

1. Your best friend recommended your name to her company and you get selected for the position of Case Manager in the Legal Team. Your job is to ensure that the employees are adhering to the bond of employment that they agree to at the time of on-boarding that include confidentiality, non-disclosure, not taking any other employment while working with the company, adhering to notice period limit while leaving the organisation and so on. While everything was going great, the Senior HR Manager calls you and discloses something that shocks you. She tells you that your best friend is passing on vital confidential data to a rival company. The amount of revenue loss because of this breach is enormous and the senior management wants to take immediate action against your friend. However, they want solid proof against her. The HR Manager requests you create a fake Whatsapp profile and try gather some evidence from your friend. The Manager promises immediate promotion to you if you are able to gather solid actionable evidence against your friend. Do you see an ethical dilemma or conflict of interest here? How would you manage this situation? What would be your immediate response to the HR Manager? Would you accept her offer or deny it straightaway? Will you talk to your friend regarding this? Discuss.

Stakeholders:

- Myself
- My friend
- The company

Ethical dilemma:

- Professional duty to ensure confidentiality v/s damaging friendship by spying.
- Prospect of a promotion v/s ruining friend's career.
- Believing HR v/s trust on friend

My response:

- The revenue loss to the company has been enormous. However, since I know my friend for years, it is hard for me to accept she can do such a thing. I do not deny her involvement as HR has pointed out her directly, but I doubt if she did it voluntarily and for any kind of benefits.
- Being a legal expert, I will first find clauses to take strict action against my friend in case she decides not to cooperate.
- I will then talk to my friend and tell her about the situation, while making her fear that the company already has some evidence against her that can ruin her career. But since she is my friend, I wanted to know everything first.
- After taking her into confidence, I will check if what she did was intentional or she has been a victim of things like honey trapping etc.
- I will present the legal options and take her phone with me to investigate.
- In case, I found she is responsible for leakage voluntarily, I will give her phone to the company as evidence that she passed on information, so that they can take action against her.

- In case, she leaked information but being a victim of something, I will urge the HR and seniors to consider it and might even the same thing to turn the table on the rival company, in exchange for sparing her career and retaining her in the company and also, to prevent any such mishappenings in future.

If I accept the offer:

Merits:

- Adhering to professional duty
- Immediate promotion

Demerits:

- Lose trust of my friend
- Might ruin career of my friend

If I straightaway decline the offer:

Merits:

- Upholding my friendship
- Opportunity to see the actual reason why my friend is involved in the case

Demerits:

- Losing the opportunity of promotion
- Risk of further information leakage

I will talk to my friend for the reasons mentioned in my response to give her the benefit of doubt and save myself from the guilt in case she is innocent.

2. You are posted as the DCP of an urban district. There is a huge protest going on against a legislation passed by the Government. It has been a month since the protesters have jammed an important road connecting the main city with a neighbouring satellite city. Commuters have been complaining about the roadblock. However, since the protest is sensitive, no one is willing do do anything about it. One morning, you receive a disturbing news from the spot of protest. Your immediate subordinate gave orders to the stationed police personnel to disperse the crowd by lathi charging and tear gas. While the road was cleared within minutes, many protesters got injured. The media has assembled at the protest spot and demanding the resignation of top police officials for this brutality. Upon further enquiry, a lot more details are revealed.

There was an ambulance carrying two severely injured people who had already lost of blood in a bike accident. The ambulance was trying to find a way to reach the hospital but the protesting crowd was not relenting. Your subordinate repeatedly requested the crowd to give way but no one moved. Finally, as a matter of last resort, he ordered lathi charge to disperse the crowd so that the ambulance finds a way. In doing so, he violated the protocol of taking orders from you first and then directing his juniors for any further action. This

constitutes a disciplinary action. Moreover, his action is supposed to malign the police department even more.

How do you read this situation? Was the officer right? Critically examine. Will it be prudent to take disciplinary action against the officer for saving the lives of injured people? Are his actions justified by the ends he wanted to achieve? Critically analyse.

Introduction

In any democratic society based on rule of law, peaceful protests are the lifeline of the system to address the multiple grievances of the people but these should be under the ambit of law to maintain healthy discourse in society. The given case study deals with such a scenario where multiple aspects are involved to be dealt by the DCP.

Body

Assessment of the situation:

- The subordinate in order to save the lives of those in an ambulance and perform his innate duty to protect people, directed lathi charge to disperse off the protestors, who have blocked the major artery of communication
- In doing so, however, he violated the set protocols by acting on his discretion and also resulted in injury to many protestors who were just using their fundamental right to expression.
- His actions have given rise to ethical dilemmas like
 - Legality v/s morality of action
 - Priority to duty or the life of injured
 - Proportionality of punishment

The conduct of the officer and action against him can be evaluated from the following scenarios:

1. The officer was right-
 - a. His actions were aimed at saving the lives of those in an ambulance.
 - b. He did request and warned them, but the protestors were adamant.
 - c. He was performing his duty diligently.
2. The officer was wrong-
 - a. He used violence on a peaceful crowd.
 - b. He violated the protocol of taking orders from me.

It can be seen as prudent to take disciplinary action as-

1. Protocols and rules are the foundation of keeping systems functional in a democracy and thus, these must be followed and any violation should involve a disciplinary action.
2. Without any action, it might set a precedent that the rules can be bypassed, protocols can be violated and officers can act based on their discretion, which might prove harmful for the institution and society in the long run.

At the same time, It can be seen as not prudent to take disciplinary action-

1. Since the officer wanted to save the life of the injured people, and was in a compulsion to disperse the crowd to take him to the hospital as early as possible, his action might have been circumstantial and he did not usually defy the rules.
2. His intention to ensure social justice is prior to implementation of law. Saving the life of an innocent person is above the law. Also, the intent of the Motor Vehicle Act is to save lives.
3. Taking action against him will deter police in future to behave morally in lieu of performing duty, which can not only create chaos in society but also tarnish their image.

On the other hand, his actions can be evaluated in the following manner:

1. His actions justify the end-
 - The principle of utilitarianism can be applied to say that his actions were justified in this case. Since he exhausted most options and the injured people were in their golden hour, he could not wait to follow the protocol.
2. His actions do not justify the end-
 - According to deontological reasoning, consequences do not play any role in determining the moral worth of an action. Disobeying and use of force without any imminent threat are always immoral acts no matter what the consequences may be. Similarly, according to this reasoning (propounded by Kant) his actions will always be immoral since he valued the lives of two people over the lives of the huge crowd.

Conclusion

In times of distress, action taken needs to be evaluated in an all round manner to avoid partisan judgments of the various events unfolding. Further, in times of hyper-connectivity through multiple technological mediums, it becomes imperative for the administration to not only be proactive but also be seen as unbiased and neutral as possible.