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Q10

Case study. You are a municipal commissioner of a large city, having the reputation of a very honest and upright officer. A huge multipurpose mall is under construction in your city in which a large number of daily wage earners are employed. One night, during monsoons, a big chunk of the roof collapsed causing instant death of four labourers including two minors. Many more were seriously injured requiring immediate medical attention. The mishap resulted in a big hue and cry, forcing the government to institute an enquiry. Your preliminary enquiry has revealed a series of anomalies. The material used for the construction was of poor quality. Despite the approved building plans permitting only one basement, an additional basement has been constructed. This was overlooked during the periodic inspections by the building inspector of the municipal corporation. In your enquiry, you noticed that the construction of the mall was given the green signal despite encroaching on areas earmarked for a green belt and a slip road in the Zonal Master Plan of the city. The permission to construct the mall was accorded by the previous Municipal Commissioner who is not only your senior and well known to you professionally, but also a good friend. Prima facie, the case appears to be of a widespread nexus between officials of the Municipal Corporation and the builders. Your colleagues are putting pressure on you to go slow in the enquiry. The builder, who is rich and influential, happens to be a close relative of a powerful minister in the state cabinet. The builder is persuading you to hush up the matter, promising you a fortune to do so. He also hinted that if this matter is not resolved at the earliest in his favour there is somebody in his office who is waiting to file a case against you under the POSH Act. Discuss the ethical issues involved in the case. What are the options available to you in this situation? Explain your selected course of action.

UPSC Civil Services Mains 2020 · GS IV · 20 marks · Ethics Case Studies

Case Studies on above issues.

Core demand of the question

- **You are an honest Municipal Commissioner. A mall roof collapses in the monsoon:** four labourers dead, including two minors; many injured. Enquiry finds poor material, an extra illegal basement, inspector failure, and construction on green belt and a slip road. Permission was given by the previous Commissioner, your senior and friend. Colleagues want you to go slow. The builder, relative of a powerful minister, offers a fortune and hints that someone in his office will file a POSH case if you do not hush the matter
- Discuss ethical issues, options, and the selected course of action

Revision summary

Poor material, illegal basement, green-belt theft and a blind inspector killed workers, including two children.

Ethical issues are life, child labour, nexus, friendship, bribery and abuse of POSH as blackmail.

Hush, scapegoat-only, and resignation-first are rejected.

The course is seal, compensate, prosecute, independent enquiry, recusal of social friendship, and legal handling of any POSH complaint.

A false complaint is met as intimidation and, if fabricated, as a crime - without weakening genuine POSH.

Introduction

Four dead workers, two of them children, are not a public-relations event. Friendship, a minister's kin, a bribe and a POSH threat are all pressure on the same hinge. The lawful ethic is a full enquiry, a sealed site, compensation, prosecution - and meeting a false POSH complaint in law, not by surrender.

Body

Stakeholders

- Dead labourers, injured workers, their families, and the two minors who should never have been on a night shift of this kind.
- Present residents and future mall users, whose lives sit under the same roof design.
- The builder, the previous **Municipal Commissioner**, the building inspector, and officials in the alleged nexus.
- The minister, the State government, and the city's remaining green belt and slip road.
- Women employees of the Corporation, whose real POSH protections must not be cheapened by a blackmail threat.
- You, your family, and the office that will watch whether honesty survives a week.

Ethical issues

- **Right to life (Article 21) of workers and of the city:** a roof and an illegal basement are not "anomalies"; they are foreseeable killing.
- **Child labour on a construction site:** two minor dead are a separate statutory crime, not a footnote to a building-plan file.
- **Corruption and nexus:** poor material, extra basement, green-belt encroachment, and a blind inspector are one bargain, not four accidents.

- **Conflict of interest:** the previous Commissioner is a friend and senior. Recusal from personal defence of him, not recusal from the truth.
- **Political capture:** a minister's relative as builder is a test of equal law, not of etiquette.
- **Bribe:** a fortune to hush is the **Prevention of Corruption Act, 1988** in plain speech.
- **POSH threat:** the **Sexual Harassment of Women at Workplace Act, 2013** is a shield for women, not a weapon to stop a collapse enquiry. A false complaint, if that is what is being advertised, is itself a wrong to be met legally - with an **Internal Committee** that is independent, and with criminal process for intimidation and for a fabricated charge where the facts fit. Surrender to blackmail would also betray every real survivor who will later need POSH.
- **Colleagues' "go slow":** loyalty to a cadre against dead workers is a corrupted virtue.
- **Transparency versus hush:** a government-instituted enquiry that you then starve is fraud on the Cabinet and on the dead.

Options

- **Option 1:** Hush, take the fortune, go slow, and hope the POSH threat dies.
- **Merit:** none that ethics can name; personal safety for a month.
- **Demerit:** murderous negligence unpunished, more deaths in the next rain, your own criminal exposure. Rejected.
- **Option 2:** Protect the friend, blame only the inspector and a contractor's junior.
- **Merit:** cadre peace.
- **Demerit:** the permission on green belt and slip road has a signature. A partial scapegoat is another hush. Rejected.
- **Option 3:** Resign to avoid the POSH and the minister.
- **Merit:** personal exit.
- **Demerit:** the next Commissioner is chosen for pliability; the site stays open. Not the first tool.
- **Option 4:** Full professional enquiry, seal, compensate, prosecute, recuse friendship, and face the POSH threat through lawful procedure with protection and legal defence - no bargain.

Selected course

- Seal the site immediately; prohibit further work; preserve debris for forensic structural audit; video the extra basement and the green-belt bite.
- Medical care and compensation for the injured and the dead, without waiting for the builder's mercy; minors' families get the child-labour and fatal-accident statutory dues as well.
- **Criminal law:** causing death by negligence and, where knowledge of danger is shown, graver charges; PC-PNDT is irrelevant here - use IPC/BNS, CLPRA for the children, and the **Prevention of Corruption Act, 1988** for the inspector and any official who sold a yes.
- **Building and town-planning:** demolition or regularisation is not a private deal; illegal basement and green-belt/slip-road violation go through the statutory enforcement path, including reference to the State if the municipal code so requires.
- **Enquiry:** independent structural and vigilance teams; your friend is a witness and a possible accused, not an uncle to be briefed at dinner. Recuse from social contact on the case; do not recuse from supervising that the enquiry is real.
- **Colleagues:** a written direction that interference is a misconduct; transfer the inspector out of evidence custody.
- **Bribe:** refuse, record the offer, and put the builder's words to the police / vigilance.
- **POSH threat:** inform the competent **Internal Complaints Committee** and the State local committee as the Act requires if a complaint is filed; do not destroy evidence, do not meet the

builder's "somebody" privately, do not hush the mall to buy silence. Intimidation and criminal conspiracy to file a false case are to be complained of to police with the builder's hint on record. Support real complainants in the organisation so that the Act remains usable.

- **Public:** a factual briefing; names of the dead; no defamation of a woman who may still be a genuine victim - the threat and a genuine case are distinguished by evidence, not by panic.
- If an illegal oral order comes from the minister's side, ask for writing, refuse the hush, and send the sealed-site file to the Chief Secretary and the government-instituted enquiry.

Flow diagram

Collapse deaths -> Seal site
 Seal site -> Full enquiry
 Full enquiry -> Prosecute builder inspector
 Full enquiry -> Recuse friendship not truth
 Fortune to hush -> Refuse and record
 POSH threat threat -> IC and police not surrender

Conclusion

The mall is a crime scene. Friendship, a minister and a POSH blackmail do not reopen it. Seal, treat, compensate, prosecute builder and inspector, put the previous Commissioner's permission under the same light, and answer a false complaint in court and committee - never by surrender.

Facts & figures

Article 21

A municipal permission that foreseeably drops a roof on labourers is a life-and-liberty failure, not a planning footnote.

Prevention of Corruption Act, 1988

Applies to the inspector and to any public servant in the nexus; the builder's fortune is an offer of undue advantage.

Sexual Harassment of Women at Workplace Act, 2013

Creates a civil-criminal process for real harassment; using a threatened complaint to stop a death enquiry is intimidation, and a proven false complaint is itself actionable.

Child and Adolescent Labour Act, 1986

Two dead minors on a mall site are a standalone offence alongside the collapse.

National Building Code and municipal building bye-laws

Basement limits, material standards and zonal green-belt/slip-road reservations are safety law; they were not optional.

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