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Q5

(a) Suppose the Government of India is thinking of constructing a dam in a mountain valley bond by forests and inhabited by ethnic communities. What rational policy should it resort to in dealing with unforeseen contingencies (b) Explain the process of resolving ethical dilemmas in Public Administration.

UPSC Civil Services Mains 2018 · GS IV · 10 marks · Ethics in Public Administration

Public / Civil service values and Ethics in Public administration: Status and problems; ethical concerns and dilemmas in government and private institutions; laws, rules, regulations and conscience as sources of ethical guidance; accountability and ethical governance; strengthening of ethical and moral values in governance; ethical issues in international relations and funding; corporate governance.

Core demand of the question

- (a) Suppose the Government of India is thinking of constructing a dam in a mountain valley bound by forests and inhabited by ethnic communities. What rational policy should it resort to in dealing with unforeseen contingencies?
- (b) Explain the process of resolving ethical dilemmas in Public Administration

Revision summary

Unforeseen contingencies at a mountain dam include cloudburst, slope failure, unmapped sacred land and downstream flood.

Rational policy uses precaution, Forest Rights and PESA floors, staged construction, disaster warning, escrow for extra harm, and a real stop trigger.

Hiding safety data is not prudence.

An ethical dilemma is a clash of duties.

Resolve it by facts, values, stakeholders, lawful options, constitutional and weakest-person tests, a speaking order and a review of leftover harm.

Introduction

A high dam in a forested tribal valley is a file of known goods and unknown shocks. Part (a) asks for a rational policy toward those shocks. Part (b) asks how an administrator should untie a clash of values, not only a clash of files.

Body**(a) Rational policy for unforeseen contingencies at the dam**

- **Unforeseen contingencies are events the Detailed Project Report did not price:** a cloudburst, a landslide into the reservoir, a sacred grove wrongly mapped, a downstream flush that drowns a hamlet, a seismic surprise, or a protest that turns into a blockade of food.
- Rational policy is not a claim that the future is known. It is a design that expects surprise and keeps human and ecological floors.

- **Precautionary principle:** where harm to forests, slopes and ethnic communities may be grave and hard to reverse, lack of full scientific certainty is not a reason to skip safeguards.
- Free, prior and informed consent in spirit, and the legal floors of the **Forest Rights Act, 2006**, the Panchayats (Extension to the Scheduled Areas) Act, 1996 where it applies, and the Right to Fair Compensation and Transparency in Land Acquisition, **Rehabilitation and Resettlement Act, 2013**, must be treated as risk control, not as delay to be gamed.
- Environmental Impact Assessment and a real public hearing, with downstream States and gram sabhas in the room, should include a disaster scenario, not only a fair-weather power chart.
- **Adaptive management:** staged construction, independent instrumentation of slopes and seismicity, a stop-work trigger, and a published dam-break and flash-flood protocol.
- **Contingency finance:** an escrow for extra rehabilitation, crop loss, and forest restoration so that a surprise is not paid by the poorest household.
- **Institutional readiness under the Disaster Management Act, 2005:** sirens, last-mile warning in local languages, boats, and a named officer who can open gates without waiting for a festival holiday.
- **No-go screens:** if a contingency study shows a sacred landscape or a fragile slope that cannot be made safe, the rational act is to drop or shrink the dam, not to write a better press note.
- Ethnic communities should have a living grievance path and a share in benefits that survives a change of contractor. Unforeseen harm is otherwise dumped on those who cannot exit.
- **Transparency is part of contingency policy:** hiding a silt or safety reading is how a surprise becomes a massacre.

(b) Process of resolving ethical dilemmas in public administration

- An ethical dilemma is a clash of right with right, or of two duties, where each option leaves a remainder of harm.
- **Step 1:** Name the facts without a convenient story. Who is affected, what is urgent, what is uncertain.
- **Step 2:** Name the values and duties on each side - legality, compassion, equality, efficiency, loyalty, confidentiality, environmental care.
- **Step 3:** Identify stakeholders, especially those who will not be in the meeting.
- **Step 4:** List lawful options, including delay, a lesser act, and asking a competent authority. Illegal heroism is not a solution.
- **Step 5:** Test each option: Constitution and statute; the weakest person; reversibility; publicity (could this speaking order be published?); and your own conflict of interest.
- **Step 6:** Choose, record reasons, and fix a review date. A dilemma resolved only in the head is not an administrative act.
- **Step 7:** Own the remainder: compensate, apologise, or monitor the harm you could not avoid.
- **Tools that help:** conduct rules, codes of ethics, a senior's written order, the Right to Information test, and, in hard cases, recusal.
- **What does not help:** a slogan, a party whip, or "everyone does this".

Flow diagram

Dam in forested valley -> Precaution and consent
Precaution and consent -> Adaptive safety and warning
Adaptive safety and warning -> Stop or shrink if unsafe
Ethical dilemma -> Facts and stakeholders
Facts and stakeholders -> Lawful options
Lawful options -> Constitution and weakest person
Constitution and weakest person -> Record and review

Conclusion

- **A dam in a tribal forest needs a policy that expects surprise:** consent, staged safety, money for harm, and the courage to stop. Ethical dilemmas in administration are resolved by naming values, testing lawful options against the weakest person, and writing the reasons.

Facts & figures

Forest Rights Act, 2006

Recognises forest-dwellers' rights and requires community consent processes that a valley dam cannot treat as optional paperwork.

PESA, 1996

The Panchayats (Extension to the Scheduled Areas) Act, 1996 gives gram sabhas a say in community resources in Scheduled Areas.

RFCTLARR Act, 2013

The land-acquisition and rehabilitation statute that sets compensation, consent in specified cases, and resettlement duties.

Disaster Management Act, 2005

The statutory frame for prevention, warning and response; a dam owner is inside this duty, not outside it.

Precautionary principle

Where serious irreversible harm is plausible, incomplete science is not an excuse to skip safeguards; Indian environmental jurisprudence has used this idea.

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