

CASE STUDY ON ETHICS

Group 6

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GIST OF THE CASE

- ▶ RAMESHWARAM JOINS MES
- ▶ PROBLEMS HE FOUND
 - ▶ FUNDS UNDER VARIOUS SCHEMES AND GRANTS MISAPPROPRIATED
 - ▶ OFFICIAL FACILITIES BEING USED FOR PERSONAL NEEDS
 - ▶ RECRUITMENT OF STAFF
- ▶ ON COMPLAINT HE WAS ADVISED BY SENIORS TO SHUT UP AND IGNORE EVERYTHING

STAKEHOLDERS

- GOVERNMENT OF INDIA
- OFFICERS AND STAFF OF DEPARTMENT
- RAMESHWARAM
- CANDIDATE APPEARING FOR THE RECRUITMENT

ETHICAL ISSUES INVOLVED

- ▶ MALPRACTICES IN RECRUITMENT PROCESS
- ▶ MISUSE OF OFFICIAL FACILITIES
- ▶ MISAPPROPRIATION OF FUNDS
- ▶ INVOLVEMENT OF HIGHER UPS IN THE SCAM
- ▶ SHOULD HE GO BY THE TREND AND BAD PRACTICES AND REMAIN IN HIS COMFORT ZONE OR ACT AS A WHISTLEBLOWER AND FIGHT AGAINST THE WHOLE SYSTEM?

LEGAL POSITION

- ▶ WHISTLEBLOWERS ACT 2014
- ▶ PREVENTION OF CORRUPTION ACT 1988
- ▶ CVC GUIDELINES
- ▶ OFFICIAL SECRETS ACT 1923
- ▶ RIGHT TO INFORMATION ACT 2005
- ▶ CCS (CONDUCT) RULE 1964

Ethical Values Required

- ▶ Honesty
- ▶ Integrity
- ▶ Leadership
- ▶ Courage
- ▶ Justice
- ▶ Equality of opportunities

STEPS FOR SOLVING ETHICAL ISSUES

1. Gather as much information as possible
2. Identify the parties involved
3. Pinpoint the ethical issues involved
4. Review the departments standard procedures
5. List and evaluate your options
6. Execute the best options
7. Keep a record as you monitor the outcome
8. Take things to the next level when needed

OPTION 1-USING SOP

1. Use RTI to collect information, use existing official files and physical verification of works to check the mismatch and collect physical evidence. Create a strong case, well drafted supported with physical evidences.
2. Start putting everything by writing official letters and collecting the responses from other departmental employees.
3. Wait for the departmental audit, present them the case and disclose all the facts which can officially be disclosed.

OPTION 1

4. If the audit team finds some discrepancy, use their observation along with your already drafted case to write a letter to the vigilance department of the organisation.
5. Wait for their response, in case the response is not satisfactory or no response at all, a complaint can be lodged with the CVC, Lokpal, CBI etc for redressal.
6. Rameshwaram can become a whistleblower, if he finds something too gross is happening around. He will be guaranteed all the benefits under the whistleblowers protection act.

OPTION 1

▶ MERITS

- ▶ Use of RTI and official letters to attain information from the department will ensure the correctness of evidence.
- ▶ Scrutiny and verification of the facts collected by the employee, by the audit team will serve as reinforced evidence.
- ▶ Involvement of departmental vigilance will ensure the protocol being followed.
- ▶ With strong facts verified by competent authorities the employee will always have an option to go to CVC, CBI, Lokpal etc.

OPTION 1

▶ DEMERITS

- ▶ Time consuming as gathering of information is through RTI and official letters.
- ▶ Collection of physical evidence is difficult and may reveal the secrecy of the effort.
- ▶ Rameshwaram has to wait for the departmental audit which is generally once in a year.

OPTION 2-EXERCISING THE WHISTLEBLOWERS ACT 2014

- ▶ Get the proof of the malpractices involved and prepare a strong case and documentary evidences through office documents, RTI, recruitment process and leakages observed.
- ▶ Write a DO letter through official channel and inform the department senior officials for the corrupt practices prevalent in the recruitment process.
- ▶ If response is not received or unsatisfactory , Rameshwaram may write a complain to CVC being the competent authority under Section 3 of the Act.

OPTION 2

▶ MERITS

- ▶ Complainant is protected under Section 11 (Chapter V-Protection To The Persons Making Disclosure) of the Act
- ▶ Involvement of CVC will bring better judgement and corrupt officials involved will suffer charges.
- ▶ Career progression will not be affected

OPTION 2

▶ DEMERITS

- ▶ If Rameshwaram fails to reasonably justify his case and found that any disclosure submitted by him is false or misleading then he can be punished under Section 15 & 17 (Chapter VI-Offences And Penalties) of the Act.

OPTION 3-USE OF PRINT/VISUAL MEDIA

- ▶ Rameshwaram can disclose the information anonymously to a trusted newspaper/news channel which will guarantee the non disclosure of his identity.
- ▶ Use the news report to recommend/initiate a departmental/external enquiry into the matter.

OPTION 3

▶ MERITS

- ▶ As media will go through the facts and recheck its correctness before going public, it will ensure that Rameshwaram gets a recheck and a larger hearing base.
- ▶ Rameshwaram will anonymously achieve his goal by using the news report as an evidence to initiate/recommend a departmental/external enquiry.

▶ DEMERITS

- ▶ Disclosure of his identity may lead to some uncalled trouble.
- ▶ For going to the media without intimating the department may attract CCS (Conduct) Rules 1964.

RECOMMENDATIONS

▶ Approach to be adopted

As malpractices are deeply rooted in the department and there is possibility of nexus between audit authorities and corrupt officials thus simply relying on audit authorities doesn't seem to be fruitful. Instead Rameshwar should become a whistleblower and exercise option 2 .

Initiatives to achieve Long term Goals

Inculcating Ethical and Moral Values in the Officers as a part of their training programme

Protection of Whistleblower Act to be made more robust.

Righteous disobedience is better than
Moral Muteness.

THANK YOU