

ETHICS, INTEGRITY AND APTITUDE

Time Allowed: 3 hrs.

Max. Marks: 250

Q.	Marks	Instructions to Candidate
1.		<ul style="list-style-type: none">• There are 17 questions.• All questions are compulsory.• The number of marks carried by a question/part is indicated against it.• Content of the answer is more important than its length.• Answers must be written in the space provided. <p>Any page or portion of the page left blank in the Question-cum-Answer-Booklet must be clearly struck off.</p>
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1. Invigilator Signature

2. Invigilator Signature

Name ANKUR TIWARI

Roll No. [REDACTED]

Mobile No. [REDACTED]

Date 09/07/2017

Signature ANKUR TIWARI

SECTION - A

Q1. Why it is, sometimes believed that feelings are better guide to action than reasons? Critically analyze. (150 Words) (10 Marks)

Actions are best guided by a combination of reason and feelings is emotional intelligence. Neither is by itself capable of leading to optimal decisions and outcomes.

consider for instance a case where a boss gives a bad recommendation to an employee whom he considers valuable but who has just given his one month notice to quit this job. The extreme anger that the boss feels has its own utility. It points to the disappointment he feels in letting go of a human resource he has so judiciously nurtured over the years. If he acts out of feeling alone, he might give a bad recommendation to this employee, which will not only spoil his career but also their personal relationship. on the other hand, reason

Remarks

dictates that by giving notice, he is following procedure, giving the boss time to find his replacement. So reason would indicate that he curb his feelings and let the employee go.

However, the optimum solution would be for him to analyze the reason for his anger when he discovers the causes, he can address them. For instance he can ask/request the employee to stay on for longer to help the company find his own replacement and training of the replacement. This would be the optimum outcome.

Which of the two feeling or reason should guide a civil servant?

Remarks

Q2. Mob violence, also referred to as "Mob Justice" highlights a striking paradox - it approves the dispensation of justice by people, who usurp the authorities of constitutionally delegated bodies and apply a process they define as speedy. Answer the following questions related to it:

- (a) Do you see principal of justice being followed in the 'Mob Justice'?
- (b) How is it interrelated to attitude of any society?
- (c) Analyze why there is increasing incidence of Mob Justice in the recent days?

(75 Words Each) (5×3=15 Marks)

(a)

I do not see the 'principal of justice' being followed in 'mob justice' for an action to be just (ends) not only is law required to followed (means), but also that laws must come from the right source and be implemented by lawful authority. Neither of these criteria are followed by 'mob justice', so it is inherently unjust.

(b)

'mob justice' is interrelated to the 'attitudes' of society, which determines the likelihood of its occurrence.

A society where judicial delays are the norm and access to justice and judicial apparatus is abysmal develops an

Remarks

attitude of tolerance towards acts of 'mob justice', ultimately leading to anarchy. On the other hand, societies where justice is swift and judicial processes efficient and widely accessible, hardly show occurrence of incidences of 'mob justice'.

1 1/2

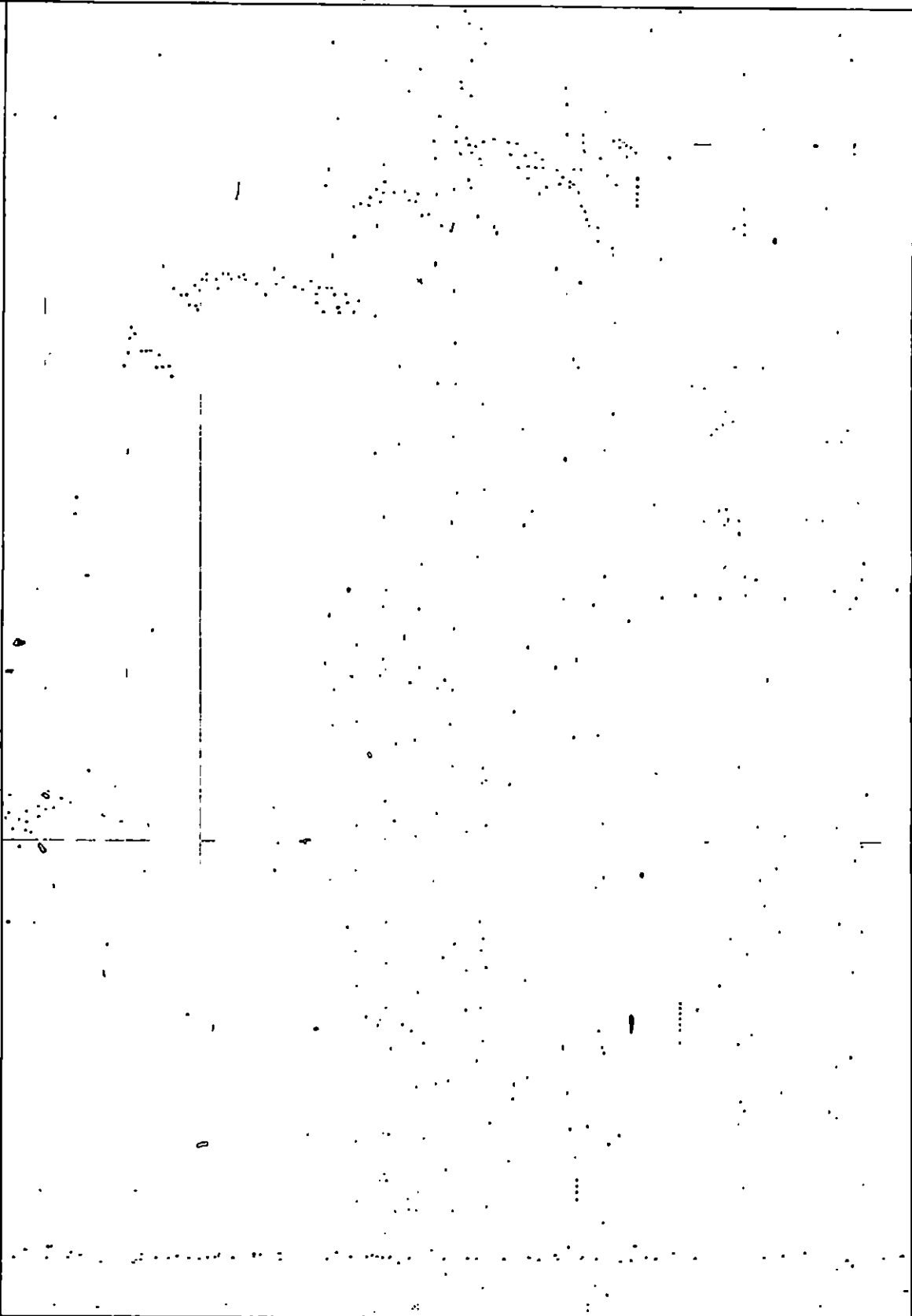
(C) Increasing incidence of 'mob justice' in the recent days can be attributed to the following -

- (i) Judicial delays
- (ii) Abysmal access to justice
- (iii) Division of jurisdiction and accountability between Union and state governments (law and order, police are state-subjects)
- (iv) Increasing trend of majoritarianism
- (v) Unemployment
- (vi) Increasing economic inequality
- (vii) Lack of active and effective political voice

2

Remarks

GS SCORE



Remarks

Q3. Answer the following questions based on the virtue ethics:

- (a) What is virtue ethics? Can knowledge be equated with virtue?
- (b) If evil or bad actions are the result of ignorance according to the virtue ethics, then why educated people get indulge in White Collar Crimes?
- (c) Give the argument supporting self-control as a master virtue? How the failed-control is evident in the 'social sin'? (75 Words Each) (5×3=15 Marks)

(a)

Virtue ethics is that branch of ethics which prioritises achievement of virtue as the ends of justice. Aristotle was the propounder of this branch of ethics. He posited that the aim of people and society is to lead a 'good life'. He defined good life as a virtuous life. In order to find out what is virtue, wise people with debate should debate and decide which values promote the common good. Such virtues can be deemed vital to a 'good life'. Knowledge leads to wisdom and wisdom enables a person to decide when an action is just. Therefore, knowledge can be considered as the basic virtue.

2

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(b)

It is often found that educated people indulge in white collar crimes. By this observation alone, knowledge cannot be deemed a vice. The education of people who indulge in white collar crimes is inadequate in the sense that it is devoid of values. And an education without values is not virtuous. It does not lead to wisdom. Consequently, these pseudo-educated people make ethically incorrect decisions when they choose to commit crimes.

(12/12)
Does ignorance have any role in it?

(c)

It can be argued that self-control is the master virtue. This is because both reason and at times emotions can lead one to unethical decisions if not tempered with ethical knowledge and analysis. Application of such wisdom is only possible when a

Remarks

person exercises self control in making decisions in order to be able to fully appreciate the ethical implications of such decision. Hence, self-control is the master virtue which enables all other virtues.

Failed self control is evident in the social sin of alcoholism. Even after realising the vices inherent in consumption of alcohol and negative effects thereof, it is only lack of self-control that makes a person a habitual offender. If the person applied virtue based reasoning and analysis, he would be able to see the ill effects of his alcoholism. Then he would be able to exercise self control and quit the vicious habit.

Word limit is there to be followed.

Remarks

Q4. What is stoicism? In what way self-mastery of desires and emotions help in achieving the happiness? Is it always good to contain our desires and emotions?

(150 Words) (10 Marks)

'Stoicism' is the 'greek' philosophy which entails self-mastery of desires and emotion, in order to remain unaffected by them. stoics are people who strive not to be overly sad during times of sorrow, overly happy during joyous occasions ~~or~~ overly nervous in times of crisis, etc.

Self mastery of desires and emotions is key in achieving happiness. However, the path to such self-mastery does not go through containing our desires and emotions. wisdom lies in harnessing the information about our psyche that emotions provide and tempering desires to moderate them. Doing so, helps us to make optimal decisions which are more likely to be

Remarks

ethical. This would in turn ensure a clear conscience, in turn leading gradually to happiness.

This can be best summed up in the philosophy of Bhagavad Gita - nishkarma karma, i.e. doing action without the worry for the fruits of the action which are not always in our control.

You need to answer against every aspect of question.

3!

Remarks

Q5. Answer the following questions with respect to the concept of motive-consequences relation:

- (a) Is it consequences of actions that make them right or wrong or the motives of the person who carries out the action? Based on the above statement can we say that socialism is better than market economy because the former has more good intentions for the people?
- (b) When government across the world are becoming more as a facilitator for various essential services, on which points should a civil servant pay heed before taking an action with respect to motive-consequences relation?

(75 Words Each) (5×2=10 Marks)

(a)

It is neither the consequences ^{of actions} nor the motives of persons who carries out the action, alone, which makes the action right or wrong. Rather ~~both~~ ^{all of} the consequences, motives and the means adopted to carry out the action which have a bearing upon the ethical correctness of an action. Based on this observation, it cannot be said that socialism is better than a market economy. Although, it can be argued that socialism has more good intentions for the people, the means it uses (such as coercion. ex: family planning in china) and the consequences it produces (lack of property rights reducing motive to work and reducing personal freedom)

Remarks

Try to contain your answer within the word limit.

certainly prove that it might not be the most ethically optimal solution.

(b) Priorities for civil servants.

(i) Procedure (Means) of an Action - The civil services is founded on the basis of 'procedural justice' as every action of theirs should conform to their governing legislation. So procedural justice in bureaucrats decision making is of foundational nature.

(ii) Motive - consequences relation - In a context where governments are becoming an enabler for various essential services, a civil servant has to look at both motive and consequences jointly and not separately to make the ethically optimal decision for public good. For example, DBT for food grains using Aadhaar. This scheme arguably has ethical motives in expanding coverage and reducing leakages. However, the unintended consequence of exclusion of

Remarks

genuine beneficiaries cannot be overlooked while planning to implement the policy.

(2)

Q6. What is the "principle of permissible harm" in ethics? How do you see stern state action against its own people in certain instances such as the Left Wing radicalism and Jammu and Kashmir disturbance with respect to it? Does 'Principle of Permissible Harm' stand the test of moral laws?
(150 Words) (10 Marks)

Remarks

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Remarks

- Q7. What is the difference between 'Convention' and 'Law'? Which of these two should be given more attention while taking administrative decisions with regard to the tribal regions? In ethical parlance, which of the above two deserves more compliance?
(150 Words) (10 Marks)

'Convention' and 'Law' are both types of ^{ethical} laws, differing in their source, acceptance, ~~and~~ usage and moral force.

Def
Law
Convention
segregated

Formally speaking, laws of different types are the outcomes of a 'social contract' between members of a society, which determines how it is enacted, who enacts it and how it is to be implemented. Its origin from a 'social contract' gives it sanctity. For example constitution of India and laws framed according to its provisions.

On the other hand, 'convention' has its source in history, tradition. Initially, it could have been adopted for any reason, such as utility, convenience, etc. Its salience lies in its wide acceptance in sections of society and easier familiarity as compared

Remarks

to formal law.

while taking decisions with regard to tribal regions, an ethical mix of the two should be considered. Conventions are not always sub-optimal, in that they may serve a utility. Consider for example, common community property rights in tribal regions. Such a regime enables reduction of hardship in hard times and shared prosperity during productive years. Tribal conventions are centered on this regime.

However, an administrative requirement for providing agricultural subsidies and availing loans is land ownership records in a person's name, which are contrary to tribal convention.

The most ethical outcome could be ensured by giving a voice to tribals in law-making which concerns them, so that laws made take due account of the utility and ease of conventions. Such a law/convention would attract automatic and willing compliance by those whom it is meant to govern.

3

you have exceeded word limit +50

Remarks

It seems you have unnecessarily tried to complicate your answer. Try to be candid.

Q8. (a) Are justice, freedom and equality doles to the ruled, given by the superior authority (nature) or by the government?

(b) What is the role of struggle, sacrifice and attitudinal change in achieving justice, freedom and equality in the society? Illustrate. (75 Words Each) (5×2=10 Marks)

(a)

Justice, freedom and equality are not doles to be ruled, but are virtues that promote the common good. This can best be understood by imagining what would happen if they were absent.

→ Justice: If justice were absent, it would mean people not getting what they deserved. It would mean criminals going unpunished and hard labour going unrewarded. This would not be conducive for the common good.

→ Equality: If there is inequality, it promotes injustice through 'might is right'.

→ Freedom: Lack of freedom would stifle the creative energies of the public to enable compliance to laws. This would reduce prosperity and common good.

Remarks

Are these inherent to every individual?

(b)

Justice, freedom and equality are 'virtues' not easily attained. This is because their absence always tends to benefit a section of society, which develops vested interests. In most cases, such 'vested interest' makes it harder to produce change in society which is necessary for societal transformation and attainment of these values. This section of society, due to the nature of inequality, have disproportionate power to deter change. This makes the role of struggle, sacrifice and attitudinal change a key factor. Attitudinal change achieved through struggle and sacrifice weakens the resolve and grip of the 'vested interests' on the status quo and enables achievement of justice, equality and freedom.

You should have discussed all these segregately or illustrate

$$\frac{11}{2}$$

Remarks

Q9. Answer the following questions:

- (a) How does the cultural relativism defines "good"? Which method does it follow for arriving at moral beliefs?
- (b) Why does cultural relativism supposedly make us more tolerant of other cultures and, critically examine the view that moral values are relative?
- (c) Explain Gau Raksha (cow protection) movement and its dimensions according to the ethical relativism? What should be the ethical approach in case of the cultural conflict between two or more groups? (75 Words Each) (5×3=15 Marks)

(a) means what is socially approved. It varies from society to society.

'good' or 'virtue' or 'moral' is arrived at after debating with wisdom, about what will promote the common good. By its very formulation, therefore 'good' is a relative concept. (1/2)

Different cultures have different mores, values - and virtues they prioritise over others. for example western countries prioritise liberty as compared to collectivism of China. Hence 'good' is inherently culturally relativistic.

(b) cognizance of the way 'good' is arrived at, i.e. debating with wisdom, enables a societal group to realise that what they consider 'good', may not be

Remarks

the topmost priority for other societal groups and cultures. mere cognizance of this fact and its appreciation enable us to be more tolerant of other cultures and come to the conclusion that moral values are relative. Not only do they differ from place to place, but also from time to time. For example, in the seventeenth, eighteenth century India, it was believed by caste Hindus that going abroad would destroy their caste based purity. This belief in 2017 holds less relevance, and many caste Hindus go abroad blissfully unaware of this value.

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(c) Gauraksha movement has 2 main dimensions -

- (i) Holiness of cow vs 'the cow is like any other animal'
- (ii) majority view (banning beef eating) vs minority view (dietary freedom as long as it does not harm other people)

12

Remarks

This
much
is
enough

Contain
your
answer
within
the
word
limit

~~both~~ This conflict is the epitome of ethical relativism. This means it is a classic case of what is considered ethical by two cultures being different. Accordingly, the solution is again reasoned debate with wisdom. This will enable both groups to see that ~~whatsoever~~ what is holy according to one group may not be to the other and deciding the 'holiness' of things is very difficult. Also majority and minority are relative concepts. What is a majority today, may become minority tomorrow if the belief of some people changes or the subject matter changes. Knowledge of these facts, would help both groups to arrived at a reasoned decision which may be more ethically acceptable.

Remarks

Q10. Discuss the essence of consistency? Does consistency guarantee trust? If not then what is the use of it? (150 Words) (10 Marks)

The essence of consistency is 'repetition' of procedures and outcomes every single time. In a 'narrow' sense, such consistency does guarantee trust, but its utility is limited. Consider the case where trains do not run on time. It is the case in India, that if a ~~one~~ train is one hour late, it is not considered late, but right on time. This absurd belief - was generated by tremendous consistency in trains being late whatever the reasons, such consistency does not inspire 'virtuous trust', because it rewards and justifies inefficient outcome. on the other hand, when people say that ~~that~~ ^{a person} is as punctual as the sun rises from the east, this belief was generated by remarkable consistency in being punctual.

you need to define consistency first

2

Remarks

over a period of time. Such consistency inspires virtuous trust. Because of its ability in upholding the virtue of timeliness.

Hence consistency which guarantees trust is of use only when it inspires virtuous trust.

Remarks

Q11. (a) Consider the following statement and explain it in the context of administration and governance: "It is horribly difficult to perceive our flaws and change our behavior and, at the same time, it is seductively easy to make guilty of our disasters to the sun, the moon and the stars."

(b) What are the essential requirements for being an agent of change?

(75 Words Each) (5×2=10 Marks)

(a) our behaviour is regulated by emotions, reason, attitudes and habits... So even when we observe a flaw, we need to have competence in each of the above domains to be able to change and correct the flaw. These competencies are not possessed by everyone to the same degree and hence flaws, even when perceived maybe difficult to rectify.

On the other hand, a lack of these competencies creates a slippery slope where we can make mountains out of molehills of our flaws. This prevents us from analysing our flaws, learning the right lessons and moving on.

1
you are to discuss with respect to administration & governance

Remarks

(b) Essential requirements of being an agent of change -

- Being receptive to change
- Possessing competencies of emotional intelligence, reason, attitude formation and habit formation
- ^{Leading} Living by example
- Being trustworthy and credible, which comes from consistency in doing the morally right things
- Ability to sacrifice, struggle and persevere
- Value of patience and listening skills to appreciate others' point of view.

Remarks

SECTION - B

In the following questions carefully study the cases presented and then answer the question that follows:

Q12. When Sheena reaches to one counter of the RTO office for her driving license renewal, the lady in-charge at the counter pass-on one form to fill for the same purpose. She asked Sheena to turn the page and go through it. Back side of the paper there was organ donation consent form which stated:

"Organ Donation: Upon my death I am willing to donate the following - there were then a set of boxes labelled - eyes, liver, kidney, any organ and none, together with a place for her signature."

Sheena asks the lady -"why such things are being pushed at this counter". Lady at the counter explains that this form of camping has been promoted by NGOs for the larger interest for humanity, however it is voluntary and she can escape it if she is not finding it of any worth. Sheena was not sure about giving consent. She was in dilemma whether to do it or not. After a brief thought she denied and moved from that counter.

On the way to back home, her friend Indrani, who was also at the counter, suddenly said, "I did not wanted to say anything inside, but no way I would ever sign that card. If you get into accident and they see that you have agreed for organ donation, they will not even try to save you. There is organ shortage, and the doctors want to grab what they can get. My mom says those organ donation cards are like signing your death warrant."

Later that evening Sheena decided to talk to one of her teacher. When she explained about her anxiety, teacher replied that she should follow her heart in the matter of organ donation.

Answer the following questions based on the above case study:

- (a) - From a-utilitarian perspective, should Sheena agree to donate her organs? Provide an analysis.
- (b) From a Kantian perspective, would refusing to donate one's organ violate a moral duty?
- (c) Do you think that people ought to donate their organs? Why or why not? (Make sure that the reasons you provide are ethical reasons, not merely prudent or legal). What will you advice to Sheena in case you are in place of her teacher?

(300 Words) (25 Marks)

Remarks

Come
to
the
point
directly

The above case brings into salience the dilemma between the utilitarian motive for donating organs versus the perception of this decision changing the motives of ~~decision~~ emergency help providers ^(EHP) to adequately do their duty of saving a person's life (Kantian categorical imperative).

(a) merely utilitarian calculations do indeed favour a decision that organs should be donated. If she is brain dead after all attempts have been made to save her, utility maximization would require donation of organs to save lives that still can be saved. But such reliance on utilitarian calculations create a complexity ~~avoid~~ due to changing motive of (EHP), if one is not certain whether all means have been tried to save one's life then such utilitarian calculation will be weakened.

(b) These complications that arise out of the uncertainty created by changing motives bring Kantian categorical imperative into the picture. Every life is an end in itself. As such, if the (EHP) ~~concede~~

②

What
says

this
principle

Remarks

from their duty, they maybe maximizing utility, but in doing so, they will violate the categorical imperative - rights of Gena, who has a right to be saved, as her life is an ethical end in itself. Hence, refusal to donate her organs would not violate her moral duty from the Kantian perspective.

②

It also talks about duty not self-conservation first

(C) Reasoned conclusion. People should donate organs if they trust their EHP'S to do their duty in case of emergencies, and that their organs are donated if and only if all available options to save their life have been availed. This decision is the ethical responsibility of every person and should be made based on personal values in relation to societal obligations. No person can decide for another. Everyone has a duty to decide for themselves. If, having considered the above, a person decides to donate organs, ^{from} both utilitarian and Kantian perspectives, it will be ethical. If the contrary decision is made, it would still be ethical, because it preserves the categorical rights of the person.

Remarks

as an end in herself/himself.
 This decision further confers
 the ethical obligation to act
 in such a way ^(maybe through politics) that the trust
 in EHP is restored to a level,
 that enables wider donation
 of organs in society. This
 would be the ethically optimal
 outcome in the long run.

What would you advise her?

Remarks

Q13. You are a senior civil servant. One of your officer friend is hard working, completes her work on time but always demoralizes her subordinates by blaming them for one or the other thing. She keeps everyone on toes. Often she shouts in her office and want to just follow the blue book while working. She also insults junior officers if one fails to get the things done. Her only mantra to work is to "get the things done -whatever it takes." Due to this bossy attitude your friend is not liked by the subordinates and because of her uneven relation with her team members; she fails to portray a good office culture. Most of the colleagues know about this case but no one wants to discuss it because of your proximity with that lady officer. However one day one close friend happens to be your colleague briefed about the problem subordinate officers are facing.

Answer the following questions based on the above case. Bring merits and demerits related to each course of action and discuss the best option.

- Directly talk to subordinate and assure about correcting the things in future.
 - Give responsibility to your friend who briefed you about this case.
 - Transfer the lady officer as this case may bring sorry figure for you also in future.
 - Request the lady officer not to do so as this may hamper their personal relations also.
 - Is there any better option available to correct the things other than what mentioned above?
- (250 Words) (20 Marks)

The case brings to light the following dilemmas -

- ① Personal vs. Professional loyalty.
- ② Responsibility to colleagues vs
Responsibility to subordinates.

(a) Directly talking to subordinate, although more straight forward is not correct. It bypasses the chain of command. Moreover, it entails undue interference in the work of a ^{junior} colleague which transgresses delegation of authority. Moreover, any assurance about correcting things at this juncture is disingenuous as without hearing

11/12

Remarks

both sides of the issue, it would both be suboptimal and ethically incorrect.

(b)

It is unclear whether and in what way the friend who briefed me about the ~~set~~ situation is better positioned to act. In such a situation, this would be a suboptimal outcome. Moreover, it would entail running away from responsibility to act when a problem is observed and the person has the capability to act.

②

good

(c)

Transferring the lady officer at this juncture would be premature. Other possible ways such as mediation have to be tried before taking this drastic measure. Moreover, if considering a transfer, it cannot be for the reason that this case may reflect poorly on me. If considered, transfer can be a last resort only with the intention of maintaining suitable work culture.

①½

(d)

Directly requesting the lady to stop would again be premature as I do not yet have information

Remarks

if she was justified in her actions moreover, personal relations take a backseat to professional relations in such matters, though these two are inherently linked in a way, that they cannot be completely separated.

1 1/2

(e) The optimum outcome could be to brief the lady officer separately first about the issue, prepare her for reasoned mediation and then bring the subordinates or a few of their representatives and the lady officer for discussion on the matter. In such discussion, allow both sides to express their views in a reasoned manner, in order to enable the other group to see things from their perspective. This would enable bridging of differences and the situation may get resolved. If this does not occur, then a decision has to be made by competent authority, whether to let things continue or transfer the officer as a last resort. Whatever is done, must be done transparently to

You must comply with word limit

1 1/2

Remarks enable acceptance of outcome. Such outcome would be procedurally just.

Q14. Suppose you are called as the Chief Guest in an educational institution to address a gathering of youth on the issue of 'cultural transition in India'. You confine your lecture mainly around one of the most apparent pointers of cultural transition taking place in the country, i.e. changing man-woman relationship with the latter being more open, forthcoming and assimilating. But the transition is marred by many sour and ugly events leading to sexual exploitation, honour killings and subjugation and defiance by male dominated office environment. After the lecture there is a question answer session. Answer the following questions that students and teachers posed in front of you:

- Are women outrageous in their liberty with regard to dressing up, breaking silence and asking their share in decision making?
- What should be the "limits of openness" for women in a culturally transitioning India in an era of globalisation?
- Is the institution of family responsible for the aberrant behavior of their male children regarding man-woman relationship?
- What will you do as a Civil Servant to change the attitude of society with respect to women?

(250 Words) (20 Marks)

The case presents a dilemma about the varying implications of pace of societal change, groups effect on groups opposed to and favouring change and resistance to change.

- (a) Not all change is desirable. However, rationally and ethically speaking, it can be agreed that the decision on how to dress, how to speak (barring reasonable restrictions), and having a share in decision making regarding their lives are rights that belong equally to men AND women. Historically speaking, in a male dominated patriarchal society, women have generally been deprived of these rights to

Remarks

a ^{much} greater than men, and as such
 'outrageousness' is an effective way
 to bring to limelight these issues and
 enable reasoned debate. Seeing them
 in this light, will encourage
 gradual attitudinal change.

2

(b) Limits to openness for women
~~at its surface~~ may seem like a
 complicated issue, because
 'complete openness' requires an
 environment of 'security' and 'trust',
 which are lacking to an extent
 in the cultural transition. But
 in the era of globalisation,
limits to openness seems
 anachronistic. So there is this
 conflict between what is ideal,
 eventual conception of ideal and
 how to get there. As such,
 the dynamic competition between
 'complete openness' and 'resistance
 to change' will determine limits
 to openness.

2.5
 good

(c) Many factors are responsible for
 aberrant behaviour of male
 children towards man-woman
 relationship. Family institution is

Remarks

one of them. During the formative years of our childhood, our families deeply influence our values and attitudes. The stereotypes ingrained in us then persist into adulthood and are hard to change. For ex stereotypes that girls are weak in maths discourages many girls from opting for science and engineering in graduation reflecting in female ^{participation} ~~participation~~ in these disciplines. ^{such} process also works towards sexual attitudes and behaviour, giving rise to domestic violence.

(d) The best way to change attitudes is to ~~lead~~ ^{be} example: ~~I will~~ As a civil servant, I will work on my preconceptions, stereotypes, language and behaviour to reflect more cosmopolitan attitudes about women's issues. After this crucial first step, other steps that I may consider are -

- ① Ensuring law and order, particularly safety of women.
- ② Promoting girl child education, prevention of infanticide, etc.
- ③ Creating violence free zone in cities by creating appropriate administrative infrastructure.

Remarks

Q15. You are a no-nonsense police officer. There is a day light murder of a politician in your area. One of your senior police officer is close relative of that murdered politician. After much investigation, you come to know that Naxalites have killed him as he was involved in land grabbing case in remote area. Local people hated that politician. After few days you managed to arrest one naxalite who was involved in this case. He was involved in some other gruesome murder cases also. In an ambush more than 50 security personnels were also killed and his name was also surfaced in that case.

Your senior officer is putting pressure on you to kill that criminal as often these type of cases take much time due to the lack of eyewitness, as they enjoy local support and also villagers have fear.

Home Minister of your state also wants to do the same as it will send a message in the public about handling of law and order problem with iron hands. Thus send filler through one officer that 'if you do the same, you will get the full support of ruling party in future also'.

Answer the following questions:

- In the above case which ethical dilemmas will you face and why will you call it ethical dilemma?
- Will you follow the order of your senior officer and Home Minister? Evaluate your decision from the ethical and legal point of view.
- Which factors will guide you in this case? (250 Words) (20 Marks)

(a) Ethical dilemmas are those where competing courses of action have some ethical merit and therefore are hard to choose from. The above case presents the following ethical dilemmas - ~~shown~~

(i) Swift justice, loyalty to senior
vs procedural justice

(ii) End of achieving law and order,
political favour vs means and
 motive of achieving justice

Remarks

(b)

I will not follow the order of my senior and the home minister.

→ Evaluation of above decision:

(i) Ethical justification - Following

the order would arguably be 'swift justice'. Although undoubtedly swift, it cannot be just as ~~the~~ killing him extrajudicially would deprive him of his right to present evidence for his innocence, justify his actions, etc. Moreover, it would also deprive him of his categorical imperative of being treated as a person with human and legal rights. Moreover, even if it could be argued that the decision was just, it would still be unethical as the extrajudicial means used to achieve the end would be unethical.

(ii)

Legal justification - My decision is

justified for 2 reasons -

→ Because extrajudicial killing is illegal

→ Because a civil servant is obligated to act without fear or favour (he cannot act to gain political favours)

Remarks

→ Because he is not the legally competent authority to determine the guilt of the person that is the job of the courts.

(K) Factors that would guide me in the case will be -

- legal delegation of powers to my post.
- Law of the land
- Norms of procedural justice
- civil services conduct rules
- Ethical reasoning
- Public good

only in conjunction of the above, can an ethical and efficient decision be taken.

2

Remarks

Q16. You are professor as well as a social activist. There is an educated and well employed couple in your vicinity who often fight on their personal issues. One day they started fighting as usual, starting from arguments, turning loud, slamming doors and finally the male partner resorting to physical violence, the cry of wife and children started coming out. People come out, but do not dare to go to them citing that it is their personal matter, so any interference would be unethical and uncalled for. Answer the following questions based on the above case:

- Would you agree to be a bystander on the advice of the people that it is a personal matter of the couple? Give reasons.
- Suppose you go to the flat of the couple and enquire what is wrong but the male member insists that they be left on their own as it is their personal matter and you should mind your own business. What would be your reaction?
- Can police help in curbing this social malady by using legal authority and provisions?
- What is your moral and ethical locus standi on intervention of neighbours to stop the domestic violence? (250 Words) (20 Marks)

- The case presents ^{the following} ~~an~~ ethical dilemmas -
- personal vs public ethics and obligations
 - knowledge-education vs value based education.

- (a) I would not agree to be a bystander. The rationale that it is a personal matter does not hold water, as domestic violence is not a personal issue. Besides affecting the victims (wife and children), it has harmful effects for the society as a whole as it wrecks the emotional and physical well being of women and children, who are the future of society. At its worst extreme, not acting, besides

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the immediate consequences would have the long term impact of creating apathy in people at the sight of domestic violence.

(b) I would try to persuade ^(b) the husband to ^(a) let me enquire ^(c) about the well being of his wife and children. If he insists on being left alone, as a last resort, I would try to convince him, that the moment it escalated to physical violence and others could observe that, it failed to remain a personal matter. If he ~~or~~ resisted, it would leave me no other choice but to take appropriate action.

(c) The police can be part of the solution in curbing this social malady by using legal authority and provisions. But they are ~~are~~ hampered by 2 issues -

→ They cannot take action unless the crime comes to their cognizance.

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→ They cannot do more than restoring peace and preventing physical violence.

Due to these limitations, the role of the police is vital but limited. It has to ~~be~~ complemented by more aware neighbours, relatives who are willing to act (in the short term) and wider societal attitude changes ~~for~~ for equality of women in all domains (in the long run).

(d)

The neighbours need to have their own conscience clear, whether they choose to act or not. In my case, after having observed physical violence, crying wife and frightened children, it would become my obligation to act to redress the situation. This stand is based on the belief -

"All that remains in ~~the~~ between evil to succeed in the world is for good men to do nothing".

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Q17. You are a Superintendent of Police and a huge protest is going on in front of your office. These protesters are Human Right activists. Protest is because of two consecutive incidents happened in your district.

Case one: City SP has received intelligence input that bombs have been planted in various places in the city. SP asked his team for massive search operation. After putting in strenuous hard work, police team raided a house where two people with 2 kg of explosives and IED devices were found. Police team immediately arrested them and brought them to the police station. Police started interrogating them related to the whereabouts of the bombs and their plans. When they failed to take out information from them, one of the Police Officer adopted third degree. Torture in case of new criminals often works. But one of the person died during the process, as he failed to bear the pain of torture. Death in police custody became a big issue.

Case two: Recently communal riots occurred held in your area and few police constables got surrounded by a group, viewing the grave situation and possible threat on life, one of the constable picked a man as a human shield. They found it as easy way to escape as that could also save the life of other police constables. But while they were trying to escape, people started stone pelting and the person who was used as human shield get badly injured. However, he was saved later by proper treatment.

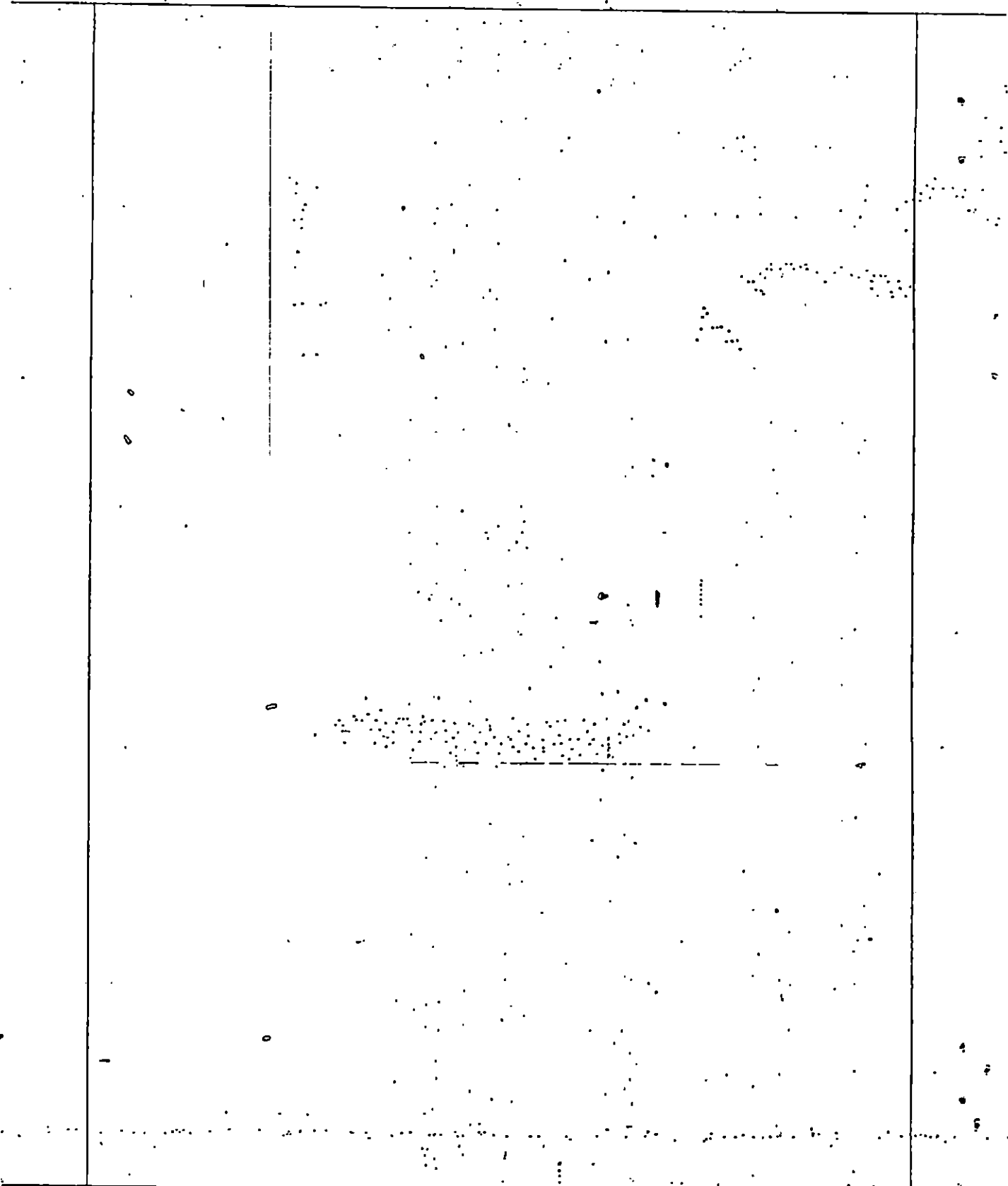
Answer the following questions:

- (a) Analyse the ethical dilemmas you will face as SP in both the stated situations.
- (b) Human Rights Activists are demanding action against official involved in both the cases. What will be your course of action?
- (c) Police Chief of State reaches to you and asks for not taking any action, as it will bring down the morals of the police force. What will be your course of action?
- (d) Can you justify the use of torture technique in any given circumstances?
- (e) Would you justify the use of human shield to save the lives of your colleagues? Give reasons. What are the moral and ethical issues involved in using human shield as the method of action against agitating mob?

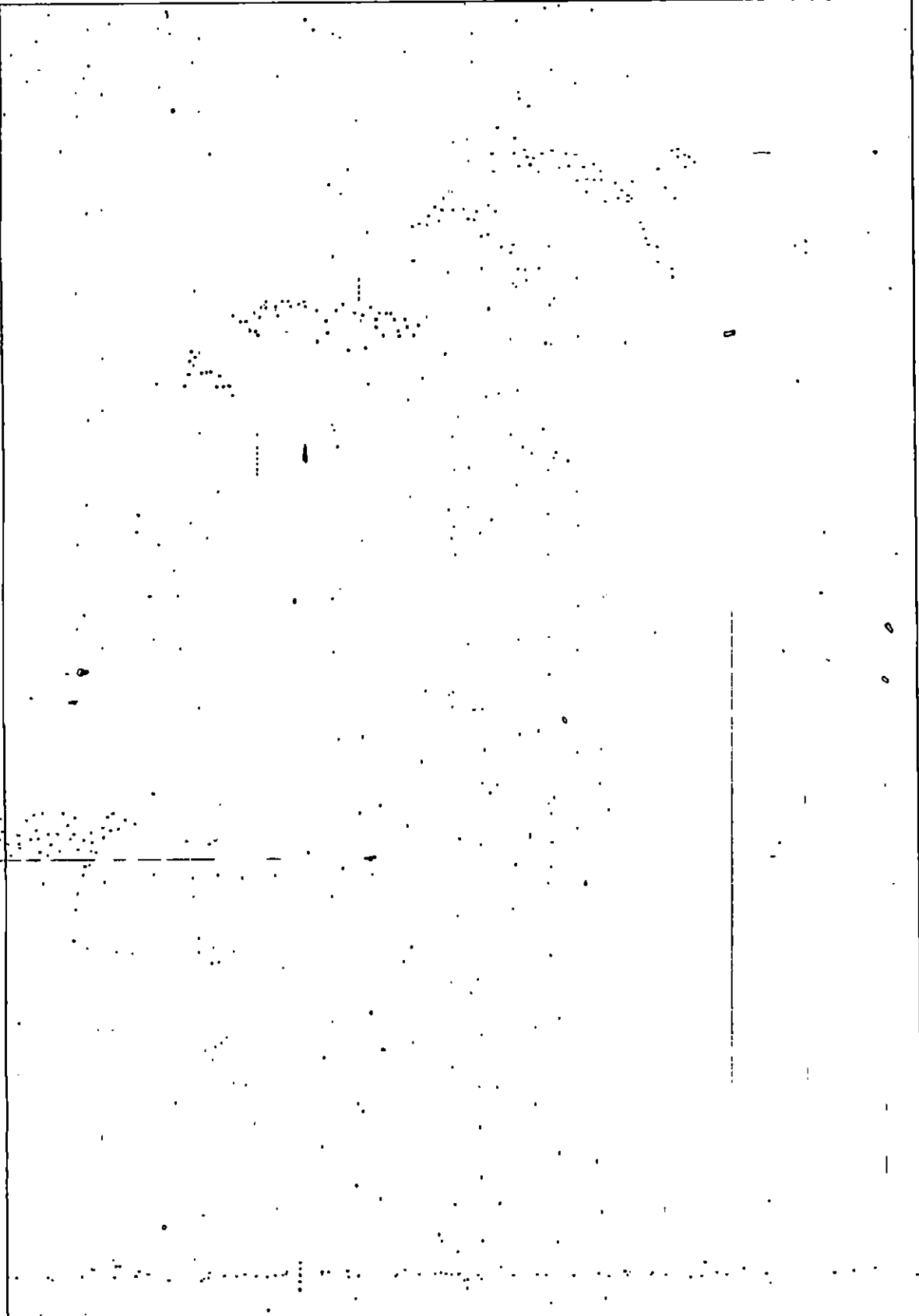
(250 Words) (20 Marks)

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