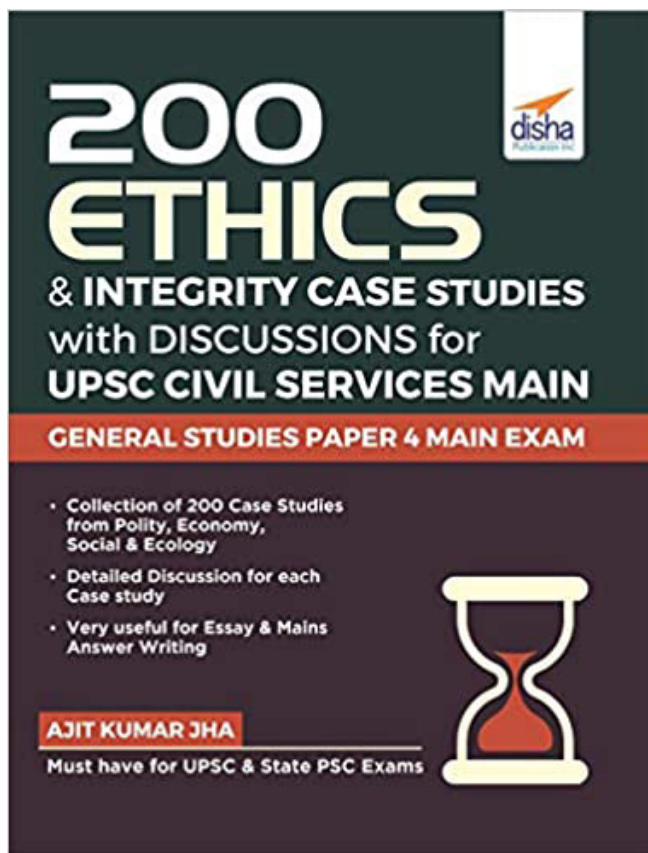


10 Case Studies for Ethics

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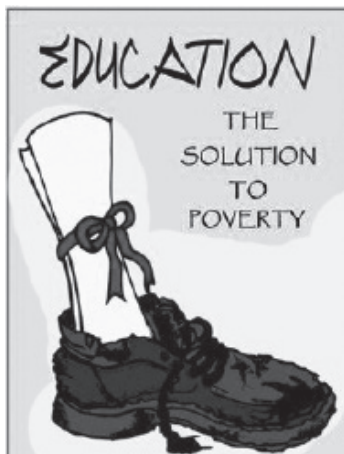
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CASE STUDY : 1

Right to Education

Everyone has the Right to Education

You are a young IAS officer who has recently been posted in a remote district. When you reach your posting you find that the village has seen no development. The villagers give no importance to education and most children leave school to work with their parents. The parents feel this is the best option for them. Since there are very few students studying in the school the teacher does not come regularly. You also notice that the school is in a dilapidated condition. As an educated citizen you feel everyone has a right to education and its benefits. You have two options in front of you.

- (i) You can force all the children to attend school and warn the parents that anyone forcing their child to work will be severely punished.
- (ii) You can request the villagers to send their children regularly.

Discuss both options and suggest what steps you would take to improve the situation? (250 words)

Answer

In this situation there are multiple issues which need to be addressed holistically.

- (i) Firstly, the villagers' attitude towards education has to be changed. Until they do not realize the advantages of education for themselves they will never give it any importance.

(ii) Secondly the infrastructure of the school has to be improved.

(iii) Thirdly the teachers must come regularly as this will set a good example for the students. Forcing the children to attend school will make them come regularly but they will do it out of fear and they will dropout as soon as possible. However, mere requests will not solve the problem either as the villagers will not see how important education is. I would adopt an approach between the two.

Changing the villagers' attitude towards education is the key to solving the problem. I would try to show them how beneficial education can be in every scenario. In many cases education is seen as a threat to the existing way of life, which is why people are not keen to educate their children. I will try to make them understand that education is not a threat to them; instead it will open new opportunities for their village. I will also interact regularly with all the children and try to persuade them into attending school regularly.

Secondly, I will try to repair the school building. A clean and well maintained school is more likely to attract students than a broken down one. In case funds are required, I will try to procure them as quickly as possible.

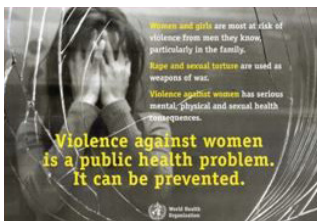
Thirdly, I will ensure that the teachers come to the school regularly. I will remind them that it is their duty to teach the students. In case they do not improve their performance, I will report them to their seniors and recommend strict action be taken against them.

Right to Education

Right to Education Act (RTE), is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the importance of free and compulsory education for children between 6 -14 in India under Article 21A of the Indian Constitution. The Act came into force on 1 April 2010.

Constitutional Background

- Originally Part IV of Indian Constitution, Article 45 and Article 39 (f) of DPSP, had a provision for state funded as well as equitable and accessible education.
- The first official document on the Right to Education was Ramamurti Committee Report in 1990.
- In 1993, the Supreme Court's landmark judgment in the Unnikrishnan JP vs State of Andhra Pradesh & Others held that Education is a Fundamental right flowing from Article 21.
- Tapas Majumdar Committee (1999) was set up, which encompassed insertion of Article 21A.
- The 86th amendment to the constitution of India in 2002, provided Right to Education as a fundamental right in part-III of the Constitution.
- The same amendment inserted Article 21A which made Right to Education a fundamental right for children between 6-14 years.
- The 86th amendment provided for a follow-up legislation for Right to Education Bill 2008 and finally Right to Education Act 2009.



CASE STUDY : 2

Crime Against Women

In India we see that there is a rise in crime against women. Every day the papers are full of cases of harassment, sexual abuse, domestic violence and rape. The severity of such crimes has also gone up. At the same time we see that such crimes are not limited to any particular social or economic background. The perpetrators as well as the victims come from all classes of society.

Discuss why there has been such a rise in crime against women. (250 words). Make suggestions as to how this can be reduced.

Answer

There are many different factors behind the steep rise in crimes against women. One of the major factors include the sudden changes in society. In the past 20 years, the Indian society has seen more changes than it has in the previous 50 years. More and more women are working and they are no longer restricted to any particular kind of job. The rise of the IT sector has meant that now women are working at all hours. At the same time, rising incomes have led to a more consumerist lifestyle. People have more money to spend and this has led to arise in aggression and stress.

The gap between different groups of society has widened. This has led to a situation where the old forms of social interaction no longer exist, yet the new forms have yet to be created. In many cases men are unable to accept how much society has changed. They cannot accept that women are treated at par with men and can even earn more than them. This leads to a conflict within their personality which is often manifested in the form of violence against women.

The media also has an important role to play. On the one hand the depiction of women in films and serials is often regressive which further strengthens stereotypes in the minds of many males. There is also a great degree of sensationalism. On the other hand, the media helps highlight the many problems women face and also highlights issues of female infanticide, women's rights and need for empowerment of women. All this creates a lot of mental conflict in the way women are perceived.

If we want to reduce the crime against women, social changes are very necessary. We have to change the way people think. Greater importance has to be laid on gender sensitization. Women's education and empowerment has to be given priority. We need to make sure that there is swift and speedy justice in such cases.



CASE STUDY : 3

Helping Someone/ Friend Cheat

Ramesh is a studious boy who has spent the past few months preparing for his MBA final exams. His friend Jaideep is not very good at studies. Jaideep has never scored good marks despite trying his best. He is very worried about what kind of job he will get when he leaves the institute. It is very important for him to find a well-paying job as his parents have taken a loan for his studies.

A day before the exam Jaideep finds out that the exam paper is available for sale. He asks Ramesh to lend him the money which he promises to repay later. Jaideep is very happy as he feels now he will be able to score good marks. Ramesh does not want to disappoint his friend, at the same time he feels it would be wrong to cheat.

Ramesh comes to you for advice. What advice will you give him? (250) words

Answer

Ramesh is in a tough situation. On the one hand lies his friend's dreams and aspirations and, on the other hand are his ideals. In such a situation Ramesh has limited options.

(i) He can refuse to give his friend the money since it is against his principles and ask him concentrate on his studies.

(ii) He can report the leaking of the paper to his teachers and allow them to resolve this situation.

(iii) Thirdly, he can give into his friend's requests and lend him the money.

The first and third options are both extreme. In both cases one person will feel extremely hurt. In other words it is a zero sum game where one person wins and the other loses. The second option seems the best. However, before informing the teachers I would advise Ramesh to tell Jaideep what his intentions are. I would also advise him to tell Jaideep to rely on his own hard work. In many such cases the so called leaked papers are often fake. Even after paying money there is no guarantee that he will get good marks. In such a case, it is better to rely on one's own hard work. Even if he did secure a well-paying job by cheating in his exams, he might find himself unable to discharge his duties properly. This could mean that he would lose his job. Besides, marks alone cannot bring success in life. Hard work and good character are what matters in the long run.



CASE STUDY : 4

Should You Do Wrong to Gain Politician's Favour

Assume you are a District Magistrate. The MP of the area often comes to visit your district and you know him well. One day he calls you and asks for a personal favour. His son has been arrested for a car accident. The MP does not want the media to hear about this. He asks you to get his son released and make the police drop all charges against him. He says he will be highly obliged if you help him. Your friend is present when the MP calls, he advises you to do what the MP has said. "It is always useful to have an MP who owes you a favour," he says. Do you agree with your friend? Give your reasons for agreeing or disagreeing in 250 words.

Answer

A district magistrate must do his work in such a manner that the district benefits. It is not his duty to curry favours. He cannot be involved in any activity which goes against the law.

In this particular case I think there are three possible options

- (i) I can agree with what the MP has asked me to do and get his son released.
- (ii) I can refuse and tell him there is nothing I can do.
- (iii) I can tell him that without any details I can make no decision. I will contact the police and try to find out what can be done and only then will I take any action.

In this case the first option is incorrect. I cannot make any promise without the complete details. The boy may have been arrested under a law which will not allow bail; there may be many other legal complications.

The second option is unduly harsh. As a member of the bureaucracy I am working to help the citizens. Every citizen has a right to ask for my assistance.

The third option is the best. I will find out all the details of the case and see if there is any assistance I can give within the ambit of the law. I will try to ascertain the legal standing of the case and then evaluate what options are available for the MP and his son. I will inform my superiors before taking any action so that they are aware of my decision.



CASE STUDY : 5

Should Contract Be Given to Legally and Technically Correct But Morally Wrong Supplier?

Gopal was transferred as head of finance to government undertaking. When he reached there he found that many employees were used to asking their suppliers for favours. The suppliers would be happy to oblige. They even paid for the holiday outings of many senior employees. Gopal felt that this was not right. He felt that the employees should maintain a distance between their personal and professional lives; taking professional help for personal reasons is a kind of corruption. He tried to point this out, but the employees took umbrage at his words. They told him that he was being too rigid. Times had changed and there was no harm in social interactions with their suppliers. None of them were corrupt; there had never been any exchange of cash for any official work. Gopal was dissatisfied with their responses but he realised that there wasn't much he could do.

Next month when it was time to review the suppliers' contracts, Gopal chose the option which was best for the company's finances. Unfortunately this was not the old supplier, his colleagues disagreed with him. They cited many technical reasons to overlook the financial implications and voted against his decision. Gopal feels they have been swayed by the old supplier but he has no proof. He comes to you for advice. What advice will you give him?

Answer

The main issue here is awarding the contract to the best supplier for the company. Gopal is the head of finance, as such his decision should be final. However, if all the other employees have voted against his decision he needs to go back and study his decision. He must see whether the reasons they have

advanced for voting for the old supplier are valid or not. If he finds that the reasons they gave are indeed valid then he must agree and not make this an issue of his ego. To this end he can request a technical person to evaluate the contracts.

However, if there are no valid technical reasons, then Gopal should not change his decision. In that case he needs to consider why everyone voted against him. If he feels that the only reason is the fact that many employees have built personal connections with the suppliers then he needs to bring this to the notice of his superiors.

I would advise him to consider these aspects and then make a final decision. He can attach a copy of the technical evaluation to his report in which he should mention the employees' relationship with the supplier. He should inform his superiors of the decision taken and ask them to decide which supplier they should go forward with.

CASE STUDY : 6



Face a Job Interview or Help an Accident Victim

Suresh was on his way to his job interview. He knew that traffic could sometimes be very bad so he left half an hour early. However, on his way he faced abnormally long traffic jams. As his car inched forward he saw that there had been an accident. A car had overturned and blocked half the road creating such a huge traffic jam. He noticed that there was a young girl lying in front of the car. There were two occupants still trapped inside the car. Many people slowed down when they passed the car but no one stopped to help. Suresh wants to stop but he is afraid that if he stops to help he might miss his interview. What would you do if you were in his place?

Answer

This is not a decision which can be made easily. On the one hand we would like to help anyone who is in need of assistance. On the other hand many of us are afraid of getting involved in road accidents because we are scared of getting involved in a police case. On top of that Suresh has to consider his upcoming interview. He cannot afford to put his career on risk for people he does not even know, especially when there are many others who can step up.

However, the other aspect is a moral aspect. A person in need cannot be abandoned just because he is not known personally. A good human being is one who helps anyone who requires assistance. In this case Suresh can see that others are not providing assistance. The injured people are not in a position to ask for help themselves. Suresh would also be aware that in case of an accident it is crucial for the victims to reach a hospital as soon as possible, and a slight delay could mean a loss of life.

If I were in Suresh's position I would first call the police on their helpline and inform them of the accident. This way I would be able to ensure that someone comes to the assistance of the injured passengers. I will exhort people to help the victims instead of gawking at them.

I would then call the office where I was going for an interview and inform them of the situation. I would request them to give me some extra time. If they agree I would immediately go to the accident site and help provide first aid to the victims. If my interview cannot be postponed I will head towards the office knowing that I have done whatever I could.

CASE STUDY : 7



How Would You Respond to Blackmail?

You are a senior officer in a PSU. One day an employee approaches you for your assistance. He would like you to allow him to work part time for one of your competitors. He tells you he is in desperate need of money. Since it would be unethical of him to work somewhere else you refuse to give him permission. You advise him to take a loan instead of indulging in unethical behaviour. He tells you that he knows you cannot give him any official permission but he would like you to allow him on an informal level. You refuse to do so, further you tell him that it would be against his employment contract for him to do so and if you find out from someone that he has gone ahead you will recommend his suspension.

Next week he contacts you yet again and makes the same request, when you refuse the second time he says that he will make an allegation regarding bribery against you if you do not help him. What will you do?

Answer

In this situation there are two different aspects.

(1) The employee wants to work for a competitor. This can create a conflict of interest; also it would be against the terms of his employment. The correct action is to dissuade him from such action. If he is in need of cash there are many other options available to him. He can take a loan; he can withdraw money from his Provident Fund etc. He should be made aware of all options as his actions may spring from ignorance.

(2) The second aspect is his attempt at blackmail. By threatening to make false allegations, the employee is indulging in unethical behaviour. Here there are no mitigating factors; he is willfully and knowingly following a wrong path. For this itself he can be given an official reprimand. If any leniency is shown in such circumstance it will create a bad example. In such a situation, I would deal with him very sternly. I would tell him that he could face serious consequences for making false allegations. Since there has been no question of taking any bribes, I would assure him that even if he tried he would not be able to prove any such allegations.

Furthermore, I would immediately inform my superiors of the entire incident and ask them for their advice on how to proceed. This would ensure that should he proceed with his allegations, my position would already be clear. If my superiors recommend, I would initiate disciplinary proceedings; otherwise I would end the issue with an official warning.

CASE STUDY : 8



Is It Ethical to Purchase Land From Villagers at an Unfair Price?

Suppose you have recently started working for a real estate firm. Your firm has decided to build a new residential complex with all kinds of modern amenities. For this purpose your firm is planning to buy land from the locals of a particular area. Through their contacts the owners of the firm know that a new highway will soon come up in this area, this is why they have identified this particular locality for their upcoming township. You are in charge of land procurement. You have been told to offer a fixed price to the land owners. Most of the land owners agree to sell their land; however you realize that the price being offered to them is not a fair price. Once the national highway is announced the land prices will shoot up. The firm will make a tidy profit by reselling parcels of land to other real estate developers but the farmers will be left with no land, no source of employment and a comparatively small amount of money. There is nothing illegal in what the firm is doing but do you think their behaviour is justified? Why or why not? Examine both sides of the argument, also suggest what measures can be undertaken to rectify the situation.

Answer

(1) The first argument is that the company is doing nothing wrong. None of their actions are illegal. They are offering the land owners a price based on the present scenario. It is for the sellers to decide whether the price suits them or not. The upcoming highway has not yet been announced. This means there is a possibility that it may not correspond with the company's plans. This is a risk the company is willing to take and whatever profit they may earn from their ability to take risk is justified. In every business there are certain risks and profits arise only because people are willing to take that risk.

(2) The second argument is that the company is trying to take advantage of the limited knowledge of the locals. Since they are totally unaware of the possibility that the prices may rise, they will agree to sell at a lower price. The company would not be making such a huge investment if it did not have some certainty about the upcoming highway. Rather than earn profits through their hard work they are planning to earn profit by simply waiting for the prices to rise. It does not seem fair that they should earn profits by merely waiting while the farmers who have toiled this land for years will not benefit.

In such a situation it is best if the company offers a better price but it would not be possible unless the villagers come together and negotiate for a better price. At the same time if the company pays a significantly higher price it may cut into their profits making this option no longer a financially viable operation. After all, the company must earn enough to justify the investment since it is a business operation and not a social welfare organization.

A feasible option would be that if the company were to provide the villagers with employment opportunities in their upcoming township or if they would provide the villagers with investment advice so that they would be able to utilize their compensation packages properly instead of squandering it away. This would not cost the company much and yet both parties would stand to benefit from the deal.

CASE STUDY : 9



Unsocial Behaviour of Your Neighbours

You are a resident of a colony in a more prosperous part of town. The house next to yours has been vacant for quite some time. One day you notice that there are two men inspecting the house. In a few days they shift in. They do not interact with anyone in your building and prefer to stay indoors the whole day. You often hear them conversing in a different language, they always fall silent immediately when they realize someone is nearby. You also notice that frequently groups of boys come to their house and stay for a few days before leaving. Neither one of the tenants seems to have a regular job yet they have managed to rent a house in your locality. You find their behaviour suspicious and feel they may be indulging in illegal activity. You casually ask the landlord about their background but he replies that he does not know much about them but they are prompt with their payment. Your landlord is an old man and he has been unable to get the tenants' police verification done. You realize that there is nothing wrong in being unsocial but their behaviour makes you uncomfortable. Evaluate your options.

Answer

There are 3 basic factors which are causing discomfort.

- (i) The unsocial behaviour of the new tenants. Man is a social animal. It is a normal tendency to interact socially with people in your environment. While one does not have to be friendly with everyone, most of us realize that there are certain basic social courtesies which we extend to our neighbours.
- (ii) The regular coming and going of groups of boys is not a worrisome aspect provided there is a logical reason. For instance they may be relatives, but if it is a new group each time then this is not likely. It is also possible that they are providing certain services to students. This would explain the different groups of boys; it would also explain why neither person holds a job. However, if they

are running commercial activities from a residential area they need proper permission to do so.

(iii) The fact that they speak a different language should not be an issue. India is a nation full of different languages and dialects and one cannot know all of them.

There are basically three possible courses of action. One you may report your suspicions to the police. This seems a bit harsh since there is nothing concrete to report. The other option is to avoid the problem. This could create problems for you later in case the tenants do turn out to be involved in illegal activities. The third option is to confront them directly. However this may create unnecessary complications as they may quite legitimately refuse to answer questions about their personal lives.

The best thing to do in this situation is to get the police verification done for the tenants. If they are indulging in any illegal activities then the police will be able to spot it. Otherwise you will know that there is no need to worry since the landlord is unable to get the verification done, you can volunteer to do it for him.

CASE STUDY : 10



Whether Third Degree Interrogation Can be Justified?

Ravi is an honest and upright police officer. He comes to you for advice about a peculiar situation he is facing. For many days his men have been tracking some criminals. Through intercepts of their conversations the police have come to know that they are planning a major terrorist attack. They have managed to arrest one of the kingpins. Despite rigorous interrogation he has not divulged any details. Ravi knows that there is very little time left. Meanwhile there is another officer who is known to push the law. He has been officially reprimanded for his behaviour. He requests Ravi to let him interrogate the prisoner for one hour in a closed room. Ravi is afraid that he may use illegal 3rd degree torture, but Ravi is desperate to get details as many lives could be saved. What advice will you give him?

Answer

Life is never black and white. It is easy to talk of ethics in a theoretical manner but our ethics are normally questioned in such murky scenarios. Ethics is about how we are expected to behave in certain situations. In this situation Ravi's ethics are at war. As a police officer it is his duty to help protect the citizens of the country, this means he must get the details from the criminal. However, as a police officer he must at all times follow the law which treats everyone as innocent until they are found guilty. There is therefore a clash in his duties which raises an ethical conundrum.

On the face of it, it would appear that no matter what he does; at some level he will indulge in unethical behaviour. However, that is not true.

My advice to Ravi would be to try interrogating the criminal himself, one last time. This way he will know he has done the best he could. After that he should allow the other officer to conduct his interrogation. Before handing over the prisoner, Ravi should remind his colleague not to do anything illegal. He should also make sure that there is an official record of everything. Should his fellow officer indulge in anything illegal or unethical; it will not be Ravi's responsibility. Also, simply because the other officer has been censured does not mean he will necessarily do something wrong. It is possible that he wishes to use this opportunity to redeem himself and show that he is cognizant of his previous mistakes.