

1. Why should even the most dreaded criminals be given the opportunity of a fair trial? Substantiate your views.

Demand of the question:

It expects students to express their views on the issue of Right to fair trial to most dreaded criminals. It also expects the substantiation of views by the student.

Introduction:

A trial which is observed by trial judge without being partial is a fair trial. Various rights associated with a fair trial are explicitly proclaimed in Article 10 of the Universal Declaration of Human Rights, as well as numerous other constitutions and declarations throughout the world.

Body:

The right to fair trial to most dreaded criminals becomes a debatable issue when the heinous crimes against humanity are conducted by the most dreaded criminals. For instance, Dawood Ibrahim had graduated to extortion, money laundering, gold smuggling, illegal arms trade and drug trafficking having formed the dreaded D-Company.

Logic behind fair trial to most dreaded criminals:

- Fair trials are the only way to prevent miscarriages of justice and are an essential part of a just society.
- Every person accused of a crime should have their guilt or innocence determined by a fair and effective legal process.
- It's not just about protecting suspects and defendants. It also makes societies safer and stronger.
- Without fair trials, victims can have no confidence that justice will be done. Without fair trials, trust in government and the rule of law collapses.
- The right to fair trial is not new; it has long been recognised by the international community as a basic human right. Despite this, it's a right that is being abused in countries across the globe with devastating human and social consequences.
- The Universal Declaration of Human Rights (UDHR) key provision in Article 10 states that, "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."
- In India, the right against self-incrimination is incorporated in clause (3) of article 20 of the Constitution. Further, after Maneka Gandhi V Union Of India, (1978) case, Article 21 of the Constitution of India requires a fair, just and equitable procedure to be followed in criminal cases.

Despite the importance of fair trials being recognised by the international community, this basic human right is being abused day-in-day-out in countries across the globe.

- The mood and temper of the public in regard to the treatment of crime and criminals is of prime most concern in any country. e.g. Public sentiments were high and against the criminals in the Disha murder case of Hyderabad.
- Sometimes in the society when the situation goes out of hands, "Culture of control through power" comes in to picture. Hence, to contain this culture the judiciary every time can't work in their full capacity. e.g. Controversies regarding the encounters of gangsters in Mumbai.
- Blood lust has become the norm in preference to the lengthy and dull due process of law, delays in trials i.e. Absence of Instant justice through due process of law. e.g. The father of the Unnao rape victim has demanded "Hyderabad-like justice".
- Many a time these killings are fake and are so orchestrated that it is difficult to conclusively prove them wrong. The deaths through encounters is a matter of concern, as it bypasses the law and doesn't follows the supreme law of country i.e. Constitution of India.

Our legal system does not permit the system to act without giving a right to fair trial. It ensures that impartiality is observed while granting justice to the victim, it also ensures that innocent person doesn't gets punished for the crimes which she/he didn't commit.

Conclusion:

The Right to Fair Trial is recognised internationally as a fundamental human right and countries are required to respect it. Different countries have developed different ways of doing this, but regardless of how a particular legal system operates, the principle of equal right to fair trial is core to all fair justice systems.

2. Should public servants be given extra salaries for the additional hours of duty being rendered at the time of COVID-19? Share your views.

Demand of the question:

It expects students to put forward their views whether public servants be given extra salaries for their additional hours of duty being rendered at the time of COVID-19.

Introduction:

COVID-19 pandemic has altered the set world order and forced almost everyone to change their way of life. However, for many of the people COVID-19 not just forced them to change their occupational approach but it increased their amount of work; resulted in increased work hours, more risk of life while handling the job, increased amount of stress etc.

Body:

Public servants & Health professionals are the more risk exposed persons during the COVID-19 pandemic. As the amount of work load increased some sections of society argued to compensate them by giving extra salaries, while some opposed to it.

Extra salaries to Public servants :

- While risking their own life and their families lives, public servants are the frontline professionals who are striving hard to contain the spread and neutralize the effect of COVID-19.
- They are the ones who are dealing with the unprecedented situation, and trying to find a way out through this threat.
- Also, as we have noticed that their working hours are increased but nothing has been said about their salaries or extra allowances. Hence, it unjustifiable that somebody like public servants are working more and getting paid less for their extra hours of work.
- Overburdened public servants workforce is facing enormous amount of stress and sometimes it has also faced the wrath of public anger due to spread of misinformation in the society. For instance, In Maharashtra Police personnel and Health officials had to face stone pelting situation when they went for a check up drive in a village.
- At the same time they are also dealing with the lack of infrastructural problems and trying to find a way out through innovative solutions. e.g. Public servants in some of the districts have come up with new ideas to bring back the daily life of citizens such as odd even scheme to start the market, creating innovative advertisements etc.
- Hard Work & Commitment: To accomplish and outclass in any task an IAS Officer should be a hard worker and committed to his/her duty. Which can be seen from the exemplary service shown by top Odisha cadre IAS officer and state health secretary, Nikunja Dhal who returned to duty within 24 hours of his father's death. It emphasise his commitment to duty.

- In this COVID-19 Pandemic situation where the administrative machineries and health infrastructure are overburdened by the work, District collectors and Health officers are showing their decisive & resilient approach.
- A major chunk of the population of the country is currently practising isolation and is working from home, or not working at all. During such a time, IAS officer and Greater Visakhapatnam Municipal Corporation Commissioner (GVMC) G Srijana, returned to work just 22 days after giving birth to a child, cutting short her maternity break. This act of dedication by IAS officer G Srijana gives a lesson by showing the importance of handling such huge responsibility.
- Many of the public servants are failing prey to psychological ailments following the traumatic stress and it has raised their safety issue where they also have to maintain their familial relations.

Hence, we can say that Public servants are not just working for extra hours but they are also showing exemplary courage while doing their duty. Despite their courageous work, some of the societies strata is against the extra salaries for the additional hours of duty.

- It is the prime most argument that they are doing their duty and nothing more than that, as many of the private sector personnel work extra hours and don't get paid for it.
- It is a general perception developed in the society that every public servant is corrupt and is wealthy enough to sustain in this situation.
- Current economic state of the country is weak, and in this pandemic like situation if we pay more to them, it will have negative impact on the economic condition of the government.
- In the crisis like moment one better practise is observed, where Kerala and Maharashtra governments have cut their ministers and public servants salaries to divert the saved money to invest in building critical infrastructure. If this approach is used in Kerala and Maharashtra then why can't it be adapted all over the country.

Currently in Delhi-NCR over a quarter of the populations is affected by COVID-19, it shows the grim reality of the situation where out of ~2.1 crores of population nearly 50 lakhs showed antibodies presence. This shows the sheer scale of the pandemic. Our public servants are handling this level of critical situation hence, they do really deserve to be paid extra for their extra hours of work during COVID-19.

At the same time some innovative approaches also needs to be used to help the public servants.

- An NGO in Nagpur organised an online talent presentation show for Police personnel to reduce their stress.
- Recently, a school going girl from Maharashtra has written a letter of appreciation to the police personnel for their service. This small act of gratitude has helped to boost the morale of the police personnel.

Conclusion:

As we all know that COVID-19 has put different challenges in front of the world, where public servants are striving hard to tackle all hands on decks. An act of giving extra salary will not just help to encourage them to do better work but also it will help to end this COVID-19 pandemic as early as possible.



3. How do the terms integrity, impartiality, non-partisanship and objectivity differ from each other? Explain with the help of suitable examples.

Demand of the question:

It expects students to differentiate between the foundational values of civil services i.e. the terms as integrity, impartiality, non-partisanship and objectivity with the relative examples.

Introduction:

Civil/public service values are those values which are created and sustained by the government on behalf of the public. These are the principles on which government and policies should be based on. Adherence to foundational values such as integrity, impartiality, objectivity, and non-partisanship serve as guiding principles for civil servants in the discharge of public service duties.

Body:

Integrity:

- Integrity means adopting similar standards or moral principles in similar situations across time and interested parties.
- It differs from other foundational values of civil services, as it means to be honest and consistent in thoughts, speech and action.
- It is a quality of eliminating the gap between 'what we think, what we say, and what we do.'
- It means doing the right thing even when nobody is watching.
- A simple example of integrity can be cited of, Going back to a store and pay for something that we forgot to pay for.

Impartiality:

- Impartiality means that, regardless of a public servants personal beliefs and preferences, and personal relationships with other servants or with members of the community; he or she must impartially serve the government of the day and treat members of the public and other public servants fairly and impartially.
- Impartiality implies tolerance and restraint, particularly in dealing with political or religious convictions.
- Impartiality differs from other foundational values of civil services by ensuring equality without any bias and prejudices in the general. Impartiality denotes that all the responsibilities of a person are carried out in a fair and just manner. It is a commitment to equality and diversity.
- An example of impartiality is, the nature of a judge in a court case.

Non-partisanship:

- Non-partisanship ensures a neutral approach in politics and a solid commitment to the government.

- A non-partisan civil service is also responsible to the Constitution of the land to which they have taken an oath of loyalty.
- Non-partisanship infers that the officer has to do her/his task without any fear of, or favour to any political party.
- Non-partisanship strengthens the democratic procedures and institutions along with maintaining the integrity of the service.
- For example, Mainstream news media is viewed as Autonomous and independent media in the society. Any effort by an administrator to vitiate this autonomy in favour of any political party would wreak havoc on the system.

Objectivity:

- Objectivity means the state or quality of being true and keeping aside one's emotions, biases, prejudices. Objectivity is mind independent and object specific.
- In public life, it means giving equal treatment to people in equal situation irrespective of any other factor i.e. being fair.
- Objectivity differs from other foundational values of civil services as it allows civil servants to take decision on the merits of the case and take due account of expert advice. For example District collector in making appointments needs to give priority to merit rather than other factors like the caste or background of the candidate.

These foundational values ensure an effective civil service which functions honestly, impartially and efficiently. These values empower the administrator to fill the gaps of trust deficit between the citizens and the Government. Despite their different traits the foundational values are the basic requisite for the better functioning of the administrative system.

Conclusion:

These foundational values provide lawfulness to the behaviour of an administrator and make it more effective. Hence, The civil servants have to abide by a common set of values which caters to larger interests of society at large and to achieve social, political and economic justice.