



## GS PAPER IV: ETHICS, INTEGRITY AND APTITUDE CIVIL SERVICES (MAINS) EXAMINATION 2018 - SOLUTIONS

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### SECTION A

**1.(a) State the three basic values, universal in nature, in the context of civil services and bring out their importance. (150 words, 10 marks)**

#### ANSWER

2nd ARC in its 4<sup>th</sup> report has mentioned several foundational values for civil services like dedication, objectivity, impartiality etc. However the three most basic and core universal values among the range of values for civil services include –

**Integrity:** Integrity is complete consonance of thought, speech and action. It is best risk management preparedness against internal and external pressure for doing corruption. It is morally uplifting in nature and inspires a public servant to dedicate his life for public cause. Integrity is about doing right things even when nobody is watching you.

Such officers with integrity don't even need rules to guide them as they have internal locus of control. Examples include officers like SaryendraDubey and S. Manjunath, who derived intellectual courage from integrity to fight against injustice.

**Compassion:** Yudhishtira in Mahabharat proclaimed that compassion is the highest Dharma. Compassion helps a public servant to be kind and empathetic towards the needs of citizens. It also helps them to stay in touch with people and make realistic policies which are in line with ground realities. It also prevents ego from getting developed among bureaucrats.

**Wisdom:** is the charioteer for all other human virtues. Wisdom helps a public servant to make an informed decision. Justice is also not possible without wisdom as it guides a bureaucrat to make an inclusive, sustainable choice.

It also helps them to balance national, social and international goals and remain fair to all. Vinod Rai showed wisdom while playing a proactive role as the CAG of India.

Thus, a civil servant must always express these basic and universal values. They are the core values and all other virtues can be regarded as their manifestations.

**1.(b) Distinguish between “Code of ethics” and “Code of conduct” with suitable examples. (150 words, 10 marks)**

#### ANSWER

Both Code of ethics and Code of conduct are effective tools to regulate the behaviour of public servants towards desired ends. Yet, they are different in their content, approach and extent of coverage. Differences

are mentioned in the table given below:

| Code of Ethics   | Code of Conduct   |
|--|---|
| 1. It set out general values and principles that guide rather than dictate behavior. Like integrity and transparency. Basic guidelines are given and rest is left on bureaucrats to decide as per the situation. | 1. It lay out specific guidelines and procedure in form of dos and don'ts to determine what is right and what is wrong in a profession. Like taking no gifts of value above Rs. 5000/ - or not giving any information to media without government permission. |
| 2. It is highly descriptive and abstract. Like what is fair can have different meanings for different individuals.   | 2. It is prescriptive and specific in nature. Like a civil servant cannot gamble or drink liquor in public.   |
| 3. Universal approach: Doesn't take into account cultural considerations. Like equality and non-partisanship   | 3. Contextual approach: takes into account specific requirements of a society. like civil servants are not allowed to participate in politics in India but same is allowed in France.   |
| 4. Difficult to enforce due to their subjective nature. Like code of ethics given by ethics committee in Rajya Sabha is not enforceable.   | 4. Easy to enforce due to its objective nature.   |
| 5. No need to change on regular basis. Values like integrity, secularism are universal   | 5. Regular up-dation required as civil services environment keeps on changing. Recently social media related conduct rules were added to All India Service conduct rules 1968.  |
| 6. One for all levels. Ex. Nolan committee seven principles of public life.  | 6. Different code of conduct is required at different levels.   |
| 7. No readymade solutions as interpretations have to be made by bureaucrats. Like what he shall do if a particular act is beneficial for public as well as for him.  | 7. Provide quick solutions in emergency situations. Like no comments on social media regarding politics and government policies.  |

As per 2<sup>nd</sup> ARC's 10<sup>th</sup> report, a comprehensive code containing both is required to ensure ethical behavior among public servants in the interest of the citizens.

**2.(a) What is meant by public interest? What are the principles and procedures to be followed by the civil servants in public interest? (150 words, 10 marks)**

**ANSWER**

Public interest is serving the needs and aspiration of people at large. Any act of commission or omission which is done for the larger good of the society is public interest. It is about working for people's right as guaranteed by the constitution. As per Thomas Hobbes, public interest is the obligation on ruler under the social contract

However, it is an abstract idea and different people can have different interpretations of what constitutes public interest. Like enforcing AFSPA-1958 for law and order can be in public interest for some but for others it is not

Principles upholding public interest which must be followed by civil servants are as follows:

1. **Constitutional principles** – provided under Preamble, Fundamental rights and Directive Principle of State Policy to develop a just society, reduce inequality, gender justice, and environmental conservation among others.
2. **Code of Ethics** – that has values of Justice, equality, fraternity etc.

3. Gandhian principles of 'Sarvodaya' (Welfare of all) and 'Antodaya

4. **Other ethical principles** – like 'common good' approach and 'Utilitarianism' in governance.

There are various sources of guidance for procedure to be followed by civil servants –

1. **Code of conduct** – of civil services laid down the procedure to be followed. It has mean values like objectivity, impartiality, non-partisanship etc. which must be followed. It includes detailed procedures to be followed.
2. **Rules, regulations, policies and Legislations** – Important acts on public interest like Prevention of corruption act, Money laundering act etc. regulate bureaucrats to stay on the right path.
3. **Procedure laid down by the courts** – In absence of legislation, civil servants must follow the procedure laid down by courts. Ex. – SIT on Black money, ban on sale of alcohol on highways, Sabarimala judgment etc.
4. **International conventions** – and guidance provided there in e.g. – bribing foreign officials under United Nations Convention against Corruption.

Public interest must be the essence of bureaucratic functioning, as it is the objective for which bureaucracy has been created.

**2. (b) "The Right to Information Act is not all about citizens' empowerment alone; it essentially redefines the concept of accountability. Discuss. (150 words, 10 marks)**

**ANSWER**

Earlier in pre-RTI era, citizens were treated as subjects and were living under cloak of opaqueness. But now citizens are empowered to seek transparency, ask question from administration and hold it accountable.

In a democracy, power flows not from the barrel of gun, but from information that citizens have with them. RTI has made this vast power accessible to people. The act also had a domino effect as it led to the demand for several other equally important rights like the right to employment guarantee, the right to education and the right to food security.

However, RTI act has not only empowered citizens but has also redefined the concept of accountability by improving both answerability and enforcement on government. All organs of government have been affected like:

- **Scams Exposed:** Several scams were exposed using the RTI Act like Adarsh Housing scam, 2G scam, coal blocks allocations and Commonwealth Games scandals.
- **I-T Returns of the Parties:** In 2008, CIC ordered the disclosure of I-T returns filed by political parties.
- **Accessible File-Notings:** This has created pressure on bureaucrats to use their discretionary powers in a responsible manner.
- **Assets of Ministers, Bureaucrats and Judges:** As a result of pressures brought about by the transparency law, the assets and liabilities of ministers, civil servants and judges are now available in the public domain, and are updated annually.
- RTI act has clearly defined the time period under which information is to be provided and in case of non-fulfillment the procedure of grievance redressal and punishment to the PIO. This has helped in proper enforcement of RTI.
- Simplification of processes for filing of RTI Requests and Appeals to central Government Authorities which included setting up of a call-centers and portal for filing of RTI requests in Government offices have been done.

However, there is further need for a sustained mass awareness campaign, greater voluntary disclosure of information held with public Authorities, need to rid ourselves of the old mindset regarding secrecy of

government processes and transactions and the need for people demanding information under the RTI act.

Lord Acton has rightly said that: "Nothing is safe that does not show that it can bear discussion and publicity."

**3. (a) What is meant by conflict of interest? Illustrate with examples, the difference between the actual and potential conflicts of interest. (150 words, 10 marks)**

**ANSWER**

Conflict of interest (CoI) is said to arise when official duties, public interest, and personal interest are taking priority over one another.

Because of the multiple roles public servants play in their daily lives, they inherently possess many different interests and loyalties. At any given time, these interests may compete and hence lead to a situation of CoI.

Present Finance minister, Arun Jaitley, when in opposition was legal advisor to Vodafone. After becoming the finance minister he delegated the matter of retrospective taxation of Vodafone to other minister to avoid any CoI.

Such conflicts are a part of life and are unavoidable. However, to maintain objectivity and probity, their resolution in effective manner is necessary. They can be of two types:

**An actual CoI** is when an officer is in a position to be influenced by their private interests when doing their job. For instance –

- (a) When, a judge gives a ruling in a case which involves his son as one of the party. It involves actual as well as perceived CoI. (Happened with former CJI S.H. Kapadia in Vodafone case)
- (b) When as a District Collector, you have to decide over circle rates of an area which also includes one of your ancestral properties.
- (c) When your official duty calls for obeying your political boss but public interest requires going against his will.

**A potential CoI** is where an officer is in a position where they may be influenced in the future, by their private interests when doing their job. Such conflict may also arise later in the service or after retirement due to the previous position held by a public servant. For example –

- (a) Lateral entry: a private sector CEO of a company will have a potential CoI if he makes a lateral entry into Corporate Affairs Ministry.
- (b) If a bureaucrat has worked in law ministry for long and after retirement he/she intends to join a law firm, then he has potential CoI.

Thus potential CoI has future orientation whereas actual CoI has present one. A potential CoI will become an actual CoI if not handled in advance.

Any such conflict can lead to feeling of injustice among citizens, as happened in case of Chanda Kochhar while giving loan to Videocon as the CEO of ICICI Bank.

**3. (b) "In looking for people to hire, you look for three qualities: integrity, intelligence and energy. And if they do not have the first, the other two will kill you." – Warren Buffett**

**What do you understand by this statement in the present-day scenario? Explain.**

**(150 words, 10 marks)**

**ANSWER**

Warren Buffett, in this quote, calls attention to the important qualities required in work place. For innovation, efficiency, productivity and better work culture; integrity, intelligence and energy is required. However he gives primacy to integrity, as without it, others will work against the company.

Intelligence (both intellectual and emotional) is necessary to understand the technicalities of job requirement as well as establishing good inter-personal relations. Intelligence leads to credibility, innovation and sustainable development of an organization.

Level of energy includes the enthusiasm and commitment of an employee towards the company. It decides the pace with which organization will grow and is proportional to employee's motivation.

Integrity, however, is the best risk management strategy for any organization. It ensures alignment of values and behaviour. It is about doing right things, even when nobody is watching you. Thus, it is the best mechanism to fight corruption.

If integrity is absent and intelligence and energy is present in a person then he/she is risky for the organization and society because –

- (a) Loopholes in the rules and laws can be found easily and can be used for personal gain. Like high level of corruption in Indian bureaucracy despite of strict rules.
- (b) Integrity is morality in action. Its absence can lead to graft and nepotism.
- (c) Intelligence without Integrity leads to a clever evil, who works only for chauvinistic individual interest. People like Osama Bin Laden, Nirav Modi, IAS Joshi Couple of Madhya Pradesh are examples of it.
- (d) People without integrity have external locus of control and thus no character. Such people destroy the work culture which affects company's sustainability. Recent spat between CBI and government is an example in this regard.
- (e) People (like Vijay Mallya) with no integrity but high energy have higher probability to use wrong means to achieve their ends.

Thus, integrity is a small thing that plays a big role. People like Satyendra Dubey, S. Manjunath and Ashok Khemka give a testimony of this assertion. Test of integrity during recruitment process, ethical training, ethics audit, integrity pact among other tools must be used to inculcate this value.

It has been rightly said that if you have integrity, nothing else matters, if you don't have integrity, nothing else matters.

**4.(a) "In doing a good thing, everything is permitted which is not prohibited expressly or by clear implication".**

**Examine the statement with suitable examples in the context of a public servant discharging his/her duties. (150 words, 10 marks)**

**ANSWER**

Laws, rules and regulation represent minimalist approach to administration and can only ensure non-maleficence. Secondly, not everything can be covered through written text as nobody knows what exactly lies in the future. It is in this context that Public servants many times have to use their wisdom in doing good.

In developing countries, resources are limited and civil servants have greater responsibilities for the socio-economic development and fulfillment of constitutional promises of Justice and equality. To do so, they have to take a pro-active approach like:

- Armstrong Pame, a DM in Manipur, constructed 100 km long road. There were no funds in the district. That did not stop him. He collected funding through crowd sourcing and ensured expedited completion of the project before arrival of monsoon. He did everything he could within the legal limits.
- Vinod Rai showed CAG activism during his tenure which led to probity in governance. Same goes with T.N. Seshan who made positive connotation of powers provided to him by the constitution as an election commissioner to cleanse the electoral process in India.
- U Sagayam, Senior IAS officer in Tamil Nadu, made voluntary disclosure of details of his assets.

This proactive approach helps in building more trust and social capital. This was done even when it was not required by the law.

- Kiran Bedi used her power to even issue challan against the car of PM, as it is nowhere written that PM's car cannot be fined.

Thus, the principle that: "Everything which is not forbidden is allowed" can be used by public servant to fulfill the aspirations of people. However, unfortunately, it is often used for self-interest rather than for establishing common goods. Bureaucrats use loopholes of anti-graft law to do corruption and favoritism.

Hence, the maxim shall be used seldom and only as a last resort. Public servants shall have right intentions to bring innovation and novelty in public administration for public good.

**4. (b) With regard to the morality of actions, one view is that means is of paramount importance and the other view is that the ends justify the means. Which view do you think is more appropriate? Justify your answer. (150 words, 10 marks)**

**ANSWER**

The deontological (duty based) and teleological (end based) schools of moral philosophy represent two different approaches with same intention of doing right

Many moral thinkers and Philosophers consider means to be of paramount importance. Gandhiji too said that means must have goodness of ends. If means are not good then there is bound to be some unintended problems despite achieving the end. For instance –

- When we just focus on end i.e. industrialization, growth and economic development and pay less attention to mean i.e. compensation and rehabilitation to displaced people then social dissonance and conflict starts.
- If the focus is on the end of getting the work done and wrong means of bribing government officials is adopted, then problem of corruption will never be solved.
- In the international arena the imposition of democracy by western countries on some countries in West Asia has end values as democracy. However not following right means has devastated the whole region.
- For civil servants mean values of transparency, objectivity, integrity etc. are important for building social capital, trust, credibility and legitimacy. Without these, end of good governance and ethical governance cannot be achieved.

However sometimes decision may be end driven. Wrong means have to be used for right ends.

- In the climax of Mahabharata, to defeat the evil forces, Sri Krishna advised Yudhishtra to lie to Dronacharya. Many principles of a just war were broken.
- USA bombed Hiroshima and Nagasaki to end 2<sup>nd</sup> World War.
- In the national interest recently SC upheld the decision of government to send back Rohingyas refugees.

As per my view, both approaches are not conflicting but are supplementary and complimentary to each other. They must be used in an integrated manner to achieve the most optimum result. For a civil servant, decisions shall be made as per the virtues and ideals mentioned in our constitution.

**5.(a) Suppose the Government of India is thinking of constructing a dam in a mountain valley bond by forests and inhabited by ethnic communities. What rational policy should it resort to in dealing with unforeseen contingencies? (150 words, 10 marks)**

**ANSWER**

Any unforeseen contingency can be resolved with cooperation and participation of all stake holders. A multi-pronged strategy can be applied in this regard, which must include following principles and components:

- **Principle of distributive justice:** as propounded by Aristotle and John Rawls, benefits and burdens must be shared equally. Local people who might suffer because of the project must also be given the benefit in terms of electricity and employment. Fishing rights can be given to local ethnic communities as well. This will avoid any kind of protest or resistance from local communities like what is happening in Naxalite areas.
- **Principle of Sarvodaya through Antyodaya:** Even the most weak and vulnerable person must draw benefit out of the project either directly as employee in Dam maintenance after skill development or indirectly through infrastructure development.
- **Citizen's Participation in governance process:** citizens must be involved in the entire process, from site selection, social impact assessment, environmental impact assessment and amount of compensation. Effort shall be made to enhance social capital which will lead to more trust and credibility between government and citizens. Local leaders must be included in all decisions for greater acceptance and compliance.
- **Plan on rehabilitation and resettlement:** Immanuel Kant has said, "So act as to treat humanity, in every case as an end withal, never as means only". There must be proper rehabilitation and resettlement plan to value human life.
- **Principle of minimum disruption:** of local way of life by minimizing acquisition of private land and displacement of people. Cultural and religious traditions must be taken care of while building the dam.
- **Team with high moral and professional standards:** Integrity, intrinsic motivation, dedication and spirit of public service must be in the team working for the project.
- **Transparency and accountability:** all relevant information should be in the public domain for scrutiny and timely course correction. Local institutions of governance like Gram Sabha and tribal councils can be used for this purpose.
- **National biodiversity act preparedness:** People's registry under the act must be prepared to keep record of flora and fauna in the area for regeneration in case of any catastrophe.
- **Mass drill and training:** to prepare local people to act smartly in the situation of any disaster.

We may not always know the problems ahead but preparedness at all levels will help in coping with the unforeseen contingencies. Most importantly, compassion must be shown towards the locals as it has the strength to counter every situation.

### 5.(b) Explain the process of resolving ethical dilemmas in Public Administration.

(150 words, 10 marks)

#### ANSWER

Public Administration is a tool to serve the whole society. All decisions must be taken with clarity and any ethical dilemma must be resolved with right balance of reason and emotions.

Process of resolving an ethical dilemma may include following steps each having some questions which a person has to answer to himself in order to make a decision.

1. **Recognize the ethical dilemma and value concerns involved in the case:** correct identification is most important as it forms the essence of the case.
  - Supreme Court's interference in women's temple entry issue leads to a dilemma between religious rights and gender equality.
  - Freedom of speech may create furor sometimes but has to be allowed for dignity to citizens, independence of media and development informed public opinion.
  - Justice versus mercy in case of Juvenile justice system in India.
2. **Get the Facts: it includes following steps**
  - What are the relevant facts of the case?

- What individuals and groups have an important stake in the outcome?
- What are the options for acting?

Like in case of juvenile justice, recent increase in heinous crimes (like rape and murder) by juveniles and its repercussions on society must be taken into account. All vulnerable sections like women, children and old-age must be considered. Options include deterrent, proportional or reformatory justice.

**3. Evaluate Alternative Actions:** Evaluation can be done by using different ethical approaches:

- Which option will produce the most good and do the least harm? (The Utilitarian Approach)
- Which option best respects the rights of all who have a stake? (The Rights Approach)
- Which option treats people equally or proportionately? (The Justice Approach)
- Which option best serves the community as a whole and not just some members? (The Common Good Approach)
- Which option leads me to act as the sort of person I want to be? (The Virtue Approach)
- Constitutional standards of Gandhian philosophy, equality, justice, universal peace and harmony
- International conventions on labour rights, Children, women, refugees etc.

**4. Make a Decision-** following things come under this concluding part:

- Considering all these approaches, which option best addresses the situation?
- On what basis I will justify the option which has been selected by me?
- How can my decision be implemented with the greatest care and attention to the concerns of all stakeholders?

Final decision may take into account your conscience, recent Supreme Court judgments and precedents set by people with wisdom.

Thus, having a process for resolving ethical dilemmas is essential. When practiced regularly, the method becomes so familiar that one can work through it automatically without consulting the specific steps.

**6. What do each of the following quotations mean to you in the present context?**

**(a) "The true rule, in determining to embrace, or reject anything, is not whether it has any evil in it; but whether it has more evil than good. There are few things wholly evil or wholly good. Almost everything, especially of governmental policy, is an inseparable compound of the two; so that our best judgment of the preponderance between them is continually demanded." Abraham Lincoln (150 words, 10 marks)**

#### **ANSWER**

Through this quotation Abraham Lincoln explains the difficulty in government decision making and also the right approach to solve it.

All the choices that are present with different governments have their positives and negatives and wisdom often lies in choosing that option which leads to the greatest balance of benefits over harms.

These pros and cons are due to diversity of opinion, thought and ideas; conflicting rights of citizens; values conflict; globalized economy and different socio-economic aspirations of different sections of society. *For instance -*

- FDI in retail increases competition and improves quality of product for consumers. However it also hurts the interest of small traders.
- Aadhar project is in public interest as it will help in disbursement of scholarships, subsidies etc. without leakage. However there is risk of personal data leakage and social profiling.
- The battle between socialism and capitalism can be regarded as the biggest battle between two goods which has led to many wrongs during the cold war era.
- Similarly economical good or environmental good is another controversy.

- Infrastructure projects like dams, highways etc. results in eviction and displacement of poor. However it is also true that these projects act as multiplier factor in economy and improves living standard of people.

Hence many times, decision has to be taken in larger public interest using the principle of utility and common good. Continuous evaluation of any decision needs to be done to ensure benefits outweigh disadvantages. For instance –

- During green revolution farmers were given subsidy on electricity. It was necessary for food security of thenation. However later it was realized that over-extraction has resulted in rapid depletion of ground water. This called for change in policy.
- For competition, efficiency and fiscal prudence government deregulated petroleum market. However with prices rising to unbearable limit for common man, policy intervention is required.

The purpose of ethical decisions is to serve the public interest. When prevailing conditions change, so must our decision to ensure continued public interest. For this flexibility, we must have values of tolerance, scientific temperament and intellectual humility and continuous feedback from citizens.

**(b) “Anger and intolerance are the enemies of correct understanding.” \_ Mahatma Gandhi (150 words, 10 marks)**

**ANSWER**

For correct understanding we must consider all perspective and viewpoints of all stakeholders. There is need of self and social awareness. It also requires clear thinking without bias or prejudice. However negative emotion of anger and intolerance-

- ✓ Does not allow emotional intelligence to function
- ✓ Destroys the objectivity and the power of rational thinking: self-regulation
- ✓ encourages non-acceptance of one’s own mistake
- ✓ discourages understanding suffering and pain of others
- ✓ harms the values of forgiveness and magnanimity

*For example –*

- Anger and intolerance does not allow correct understanding of historical perspective of evils like communalism, racism, caste system, border dispute etc. Hence there is no resolution to these problems.
- In personal relation, in the spur of the moment, due to anger we take extreme steps like separation or divorce. There is absence of correct understanding and reconciliation.
- Incidents like mob lynching, cow vigilantism, road rage cases, acid attacks and communal riots are all the result of anger and intolerance dominating our reason.
- Sikh riots of 1984 or Gujarat riots of 2002 are the result of this assertion only.

Almost every religion teaches us to be calm and tolerant. Anger or wrath has been declared as one of the seven deadly sins in Christianity. Bhagavad Gita calls anger as one of the six enemies of mind. Jainism gives the doctrine of Anekantavada which calls for tolerance to different viewpoints.

Buddhism teaches us that anger, like all mental states, is created by the mind - “No one makes you angry. You make yourself angry.” Thus, one must develop emotional intelligence, like Gandhiji who used his anger to win rights and freedom from imperialist powers.

**(c) “Falsehood takes the place of truth when it results in unblemished common good.” - Tirukkural (150 words, 10 marks)**

**ANSWER**

As per Mahabharata, Dharma is contextual and there can be no absolute principles of ethicality. Like speaking truth even if it leads to a wrong will be unethical.

- Yudhishtira lied to Dronacharya about his son's death in order to win the war and establish Dharma, the supreme common good in the society.
- Karl Plagge was a German government engineer who rescued Jews during World War II by issuing work permits to nonessential workers. For this, he had to make false statements to the government.

Moral perfection is not the goal of public servants and many times they have to use falsehood for ensuring public interest. Like,

- If there is a security threat from a terrorist attack or bomb explosion, then security agencies and senior officials in government may declare the situation to be under control, even if it is not, to avoid panic in public.
- Some state government comes with a report on 'Open-defecation' stating a very high death rate due to snake bites. Data may be flawed but helps the cause of making the state open defecation free.

However, falsehood has its own problems. Jainism and Gandhian philosophy is strictly against making false statements. For Gandhi ji, no right end can be achieved through wrong means and honesty is always the best policy.

Thus, it is against human dignity to try and influence behaviour based on wrong information. We must rather try to develop an unblemished common good on the principle of truth that will be more sustainable and acceptable to all. Falsehood can only be resorted to as the last choice and the person speaking it shall at least remain truthful to himself.

## SECTION B

7. **Rakesh is a responsible district level officer, who enjoys the trust of his higher officials. Knowing his honesty, the government entrusted him with the responsibility of identifying the beneficiaries under a health care scheme meant for senior citizens.**

**The criteria to be a beneficiary are the following:**

- 60 years of age or above.**
- Belonging to a reserved community.**
- Family income of less than 1 Lakh rupees per annum.**
- Post-treatment prognosis is likely to be high to make a positive difference to the quality of life of the beneficiary.**

**One day, an old couple visited Rakesh's office with their application. They have been the residents of a village in his district since their birth. The old man is diagnosed with a rare condition that causes obstruction in the large intestine.**

**As a consequence, he has severe abdominal pain frequently that prevents him from doing any physical labour. The couple has no children to support them. The expert surgeon whom they contacted is willing to do the surgery without charging any fee. However, the couple will have to bear the cost of incidental charges, such as medicines, hospitalization, etc., to the tune of rupees one lakh. The couple fulfils all the criteria except criterion 'b'. However, any financial aid would certainly make a significant difference in their quality of life.**

**How should Rakesh respond to the situation? (250 words, 20 marks)**

### ANSWER

The case presents conflict between two foundational values of civil services, objectivity and empathy & compassion. Following are other values and issues involved in this case –

- Trust reposed by higher officials on Mr. Rakesh to implement the scheme with responsibility.

- Maintaining the integrity of criterion of the scheme.
- Socio-economic justice to old couple in unreserved category.
- Rights of genuine beneficiaries to avail social service schemes.
- Effectiveness and inclusiveness of government schemes.
- Means versus Ends

If Mr. Rakesh accommodates the old couple without fulfilling the criterion then significant difference in the quality of their life will happen. It will also amount to distributive justice of John Rawls. It will fulfill the spirit of equity of our constitution. State will also seem to oblige the social contract by helping citizens in need.

However accommodation under the scheme without fulfillment of criterion will go against rule of law. Also, taking an ad hoc decision may destroy work culture. It will have a demonstration and domino effect on other employees and colleagues. This will destroy the basic essence behind creating a law and will breed corruption and nepotism in the scheme.

It may also create discontentment in reserved category for whom the scheme has been formulated. This will impact the image of civil service as being impartial and non-partisan. The decision will also go against the idea of Max Weber model of bureaucracy.

Mr. Rakesh must use emotional intelligence to deal with the situation. He must express the foundational values of empathy and compassion within the contour of legal and rational bureaucracy. The problem of exclusion also has to be dealt holistically. Hence he can adopt following course of action –

- Recommend to the concerned ministry/authority to amend the criterion of the scheme to fully or partially accommodate unreserved category as well.
- For this he can prepare a detailed report highlighting the need among unreserved category as a tool of persuasion.
- On immediate basis he can arrange for some financial help to the old couple from self, family and friends, NGO's working in health sector, Philanthropist etc. crowd funding can also be used in this regard. This will save Mr. Rakesh from possible crisis of conscience and inner dissonance.

Mr. Rakesh must show attitude of a committed bureaucrat. He must work with dedication to fulfill the constitutional promise of justice and support to senior citizens.

**8. As a senior officer in the Ministry, you have access to important policy decisions and upcoming big announcements such as road constructions projects before they are notified in the public domain. The Ministry is about to announce a mega road project for which the drawings are already in place. Sufficient care was taken by the planners to make use of the government land with the minimum land acquisition from private parties.**

**Compensation rate for private parties was also finalized as per government rules. Care was also taken to minimize deforestation. Once the project is announced, it is expected that there will be a huge spurt in real estate prices in and around that area.**

**Meanwhile, the Minister concerned insists that you realign the road in such a way that it comes closer to his 20 acres farmhouse. He also suggests that he would facilitate the purchase of a big plot of land in your wife name at the prevailing rate which is very nominal, in and around the proposed mega road project. He also tries to convince you by saying that there is no harm in it as he is buying the land legally. He even promises to supplement your savings in case you do not have sufficient funds to buy the land.**

**However, by the act of realignment, a lot of agricultural lands have to be acquired, thereby causing a considerable financial burden on the government, and also the displacement of the farmers. As if this is not enough, it will involve cutting down of a large number of trees denuding the area of its green cover.**

**Faced with this situation, what will you do? Critically examine various conflicts of interest and explain what your responsibilities are as a public servant.**

**(250 words, 20 marks)**

**ANSWER**

This is a case of political corruption and test of my integrity and uprightness as a senior bureaucrat

There are **various conflicts of interest** in the case –

- Professional interest of the concerned minister is in efficient execution of the road project. This will create social capital and increase trust and credibility of government. However, his personal interest is alteration of the project and increase in price of his farmhouse.
- For me as a bureaucrat, it is in my personal interest to have good relations with my minister and gain financial benefits from his offer. However, as a senior bureaucrat, it is my duty to give primacy to public interest i.e. optimum utilization of government resources and minimum loss to environment
- For my wife there is opportunity to buy new asset, however not at the cost of my integrity, dignity and reputation.

Following are **my responsibilities** as a public servant –

- Safeguarding my integrity and professional values: I have to protect and maintain probity of my office, work culture of organization and reputation of my ministry.
- I am responsible to guide my minister and persuade him against any act of corruption.
- I am responsible to fulfill fiduciary responsibility of government to complete the project in most cost effective manner.
- In the spirit of ethical governance, I must ensure minimum land acquisition, farmer's suffering and deforestation and loss to environment
- Trust and credibility reposed by people in government must not be breached.
- I have responsibility to protect myself from any internal hedonistic tendency and temptation through yoga, meditation and drawing motivation from literatures and life of great leaders and civil servants.

**My course of Action:**

- I will use Gandhiji's Talisman to take final decision. I will work in the interest of weak and vulnerable, farmers, environment and efficiently use public money to complete the project
- I will show intellectual courage and will decline any offer of being a party to any form of corruption.
- I will also advise the minister to stay away from any such activity that goes against public interest
- If minister uses his discretion to change the road plan, then I will report the same to concerned authorities and will mention it in file notings.
- I will also make sure that the same is not done by any of my colleague.

As Gandhiji has rightly said: - "I will not let anyone walk through my mind with their dirty feet"

9. **It is a State where prohibition is in force. You are recently appointed as the Superintendent of Police of a district notorious for illicit distillation of liquor. The illicit liquor leads to many deaths, reported and unreported, and causes a major problem for the district authorities.**

**The approach till now had been to view it as a law and order problem and tackle it accordingly. Raids, arrest, police cases, and criminal trials – all these had only limited impact. The problem remains as serious as ever.**

**Your inspections show that the parts of the district where the distillation flourishes are economically, industrially and educationally backward. Agriculture is badly affected**

by poor irrigation facilities. Frequent clashes among communities gave boost to illicit distillation. No major initiatives had taken place in the past either from the government's side or from social organizations to improve the lot of the people.

Which new approach will you adopt to bring the problem under control?

(250 words, 20 marks)

### ANSWER

This case highlights the importance of persuasion for attitudinal change among people to develop a value-laden society.

The details mentioned in the case calls for a multi-pronged strategy. Rather than just punishing the unacceptable behaviour, state must also target three components of attitude towards alcoholism i.e. cognitive, affective and behavioral.

State must also alter the situation that encourages such behaviour - economic, industrial and educational backwardness; low prospect in agriculture and communal disharmony.

Following persuasion techniques can be adopted in this regard -

- Value education in schools, panchayat and other social institutions to instill dignity and self-worth. Socratic Method can be used in this regard.
- Motivating youth through speeches, literatures, videos, workshops, mohalla meetings to dream and work hard to achieve their dream. They must inculcate perseverance and discipline.
- They must be taught the message of Rudyard Kipling -

*If you can fill the unforgiving minute*

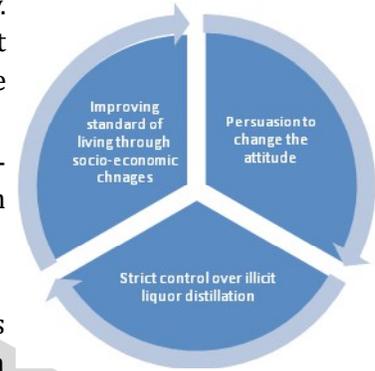
*With sixty seconds' worth of distance run,*

*Yours is the Earth and everything that's in it,*

- Female members of society can be organized (SHGs) and trained to explain the harmful impact of liquor using emotional intelligence.
- Males can be motivated to provide better future to family by invoking values of love and compassion.
- Explanatory videos and short films illustrating harmful physical, mental, psychological and spiritual impact of liquor must be popularized.
- Role modeling by people who have successfully overcome their liquor addiction. Movies like Sanju can be showcased.
- Government sponsored De-addiction centers and gifts, Credit facility for entrepreneurship, appreciation by village etc. for people who successfully overcome addiction.

Following administrative measures must also be taken to remove situation that favor such behaviour -

- Educational institutions must be strengthened through funds, teachers training, use of ICT and innovation like mid-day meal, sports etc. for high retention.
- Increasing agricultural investment for irrigation, productivity, marketing, food processing and entrepreneurship.
- Skill development and engaging youths in more productive jobs as Empty mind is devil's workshop.
- Ease of doing business to attract investment and industrialization in the region.
- Ensuring communal harmony through cooperation of local politicians
- Spread of message of peace on social media and regular media and implementing constitutional provisions.



These two steps shall be complementary to the already existing steps taken at law and order level like raids, arrest, police cases, and criminal trials. But this hard approach must be taken against suppliers rather than people suffering from alcoholism. Some other steps at this level can be:

- Police training to deal with the illicit liquor distillation seriously.
- Use of spies and informers
- Quick trials and convictions.
- Use of ICT to take swift action against culprits.

Human capital is the greatest asset of a nation. State must not allow its degradation through liquor consumption.

**10. A big corporate house is engaged in manufacturing industrial chemicals on a large scale. It proposes to set up the additional unit. Many states rejected its proposal due to the detrimental effect on the environment. But one state government acceded to the request and permitted the unit close to a city, brushing aside all opposition.**

**The unit was set up 10 years ago and was in full swing till recently. The pollution caused by the industrial effluents was affecting the land, water and crops in the area. It was also causing serious health problems to human beings**

**and animals. This gave rise to a series of agitation thousands of people took part, creating a law and order problem necessitating stern police action. Following the public outcry, the State government ordered the closure of the factory. The closure of the factory resulted in the unemployment of not only those workers who were engaged in the factory but also those who were working in the ancillary units. It also very badly affected those industries which depended on the chemicals manufactured by it.**

**As a senior officer entrusted with the responsibility of handling this issues, how are you going to address it? (250 words, 20 marks)**

**ANSWER**

This case presents the challenge of balancing environmental sustainability with growth and industrialization. The competing rights of citizens have to be fulfilled by government to honor its social contract with the citizens.

As a senior officer, I will have to take into account following dilemmas and concerns:

- Economy versus Ecology
- Short term versus long term orientation
- Right of workers to earn their livelihood versus right of citizens to live in clean environment
- Right to food and health: degradation of land and water will irreversibly destroy the ecology and also the way of life of farmers. Diseases caused by pollution will be passed on from generation to generation.
- Justice to the stakeholders of other factories dependent on this unit
- Gandhi ji's talisman which looks for the impact on poorest of poor person must be taken into regard in this case.
- Trust and credibility of government

Good governance requires following steps to be taken in this situation.

- Factory shall be shut down forever as environmental pollution is an incurable disease that can only be prevented.
- Law and order must immediately be restored as factory has already been closed. Compensation and medical help can be given to victims of mob confusion and protest.
- A plan shall also be developed for the rejuvenation of land and water resources that have been affected from poisonous chemicals.
- Workers unemployed must be upgraded in skill to be absorbed elsewhere or given some credit facility for self-employment. Skill India initiative and MGNREGA scheme can be useful in this regard.

- New supplier can be arranged for industries dependent on the chemicals from other parts of the country or neighboring countries. Import tariff can also be reduced temporarily to prevent economic shock.
- Government can also identify certain places at which such factories can be established, but only after conducting comprehensive EIA and SIA surveys.
- The root cause of the problem – discharge of untreated effluents, must be addressed. In this regard two steps have to be taken –
  - (a) Environmental regulation and monitoring have to be strengthened. Transparency and accountability in this regard must be ensured.
  - (b) Technology to treat factory discharge cost effectively has to be developed.

Thus, sustainable development is the only pathway to the future we want for all. It offers a framework to generate economic growth, achieve social justice, exercise environmental stewardship and strengthen governance.

**11. Dr. X is a leading medical practitioner in a city. He has set up a charitable trust through which he plans to establish a super-specialty hospital in the city to cater to the medical needs of all sections of the society. Incidentally, that part of the State had been neglected over the years. The proposed hospital would be a boon for the region.**

**You are heading the tax investigation agency of that region. During an inspection of the doctor's clinic, your officers have found out some major irregularities. A few of them are substantial which had resulted in considerable withholding of tax that should be paid by him now. The doctor is cooperative. He undertakes to pay the tax immediately.**

**However, there are certain other deficiencies in his tax compliance which are purely technical in nature. If these technical defaults are pursued by the agency, considerable time and energy of the doctor will be diverted to issues which are not so serious, urgent or even helpful to the tax collection process. Further, in all probability, it will hamper the prospects of the hospital coming up.**

**There are two options before you:**

- 1. Taking a broader view, ensure substantial tax compliance and ignore defaults that are merely technical in nature.**
- 2. Pursue the matter strictly and proceed on all fronts, whether substantial or merely technical.**

**As the head of the tax agency, which course of action will you opt and why?**

**(250 words, 20 marks)**

#### **ANSWER**

The case raises questions about the ethical principles that must guide the conduct of a civil servant

|   |  |
|---|--|
| <p><b>Facts</b></p> <ul style="list-style-type: none"> <li>• Philanthropic doctor wants to build hospital for poor.</li> <li>• Irregularity in tax payment on part of doctor</li> <li>• Technical procedures which hamper the prospects of hospital.</li> </ul>   | <p><b>Facts</b></p> <ul style="list-style-type: none"> <li>• Government</li> <li>• Doctor X</li> <li>• Me as the head of tax investigation agency</li> <li>• People of city</li> </ul> |
| <p><b>Dilemmas and values involved</b></p> <ul style="list-style-type: none"> <li>• Means versus Ends</li> <li>• Empathy and justice for local people</li> <li>• Right to health of citizens</li> <li>• Virtues of Objectivity and Legality of a civil servant</li> <li>• Hospital as a common good</li> <li>• Trust and credibility of the government</li> </ul> | <p><b>Aim of Case</b></p> <ul style="list-style-type: none"> <li>• Construction of hospital without delays.</li> <li>• Maintenance of rule of law.</li> </ul>                          |

**Analyzing both Options:**

1. Taking broader view and ignore technicalities
  - If we look from the lens of utilitarian principle, then ignoring technical issues will have utility. It will lead to largest balance of benefits over harm.
  - Tax agency will not have reputation of harassing citizens.
  - Dr. X can focus more on his noble profession of treating patients.
  - The neglected part of state will get justice in terms of medical facility.
  - Social capital of tax agencies may increase resulting in more tax compliance.
  - Dr. X will remain motivated and will have demonstration effect on others.
2. Pursue the matter strictly, even on technical grounds
  - I will fulfill my professional duty of being legal and rational.
  - Bhagavad Gita teaches to do one's duty as highest dharma.
  - As per Kant's categorical imperative, if something cannot be made universal law it cannot be moral. We cannot accept violation of technical rules universally; hence it cannot be ignored here as well.
  - Gandhiji had remarked that "a duty well performed creates a corresponding right".
  - Integrity of the process of tax collection will be maintained. Diligence, work culture, and organizational values will be safeguarded.
  - Values of impartiality and non-partisanship will be safeguarded which provides credibility and legitimacy to bureaucracy.
  - People should not have a perception that the leading medical practitioner of the city has been favored.
  - Corruption begins on a small scale and in benign form. However soon it snowballs into worst forms, detrimental to socio-economic development of society.

Based on above analysis I will follow the rule in totality. However certain steps can be taken to make the tax filing process for Dr. X and others easy and quick in the spirit of good and ethical governance.

Procedure can be relaxed only by my senior or the politician who have the discretion in this regard. I can send a report to them in this regard to fasten up the process.

I can also help the doctor to fulfill administrative requirements in the construction of the hospital in personal capacity and become part of a noble cause.

12. **Edward Snowden, a computer expert and former CIA administrator, released confidential Government documents to the press about the existence of Government surveillance programmes. According to many legal experts and the US Government, his action violated the Espionage act of 1971, which identified the leak of State secret as an act of treason. Yet, despite the fact that he broke the law, Snowden argued that he had a moral obligation to act. He gave a justification for his "whistle blowing" by stating that he had a duty "to inform the public as to that which is done in their name and that which is done against them."**

**According to Snowden, the Government's violation of privacy had to be exposed regardless of legality since more substantive issues of social action and public morality were involved here. Many agreed with Snowden. Few argued that he broke the law and compromised national security, for which he should be held accountable.**

**Do you agree that Snowden's actions were ethically justified even if legally prohibited? Why or why not? Make an argument by weighing the competing values in this case**  
(250 words, 20 marks)

**ANSWER**

Laws are usually in congruence with ethics as the purpose of making any law is the enforcement of societal morality. But sometime laws may come in conflict with the morality of an individual and this creates ethical dilemma.

Edward Snowden would have faced following concerns while making a decision on whistle blowing:

- Truth versus loyalty towards CIA
- Trust and credibility of the government
- Virtues of empathy and compassion towards citizens whose right to privacy has been violated
- Conscience versus professional conduct
- International image of nation versus justice to citizens

If Edward Snowden would have followed the Espionage act of 1971 and did not leak state secret then –

- He would have followed professional ethics and contract
- He would be loyal to his organization, CIA.
- He would have not allegedly put national security in jeopardy.
- International reputation of his government would not have been marred.

However stand of Snowden can be justified based on following ethical principle –

- External whistleblowing was done only after resigning from the job (former CIA administrator given in case).
- Gandhiji advocated for breaking the unjust law. He said, “An unjust law is itself a species of violence”.
- As per the Rousseau’s social contract theory people do give up some of their rights to the sovereign power to protect rest of their rights. However how much right has to be given up will be decided by people. In this case permission of surveillance will have to be taken by government; otherwise social contract will be broken.
- Socrates also advocated for “speaking truth to power” if sovereign authority is using power in an unjust manner.
- As per third Principle of Kant’s categorical imperative one has to behave like a “member of kingdom of ends”. This means that one has to impose moral principle on oneself.
- This will also enable value of transparency and accountability in administration.
- In short term, this action of Edward Snowden may harm the interest of nation but in long term, it will only benefit the country in form of good governance.

Based on above analysis I agree that Snowden’s actions were ethically justified even if legally prohibited. Government cannot break the trust reposed by people.

If such surveillance is in national interest then government must pass a law on it and inform people. This will ensure political use of it, only for national interest

Vibhishana in Ramayana took the side of truth even against his brother and king Ravana, whereas Karna in Mahabharata remained loyal to his friend, Duryodhana. We all know the results of their choices.

Mahatma Gandhi has rightly said: - “Morality is the basis of things and truth is the substance of all morality.”

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