosed with HIV. It happened due to malpractice by a medical practitioner who re-used a contaminated syringe that led Miss 'X' to contract the disease. The company has strict policies about toleration and you ensure Miss 'X' that she can continue with her job in the company without facing any form of discrimination. A few days after the revelation, Miss 'X' angrily submits her resignation letter. She states that she has faced discrimination at the workplace every day after the revelation. Her colleagues are hesitant to eat lunch with her, they make sure they do not drink water from the same source and the females in the office comment on her marital status. She is also asked to sit separately during departmental discussions. She intends to sue the company for mental harassment. If she takes the step, the public image of the company will be maligned and its non-discriminatory policies will be questioned. The following are some suggested options for you to deal with the situation as a Managing Director of the company. Evaluate the merits and demerits of each of the options:*

(a) You accept her resignation and suggest a compensation package so that she refrains from suing the company.

(b) You persuade her not to submit her resignation and transfer her to another department.

(c) You ask her to continue with her job and take strict action against the colleagues who discriminated against her

Also, state (without necessarily restricting to the above options) your course of action, giving proper reasons.

Approach:

- Highlight the ethical issues involved.
- Assess the given options and state their merits and demerits, with reasons.
- State your preferred course of action in the situation. Substantiate it with reasons.

Answer:

An employee is being socially discriminated at workplace and feels harassed to the extent that she wants to quit her job. In such a situation, the employer, on the one hand, has to address her grievances and, on the other, bring an attitudinal change about this sensitive issue amongst his colleagues.

Evaluation of the stated options

- a) If employer accepts her resignation and offers a compensation package, then there is a probability that Miss X will refrain from suing the company. However, it will not boost the morale or self-confidence of Mrs X which was lowered by her colleagues. Also, it will justify the balancing of unethical practices with monetary compensation. By doing this, the employer will set a wrong precedent and indirectly reinforce the practice of discrimination in the company.

As a Managing Director, it is my duty to ensure that the employees have a conducive, non-discriminatory work environment. Accepting resignation will not be a right step in ensuring such work environment but an easy way out of this situation.

Further, every time monetary compensation for such incidents will pose additional financial burden on the company. Thus, it is necessary to root out the cause of problem which is wrong attitude of people in company.

- b) If I persuade Miss X not to submit her resignation and transfer her to another department, it will ensure that she will remain in the company and not sue it. She will also not face her co-workers who have made her uncomfortable in the situation. However, there is no guarantee that her co-workers will not discriminate against her in another department. Moreover, by transferring her I will not eliminate the issue at hand, which is ensuring there is no workplace discrimination
- c) Taking strict action against her colleagues will send a right message and create deterrence against discriminatory practices in future. It will address the grievances of Mrs X and boost her confidence for the company's management. However, the managing director must seek explanation from her colleagues before taking strict action against them. There must be fairness in the decisions of management otherwise it will lower the morale of other employees.

Course of Action

Any course of action must comprehensively address all the aspects of the situation. The action must bring justice to Mrs X, send a right message to the employees and create a positive atmosphere in the company.

- **Ask Mrs X to continue** with her job in the present department and ensure her of non-discriminatory work environment in future in the company.
- **Seek explanation** from her colleagues who discriminated against her and take strict action against them
- I will also make it a point to socialize with her in the workplace, whenever feasible, to **set an example for other workers**
- Request the HR department to ensure through the **code of conduct** that there is no discrimination against HIV patients.

Further, to bring attitudinal change in employees, the management of the company can undertake various activities such as:

- Arrange **lecture sessions and workshops** for employees by NGOs working in the field of eliminating discriminations against HIV patients.
- Undertake **CSR activities** for the welfare of HIV patients and involving company's employees in them. It will sensitize them about the people suffering from AIDS.

Social discrimination against HIV patients should not be tolerated as they are already dealing with the health and financial pressures of contracting the disease. It is everyone's moral responsibility to destigmatize the disease and treat HIV patients normally.

45. *As the administrator in-charge of your area, you are witness to the widespread food wastage in lavish parties as well as in restaurants and eateries, on one hand and people starving due to inability to ensure one square-meal a day, on the other. Realizing that it is not the scarcity of resources, but the habit of people that is causing paucity in availability of food, you decide that certain measures are needed to be taken in order to deal with the issue of starvation at the grassroot level.*

Given the situation, answer the following questions:

- (a) *Identify the ethical issues involved in this case.*
 (b) *What measures would you take to deal with wastage of food in your area?*
 (c) *What explains this co-existence of affluence and hunger in developing countries like India?*

Approach:

- Identify the ethical issues by bringing out the contrasts of the society in a developing country, attitudes of people and dilemma to act or not to act for the officer.
- Suggest some implementable innovative measures to curb the practice.
- In part (c), elaborate on the inequality aspect and varying value systems in a society in flux of change.

Answer:

(a) The case captures the ironical situation where the affluent have enough food to waste whereas the poor are barely able to meet their daily requirements.

The basic ethical issue involved here is lack of cognizance of the inequalities that exist in the society. This in turn includes various aspects:

- Lack of compassion and sensitivity on the part of people wasting food, at the individual as well as the community level.
- Lack of foresight and rationality.
- Violation of principles of equality, justice, fairness due to the widespread inequalities.
- Lack of responsibility for actions on part of the affluent.
- Undermining the value of social equality and dignity of all.

An individual exercises various rights over something that he/she has paid for, in many cases even a right to destroy it – i.e. do as it pleases. But food wastage does not fall into that realm. Food is a right for every individual, not a commodity that can be acquired and wasted for one's pleasure at the cost of someone else's life.

(b) As the administrator in charge of my area, my actions to deal with wastage of food and to address hunger at grassroot level would be both short-term and long-term and would include:

- As an immediate step, I would ensure that adequate quantity of quality food resources is available in my district to meet the basic requirements of people who are unable to meet their daily minimum food intake.
- In order to address the issue of wastage, I will undertake the following measures:
 - Introduce a system of analytical assessment of food requirements for functions and programs in public gatherings and with consent of people, introduce it in private programs as well. This will be the first step in reducing excess food as well as cultivating awareness about wastage.
 - Contacting local NGOs working in food provisioning to poor and encourage them to recruit such affluent people.
 - Where warning works, measures such as penalties on the organizer can also be considered after doing a feasibility study.
 - Cooperation from hotels and restaurants should be sought. They can be persuaded to display images which curb wasteful behavior.

- Children often act as agents of change in the society. They can be roped in through awareness campaigns in schools/colleges. Establishing linkage systems to create a pool of leftover food which can be distributed among the needy. For this I would also approach the private sector to pitch in through Corporate Social Responsibility and other means.
- Already certain projects of a similar nature are functioning in different parts of India. For e.g. Include Roti Bank, Feeding India Initiative, Operation Sulaimani, etc.
- Creating efficient storage systems for preservation of food items that can be distributed later.
- Emphasising on buffet system in hotels and eateries to reduce wastage of food.

(c) The reasons for co-existence of hunger and affluence in developing countries like India are:

- Concentration of resources in a few hands resulting in uneven and unequal distribution. This has been a feature of almost all developing countries.
- Societal divisions are also stark. Many in the current generation have not experienced poverty and many are oblivious to hardships that the poor face.
- Inability of the state to provide robust security nets and welfare schemes to the population due to financial constraint.
- Corruption in form of leakages, ghost beneficiaries, etc. diverts scarce funds allocated to the needy.
- Low infrastructural and technological development results in lack of efficient and accessible storage houses and linkages for safe collection and distribution of food.

These factors operate to create a divide between the affluent the needy and ensures their coexistence in developing countries.

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

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

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

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

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

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

Answer:**1.**

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

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

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

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

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

2.

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

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

3.

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

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

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

Recommendation

The only other option left apart from the above mentioned ones is that company devotes its complete attention to the environmental issue without thinking about profits. But that decision may affect the

sustainability of the company and may have repercussions as discussed in the second last paragraph of option three.

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

47. *A terrorist group states that it has concealed a nuclear bomb in Delhi. The authorities have captured the leader of the group. He says that he knows the location of the bomb. He refuses to reveal the location. To produce the information needed to ensure the diffusal of the bomb.*
- Is it ethically acceptable for the authorities to have him tortured to find out where the bomb is and thus save thousands of lives?*
 - Suppose instead of catching the leader, the authorities have captured his 16 year old daughter. She is refusing to cooperate with the authorities. In your opinion is it morally justified to have her tortured to acquire necessary information and save thousands of lives?*

Answer:

You should provide reasons both in favour and against torture and then give your opinion.

Arguments in favour of torture

The principle of utilitarianism can be applied to say that torture will be justified in this case. Since, thousands of lives are at stake, it is necessary to exhaust all possible options. Torture can produce the information which will help in saving the lives of the people. Further, since the person who has been caught is behind this plot and is not innocent, he shouldn't expect to be treated as any other citizen. He has committed a crime against society; therefore torturing him cannot be termed as violation of his rights.

Arguments against torture

According to deontological reasoning, consequences do not play any role in determining the moral worth of an action. Lying is always an immoral act no matter what the consequences may be. Similarly, according to this reasoning (propounded by Kant) torture will always be immoral since human life (of the terrorist) is being considered merely as means. The inviolable nature of human dignity belies any justifications for torturing the ticking bomb terrorist.

The situation becomes more complex in the second scenario. It is hard to adhere to the utilitarian conception in the second case. In the first case, since the terrorist has committed a crime, one could justify torture. However, the girl has done no wrong and it becomes difficult to justify torture in this case. She has had no role in the activities of her father. Her only crime is that she is not cooperating with her authorities. Further, being a juvenile she cannot be held totally accountable for her actions.

Thus even though one might support torture in the first case, it is not possible to adhere to the same position in the second case. The girl and her father are separate beings. The girl is innocent whereas his father is not. This fact cannot be ignored while examining the moral justification of torture.

Note: Torture is not an effective method to acquire reliable information. The information that is obtained is often inaccurate. Further one may also take a position that though torture is always immoral, it needs to be condoned in certain situations i.e. in certain circumstances it becomes necessary.

48. During your election duty you caught hold of a vehicle full of cash. On inquiry, it was revealed to you that the vehicle belongs to a very popular politician of the region and even the exit polls are predicting his victory. The politician calls you up to release the vehicle. You try to approach your senior to seek advice but can't reach him.

- a) What are the options available to you?**
- b) What course of action will you take?**

Approach:

This is an administrative challenge wherein the student is judged on choosing 'sense of duty' over 'political pressure'. The answer must clearly reflect the students logic and reason for choosing certain course of action after weighing it over its pros and cons.

Answer:

The election officer is under tremendous pressure from a popular politician who is interfering in his duties. This situation depicts an administrative challenge where the officer has to find a suitable way out to perform his actions without challenging the politician's authority.

The following course of action is in front of him:

As the officer's senior is not approachable the onus of decision making lies on the officer itself.

- a) Directly refusing the politician to accept his orders
As a subordinate it is the duty of the officer to obey his superiors in administrative setup, but until the commands do not deviate him from his sense of duty and consciousness. As the politician has asked him to perform an action away from his line of duty, refusing him will show his uprightness and honesty. However, this abrupt and rash behaviour can create ripples in the organization which can disrupt its working at such crucial time.
- b) Accepting politician's orders.
Blindly accepting politician's orders will show the officer in bad light in front of his juniors as well as public. Not only has the officer to perform his duties honestly but also has to make sure that the organization's public image should not be tarnished. Also it is important to boost up the morale of the subordinates to perform the action with clear conscious; otherwise it will encourage malpractices in the organization.
- c) The best course of action would be to explain to the politician that the money caught during the raid has been deposited in the government security and only a written order can help him retrieve the money packets. Also reason with the politician that it is very difficult to save oneself from 'media glare' and any such act will tarnish the image of the politician as well as the organization at large.

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

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

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

- 1. What are the options available to you?**
- 2. Evaluate each of these options and choose the option you would adopt, giving reasons. 20**

Answer:

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

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

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

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

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

The second option might seem to be a viable approach, confronting your friend for his act, but it goes against the principles of Right/duties, fairness and common good. Being a member of the class, I have a responsibility to protect the integrity of the grading system. By letting my friend cheat, I am allowing the greatest good to diminish because the class average will be distorted as a result, affecting a lot of students. Though it might hurt my friendship, I should at the very least, anonymously report my friend in order to preserve and promote the greatest good.

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

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

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

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

50. ***A deadly epidemic has broken out in West Africa killing thousands of people in a short span of time and infecting many others. There is no vaccine or treatment available to cure the disease. You are the head of the health department of one of the countries that have been severely hit by the epidemic. While there is no treatment currently available for the disease, an experimental drug is being used in some other country. This drug has shown positive results and consequently some of the patients have also managed to recover from the disease. However, it is not yet clear whether the relief came due to the drug alone, or otherwise.***

Given the high mortality rate of the disease and its rapid spread, other countries affected by this disease have already given a go-ahead for the mass production of this experimental drug. But some health experts are skeptical about the efficacy of the drug and have even warned against its use as it may result in some deadly side-effects.

(a) Bring out and discuss the ethical issues involved in the above case.

(b) What would you do in the above situation? Give reasons.

Approach:

The answer should consist of the following parts –

- The facts of the case
- The major ethical issues involved
- Different options available to you and their analysis
- The course of action you would adopt, giving reasons

Answer:

The facts of the case are –

- The epidemic is deadly with a high fatality rate
- There is no cure for the virus except for an experimental drug whose efficacy is questionable
- Some countries affected by this disease have given a go ahead for use of the experimental drug.

The ethical issues involved here are –

The disease is causing havoc among the population. As a head of Health department it is my duty to take steps to tackle the situation. The experimental drug has not proved its efficacy in tackling the disease. Without proper clinical trials it would be unethical to give this drug to the victims. Also, some health experts have warned against the possible side-effects of the drug. Thus administering the drug may prove to be worse than the disease.

But in the absence of any other medication and the rapid spread of the disease, means that some urgent action needs to be taken before the situation goes out of control. Time is not a luxury that I have. Thus the question comes down to whether to go ahead with the current cure or wait for clinical approval of the drug.

Options available –

- 1) Wait for clinically approved drug – This option will save me from running the risk of any side-effects that may arise from using the experimental drug. But as the epidemic is spreading rapidly and finding a sure-fire cure may take time, it may be possible that a large population will be affected with a huge death-toll before the cure is administered to the people. Hence, this option is not suitable.
- 2) Give go ahead for the use of the experimental drug – The situation is very dire in my country and it requires immediate action. This will ensure that some sort of action is taken on my part. But it is also possible that the cure may prove ineffective and in worse case scenario, affect the population adversely. Hence, without any clinical approval, it is not suitable to administer the drug to the population.
- 3) Wait to see what impact the drug has on the neighboring countries' affected population and act accordingly – This option accords equal importance to gauging the efficacy of the drug and also keeping public health in mind. If the drug shows positive signs in other countries and no side-effects, then I will also give a go ahead to use of this drug. But if the drug proves ineffective or results in major side-effects than I

will not allow the use of this experimental drug. This will save the population from something which is worse than the cure, though the delay may cause some additional deaths.

I will choose the 3rd option as it is an informed decision. Though the wait period may result in some deaths but the larger affected population will be saved from being administered a wrong cure. This option shows that instead of panicking under the outbreak of epidemic and going with any available untested cure, I have followed an informed course of action.

51. *You are an IPS officer who has recently been posted in a town, which is troubled by high crime rates. In the first few days at office, you observe widespread indiscipline and corruption and non-adherence to rules.*

One day you catch some people transporting a major illegal drug consignment into the town.

Mr. X, a local politician calls you up and tells you that the drug consignment was being transported with his consent. He also tells you that you should release all the suspected people and asks you to not file an FIR on this issue. He warns you of grave consequences if you don't adhere to his advice. Moreover, he cites his links with your senior and also many other people within your department. To make matters worse, your senior calls you up and asks you to entertain Mr. X's demands.

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

1. *Give in to the demands of the politician and the senior and release the suspected people.*
2. *Ask your senior for written orders.*
3. *Talk to the senior's boss about the issue.*
4. *Inform the media about the issue.*

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

Approach:

It will be useful to consider: "fundamental principles or criteria that integrate and rearrange the process of dealing with ethical dilemmas in public administration are: (1) democratic accountability of administration, (2) the rule of law and the principle of legality, (3) professional integrity and (4) responsiveness to civil society" (Anthony Makrydemetres 2002).

This answer serves an explanatory purpose. It is by no means 'the' answer and the examinee has to decide and design her/his own course of action depending upon the constraints of time. The crux is to consider maximum possibilities and reason thoroughly.

Answer:

This case involves a dilemma between professional obligations of a public servant in-charge of law and order and his personal wellbeing. The case and its solution also involve the issues of due process, communication and chain of command.

From the facts of the case it is evident that law and order in the district is in bad shape and requires corrective measures. This can be brought about through adherence to rules and regulations in the first place. Secondly, specific case in instance involves the fact that drug consignment being transported in the town is **illegal/ in violation of law**- this pertains to concerns regarding your **jurisdiction and professional obligation/duty**. It involves a local politician and he threatens you with grave consequences- this involves concerns regarding your **personal well being**. That the politician knows your seniors and your senior calls you up to follow his dictate proves the linkage- this involves concerns regarding **chain of command**. However, it's not clear that the

politician or the senior involved knew of the illegality of the drug consignment-here **communication** comes into picture. Nevertheless, there involvement amounts to interference in your jurisdiction and duty. The decision has to be based on your appraisal of the case and appropriate **due-process** in such a case.

Option 1:

Giving in the demands of the politician and the senior might let you out of a difficult situation conveniently. Nonetheless this is only a short term measure. It would set precedence that might have grave consequences in the future. Similarly such an action would not be a positive step in correcting the situation at hand i.e. the existing law and order situation as well as rampant violation of rules and regulation. You can inform your senior as well as the politician about the illegality of the drug consignment in case they were not aware of it. Even then if they insist on release of the suspects and non-filing of FIR, their involvement becomes clear.

Option 2:

Written order is a legal proof of involvement and clearly delineates the chain of command. Asking for a written order might act as a deterrent insomuch as the senior might refuse to do so. However, communicating clearly the illegality of the act is important. The senior might refrain from issuing such an order knowing the illegality of the act.

Even after knowing the illegality if the act if the senior issues a written orders the onus is on you. The written order would protect you in terms of culpability as far as your initiative is concerned. You can cite on being questioned that that you acted under orders. This might be technically correct however it is not ethically sound and amounts to abdication of responsibility. In effect following this option still makes the act illegal as well as unethical. It can be questioned in a court of law and the defence that you were acting under orders might not hold a ground there. Similarly, this option does not augur well for law and order in the district.

Option 3:

Talking to the senior's boss seems to be a logical corollary of duly considered action when communicating clearly to the senior fails. You must clearly and objectively explain the situation to him while seeking his counsel. This might result in the boss censoring the senior and supporting you in following the due process in consonance with the call of your duty. However, on the other side it might earn you the ire of your senior and he might hold a grudge against you.

Another flipside of this option depends on the approach of the boss. If he is also in conformity with the politician and the senior then this step might prove to be counterproductive and add pressure on you. If such be the case then it does not resolve the larger concerns of prevailing law and order conditions as well.

Option 4:

Informing the media is an option broadly in consonance with openness and responsiveness to the public at large. A tactful utilisation of media might result in mounting public pressure on the politician and senior officials involved, thus, expanding the ambit of stakeholders in upholding the duly considered legal action against illegal acts. Similarly, media can be helpful in creating awareness, public trust in officials and confidence in the government machinery. However, a sensationalist approach or taking recourse to media prematurely (before exploring other options/ channels of communication) might backfire leading to counter propaganda, official reprimand and deterioration of public order if the politician takes recourse to pressure tactics. The option requires greater caution and tact.

After having considered the options on offer, let us consider a course of action which is advisable:

The officer should ascertain the facts of the case prima-facie. After having assured himself of the merit of his case it's his responsibility of follow due course of law by filling and FIR and further investigation. The call from the local politician should be taken in the spirit of public nature of his office without feeling any obligation to

fulfil his dictates. Politely but firmly explain to him the illegality, in case he is not aware of it. Also try and explain the sensitivity involved and how an active media would take cognisance of the case. Similarly, communicate to the senior the illegality and sensitivity. If he insists even then, inform him that you are inclined to follow the due course of law and verbal order is not enforceable. Talking to the boss of the senior should be considered only after this step for following the chain of command and in the spirit of greater departmental communication. Media can be involved as an ally on reporting the facts of the case and not for gaining fame and glory. The official should fulfil his responsibility through upholding the principles of rule of law and legality, professional integrity and responsiveness to civil society.

52. *A state has been struck with floods and there is immense anger and frustration among people regarding delay in flood relief measures. A reason for the anger is that immediate relief is directed towards localities where the local MLA and MP (belonging to the ruling party) reside. There have been incidents where people have physically attacked the relief personnel. It is winter and there is threat of adverse weather in the coming week. You have been brought in as the new District collector as the previous one was transferred due to public pressure on the political leadership. Your senior has directed you to give special attention towards the same locality where the loyal voters of the MLA and MP live. In this background –*

1. *Bring out and discuss the ethical issues involved in the above case.*
2. *Also suggest the right course of action in the given situation. 20*

Answer:

Facts:

A state struck with floods and an adverse weather following
Relief operations marred with undue intervention of elected representatives
Public anger and frustration leading to transfer of previous District Collector.

Stakeholders:

1. People from the Affected locality
2. The Govt and Administration
3. Local MP and MLA
4. Me and the relief personnels

Ethical Issues Involved:

1. Carrying out relief operation without favoritism.
2. Discharging duty according to rule of law
3. Assuaging fear of the general public amicably
4. Protecting the relief personnels

This case study involves the classic case of conflict between populist interests of the elected representative and the duty of the selected official. Here it is imperative that the relief operations are carried out effectively to deliver the desired services that the govt owes to people so as to prevent a humanitarian crisis arising out of flood and possible exacerbation due to an impending bad weather. Further as the District Collector it is my duty to uphold the ethics of administration by providing an impartial service to all by not succumbing to any external pressures .

Right Course of Action:

The right course of action here would be to follow courage of conviction and ward off any external pressure from local representatives or from my senior officers and carry out relief operations impartially. This is

important in order to uphold the trust people have in administration. Giving in to pressure would be tantamount to eroding the basic concept of check and balance on which the administration runs. Elected and selected representatives are there so as to reinforce each other to do the right thing. Further in the current case public opinion has forced the govt to transfer the previous District Collector so there is minimal chance of me getting transferred. Thus with security of tenure I should focus my energies on assuaging the fears of public and carrying on relief operations on massive scale. For effective relief work it is important that relief personnels remain motivated and are not attacked. To ensure this I should effectively involve the police force. Further all arrangements pertaining to food and shelter should be made keeping winter season in mind. I should also engage the civil society and media so as to strengthen the credibility of operation and prevent people from resorting to violence. Proper information dissemination is the key to prevent law and order situation during such times. By adopting this course of action I would uphold the dignity of my post, maintain civil services neutrality, provide effective relief to people, uphold personal integrity and courage of conviction and thereby provide legitimacy to the concept that democracy is by the people and for the people.

53. *You are the District Magistrate in a district where a significant number of transgenders reside. While discrimination against the community is well known, commuters increasingly complain of harassment at their hands, especially at traffic junctions where transgenders are mostly involved in begging. This, at times, also leads to traffic management issues. You have received a number of complaints in this regard and have to act quickly to resolve it. However, a group of transgender associations argue that begging is their only source of livelihood.*

Given the situation, answer the following questions:

(a) Describe the ethical issues involved in this case. Discuss the attitude of people towards transgenders in general and reasons for the same.

(b) What possible courses of action can be undertaken in such situations? Discuss their merits and demerits.

Approach:

- Discuss the ethical issues involved and the reasons for differential attitude of people towards transgenders.
- Discuss possible course of action with merits and demerits. You may conclude by suggesting long-term solution/elaborating on your solution.

Answer:

The given case involves the issues of vulnerable section of population as well as the comfort of the community. The issue relates to taking into consideration competing interests of discrimination, which transgender faces, be it education, employment, social participation as well as the means they use to earn their living.

(a) Ethical issues involved in this case are as follows:

- **Convenience versus livelihood:** Begging by transgenders is causing inconvenience to commuters and is leading to additional problems like traffic congestion. While, on the one hand, poor socio-economic condition of transgenders force them to make a living by begging, this at times becomes inconvenient to general public.
- **Discrimination of transgenders versus harassment of the commuters:** The society in general can't have both ways, that is, restricting the options of a section of population to earn decent income and at the same time have problem with whatever little means they are using to earn their livelihood.
- **DM's commitment to safeguard interests of the vulnerable sections versus taking action on the registered complaints by citizens:** Since a large number of complaints have been registered, it is the DM's duty to take up a call to reign in the menace while balancing the right of transgenders to earn a living.

General attitude of people towards transgenders

- **Discriminatory** - based on their class and gender. This makes the transgender community one of the most disempowered and deprived groups in the Indian society.
- **Non-inclusionary**: They are treated as unnatural and as objects of ridicule and even fear on account of superstition.
- **Inequality and that of Seclusion**: A long neglect in terms of rights (civil rights like the right to a dignified living) and development (reservation in educational institutions and public employment) has completely isolated the community.
- **Negligence and indifference**: Their numerical minority makes them politically less significant as a vote bank and paves the way for their legislative and administrative neglect.

Reasons for such attitude

- They are different from what has been considered 'normal' in the society
- Gender based discrimination has been the norm everywhere and ever since. They have been treated as objects of entertainment rather than as human beings.
- Discarded by their families and society, they turned to petty means to earn livelihoods. Now they are looked down upon for that, without realizing the root cause. Society misunderstands the changing concept of gender identity.
- Many superstitions have also built up around the community because of their closed nature, without realizing that they have been discarded, not that they chose to remain secluded.

(b) Possible course of action

- **Ignore the issue as begging is a matter of livelihood for transgenders**

Merit: Transgenders will have their way in collecting money at traffic junctions.

Demerit: This will amount to dereliction of duty and will neither help transgenders nor the general public in the long run. Also, begging is a criminal offence. Knowingly allowing begging amounts to collusion. Also, it does not solve the issue of genuine inconvenience which the commuters face.

- **Issue a stern warning to transgenders indulging in harassment of commuters. Additionally deploy squads who may check the menace at traffic junctions.**

Merit: It may rein in the menace of harassment at the hands of transgenders and may prevent traffic problems.

Demerit: It may affect the livelihood of transgenders adversely who mainly rely on begging and are discriminated by the general public. As the area has high population of transgenders, it may also create law and order problems.

- **Issue guidelines for traffic junctions along with establishing of committee for chalking out measures to sensitise public about transgender issues as well as implement skill development and vocational training schemes along with rehabilitation measures.**

Merit: It will provide alternate avenues of employment for transgenders. In fact, they would happily switch their jobs given the opportunity. It redresses grievance of citizens as well and may also lead to transgender community getting a respectable place in society in the long run.

Demerit : This is a step with a long gestational period. It may hamper the income earning source of transgenders in the short term. This may reinforce the notion that general society's rights are valued above those of the vulnerable sections.

Though it is important to provide relief to general public, the perspective of transgender community must be empathized, else the solution will not be sustainable in the long run and the status quo will rebound. Implementing the Supreme Court directions of giving them special treatment in certain matters will go a long way in integrating them in the society.

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

(a) Considering the circumstances of the case, is Mr. X correct in accepting the money? Give appropriate reasons for your answer.

(b) If you were in place of Mr. X, what would have been your course of action? Give reasons for it.

Approach:

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

Answer:

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

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

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

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

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

- Independently inquire about the charges that have been presented before me so that truth is not compromised.
- I would refuse to take money in exchange for raising the objections as it would be in line with my commitment to organizational values and personal integrity.
- I would discuss the situation with my employees and ask them to accept cuts in pay for a brief period. I would make them understand the importance of serving public interest, which is the motto of any NGO against being an instrument to beat competition.

- If the charges are found to be true it would have to be raised anyway with authorities.
- If they are found to be false I would report the matter to appropriate agencies like Competition Commission etc. mentioning how campaign to malign the image of competitors is being undertaken.
- Meanwhile, I will raise funding requests with other potential donors or ask past donors for urgent funding making them aware of the crisis that the NGO is undergoing.
- If we keep our ethical and moral standards high it will continuously reflect in our work. This will encourage honest and public oriented donors to help us and show belief in us. This will be a morale booster for the organisation in the long run and it would further reinforce our commitment in honestly serving the public interest.

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

55. Regulation and procedure of human clinical trials vary from nation to nation. Stem cell research, as an emerging biomedical field, requires approval for human trials and encounters multiple challenges. You are the head of a team of scientists who developed a new Tissue Engineering system, which appears to be a promising means of regenerating heart tissue. Trials of the system have already been conducted on animals and yielded good results. Millions of people suffering from critical heart diseases would benefit immensely if this medication is immediately made available to them. However, you need to conduct human clinical trials before it could be commercialised. It is also known that the stringent regulatory environment in the country will mean that human trials and final approval will take many years before it is made commercially available. On the other hand, regulation of clinical trials in many poor countries is weak and quick approval is possible. Many of your competitors also resort to human trials in these countries, often bribing the officials for getting quick approvals.

Given this situation, answer the following questions:

(a) Identify the ethical issues which arise during clinical trials.

(b) Given the above situation, would you prefer to shift human trials to a third country where regulations are lax? Give reasons in support of your choice.

(c) Suggest a framework of standard procedure to minimise ethical conflicts and speed-up the approval process of new medicines.

Approach:

- Give a brief introduction about human clinical trials and identify the ethical issues in clinical trials.
- Discuss the merits and demerits of shifting lab location and state your final stand on shifting the lab from the home country.
- Give a framework of standard procedure to minimise ethical conflicts and speed-up the approval process of new medicines.

Answer:

Case Summary: I am the head of a team, which developed a new system which will help people suffering from heart diseases. Before being made available commercially, it has to undergo clinical trials on humans, for which strict regulations have to be adhered. Alternatively, weak regulation in poor countries will result in quick human trials and approval there and many competitors are doing the same including use of bribes.

- (a)** Clinical trials are the tests on human volunteers to see whether new medical treatments should be approved for wider use in the general population. Various ethical issues associated are:
- **Moral duty** to perform honest clinical trials for welfare of a large population.

- Humanity is an end in itself (Gandhiji). Using people from the bottom strata of society for undertaking considerable risks in lieu of minor payments degrades humanity. The end result may improve general population's health, but the costs in form of exploitation, which may even cause death is wrong.
 - Ethical concerns regarding **informed consent** in poor countries.
 - Medicine is governed by certain ethos, which includes that first consideration of physician should be health and life of patient. She should not do anything, which impairs patient's health. Clinical trials may weaken the normative foundations of doctor-patient relationship in the long run.
- (b) In the current case, the scientists have developed a new technology to regenerate heart tissues, which will provide new lives to millions of people who are suffering from critical heart disease. However, fewer regulations and corrupt governance in poor and developing countries pull scientists to open their labs and conduct trials in these countries. The merits and demerits of such practice are as follows:

Merits

- The costs are lower in poor countries. So, the developed medical treatment would be cheaper. For example, clinical trials in India could cost one-tenth of that in US.
- Availability of "**treatment-naive**" patients i.e. drug-free bodies in third world countries. They are much less likely to have been previously exposed to drugs or trials.
- The developing countries get benefits of advanced medical science and access to the latest medications.
- The process of clinical trials is quicker in developing countries because getting regulatory approvals is easier. It shortens the development time of medical treatments.
- It would make this cure quickly available to people suffering from critical heart diseases.

Demerits

- **Consent:** Most of the time, people in poor countries give their consent without understanding the contracts as they are written in foreign languages, without understanding the risks.
- **Economic Compulsion:** Sometimes poverty is responsible for the poor selling their body for clinical trials. The blind faith for western medicine also plays a role in their decision-making.
- **Poor healthcare system:** The risks are too high in clinical trials. However, poor healthcare system in the third world increases their vulnerability in cases of complications and side effects arising out of experiments on their bodies.
- The reliability of data obtained in third world countries is also questionable because of lax monitoring.
- Fewer regulatory safeguards, high levels of poverty and illiteracy encourage misconducts and substandard approach by foreign drugs companies.
- Bypassing professional ethics and an established procedure raises doubts on integrity. Competition may tempt to opt for unfair means like bribes to get approval.

As can be seen, there are a number of advantages of shifting the trials to countries where costs are cheaper and regulations less stringent. However, laxity in procedures should not be the motive for shifting trials. It would save lives of millions of people and improve accessibility of cure through cheaper cost. So, it is prudent to shift laboratory to country with easier regulations.

However, I will use the same safeguards and precautions which are used in developed countries, encompassing every aspect from informed consent, side-effects' treatment, compensation in cases of errors, etc. I would make sure that no illegal practice is done and ensure strict action for any breach.

Thus, I would be able to ensure greater benefits to people at large without compromising with the safety and well being of people who have put trust in me.

(c) **Framework of standard procedure**

- **Social Value:** Study should help researchers determine how to improve people's health or well-being.
- **Scientific Validity:** Research should be expected to produce useful results and increase knowledge. Researchers should design their experiments to be as good as possible.
- **Fair Subject selection:** Researchers should be fair in both recruiting and deciding which people can be in the study.
- **Favourable risk benefit ratio:** For research to be ethical, any risks must be balanced by the benefits to subjects, and/or the important new knowledge society will gain.
- **Independent review:** Researchers sometimes overlook ways they could improve their research results. To avoid such problems, a group of people who are not connected to the research are required to give it an independent review
- **Informed Consent:** Subjects must be told about the details of the study. They should voluntarily agree to participate and give informed consent.
- **Respect for subjects:** Regular health monitoring along with maintaining confidentiality of information would impart trust.
- **Data Sharing:** Data from past researches should be made available to others. It would exclude the need for new trials for similar drugs thus speeding the process of drug approval. This clause must be ensured in WTO negotiations on data exclusivity.

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