

1. You are heading a committee of experts from the fields of law and technology to come out with a detailed proposal to initiate a state level e-governance project. The committee has met multiple times to discuss and deliberate upon the issues in hand and finalise the proposal before the deadline ends. However, it appears that there are serious differences of opinion between the technology and the legal teams over a range of open issues. The technology experts provide solutions that are contested by the legal team over propriety and legal concerns. The demands of the legal experts are refuted by the technology team as being too ambitious and unviable.

You have a feeling that somehow the egos are clashing. No one is ready to accommodate the concerns raised by the others and create space for a middle path. Both the teams also seem to be suffering from a superiority complex. It appears that the proposal would not take the final shape if the ongoing stalemate is not sorted immediately.

Is there a way to address this stalemate? If yes, what are the alternatives available? Discuss.

Stakeholders in the case

- Legal experts
- Technology experts
- Government and its service
- Society

Alternative 1

Ask the legal team to list down any issues involved and then ask the technical team to come up with technical solutions within that legal domain.

Merits

- Take care of legal issue
- Resolve the stalemate

Demerits

- Might affect the technological aspect of the project
- Might demotivate the technical team

Alternative 2

Since this is an e-governance project, ask the technical team to give a design plan as best as they can and then ask legal team to find a way around for any kind of legal or propriety concerns that might arise.

Merits

- Best technology can be used in the plan
- Resolve the stalemate

Demerits

- Might cause legal issue in future

- Might demotivate the legal team

Alternative option that can be chosen

- Get in touch with the corporate sectors and get an insight of how such issues are resolved or how to handle such issues, since they have more experience than the government employees in this regard.
- You can also consult seniors and ex- bureaucrats who have dealt with similar issues in the past and ask for their opinion.
- Hold a meeting with legal team and ask them to come up with all the possible legal and propriety concerns that they can think of and those that do not have a way around.
- Hold a meeting with the technical team and ask them for their opinion and things which are considered to be very important and at no cost they can be compromised.
- Then try to come up with a balanced solution and make them understand that they both are working for the people and it is their duty to provide the best, safe and secure system along with those which stand the test of law.
- The Supreme Court of India in K.S. Puttaswamy Vs Union of India case has upheld the right to privacy, so any laws which affect the privacy can be declared null and void, so even the legal issues need to be taken into consideration before stressing on technicalities involved.
- Also consultative committees can be formed and experts' opinion can be taken, in case there is a need for amendment to laws, then the same can be considered and forwarded to the concerned ministries.
- Also inform the team that unless a solution is found, the deadline will be breached and leads to increase in expenditure, which will not be borne by the exchequer and their payment depends on it.
- Also any issues occurring in the future, they will be held responsible for it.

Since both of them suffer from superiority complex and no one is willing to back down on their part, it is better to bring in a third party for mediation/consultation. Also when it is told that their payment is linked to the deadline and problems in future will have its consequences, there can be good chances of them coming to a solution at the earliest.

2. Kanishk, an IAS officer, is posted as the SDM in a remote district of West Bengal. The district has a substantial minority population and has had a sensitive past marked with instances of communal discord and tensions. This year, there is another challenge that needs to be tackled by Kanishk. A prominent festival of the majority community is clashing with the annual religious rally of the minorities. The majority community wants the district administration to cancel or postpone the rally of the minorities. The minority

community, on the other hand, is not ready to cancel or postpone their event. Keeping in mind the history of his district, Kanishk is fearful of the consequences that might occur in the event of a clash between the two communities. Meanwhile, the issue has gained political colour also. The local MP who belongs to the minority community is pressuring you to make special arrangements for the rally. On the other hand, the state leadership is asking you to make sure that the majority community is able to celebrate their festival without any disturbance.

The situation is aggravated by the fact that the streets in the city aren't large enough to accommodate large crowds. Moreover, there are many miscreants who are notorious for taking advantage of the tensions and might flare up the communal discord.

How can Kanishk deal with this problem? What are the alternatives available to him? Which one should he choose and why? Examine.

Introduction

In a country like India characterised by a number of religious, ethnic, language and caste divisions, the administration is regularly confronted with large-scale protests, riots and incidents of mass civil disorder. The present situation clearly demonstrates such a potential scenario where Kanishk needs to deal with it effectively while showing neutrality and commitment to law and order of the area in an impartial manner at the same time successfully fulfilling both the communities legitimate needs.

Body

- Being an SDM of the area, it is important for Kanishk to work in a team with all the other departments of the government, for example- police department, for successfully fulfilling his duty. While ensuring peaceful conduct of involved parties, Kanishk also needs to manage the pressure from political sides to ensure cooperation of all and impartiality of conduct.

In this regard, Kanishk has the following alternatives:

- Succumb to the state leadership pressure and allow the majority community to celebrate their festival while cancelling the minority community rally to avoid clashes and communal flare up.
- Follow the local MP's pressure to provide special arrangements for the rally while curbing the majority community celebrations which will help in maintaining peace and law and order of the region.
- Make strict arrangements for security of the area while allowing both communities to celebrate their festivals but ensuring different timings for

both to avoid clashes and involving community leaders of both the communities.

From the above alternatives, Kanishk should follow the III alternative as it is the most viable, unbiased, neutral and effective measure in controlling the given situation.

- The area having a history of communal discord is an important aspect which should be considered by Kanishk. In this regard, requesting extra forces in the area to avoid any toward incident can be the first step to the selected step.
- Further, convening a meeting of the community leaders and stressing them the need to maintain communal harmony in times of celebration to avoid further discord should be done in collaboration with the police department.
- Requesting the police for preventive custody of the miscreants in the area to avoid untoward incidents in the narrow lanes can be helpful.
- Along with these measures, Kanishk can ensure widespread awareness campaigns throughout the area with the help of schools and NGOs to further create buffer against violence. Kanishk can lead from the front in these efforts.

These measures would ensure incident free conduit of the celebrations of both communities without any acrimony between the two communities. Also, it would also mean fulfilling the constitutional duties and Kanishk's duties as citizen as well as an officer.

Conclusion

The false notions of communal honour and pride are so deep rooted that people even forget the social bonds of love and emotions with their own fellow citizens. Thus, the attitudinal change programmes must target the revival of social bonds and realizing them about the need to give respect to human lives and compassion which every religion aspires towards and the role of Kanishk will be crucial in this regard.