

1. Do tough laws always ensure justice? Critically examine.**Demand of the question:**

It expects candidates to examine both sides of whether tough laws always ensure justice and come to a balanced conclusion.

Introduction:

Rule of Law collates the rules which are based on the principles of freedom, equality, non-discrimination, fraternity, accountability and non-arbitrariness and is certain, regular and predictable. As law and justice are interrelated terms in this modern world, it becomes important to verify whether tough laws always ensure justice or not.

Body:

Tough laws ensure justice:

- The Constitution has been made the supreme law of the country and other laws are required to be in conformity with the Constitution.
- Hence, Article 39A of the Constitution of India provides that State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability.
- Accordingly under NALSA act, Free legal services are provided in matters before Civil, Criminal and Revenue Courts, Tribunals or any other authority exercising judicial or quasi judicial functions.
- Articles 14 and Article 22(1) also make it obligatory for the State to ensure equality before the law and a legal system that promotes justice on a basis of equal opportunity to all.
- Whenever we see the courts can even call the high profile citizens to court and treats them at equal with the poor person as all are equal before the law. It ensures justice for the poor or underprivileged one.
- The dignity of a person is of pivotal importance when it comes to justice. Hence, when a law ensure dignity of a person/entity is restores then it's a sure justice. e.g. A prominent Bollywood actor went to jail for brutally killing the people who were sleeping on the pavements.
- It also ensures justice by giving proper compensation to the victim of any tragedy. e.g. If a gas cylinder blasts during cooking then the respective gas agency is liable to pay 50 Lakh Rs. to the victims once victim files an FIR.

Hence, the system of tough law ensures justice by providing access to justice, equality in terms of delivering justice, compensation to victims, reinstating the dignity of the victim. However, sometimes tough laws lack to ensure justice:

- Just having a tough law in place is not enough, as its effective implementation on ground matters the most. e.g. As per the prohibition of Child Marriage act, it is mandated to have age of boy be 21 and that of girl is

18 for marriage. However, According to UNICEF approximately one in four young women in India were married or in union before their 18th birthday.

- There is need of adequate machinery effective implementation of law. For instance, On average, in India the police have a vacancy of 23% (2017), and the judiciary between 20%-40% across the high court's and lower judiciary.
- Sometimes local customs of people especially tribal's comes in to conflict with the law. Then using law to ensure justice as per their customs becomes an ethical question.
- It comes in to dilemma that whether to apply law or break the customs of tribal.
- Even though if law is in force it doesn't fulfil the required goals. For instance, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 is in force for more than 3 decades now, but number of atrocities on the people belonging to SC and ST community doesn't come down.
- Too much law for anything has resulted in judicial pendency of cases over the world. For instance, in India itself, Nationally, at the subordinate court level, on average a case remains pending for five years or more.
- Many of the times it is felt that formal procedure set by the law is not enough to ensure justice, as it requires heroic action to ensure justice. For instance, encounter in Disha murder case was highly applauded by the general public.

Conclusion:

Just having a tough law is not enough its effective implementation and applicability on ground also matters. Judiciary, the government, civil society groups and NGO's needs to put collaborative effort to plug the gaps in the availability, accessibility and affordability to justice for a common person, as it is rightly said by Martin Luther king that "Injustice anywhere is a threat to justice everywhere".

2. Accountability and transparency are the most important prerequisites for an ethical governance machinery? Do you agree? Substantiate your views with the help of suitable examples.

Demand of the question:

It expects candidates to express their views about whether Accountability and transparency are prerequisite in the ethical governance machinery or not. It also expects to substantiate the views with suitable examples.

Introduction:

Accountability and Transparency are broadly accepted as a major principle of good governance. Accountability means being answerable for the performance of tasks assigned to a person. Whereas Transparency allows stakeholders to collect information that may be critical to uncovering abuses and defending their interests. Likewise, transparency increases accountability of the Government officials.

Body:

Accountability and Transparency as prerequisite in governance:

- Accountability crucial concept in maintaining ethical governance machinery. Accountability means being answerable for the performance of tasks assigned to a person.
- Accountability necessitates the clear specification of tasks to be performed, the time frame and budget available for performing those tasks. Additionally, it is also important to be clear about the responsibility for performance of those tasks; person responsible and whether it is clear to them.
- For instance, Citizens Charter Bill 2011 aims at providing rights to citizens for time bound delivery of goods and services and provide a Grievance Redress Mechanism. Such a bill was previously recommended by the Second Administrative Reforms Commission.
- Lokpal and Lokayuktas aims at reducing corruption by setting up of a separate institution of Lokpal at the Central level and Lokayuktas at the State level. These organizations investigate cases of corruption against public servants in the respective Government organizations.
- E-Governance initiatives for providing an accountable administration include a framework for efficient handling of public grievances through the Centralised Public Grievance Redress and Monitoring System (CPGRAMS) which is already in place.
- Transparency is required to make the system of public service delivery effective.
- Transparency means that the criteria, process and systems of decision-making are openly known to all in a public manner. Citizens charter becomes an important measure for transparency in institutional setup.
- It allows ready information to the citizens in a manner that they may be able to claim their entitlements.
- For instance, The declaration of Right To Information Act (2015) set the stage for transparency in the functioning of the government and its various

agencies. Under this Act, access to information from a public agency has become a statutory right of every citizen.

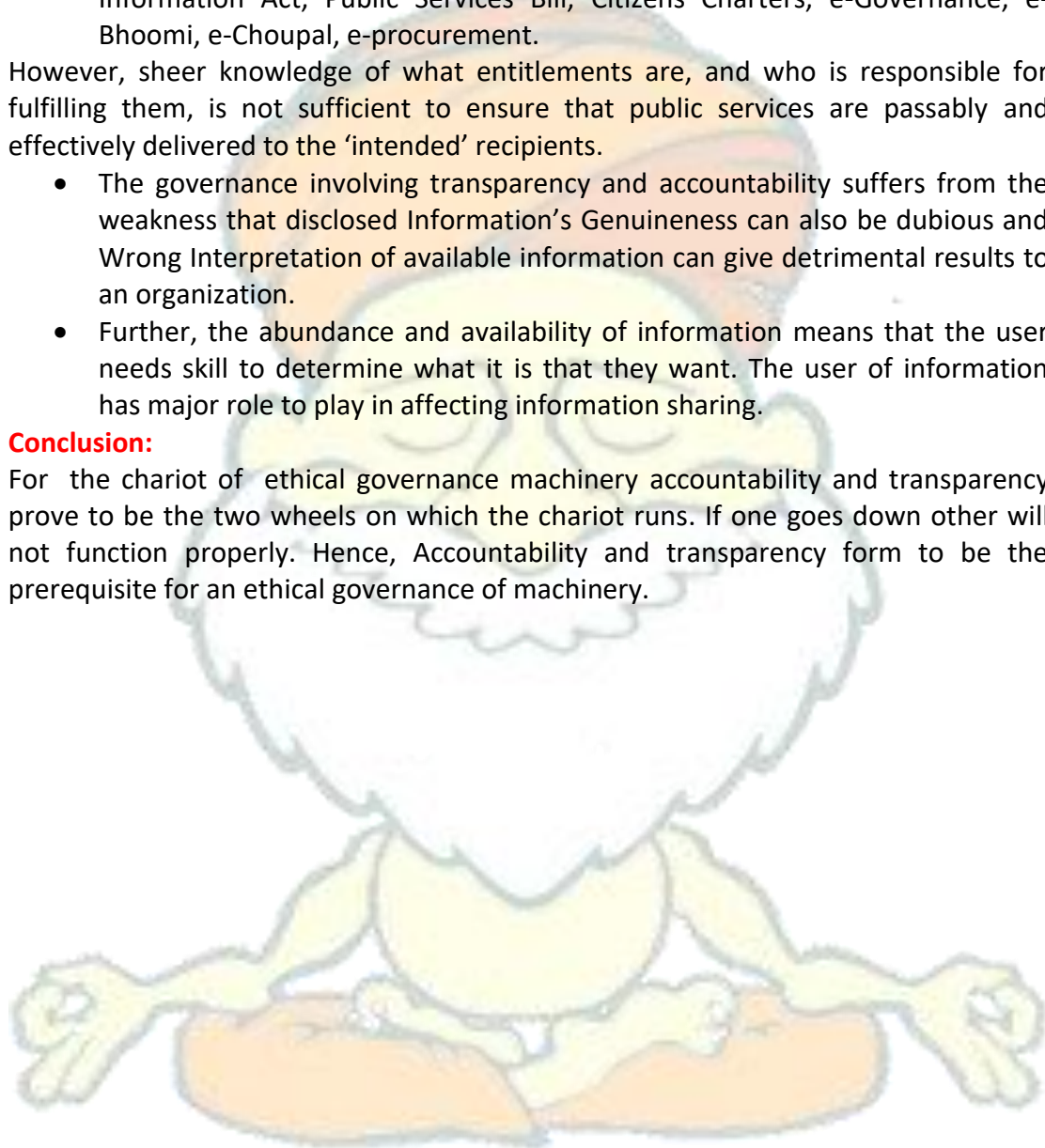
- Transparency is considered as a plane mirror which reflects govt. Workings, objectives, executive and legislative actions and government.
- Being a plane mirror, it depicts the core images of underlying fundamentals of accountability and the nature of governance which is prevailing.
- Major Initiatives to Enhance Transparency in India include – Right to Information Act, Public Services Bill, Citizens Charters, e-Governance, e-Bhoomi, e-Choupal, e-procurement.

However, sheer knowledge of what entitlements are, and who is responsible for fulfilling them, is not sufficient to ensure that public services are passably and effectively delivered to the 'intended' recipients.

- The governance involving transparency and accountability suffers from the weakness that disclosed Information's Genuineness can also be dubious and Wrong Interpretation of available information can give detrimental results to an organization.
- Further, the abundance and availability of information means that the user needs skill to determine what it is that they want. The user of information has major role to play in affecting information sharing.

Conclusion:

For the chariot of ethical governance machinery accountability and transparency prove to be the two wheels on which the chariot runs. If one goes down other will not function properly. Hence, Accountability and transparency form to be the prerequisite for an ethical governance of machinery.



3. During the COVID-19 pandemic many private organisations have been facing ethical dilemma with respect to employee layoffs. What are your views in this? Why shouldn't a profit oriented business enterprise get rid of the employees to maintain its profit balance? Discuss.

Demand of the question:

It expects candidates to write their views about the kind of ethical dilemma faced by employers with respect to employee lay off. It also expects candidates to put forth their views on that why a profit oriented business enterprise get rid of the employees to maintain its profit balance.

Introduction:

The devastating pandemic that has stricken the worldwide population induced an unprecedented impact on the formal as well as informal sectors of economy. World over the production facilities shut down due to lockdown and containment measures, at the same time it also posed some ethical questions in front of humanity. One such question was faced by private organisations whether to lay off the employees or not.

Body:

Ethical dilemmas of private organisations to lay off employees:

- Though a private organisation is started by an individual or a business entity, it works in synchronous because of employees. Employees are the real people who toiled hard day to day for the success of private organisation. Hence, laying off employees in time of crisis would be a betrayal to them.
- The strong foundations and expanse of an private organisation is due to the honesty, accountability and hard work of the employer. In the crisis like situation if employee removes them from the work then it will be a disrespect for their work.
- Due to inequalities existence is still prevalent in our society, employee works only with two objectives i.e. Firstly, to achieve the targets set by the private organisation and secondly, for the livelihood of her/his family.
- Hence, only for the profit motives if employer removes the employee the employee will fall in to financial trap which will lead her/him into poverty. She/he will also have to face the problem of managing food for the family.
- If an employee who has worked for many years, is part of every success and failure of the private organisation, then laying off that employee amidst crisis will be disloyalty for the loyalty of that employee.
- Being an employee, she/he will have to think about larger picture. For instance, if laying off 20 workers if benefits 20,000 people then it can be good decision, but if laying of 20 people as it affects only 1 person then it will be a bad decision.
- Employee also being a human needs to care about her/his family and hence, she/he comes into dilemma whether to lay off the worker for her/his families survival or continue the usual policy. For instance, a MSME entrepreneur is employing 5 workers then the person comes in to this dilemma.

- Not just in an unorganised sector but in the organised sector like Journalism people faced lay off. They showed their anger through social media posts. For instance, one of the prominent Newspaper in India faced backlash of its 100's of employees who were fired under the reason of lack of financials.
- As the economy is stuck, with no income in hand how could a private organisation will pay for the employee even if it wants to pay them.

To take decision when in dilemma is always a tricky task. In the time of crisis like COVID-19 it becomes more tricky. However, many of the fine examples of the employees have been observed over the world, as they came together to fight this crisis and cared for the interest of the employees over the interest of their own profits. This act of generosity forms the true answer for the question that why shouldn't a profit oriented business enterprise get rid of the employees to maintain its profit balance:

- It's not just an employee but the family of the employees is also dependent on the private organisation. If employee is laid off then survival of its whole family comes in to crisis.
- A private organisation cannot show dishonesty and disloyalty for the honesty and loyalty of an employee in the times of crisis, because it's the employee who has saved the organisation from failing in past.
- If an employer is rich enough then she/he has to bear the burden for the welfare of the employed and her/his family. For instance, Reliance group doubled salary for the employees in the times of crisis.
- If any Private organisations is built only on the motive of profits then it doesn't have the right to approach as it is bound by only profit motives. Organisations also need to look for element of human in employees. For instance, an organisation working as a family is bound to survive for a longer period.
- Employing a person when she/he in need and laying her/him off in times of crisis seems like the private organisation used the employee for its own benefits and got rid of it in times of crisis.

Conclusion:

The catastrophic effect induced by the COVID-19 is humongous. The humanity has the answer for its survival during the times of crisis as it has done in past. Hence, getting rid of employees in the time of COVID-19 seems a bad move as it sidelines the element of human in it. Hence, it becomes imperative to find out solution for this question by coming together and forming a chain of helping hands.